

BEFORE THE  
BOARD FOR PROFESSIONAL ENGINEERS, LAND SURVEYORS, AND GEOLOGISTS  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

In the Matter of the Accusation against:	)	
	)	
WESLEY EUVENE GILBERT	)	
140 Yellowstone Road, Ste 110	)	Case No. 1257-A
Chico, CA 95973	)	
	)	
Civil Engineer License, No. C 31689,	)	
	)	
Respondent.	)	
_____	)	

**DECISION**

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

This Decision shall become effective on July 28, 2022.

IT IS SO ORDERED June 23, 2022.

*Original Signed*

\_\_\_\_\_  
BOARD FOR PROFESSIONAL ENGINEERS,  
LAND SURVEYORS, AND GEOLOGISTS  
Department of Consumer Affairs  
State of California

1 ROB BONTA  
Attorney General of California  
2 ANDREW M. STEINHEIMER  
Supervising Deputy Attorney General  
3 ANAHITA S. CRAWFORD  
Deputy Attorney General  
4 State Bar No. 209545  
1300 I Street, Suite 125  
5 P.O. Box 944255  
Sacramento, CA 94244-2550  
6 Telephone: (916) 210-6099  
Facsimile: (916) 327-8643  
7 *Attorneys for Complainant*

8  
9 **BEFORE THE**  
**BOARD FOR PROFESSIONAL ENGINEERS, LAND SURVEYORS, AND**  
10 **GEOLOGISTS**  
**DEPARTMENT OF CONSUMER AFFAIRS**  
11 **STATE OF CALIFORNIA**  
12

13 In the Matter of the Accusation Against:

14 **WESLEY EUVENE GILBERT**  
15 **140 Yellowstone Drive, Suite 110**  
16 **Chico, CA 95973**

17 **Civil Engineer License No. C 31689**

18 Respondent.

Case No. 1257-A

OAH No. 2022010708

**STIPULATED SETTLEMENT AND**  
**DISCIPLINARY ORDER**

19  
20  
21 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-  
22 entitled proceedings that the following matters are true:

23 **PARTIES**

24 1. Richard B. Moore, PLS (Complainant) is the Executive Officer of the Board for  
25 Professional Engineers, Land Surveyors, and Geologists (Board). He brought this action solely in  
26 his official capacity and is represented in this matter by Rob Bonta, Attorney General of the State  
27 of California, by Anahita S. Crawford, Deputy Attorney General.

28 ///

2. Respondent Wesley Euvene Gilbert (Respondent) is represented in this proceeding by attorney Joseph W. Rose, whose address is: 4092 Bridge Street, Fair Oaks, CA 95628-7133.

3. On or about August 14, 1980, the Board issued Civil Engineer License No. C 31689 to Wesley Euvene Gilbert (Respondent). The Civil Engineer License was in full force and effect at all times relevant to the charges brought in Accusation No. 1257-A, and will expire on December 31, 2022, unless renewed.

### **JURISDICTION**

4. Accusation No. 1257-A was filed before the Board, and is currently pending against Respondent. The Accusation and all other statutorily required documents were properly served on Respondent on December 7, 2021. Respondent timely filed his Notice of Defense contesting the Accusation.

5. A copy of Accusation No. 1257-A is attached as exhibit A and incorporated herein by reference.

### **ADVISEMENT AND WAIVERS**

6. Respondent has carefully read, fully discussed with counsel, and understands the charges and allegations in Accusation No. 1257-A. Respondent has also carefully read, fully discussed with counsel, and understands the effects of this Stipulated Settlement and Disciplinary Order.

7. Respondent is fully aware of his legal rights in this matter, including the right to a hearing on the charges and allegations in the Accusation; the right to confront and cross-examine the witnesses against him; the right to present evidence and to testify on his own behalf; the right to the issuance of subpoenas to compel the attendance of witnesses and the production of documents; the right to reconsideration and court review of an adverse decision; and all other rights accorded by the California Administrative Procedure Act and other applicable laws.

8. Respondent voluntarily, knowingly, and intelligently waives and gives up each and every right set forth above.

///

///

1 **CULPABILITY**

2 9. Respondent understands and agrees that the charges and allegations in Accusation  
3 No. 1257-A, if proven at a hearing, constitute cause for imposing discipline upon his Civil  
4 Engineer License.

5 10. For the purpose of resolving the Accusation without the expense and uncertainty of  
6 further proceedings, Respondent agrees that, at a hearing, Complainant could establish a factual  
7 basis for the charges in the Accusation, and that Respondent hereby gives up his right to contest  
8 those charges.

9 11. Respondent agrees that his Civil Engineer License is subject to discipline and he  
10 agrees to be bound by the Board's probationary terms as set forth in the Disciplinary Order below.

11 **CONTINGENCY**

12 12. This stipulation shall be subject to approval by the Board for Professional Engineers,  
13 Land Surveyors, and Geologists. Respondent understands and agrees that counsel for  
14 Complainant and the staff of the Board for Professional Engineers, Land Surveyors, and  
15 Geologists may communicate directly with the Board regarding this stipulation and settlement,  
16 without notice to or participation by Respondent or his counsel. By signing the stipulation,  
17 Respondent understands and agrees that he may not withdraw his agreement or seek to rescind the  
18 stipulation prior to the time the Board considers and acts upon it. If the Board fails to adopt this  
19 stipulation as its Decision and Order, the Stipulated Settlement and Disciplinary Order shall be of  
20 no force or effect, except for this paragraph, it shall be inadmissible in any legal action between  
21 the parties, and the Board shall not be disqualified from further action by having considered this  
22 matter.

23 13. The parties understand and agree that Portable Document Format (PDF) and facsimile  
24 copies of this Stipulated Settlement and Disciplinary Order, including PDF and facsimile  
25 signatures thereto, shall have the same force and effect as the originals.

26 14. This Stipulated Settlement and Disciplinary Order is intended by the parties to be an  
27 integrated writing representing the complete, final, and exclusive embodiment of their agreement.  
28 It supersedes any and all prior or contemporaneous agreements, understandings, discussions,

1 negotiations, and commitments (written or oral). This Stipulated Settlement and Disciplinary  
2 Order may not be altered, amended, modified, supplemented, or otherwise changed except by a  
3 writing executed by an authorized representative of each of the parties.

4 15. In consideration of the foregoing admissions and stipulations, the parties agree that  
5 the Board may, without further notice or formal proceeding, issue and enter the following  
6 Disciplinary Order:

7 **DISCIPLINARY ORDER**

8 IT IS HEREBY ORDERED that Civil Engineer License No. C 31689 issued to Respondent  
9 Wesley Euvene Gilbert is revoked. However, the revocation is stayed and Respondent is placed  
10 on probation for four (4) years on the following terms and conditions:

11 1. **Obey All Laws.** The Respondent shall obey all laws and regulations related to the  
12 practices of professional engineering and professional land surveying.

13 2. **Submit Reports.** The Respondent shall submit such special reports as the Board may  
14 require.

15 3. **Tolling of Probation.** The period of probation shall be tolled during the time the  
16 Respondent is practicing exclusively outside the state of California. If, during the period of  
17 probation, the Respondent practices exclusively outside the state of California, the Respondent  
18 shall immediately notify the Board in writing.

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

26 5. **Completion of Probation.** Upon successful completion of all of the probationary  
27 conditions and the expiration of the period of probation, the Respondent's Civil Engineer License,  
28 No. C 31689, shall be unconditionally restored.

1           6.     **Cost Recovery.** The Respondent is hereby ordered to reimburse the Board the  
2 amount of \$9,615.50 within two (2) years from the effective date of the decision for its  
3 investigative and prosecution costs incurred through the date of this settlement offer. Said  
4 reimbursement may be paid in installments.

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

8           8.     **Ethics Course.** Within one (1) year from the effective date of the decision,  
9 Respondent shall successfully complete and pass a course in professional ethics, approved in  
10 advance by the Board or its designee.

11          9.     **Notification.** Within 30 days of the effective date of the decision, the Respondent  
12 shall provide the Board with evidence that he has provided all persons or entities with whom he  
13 has a contractual or employment relationship such that the relationship is in the area of practice of  
14 professional engineering and/or professional land surveying in which the violation occurred with  
15 a copy of the decision and order of the Board and shall provide the Board with the name and  
16 business address of each person or entity required to be so notified. During the period of  
17 probation, the Respondent may be required to provide the same notification of each new person  
18 or entity with whom he has a contractual or employment relationship such that the relationship is  
19 in the area of practice of professional engineering and shall report to the Board the name and  
20 address of each person or entity so notified.

21          10.    **Take and Pass Courses.** Within three and one-half (3 ½) years from the effective  
22 date of the decision, the Respondent shall successfully complete and pass, with a grade of "C" or  
23 better, one (1) college-level land surveying course, which must be related to the areas of violation  
24 alleged in the Accusation. Said courses shall be approved in advance by the Board or its  
25 designee. The respondent shall provide the Board with official proof of completion of the  
26 requisite courses. For purposes of this condition, "college-level course" means a course offered  
27 by a community college or a four-year university of three semester units or the equivalent; it does  
28 not include seminars..

11. **Records.** Within ninety (90) days from the effective date of the decision, the respondent shall file a record of survey related to the Lurena Lane project. The respondent shall provide the Board proof of having submitted the Record of Survey within thirty (30) days of the submittal to the Butte County Surveyor's Office. Furthermore, the respondent shall comply with all pertinent provisions of the Business and Professions Code in order to complete the filing process for the subject map. The respondent shall provide the Board with a copy of the Record of Survey as filed with the County Recorder.

**ACCEPTANCE**

I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully discussed it with my attorney, Joseph W. Rose. I understand the stipulation and the effect it will have on my Civil Engineer License. I enter into this Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Board for Professional Engineers, Land Surveyors, and Geologists.

DATED: 3/25/2022

*Original Signed*

WESLEY EUVENE GILBERT  
*Respondent*

I have read and fully discussed with Respondent Wesley Euvene Gilbert the terms and conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order. I approve its form and content.

DATED: 3/25/2022

*Original Signed*

JOSEPH W. ROSE  
*Attorney for Respondent*

///

///

///

///

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**ENDORSEMENT**

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

DATED: May 4, 2022

Respectfully submitted,

ROB BONTA  
Attorney General of California  
ANDREW M. STEINHEIMER  
Supervising Deputy Attorney General

*Original Signed*

ANAHITA S. CRAWFORD  
Deputy Attorney General  
*Attorneys for Complainant*

SA2021303165  
35996982\_2.docx



**Exhibit A**

**Accusation No. 1257-A**

1 ROB BONTA  
Attorney General of California  
2 ANDREW M. STEINHEIMER  
Supervising Deputy Attorney General  
3 ANAHITA S. CRAWFORD  
Deputy Attorney General  
4 State Bar No. 209545  
1300 I Street, Suite 125  
5 P.O. Box 944255  
Sacramento, CA 94244-2550  
6 Telephone: (916) 210-6099  
Facsimile: (916) 327-8643  
7 *Attorneys for Complainant*

8  
9 **BEFORE THE**  
**BOARD FOR PROFESSIONAL ENGINEERS, LAND SURVEYORS, AND**  
10 **GEOLOGISTS**  
**DEPARTMENT OF CONSUMER AFFAIRS**  
11 **STATE OF CALIFORNIA**  
12

13 In the Matter of the Accusation Against:

Case No. 1257-A

14 **WESLEY EUVENE GILBERT**  
15 **140 Yellowstone Drive, Suite 110**  
**Chico, CA 95973**

**ACCUSATION**

16 **Civil Engineer License No. C 31689**

17 Respondent.  
18

19 **PARTIES**

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

23 2. On or about August 14, 1980, the Board for Professional Engineers, Land Surveyors,  
24 and Geologists issued Civil Engineer License<sup>1</sup> Number C 31689 to Wesley Euvene Gilbert  
25 (Respondent). The Civil Engineer License was in full force and effect at all times relevant to the  
26 charges brought herein and will expire on December 31, 2022, unless renewed.

27  
28 <sup>1</sup> Respondent is a Registered Professional Engineer with a pre-1982 issued license  
number, which allows him to also legally practice Land Surveying.

**JURISDICTION**

3. This Accusation 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 (Code) unless otherwise indicated

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

**STATUTORY PROVISIONS**

5. Section 6775 of the Code states:

The board may, upon its own initiative or upon the receipt of a complaint, investigate the actions of any professional engineer licensed under this chapter and make findings thereon.

By a majority vote, the board may publicly reprove, suspend for a period not to exceed two years, or revoke the certificate of any professional engineer licensed under this chapter on any of the following grounds:

...

(f) Aiding or abetting any person in the violation of any provision of this chapter or any regulation adopted by the board pursuant to this chapter.

6. Section 8780 of the Code states:

The board may, upon its own initiative or upon the receipt of a complaint, investigate the actions of any land surveyor licensed under this chapter or any civil engineer licensed under the provisions of Chapter 7 (commencing with Section 6700) who is legally authorized to practice land surveying and make findings thereon.

By a majority vote, the board may publicly reprove, suspend for a period not to exceed two years, or revoke the license or certificate of any land surveyor licensed under this chapter or civil engineer licensed under the provisions of Chapter 7 (commencing with Section 6700) who is legally authorized to practice land surveying on any of the following grounds:

(a) Any fraud, deceit, or misrepresentation in his or her practice of land surveying.

(b) Any negligence or incompetence in his or her practice of land surveying.

...

1 (f) Aiding or abetting any person in the violation of any provision of this  
2 chapter or any regulation adopted by the board pursuant to this chapter.

3 7. Section 8759 of the Code states:

4 (a) A licensed land surveyor or licensed civil engineer authorized to practice  
5 land surveying shall use a written contract when contracting to provide professional  
6 services to a client pursuant to this chapter. The written contract shall be executed by  
7 the licensed land surveyor or licensed civil engineer and the client or the client's  
8 representative prior to the licensed land surveyor or licensed civil engineer  
9 commencing work, unless the client knowingly states in writing that work may be  
10 commenced before the contract is executed. The written contract shall include, but  
11 not be limited to, all of the following:

12 . . .

13 (3) The name, address, and license or certificate number of the licensed land  
14 surveyor or licensed civil engineer, and the name and address of the client.

15 (4) A description of the procedure that the licensed land surveyor or licensed  
16 civil engineer and the client will use to accommodate additional services.

17 (5) A description of the procedure to be used by both parties to terminate the  
18 contract.

19 8. Section 8762 of the Code states:

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

24 (b) Notwithstanding subdivision (a), after making a field survey in conformity  
25 with the practice of land surveying, the licensed land surveyor or licensed civil  
26 engineer shall file with the county surveyor in the county in which the field survey  
27 was made a record of the survey relating to land boundaries or property lines, if the  
28 field survey discloses any of the following:

. . . .

(4) The location, relocation, establishment, reestablishment, or retracement of  
one or more points or lines not shown on any subdivision map, official map, or record  
of survey, the positions of which are not ascertainable from an inspection of the  
subdivision map, official map, or record of survey.

9. Section 8764 of the Code states:

The record of survey shall show the applicable provisions of the following  
consistent with the purpose of the survey:

. . .

(d) The relationship to those portions of adjacent tracts, streets, or senior  
conveyances which have common lines with the survey.

1                   ...

2                   (g) Any other data necessary for the intelligent interpretation of the various  
3 items and locations of the points, lines, and areas shown, or convenient for the  
4 identification of the survey or surveyor, as may be determined by the civil engineer or  
5 land surveyor preparing the record of survey.

### 6                   **REGULATORY PROVISIONS**

7                   10. Title 16, California Code of Regulations section 416 states:

8                   For the purpose of denial, suspension, or revocation of the license of a professional  
9 engineer or a land surveyor pursuant to Division 1.5 (commencing with Section 475) of the  
10 Business and Professions Code, a crime or act shall be considered substantially related to the  
11 qualifications, functions, and duties of a professional engineer or land surveyor if, to a substantial  
12 degree, it evidences present or potential unfitness of a professional engineer or land surveyor to  
13 perform the functions authorized by his or her license in a manner consistent with the public  
14 health, safety, or welfare. Such crimes or acts shall include, but not be limited to, those involving  
15 the following:

16                   (a) For professional engineers, any violations of the provisions of the Professional  
17 Engineers Act or aiding and abetting any person in such a violation;

18                   (b) For land surveyors, any violations of the provisions of the Professional Land Surveyors'  
19 Act or aiding and abetting any person in such a violation;

### 20                   **COST RECOVERY**

21                   11. Section 125.3 of the Code provides, in pertinent part, that the board may request the  
22 administrative law judge to direct a licensee found to have committed a violation or violations of  
23 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and  
24 enforcement of the case.

### 25                   **NORCAL PROJECT**

### 26                   **FACTUAL ALLEGATIONS**

27                   12. On June 6, 2013, Respondent filed an Organization Record Form (OR) for Wesley  
28 Gilbert Engineering (WGE). The OR indicated that Respondent was the only officer and the only  
licensed individual in the firm.

1           13. On November 8, 2018, PG&E electrical equipment ignited the Camp Fire (fire). The  
2 fire quickly tore through the town of Paradise and surrounding communities. Virtually every  
3 building in the town of Paradise was destroyed including thousands of residences. The fire  
4 eventually burned 150,000 acres, destroyed 18,000 structures and killed 85 people.

5           14. Recovery efforts were undertaken to clean up debris and rebuild the town. A State-  
6 sponsored debris cleanup program (cleanup) removed burn debris from private residential  
7 properties (parcels) impacted by the fire. Property owners subsequently redeveloped their Parcels  
8 (rebuild projects). These rebuild projects often required the services of civil engineers, land  
9 surveyors, contractors and other professionals as further described below. According to the Nor  
10 Cal Development Inc.'s (NCD) website<sup>2</sup>:

11                 Nor Cal Development, Inc. was formed in response to the devastation of the  
12 Camp Fire. Our focus is dedicated to rebuilding quality homes on the ridge. We are a  
13 group of highly experienced local professionals dedicated to helping the ridge  
14 recover. . . .

15                 Our square foot pricing also includes:

16                 Lot surveying

17                 Septic Inspection

18                 Complete Engineered Plan Set.

19           15. Numerous property owners contracted with NCD to carry out their rebuild projects.  
20 NCD is a licensed "B" General Building contractor and may lawfully contract to construct  
21 buildings and appurtenances. The rebuild projects, in addition to construction activities, required  
22 acquiring building permits and lot surveying of parcels. The fire and cleanup had altered contours  
23 and destroyed improvements (septic, driveways, building pads, drainage, utilities, retaining walls,  
24 fences, monuments, etc). Recent building codes and other development standards imposed new  
25 requirements. Significant portions of rebuilding projects included work encompassed within the  
26 practice of civil engineering and/or land surveying. Therefore, building permit applicants were  
27 required to submit various civil engineering and land surveying documents.

---

28                 <sup>2</sup> On or about October 20, 2020.

16. NCD was not appropriately licensed or qualified to perform the civil engineering and land surveying tasks so they subcontracted them to WGE as detailed below.

17. During 2019, NCD entered into over a dozen contracts with WGE for civil engineering and land surveying services. Each contract pertained to a single rebuild project with a defined scope of work and maximum compensation. Items of work included boundary survey and mapping (boundary), corner records (CR), records of survey (R/S), topographic survey, mapping and site plan (Topo), and construction staking.

18. Respondent prepared dozens of civil engineering and land surveying documents for various rebuild projects pursuant to their contracts with NCD. The land surveying documents included Site Plans, Erosion Control Plans, Land Surveyor's Certification, each bearing Respondent's stamp.

**FIRST CAUSE FOR DISCIPLINE**

**(Aided and Abetted an Unlicensed Person)**

19. Respondent is subject to disciplinary action under Code section 6775, subdivision (f) and Code section 8780, subdivision (f) in that Responded aided and abetted in the unlicensed engineering and land surveying activity of NCD, as follows:

a. In or about 2019, Respondent entered into contracts with NCD to provide land surveying and engineering services to NCD knowing that such work would be used for rebuild projects that NCD had contracted to deliver to parcel owners. Respondent knew or should have known that NCD was not permitted to include such services in their rebuild project contracts with parcel owners. By providing civil engineering and land surveying services to NCD, Respondent aided and abetted in NCD's impermissible practice of civil engineering and surveying, and as further set forth in paragraphs 12-18, above.

## Quail Run Project

## Factual Allegations

20. D.O. is the owner of the real property at 12750 Quail Run Drive in Chico, California. D.C. is the owner of 12722 Quail Run Drive in Chico, California, which is adjacent to and shares a boundary line on the Northside of D.C.'s property. D.O. claimed that two buildings belonging

1 to D.C. encroached on D.O.'s property, which D.C. denied. A boundary dispute followed. D.O.  
2 hired Respondent to prepare a survey of his property, which showed that D.C.'s property did in  
3 fact encroach on D.O.'s property.

4 21. Relying on Respondent's survey, D.O. brought a civil action to quiet title against  
5 D.C. in reference to the disputed tract of property. The court described that the issue at trial was  
6 "where the line run by a survey lies on the ground, and whether any particular tract is on one side  
7 or the other of that line . . ." Based on the evidence at trial, the court found that D.C.'s expert's  
8 testimony and survey were more credible than those of Respondent's, and relied on D.C.'s expert  
9 to find against D.O. in the boundary dispute.

## 10 **SECOND CAUSE FOR DISCIPLINE**

### 11 **(Negligence)**

12 22. Respondent is subject to disciplinary action for negligence in his profession pursuant  
13 to Code section 8780, subdivision (b), for violation of Code section 8764, subdivisions (d) and (g)  
14 in that the survey that Respondent prepared for D.O. reestablished/retraced boundary lines  
15 without following proper boundary procedures to establish points set on the northerly and  
16 southerly lines of the parcel in question, and as further set forth in paragraphs 20 and 21, above.

## 17 **THIRD CAUSE FOR DISCIPLINE**

### 18 **(Incompetence)**

19 23. Respondent is subject to disciplinary action for incompetence in his profession  
20 pursuant to Code section 8780, subdivision (a), for violation of Code section 8764, subdivisions  
21 (d) and (g), in that he demonstrated incompetence in establishing a boundary without following  
22 proper procedures of boundary retracement, and as further set forth in paragraphs 20-23, above.

## 23 **FOURTH CAUSE FOR DISCIPLINE**

### 24 **(Contract Violation)**

25 24. Respondent is subject to disciplinary action for failure to include necessary terms in  
26 his contract with D.O., titled Proposal for Professional Services (proposal), dated August 24,  
27 2017, as follows:

28 ///



a. The proposal does not include Respondent's license number, in violation of Code section 8759, subdivision (a) (3);

b. The proposal does not include a description of the procedure by which additional services will be accommodated, in violation of Code section 8759, subdivision (a)(4); and

c. The proposal does not include a description of the procedure to terminate the contract.

## Lurena Lane Project

## **FACTUAL ALLEGATIONS**

25. In or about February 2019, P.C. purchased a lot located at 1208 Lurena Lane in the town of Paradise. P.C. intended to build a house on his property and needed to obtain a building permit from the town of Paradise to construct his home. On or about March 1, 2019, P.C. hired Respondent to perform a boundary survey of the lot and prepare a “Land Surveyor’s Certification for Building Permit” (certificate) in order to obtain a building permit. On or about March 18, 2019, Respondent performed the requested boundary survey and then prepared a Survey Plat and the certificate. Respondent sent the survey to P.C. on or about April 15, 2019, which certified that Respondent had performed the survey in conformance with the requirements of the Professional Land Surveyors Act, and that missing property corner monuments had been set, or reset, as shown. Respondent further indicated that appropriate Corner Record or Record of Survey would be filed with the County of Butte.

26. During the investigation into this matter by the Board, Respondent admitted that the set monument shown in the Survey Plan had not actually been set as indicated. He further admitted that in or about March 2020, he sent his field crew to the site to set the monuments but P.C told the field crew that he had hired another firm to set the corners because Respondent had taken too long to provide services. Respondent also claimed that on or about March 16, 2020, Respondent sent a voided copy of the Certification and Plat to the town of Paradise, sent a refund to P.C, and voided their agreement.

27. The Community Development director of the town of Paradise indicated that they had never received another Certificate from a different surveyor regarding the parcel and that P.C's project was finalized in November 2019.

28. In or about October 2019, L.L. performed a boundary survey of 1212 Lurena Lane, the parcel abutting P.C.'s property on the East side. L.L. was informed P.C. recently had a survey done on his property for his building permit. Therefore, L.L. contacted the town of Paradise and obtained Respondent's Land Surveyor's Certificate. L.L. then prepared a Record of Survey and filed it with the Butte County Surveyor. In February 2020, L.L. contacted the County Surveyor to determine if Respondent had filed his map. Upon being told that Respondent had not, L.L. contacted Respondent to inquire into when he planned on filing his map. Respondent told L.L. that he was trying to incorporate several parcels on one map and stated the map was in process.

29. The following month, Respondent sent his crew to P.C.'s property and was told by P.C. that he had hired another firm due to the Respondent's delay in rendering services, as referenced in paragraph 26, above.

#### **FIFTH CAUSE FOR DISCIPLINE**

##### **(Misrepresentation in Practice of Land Surveying)**

30. Respondent is subject to disciplinary action under Code section 8780, subdivision (a) in that Respondent falsely represented in his certificate that he set or reset property corner monuments on the Survey Plat, when he in fact did not do so, as further set forth below and in paragraphs 25-29, above:

- a. Respondent's Survey Plat shows that he established the boundaries of the property with only one monument of record;
- b. Respondent found several monuments of no record, which coincided with the locations of the corners as described in the deed;
- c. The True Point of Beginning (TPOB) of the legal description of the property falls on the North-South center line of Section 24, but is not referred to on the Survey Plat prepared by Respondent, even though L.L. was able to locate this center line through calculations from record monumentation.
- d. No references showing the pertinent sectional lines of the Public Lands Survey were shown on Respondent's Survey Plat;

- 1 e. The legal description of the parcel calls for other deed references in order to reach  
2 the TPOB, but none were referenced in Respondent's Survey Plant.

3 **SIXTH CAUSE FOR DISCIPLINE**

4 **(Failure to File Record of Survey)**

5 31. Respondent is subject to disciplinary action under Code section 8762, subdivision  
6 (b)(4), in that Respondent conducted a field survey which disclosed the location, relocation,  
7 establishment, reestablishment, or retracement of one or more points or lines not shown on any  
8 subdivision map, official map, or record of survey, but Respondent did not file a Record of  
9 Survey as required by law and as stated on the Certificate.

10 **PRAYER**

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

- 14 1. Revoking or suspending Civil Engineer License Number C 31689, issued to Wesley  
15 Euvene Gilbert;
- 16 2. Ordering Wesley Euvene Gilbert to pay the Board for Professional Engineers, Land  
17 Surveyors, and Geologists the reasonable costs of the investigation and enforcement of this case,  
18 pursuant to Business and Professions Code section 125.3; and,
- 19 3. Taking such other and further action as deemed necessary and proper.
- 20  
21

22 DATED: 12/3/2021

*Original Signed*

23 RICHARD B. MOORE, PLS  
24 Executive Officer  
25 Board for Professional Engineers, Land  
26 Surveyors, and Geologists  
27 Department of Consumer Affairs  
28 State of California  
*Complainant*

SA2021303165  
35638221.docx