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6 **BEFORE THE**
7 **BOARD FOR PROFESSIONAL ENGINEERS,**
8 **LAND SURVEYORS, AND GEOLOGISTS**
9 **DEPARTMENT OF CONSUMER AFFAIRS**
10 **STATE OF CALIFORNIA**

11 In the Matter of the Petition to Revoke
12 Probation Against:

13 **BRIAN LAVEAR JENSEN**
14 **1487 Woodvale Lane**
15 **Riverside, CA 92506**
16 **Civil Engineer License No. C 30534**

17 Respondent.

Case No. 811-A

18 **DEFAULT DECISION AND ORDER**

19 [Gov. Code, §11520]

20 **FINDINGS OF FACT**

21 1. On or about July 12, 2011, Complainant Richard B. Moore, PLS, in his official
22 capacity as the Executive Officer of the Board for Professional Engineers, Land Surveyors, and
23 Geologists, Department of Consumer Affairs, filed a Petition to Revoke Probation Case No. 811-
24 A against Brian Lavear Jensen (Respondent) before the Board for Professional Engineers, Land
25 Surveyors, and Geologists. (Petition to Revoke Probation attached as Exhibit A.)

26 2. On or about August 15, 1979, the Board for Professional Engineers, Land Surveyors,
27 and Geologists (Board) issued Civil Engineer License No. C 30534 to Respondent. The Civil
28 Engineer License was in full force and effect at all times relevant to the charges brought in the
Petition to Revoke Probation Case No. 811-A and expired on March 31, 2012, and has not been
renewed.

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1 3. On or about July 20, 2011, Respondent was served by Certified and First Class Mail
2 copies of the Petition to Revoke Probation Case No. 811-A, Statement to Respondent, Notice of
3 Defense, Request for Discovery, and Discovery Statutes (Government Code sections 11507.5,
4 11507.6, and 11507.7) at Respondent's address of record which, pursuant to California Code of
5 Regulations, title 16, section 412, is required to be reported and maintained with the Board.
6 Respondent's address of record was and is 1487 Woodvale Lane, Riverside, CA 92506. On or
7 about September 12, 2011, Respondent signed and returned a Notice of Defense, requesting a
8 hearing in this matter.

9 4. A Notice of Hearing was served by mail at Respondent's address of record set forth in
10 paragraph 3, above, and it informed him that an administrative hearing in this matter was
11 scheduled for July 12, 2012. Respondent failed to appear at that hearing.

12 5. Service of the Notice of Hearing was effective as a matter of law under the provisions
13 of Government Code section 11505, subdivision (c) and/or Business & Professions Code section
14 124.

15 6. California Government Code section 11520 states, in pertinent part:

16 (a) If the respondent either fails to file a notice of defense or to appear at the
17 hearing, the agency may take action based upon the respondent's express admissions
18 or upon other evidence and affidavits may be used as evidence without any notice to
19 respondent.

20 7. Pursuant to its authority under Government Code section 11520, the Board finds
21 Respondent is in default. The Board will take action without further hearing and, based on the
22 relevant evidence contained in the Default Decision Evidence Packet in this matter, as well as
23 taking official notice of all the investigatory reports, exhibits and statements contained therein on
24 file at the Board's offices regarding the allegations contained in Petition to Revoke Probation
25 Case No. 811-A, finds that the charges and allegations in Petition to Revoke Probation Case No.
26 811-A, are separately and severally, found to be true and correct by clear and convincing
27 evidence.

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1 DETERMINATION OF ISSUES

2 1. Based on the foregoing findings of fact, Respondent Brian Lavear Jensen has
3 subjected his Civil Engineer License No. C 30534 to discipline.

4 2. The agency has jurisdiction to adjudicate this case by default.

5 3. The Board for Professional Engineers, Land Surveyors, and Geologists is authorized
6 to revoke Respondent's Civil Engineer License based upon the following violations alleged in the
7 Petition to Revoke Probation which are supported by the evidence contained in the Default
8 Decision Evidence Packet in this case:

9 a. Respondent's probation is subject to revocation because he failed to comply
10 with Probation Condition Five (5) which states:

11 5. Take and Pass College Level Course. Within two years (2) of the
12 effective date of the decision, the respondent shall successfully complete and pass
13 one college-level land surveying course, specifically related to the area of violation.
14 Said course shall be approved in advance by the Board or its designee. The
15 respondent shall provide the Board with official proof of completion of the requisite
16 course. For purposes of this condition, "college-level course" means a course offered
17 by a community college or a four-year university of three semester units or the
18 equivalent; it does not include seminars.

19 Respondent failed to submit to the Board proof of completion of a college level
20 course in land surveying.

21 ORDER

22 IT IS SO ORDERED that Civil Engineer License No. C 30534, heretofore issued to
23 Respondent Brian Lavear Jensen, is revoked.

24 Pursuant to Government Code section 11520, subdivision (c), Respondent may serve a
25 written motion requesting that the Decision be vacated and stating the grounds relied on within
26 seven (7) days after service of the Decision on Respondent. The agency in its discretion may
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1 vacate the Decision and grant a hearing on a showing of good cause, as defined in the statute.

2 This Decision shall become effective on October 5, 2012.

3 It is so ORDERED August 30, 2012

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5 *Original Signed*

6 FOR THE BOARD FOR PROFESSIONAL
7 ENGINEERS, LAND SURVEYORS, AND
8 GEOLOGISTS
9 DEPARTMENT OF CONSUMER AFFAIRS

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11 DOJ Matter ID:SD2011800300
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Exhibit A

Petition to Revoke Probation with Exhibit A, Board's Decision and Order in Case No. A-811

1 KAMALA D. HARRIS
Attorney General of California
2 LINDA K. SCHNEIDER
Supervising Deputy Attorney General
3 SHERRY L. LEDAKIS
Deputy Attorney General
4 State Bar No. 131767
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7 Facsimile: (619) 645-2061
Attorneys for Complainant

8
9 **BEFORE THE**
BOARD FOR PROFESSIONAL ENGINEERS,
LAND SURVEYORS, AND GEOLOGISTS
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Petition to Revoke
13 Probation Against,

14 **BRIAN LAVEAR JENSEN**
1487 Woodvale Lane
15 Riverside, CA 92506

16 **Civil Engineer License No. C 30534**

17 Respondent.

Case No. 811-A

PETITION TO REVOKE PROBATION

18 Complainant alleges:

19 **PARTIES**

20 1. Richard B. Moore, PLS (Complainant), brings this Petition to Revoke Probation
21 solely in his official capacity as the Executive Officer of the Board for Professional Engineers,
22 Land Surveyors, and Geologists, Department of Consumer Affairs.

23 2. On or about August 15, 1979, the Board for Professional Engineers, Land Surveyors,
24 and Geologists issued Civil Engineer License Number C 30534 to Brian Lavear Jensen
25 (Respondent). The Civil Engineer License was in effect at all times relevant to the charges
26 brought herein and will expire on March 31, 2012, unless renewed.

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3. In a disciplinary action entitled "*In the Matter of the Accusation Against Brian Lavear Jensen*," Case No. 811-A, the Board for Professional Engineers, Land Surveyors, and Geologists, issued a decision, effective April 18, 2008, in which Respondent's Civil Engineer License was revoked. However, the revocation was stayed and Respondent's Civil Engineer License was placed on probation for a period of three (3) years with certain terms and conditions. A copy of that decision is attached as Exhibit A and is incorporated by reference.

JURISDICTION

4. This Petition to Revoke Probation is brought before the Board for Professional Engineers, Land Surveyors, and Geologists (Board), Department of Consumer Affairs, under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.

5. Section 118, subdivision (b), of the Code provides that the suspension/expiration/surrender/cancellation of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary action during the period within which the license may be renewed, restored, reissued or reinstated.

6. At all times after the effective date of Respondent's probation, Condition Eight (8) stated: "4. Violation of Probation. If the Respondent violates the probation conditions in any respect, the Board, after giving the Respondent notice and the opportunity to be heard, may vacate the stay and reinstate the disciplinary order which was stayed. If, during the period of probation, an accusation or petition to vacate stay is filed against the Respondent, or if the matter has been submitted to the Office of the Attorney General for the filing of such, the Board shall have continuing jurisdiction until all matters are final, and the period of probation shall be extended until all matters are final."

7. Respondent's three (3) year probation with the Board that was due to terminate on or about April 18, 2011, has been tolled and extended. The circumstances are that on or about April 6, 2011, the Board submitted the matter to the Office of the Attorney General for the filing of a petition to revoke probation based on Respondent's violations of the terms and conditions of his probation, thereby extending the period of probation until this matter is final.

1 **CAUSE TO REVOKE PROBATION**

2 (Failure to Successfully Complete a College Level Land Surveying Course)

3 8. At all times after the effective date of Respondent's probation, Condition Five (5)
4 stated: "5. Take and Pass College Level Course. Within two years (2) of the effective date of the
5 decision, the respondent shall successfully complete and pass one college-level land surveying
6 course, specifically related to the area of violation. Said course shall be approved in advance by
7 the Board or its designee. The respondent shall provide the Board with official proof of
8 completion of the requisite course. For purposes of this condition, "college-level course" means a
9 course offered by a community college or a four-year university of three semester units or the
10 equivalent; it does not include seminars."

11 9. Respondent's probation is subject to revocation because he failed to comply with
12 Probation Condition Five (5), referenced above. The facts and circumstances regarding this
13 violation are that Respondent has failed to submit to the Board official proof of completion of a
14 college level land surveying course during the first two years following the effective date of the
15 Board's decision.

16 **PRAYER**

17 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
18 and that following the hearing, the Board for Professional Engineers, Land Surveyors, and
19 Geologists issue a decision:

20 1. Revoking the probation that was granted by the Board for Professional Engineers and
21 Land Surveyors in Case No. 811-A and imposing the disciplinary order that was stayed thereby
22 revoking Civil Engineer License No. C 30534 issued to Brian Lavear Jensen;

23 2. Revoking or suspending Civil Engineer License No. C 30534, issued to Brian Lavear
24 Jensen;

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3. Taking such other and further action as deemed necessary and proper.

DATED: 7/12/11

Original Signed

RICHARD B. MOORE, PLS

Executive Officer

Board for Professional Engineers, Land Surveyors, and
Geologists

Department of Consumer Affairs

State of California

Complainant

SD2011800300

Exhibit A

Decision and Order

Board for Professional Engineers and Land Surveyors Case No. 811-A

**BEFORE THE
BOARD OF PROFESSIONAL ENGINEERS AND LAND SURVEYORS
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

Case No. 811-A

BRIAN LAVEAR JENSEN
1487 Woodvale Lane
Riverside, CA 92506

Respondent.

DECISION AND ORDER

The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the Board for Professional Engineers and Land Surveyors, as its Decision in this matter.

This Decision shall become effective on April 18, 2008.

It is so ORDERED March 14, 2008.

Original Signed

FOR THE BOARD FOR PROFESSIONAL
ENGINEERS AND LAND SURVEYORS

1 EDMUND G. BROWN JR., Attorney General
of the State of California
2 LINDA K. SCHNEIDER
Supervising Deputy Attorney General
3 SHERRY L. LEDAKIS, State Bar No. 131767
Deputy Attorney General
4 110 West "A" Street, Suite 1100
San Diego, CA 92101

5 P.O. Box 85266
6 San Diego, CA 92186-5266
Telephone: (619) 645-2078
7 Facsimile: (619) 645-2061

8 Attorneys for Complainant

9 **BEFORE THE**
BOARD FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 811-A

13 BRIAN LAVEAR JENSEN
14 1487 Woodvale Lane
Riverside, CA 92506

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

15 Civil Engineer License No. C-30534

16 Respondent.

17
18 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the
19 above-entitled proceedings that the following matters are true:

20 PARTIES

21 1. Cindi Christenson, P.E. (Complainant) is the Executive Officer of the
22 Board for Professional Engineers and Land Surveyors. She brought this action solely in her
23 official capacity and is represented in this matter by Edmund G. Brown Jr., Attorney General of
24 the State of California, by Sherry L. Ledakis, Deputy Attorney General.

25 2. Respondent Brian Lavear Jensen (Respondent) is representing himself in
26 this proceeding and has chosen not to exercise his right to be represented by counsel.

27 3. On or about August 15, 1979, the Board for Professional Engineers and
28 Land Surveyors issued Civil Engineer License No. C-30534 to Respondent.

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1 agency. The respondent must meet all legal requirements for the preparation, submittal, filing,
2 and recordation of the Record of Survey, including, but not limited to, tagging the 3/4" pipes with
3 his license number, and showing all reference points, as well as all other information required to
4 be shown by law and standard of practice. The respondent shall provide the board with verifiable
5 proof that the required records have been filed or recorded, as appropriate, by the governmental
6 agency within 30 days of such filing or recordation. The respondent shall bear all costs
7 associated with the filing and/or recordation of the required records.

8 5. **Take And Pass College Level Course.** Within two years of the effective
9 date of the decision, the respondent shall successfully complete and pass one college-level land
10 surveying course, specifically related to the area of violation. Said course shall be approved in
11 advance by the Board or its designee. The respondent shall provide the Board with official proof
12 of completion of the requisite course. For purposes of this condition, "college-level course"
13 means a course offered by a community college or a four-year university of three semester units
14 or the equivalent; it does not include seminars.

15 6. **Examination.** Within 60 days of the effective date of the decision, the
16 Respondent shall successfully complete and pass the California Laws and Board Rules
17 examination, as administered by the Board.

18 7. **Tolling of Probation.** The period of probation shall be tolled during the
19 time the Respondent is practicing exclusively outside the state of California. If, during the period
20 of probation, the Respondent practices exclusively outside the state of California, the Respondent
21 shall immediately notify the Board in writing.

22 8. **Violation of Probation.** If the Respondent violates the probation
23 conditions in any respect, the Board, after giving the Respondent notice and the opportunity to be
24 heard, may vacate the stay and reinstate the disciplinary order which was stayed. If, during the
25 period of probation, an accusation or petition to vacate stay is filed against the Respondent, or if
26 the matter has been submitted to the Office of the Attorney General for the filing of such, the
27 Board shall have continuing jurisdiction until all matters are final, and the period of probation
28 shall be extended until all matters are final.

1 9. Completion of Probation. Upon successful completion of all of the
2 probation conditions and the expiration of the period of probation, the Respondent's license shall
3 be unconditionally restored

4 ACCEPTANCE

5 I have carefully read the Stipulated Settlement and Disciplinary Order. I
6 understand the stipulation and the effect it will have on my Civil Engineering License. I enter
7 into this Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently.
8 and agree to be bound by the Decision and Order of the Board for Professional Engineers and
9 Land Surveyors.

10 DATED: 1-25-08

11
12 Original Signed

13 BRIAN LAVERN JENSEN
14 Respondent

15 ENDORSEMENT

16 The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully
17 submitted for consideration by the Board for Professional Engineers and Land Surveyors.

18
19 DATED: 1-30-08

20 EDMUND G. BROWN JR., Attorney General
21 of the State of California

22 LINDA K. SCHNEIDER
23 Supervising Deputy Attorney General

24 Original Signed

25 SHERRY U. LEDAKIS
26 Deputy Attorney General

27 Attorneys for Complainant
28

Exhibit A
Accusation No. 811-A

1 EDMUND G. BROWN JR.
Attorney General of the State of California
2 LINDA K. SCHNEIDER
Supervising Deputy Attorney General
3 SHERRY L. LEDAKIS, State Bar No. 131767
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9 Attorneys for Complainant

10 **BEFORE THE**
BOARD FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS
11 **DEPARTMENT OF CONSUMER AFFAIRS**
12 **STATE OF CALIFORNIA**

13 In the Matter of the Accusation Against:

Case No. 811-A

14 BRIAN LAVEAR JENSEN
1487 Woodvale Lane
15 Riverside, CA 92506

ACCUSATION

16 Civil Engineer License No. C-30534

17 Respondent.
18

19 Complainant Cindi Christenson, P.E., as cause for disciplinary action against
20 Brian Lavear Jensen, alleges:

21 **PARTIES**

22 1. Complainant is the Executive Officer of the California State Board for
23 Professional Engineers and Land Surveyors (hereinafter "Board") and makes and files this
24 accusation solely in her official capacity.

25 **License Status**

26 2. On or about August 15, 1979, the Board issued Civil Engineer License No.
27 C-30534 to respondent, Brian Lavear Jensen (hereinafter respondent). Said license will expire on
28 March 31, 2008, unless renewed.

1 JURISDICTION

2 3. This accusation is made in reference to the following statutes of the
3 California Business and Professions Code ("Code") or Title 16 of the California Code of
4 Regulations:

5 A. Code Section 6775 states:

6 The board may receive and investigate complaints against registered
7 professional engineers, and make findings thereon. By a majority vote, the board
8 may reprove, suspend for a period not to exceed two years, or revoke the
9 certificate of any professional engineer registered under this chapter:

10

11 (g) Who in the course of the practice of professional engineering has been
12 found guilty by the board of having violated a rule or regulation of unprofessional
13 conduct adopted by the board.

14

15 B. Code Section 8762 states:

16 (a) Except as provided in subdivision (b), after making a field survey in
17 conformity with the practice of land surveying, the licensed surveyor or licensed
18 civil engineer may file with the county surveyor in the county in which the field
19 survey was made, a record of the survey.

20

21 (c) The record of survey required to be filed pursuant to this section shall
22 be filed within 90 days after the setting of boundary monuments during the
23 performance of a field survey or within 90 days after completion of a field survey,
24 whichever occurs first.

25 (d) (1) If the 90-day time limit contained in subdivision (c) cannot be
26 complied with for reasons beyond the control of the licensed land surveyor or
27 licensed civil engineer, the 90-day time period shall be extended until the time at
28 which the reasons for delay are eliminated. If the licensed land surveyor or
licensed civil engineer cannot comply with the 90-day time limit, he or she shall,
prior to the expiration of the 90-day time limit, provide the county surveyor with a
letter stating that he or she is unable to comply. The letter shall provide an
estimate of the date for completion of the record of survey, the reasons for the
delay, and a general statement as to the location of the survey, including the
assessor's parcel number or numbers.

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1 C. Code Section 8772 states:

2 Any monument set by a licensed land surveyor or registered civil engineer
3 to mark or reference a point on a property or land line shall be permanently and
4 visibly marked or tagged with the certificate number of the surveyor or civil
5 engineer setting it, each number to be preceded by the letters "L.S." or "R.C.E.,"
6 respectively, as the case may be or, if the monument is set by a public agency, it
shall be marked with the name of the agency and the political subdivision it
serves. Nothing in this section shall prevent the inclusion of other information on
the tag which will assist in the tracing or location of the survey records which
relate to the tagged monument.

7 D. California Code of Regulations, title 16, Section 473.3 states:

8 (a) If a cited person who has been issued an order of abatement is unable
9 to complete the correction within the time set forth in the citation because of
10 conditions beyond his/her control after the exercise of reasonable diligence, then
11 he/she may request from the Executive Officer an extension of time within which
to complete the correction. Such a request shall be in writing and shall be made
within the time set forth for abatement.

12 (b) Failure of the cited person to abate the violation or to pay the fine
13 within the time allowed is grounds for suspension or revocation of the cited
14 person's license.

14

15 E. Section 125.3 states, "that the Board may request the administrative law
16 judge to direct any licentiate found to have committed a violation or violations of the licensing
17 act, to pay the Board a sum not to exceed the reasonable costs of the investigation and
18 enforcement of the case."

19 **CHARGES AND ALLEGATIONS**

20 4. On November 9, 2004, Citation Order No. 5163-L was issued to
21 respondent for failing to notify the Orange County Surveyor's Office of a pending survey, and for
22 failing to properly mark an iron pipe set with his civil engineer's registration number for property
23 located at 29202 Silverado Canyon Road. He was assessed a \$250.00 fine. The citation required
24 respondent to abate the violations. A true and correct copy of the citation is attached hereto as
25 Exhibit A and is incorporated herein by reference.

26 5. On December 9, 2004, the Citation Order became final due to
27 respondent's failure to respond to the notice of citation.

28 ///

1 6. On March 10, 2005, the Board sent a letter to respondent asking him if he
2 had filed his survey with the surveyor's office and that his failure to do so could result in
3 disciplinary action being taken against his civil engineer's registration.

4 7. On April 21, 2005, respondent sent a letter to the Orange County Surveyor
5 informing him that the property was under going litigation as to the location of the respective lot
6 lines, but that he anticipated filing his record of survey within the next ninety (90) days. He
7 further stated in this letter that he had placed an iron pipe as a reference point in anticipation of
8 discovering physical evidence supporting the true lot lines, but he failed to have enough
9 information to file a record of survey.

10 8. On April 21, 2005, respondent sent a check to the Board for \$250.00 to
11 pay his penalty assessment and with this payment he included a copy of the letter he sent to the
12 Orange County Assessor's Office.

13 9. On June 30, 2005, the Board sent a letter to respondent acknowledging his
14 payment of the fine, but that they had been informed that the litigation involving the subject
15 property had been completed and property line issues had been resolved.

16 10. On August 15, 2005, the Board received a letter from the Orange County
17 Surveyor's Office stating that as of that date there was still no record of survey filed. They
18 included a copy of respondent's April 21, 2005, letter.

19 11. On August 18, 2005, the Board sent a letter to respondent giving him until
20 October 10, 2005, to file the survey or the case would be sent to the Office of the Attorney
21 General for non-compliance with the citation and possible disciplinary action being taken against
22 his engineering registration.

23 12. On February 13, 2007, the Board was informed by the Orange County
24 Surveyor's Office that no record of survey had been filed and that they had not received anything
25 from respondent since his letter of April 21, 2005.

26 **FIRST CAUSE FOR DISCIPLINE**

27 13. Respondent has subjected his license to discipline pursuant to Code
28 Section 6775(g) in conjunction with California Code of Regulations, title 16, Section 473.3(b),

1 for failing to abate the violations contained in Citation Order No. 5163-L, as set forth in
2 paragraphs 4 through and including paragraph 12, above.

3 **SECOND CAUSE FOR DISCIPLINE**

4 14. Respondent has subjected his license to discipline pursuant to Code
5 section 8762(c) and (d), for failing to file the record of survey within 90 days after the setting of
6 boundary monuments or within 90 days after completion of a field survey, as set forth in
7 paragraphs 4 through and including paragraph 12, above.

8 **THIRD CAUSE FOR DISCIPLINE**

9 15. Respondent has subjected his license to discipline pursuant to Code
10 section 8772 for failing to permanently and visibly mark or tag or reference a point on a property
11 or land line with his certificate number preceded by the letters "R.C.E.," as set forth in
12 paragraphs 4 through and including paragraph 12, above.

13 **PRAYER**

14 WHEREFORE, Complainant prays that an administrative hearing be held and that
15 the Board make its Order:

16 1. Revoking or suspending Civil Engineering Registration No. C-30534 issued to
17 Brian Lavear Jensen;

18 2. Directing respondent, Brian Lavear Jensen, to pay to the Board the reasonable
19 costs of investigation and enforcement costs of this action; and

20 3. Taking such other and further action as the Board deems necessary and proper
21 to protect the public health, safety and welfare.

22 DATED: 8/27/07

23 Original Signed
24 Cindi Christenson, P.E., Executive Officer
25 Board for Professional Engineers and Land Surveyors
26 Department of Consumer Affairs
27 State of California
28 Complainant

Jensen acc 2.wpd

EXHIBIT “A”

**BOARD FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS**

2535 Capitol Oaks Drive, Suite 300, Sacramento, CA 95833-2944

Telephone: (916) 263-2222 Toll Free: 1-866-780-5370

Facsimile: (916) 263-2246

www.dca.ca.gov/pels**DECLARATION OF CUSTODIAN OF RECORDS**

I, **NANCY A. EISSLER**, state:

I am the Program Manager of the Board for Professional Engineers and Land Surveyors, and in that capacity am a duly authorized custodian of the records of that Board, and make this certification pursuant to that authority.

I certify that the attached document is a true and correct copy of Citation Order 5163-L issued to Brian L. Jensen. This record is maintained by the Board for Professional Engineers and Land Surveyors in the normal course of its official business and was submitted to the Board at the time and in the manner prescribed by law.

I declare under penalty of perjury that the foregoing is true and correct. Executed this eighteenth day of June, 2007, at Sacramento, California.

Original Signed

NANCY A. EISSLER
Program Manager



BOARD FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS

2535 Capitol Oaks Drive, Suite 300, Sacramento, CA 95833-2944

Telephone: (916) 263-2222 CALNET: 8-435-2222

Facsimile: (916) 263-2246

www.dca.ca.gov/pels

**CITATION ORDER
5163-L**

ISSUED TO

**BRIAN L. JENSEN
1487 WOODVALE LANE
RIVERSIDE, CA 92506****ON NOVEMBER 9, 2004**

CINDI CHRISTENSON, in her official capacity as the Executive Officer for the Board for Professional Engineers and Land Surveyors (hereinafter referred to as the "Board"), issues this citation in accordance with California Code of Regulation section 473 for the violation(s) described below.

ORDER OF ABATEMENT

The Board hereby orders you to immediately cease and desist from violating Business and Professions Code section 8772 and to comply with the requirements contained in Section 8762(d) within 30 days of the date the citation becomes final.

ORDER TO PAY ADMINISTRATIVE FINE

The Board hereby orders you to pay an administrative fine in the amount of \$250.00 as provided for by Title 16, Division 5, Section 473.1(c) of the California Code of Regulations for the violation of Sections 8762(d) and 8772 of the Business and Professions Code, within 30 days of the date the citation becomes final.

Licensing History

The records of the Board show that on August 15, 1979, the Board issued a civil engineer's license, number C 30534 to BRIAN L. JENSEN; license number C 30534 expires on March 31, 2006, unless renewed.

Cause for Citation

An investigation, including a review by at least one licensee of the Board who is competent in the branch of professional engineering or professional land surveying most relevant to the subject matter, determined that you have violated Business and Professions Code sections 8762(d) by failing to notify the County Surveyor's Office of your pending survey and 8772 by failing to mark or tag a iron pipe you set with your land surveyor's license number. The pipe that our land surveyor consultant determined needed to be tagged was alternatively identified by you as a "tentative corner location," a "reference point," and then finally as a random "traverse point." All tentative corner locations and/or reference points are required to be tagged or marked by the licensee setting them. Furthermore, the Board has rejected your contention that the point is a random traverse point based upon our review of your own statements and the photograph received by the Board of your 3/4 inch iron pipe and the wooden stake set along its side that reads, "T12SW Corner, Lot 12 SW Corner." The information on this wooden stake identified the location as that of a property corner. Because the results of your further research led you to conclude that it was not the property corner does not negate its original purpose or your responsibility to show the monument's relationship with the corner of the property when you have completed your survey. The tagging of survey monuments and notification to the County Surveyor's Office of pending surveys that cannot be completed in a timely manner provides other practicing surveyors information concerning whom to contact concerning the location and purpose of your monument whether or not it eventually becomes a property boundary monument or a reference to the boundary line.

8762. Records of survey

(c) The record of survey required to be filed pursuant to this section shall be filed within 90 days after the setting of boundary monuments during the performance of a field survey or within 90 days after completion of a field survey, whichever occurs first.

(d) (1) If the 90-day time limit contained in subdivision (c) cannot be complied with for reasons beyond the control of the licensed land surveyor or licensed civil engineer, the 90-day time period shall be extended until the time at which the reasons for delay are eliminated. *If the licensed land surveyor or licensed civil engineer cannot comply with the 90-day time limit, he or she shall, prior to the expiration of the 90-day time limit, provide the county surveyor with a letter stating that he or she is unable to comply.* The letter shall provide an estimate of the date for completion of the record of survey, the reasons for the delay, and a general statement as to the location of the survey, including the assessor's parcel number or numbers.

8772. Marking of monuments

Any monument set by a licensed land surveyor or registered civil engineer to mark or reference a point on a property or land line shall be permanently and visibly marked or tagged with the certificate number of the surveyor or civil engineer setting it, each number to be preceded by the letters "L.S." or "R.C.E.," respectively, as the case may be or, if the monument is set by a public agency, it shall be marked with the name of the agency and the political subdivision it serves.

Payment Information

Payment of any fine shall not constitute an admission of the violation charged. (Business and Professions Code section 125.9(b) (4)) Where a fine is paid to satisfy an assessment based on the finding of a violation, payment of the fine shall be represented as satisfactory resolution of the matter for purposes of public disclosure. (B & P 125.9 (d)) Payment of the administrative fine should be made to the Board for Professional Engineers and Land Surveyors, 2535 Capitol Oaks Drive, Suite 300, Sacramento, CA, 95833-2926.

Appeal and Compliance Information

Unless appealed, this citation shall become a final order of the Board 30 days after the Date of Issuance. Payment of the Administrative Fine is due within 30 days of the date the citation becomes final.

The failure of a professional engineer or professional land surveyor to comply with the order of abatement or pay the administrative fine after a citation becomes final is grounds for suspension or revocation of his or her license. If a citation is not appealed and the cited person fails to pay the entire fine, the balance due for the fine shall be added to the renewal fee for the license, and the license shall not be renewed until the fine(s) is/are paid in full.

To appeal this citation or any portion thereof, or to request an informal conference, complete the enclosed "notice of appeal/request for an informal conference" form and submit it to the Board within 30 days of the date of issuance of this citation. Failure to submit a written request for an administrative hearing and/or an informal conference within 30 days of the date of issuance of this citation will waive your right to appeal this citation.

Original Signed

Cindi Christenson, Executive Officer



BOARD FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS
2535 Capitol Oaks Drive, Suite 300, Sacramento, CA 95833-2944
Telephone: (916) 263-2222 CALNET: 8-435-2222
Facsimile: (916) 263-2246
www.dca.ca.gov/pels



**NOTICE OF APPEAL
REQUEST FOR INFORMAL CONFERENCE
AND/OR ADMINISTRATIVE HEARING**

**CITATION NUMBER 5163-L
ISSUED ON NOVEMBER 9, 2004**

**BRIAN L. JENSEN
1487 WOODVALE LANE
RIVERSIDE, CA 92506**

**BOARD CASE 2004-01-004
LICENSE NUMBER C 30534**

I hereby acknowledge receipt of the above referenced citation and notification of my rights to appeal the citation. I hereby request: (check appropriate items)

_____ AN INFORMAL CONFERENCE with the Executive Officer and, if I choose, my legal counsel or authorized representative. I understand the Executive Officer may also have legal counsel or an authorized representative present at the conference.

_____ AN ADMINISTRATIVE HEARING conducted in accordance with the provisions of the California Administrative Procedures Act, Division 5 of Part 1 of Chapter 3 of Title 2 of the Government Code.

You May Request Both an Informal Conference and an Administrative Hearing by Checking Both Items. You May Withdraw a Request for an Informal Conference Anytime Prior to the Date of the Conference. You May Withdraw a Request for an Administrative Hearing Anytime Prior to the Hearing Date.

By Not Requesting An Administrative Hearing Or An Informal Conference Within 30 Days Of The Date Of Issuance Of The Citation, You Expressly Waive The Right To Appeal The Citation. If You Request An Informal Conference And The Citation Is Affirmed Or Modified, You May Request An Administrative Hearing Within 30 Days Of The Date Of The Issuance Of The Order Affirming Or Modifying The Citation.

By returning this signed form to the Board office, you are stating your intent to appeal this citation. (You must submit a statement of your reasons with this notice to the Board) If you have any questions concerning this process, please contact Sally Strubinger, Citation Coordinator, at (916) 263-2251 or Sally_Strubinger@dca.ca.gov.

Signature _____

Date _____

Telephone #: Business () _____

Home () _____

**BOARD FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS**

2535 Capitol Oaks Drive, Suite 300, Sacramento, CA 95833-2944

Telephone: (916) 263-2222 CALNET: 8-435-2222

Facsimile: (916) 263-2246

www.dca.ca.gov/pels**STATEMENT OF RIGHTS - INSTRUCTIONS TO CITED PERSON**

You Are Hereby Served With A Citation Issued By The Executive Officer Of The California State Board For Professional Engineers And Land Surveyors.

The citation is being served in accordance with Section 125.9 of the Business and Professions Code, and Title 16, California Code of Regulations sections 473.

Unless appealed, the citation shall be deemed a final order 30 days after the date of issuance of the citation. All orders of abatement or assessments of administrative fines are to be complied with in accordance with the time specified in the citation.

You may appeal the citation by submitting a written request for appeal to the Executive Officer within 30 days of the date of issuance of the citation. You may also submit a written request within 30 days of the date of issuance of the citation for an informal conference with the Executive Officer with respect to the violations alleged, scope of order of abatement, or amount of administrative fine assessed.

INFORMAL CONFERENCE

The Executive Officer may, within 30 days from receipt of a written request, hold an informal conference with the cited person and/or the cited person's legal counsel or authorized representative.

At the conclusion of the informal conference, the Executive Officer may affirm, modify, or dismiss the citation and shall state in writing the reasons for his or her action and serve a copy of the findings and decision to the cited person within 30 days from the date of the informal conference. The decision shall be deemed to be a final order of the Executive Officer.

ADMINISTRATIVE HEARING

In order to be entitled to a hearing before an administrative law judge, a written request for an administrative hearing must be submitted to the Executive Officer within 30 days of the date of issuance of the citation, affirmation or modification of the citation. Administrative hearings will be conducted in accordance with the provisions of the Administrative Procedures Act, Chapters 4.5 and 5, (commencing with Section 11400) of Part 1 of Division 3 of Title 2 of the Government Code. The Board may review and sustain or reverse, by a majority vote, any final order.

U.S. Postal Service
CERTIFIED MAIL RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

cite 5/63-L

Postage	\$	Postmark Here
Certified Fee		
Return Receipt Fee (Endorsement Required)		
Restricted Delivery Fee (Endorsement Required)		
Total Postage & Fees	\$	

Recipient's Name (Please Print Clearly) (to be completed by mailer)
Brian Jensen
 Street, Apt. No., or PO Box No.
1487 Woodvale Lane
 City, State, ZIP+4
Riverside CA 92506

PS Form 3800, February 2000 See Reverse for Instructions

7099 3400 0015 1337 1779

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, 4a, and 4b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

also wish to receive the following services (for an extra fee):

1. ☐ Addressee's Address

2. ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

Brian Jensen
1487 Woodvale
Riverside CA 92506

4a. Article Number

7099 3400 0015 1337 1779

4b. Service Type

☐ Registered
☐ Express Mail
☒ Return Receipt for Merchandise

☒ Certified
☐ Insured
☐ COD

7. Date of Delivery

8-04

5. Received By: (Print Name)

[Signature]

6. Signature: (Addressee or Agent)

[Signature]

8. Addressee's Address (Only if requested and fee is paid)

PS Form 3811, December 1994

cite 5163-L

Domestic Return Receipt

Is your RETURN ADDRESS completed on the reverse side?

Thank you for using Return Receipt Service.

