

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

In the Matter of the Accusation against:	)	
	)	
RICHARD H. CHASEY, JR.	)	Case No. 836-A
2239 West Javalina Avenue	)	
Mesa, AZ 85202	)	
	)	
Civil Engineer License No. C 32711,	)	
	)	
Respondents.	)	
_____	)	

**DECISION**

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

This Decision shall become effective on December 24, 2010.

IT IS SO ORDERED November 17, 2010.

Original Signed  
\_\_\_\_\_  
BOARD FOR PROFESSIONAL ENGINEERS  
AND LAND SURVEYORS  
Department of Consumer Affairs  
State of California

1 EDMUND G. BROWN JR.  
Attorney General of California  
2 MARC D. GREENBAUM  
Supervising Deputy Attorney General  
3 GILLIAN E. FRIEDMAN  
Deputy Attorney General  
4 State Bar No. 169207  
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6 Facsimile: (213) 897-2804  
*Attorneys for Complainant*

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

11 In the Matter of the Accusation Against:

Case No. 836-A

12 **RICHARD H. CHASEY, JR.**

**STIPULATED SETTLEMENT AND  
DISCIPLINARY ORDER**

13 P.O. Box 369

Big Bear City, CA 92314

14 2239 W. Javelina Avenue

15 Mesa, AZ 85202

**Civil Engineer License No. C 32711**

Respondent.

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

20 PARTIES

21 1. David E. Brown (Complainant) is the Executive Officer of the Board for Professional  
22 Engineers and Land Surveyors. He brought this action solely in his official capacity and is  
23 represented in this matter by Edmund G. Brown Jr., Attorney General of the State of California,  
24 by Gillian E. Friedman, Deputy Attorney General.

25 2. Respondent Richard H. Chasey, Jr. (Respondent) is representing himself in this  
26 proceeding and has chosen not to exercise his right to be represented by counsel.

27 3. On or about July 15, 1981, the Board for Professional Engineers and Land Surveyors  
28 issued Civil Engineer License No. C 32711 to Richard H. Chasey, Jr. The Civil Engineer License

1 was in full force and effect at all times relevant to the charges brought in Accusation No. 836-A  
2 and expired on June 30, 2010.

### 3 JURISDICTION

4 4. Accusation No. 836-A was filed before the Board for Professional Engineers and  
5 Land Surveyors, and is currently pending against Respondent. The Accusation and all other  
6 statutorily required documents were properly served on Respondent on July 23, 2009.  
7 Respondent timely filed his Notice of Defense contesting the Accusation. A copy of Accusation  
8 No. 836-A is attached as exhibit A and incorporated herein by reference.

### 9 ADVISEMENT AND WAIVERS

10 5. Respondent has carefully read, fully discussed with counsel, and understands the  
11 charges and allegations in Accusation No. 836-A. Respondent has also carefully read, fully  
12 discussed with counsel, and understands the effects of this Stipulated Settlement and Disciplinary  
13 Order.

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

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

### 23 CULPABILITY

24 8. Respondent admits the truth of each and every charge and allegation in Accusation  
25 No. 836-A.

26 9. Respondent agrees that his Civil Engineer License is subject to discipline and he  
27 agrees to be bound by the Board for Professional Engineers and Land Surveyors' imposition of  
28 discipline as set forth in the Disciplinary Order below.

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1 reimburse the Board's cost of its investigation and prosecution shall constitute a violation of the  
2 probation order.

3       6.   **Examination.** Within one hundred eighty (180) days of the effective date of the  
4 decision, the Respondent shall successfully complete and pass the California Laws and Board  
5 Rules examination, as administered by the Board.

6       7.   **Ethics Course.** Within three and one-half (3 ½) years of the effective date of the  
7 decision, Respondent shall successfully complete and pass a course in professionalism and ethics  
8 for engineers and land surveyors, approved in advance by the Board or its designee. Respondent  
9 shall provide the Board with official proof of completion of the requisite course.

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

20       9.   **Take and Pass College-Level Courses.** Within three and one-half (3 ½) years of the  
21 effective date of the decision, Respondent shall successfully complete and pass three (3) college-  
22 level land surveying courses, related to the areas of violation. Said courses shall be approved in  
23 advance by the Board or its designee. Respondent shall provide the Board with official proof of  
24 completion of the requisite courses. For purposes of this condition, "college-level course" means

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1 a course offered by a community college or a four-year university of three semester units or the  
2 equivalent; it does not include seminars.

### ACCEPTANCE

3  
4 I have carefully read the above Stipulated Settlement and Disciplinary Order, and have fully  
5 ~~discussed it with my attorney Peter L. Chasey.~~ 08/23/10 I understand the stipulation and the effect it will  
6 have on my Civil Engineer License. I enter into this Stipulated Settlement and Disciplinary Order  
7 voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the  
8 Board for Professional Engineers and Land Surveyors.

9 DATED: 08/23/10

*Original Signed*  
RICHARD H. CHASEY, JR.  
Respondent

11  
12 ~~I have read and fully discussed with Respondent Richard H. Chasey, Jr. the terms and~~  
13 ~~conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order.~~  
14 ~~I approve its form and content.~~

15 DATED: \_\_\_\_\_

~~PETER L. CHASEY~~  
~~Attorney for Respondent~~  
8/23/10

### ENDORSEMENT

18  
19 The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully  
20 submitted for consideration by the Board for Professional Engineers and Land Surveyors.

21 DATED: 8/24/10

Respectfully Submitted,

EDMUND G. BROWN JR.  
Attorney General of California  
MARC D. GREENBAUM  
Superior Court

*Original Signed*  
GILLIAN E. FRIEDMAN  
Deputy Attorney General  
Attorneys for Complainant

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**Exhibit A**  
**Accusation No. 836-A**

1 EDMUND G. BROWN JR., Attorney General  
of the State of California  
2 MARC D. GREENBAUM  
Supervising Deputy Attorney General  
3 GILLIAN E. FRIEDMAN, State Bar No. 169207  
Deputy Attorney General  
4 300 So. Spring Street, Suite 1702  
Los Angeles, CA 90013  
5 Telephone: (213) 897-2564  
Facsimile: (213) 897-2804  
6  
7 Attorneys for Complainant

8 **BEFORE THE**  
9 **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. 836-A

13 RICHARD H. CHASEY, JR.  
P.O. Box 369  
Big Bear City, CA 92314  
Civil Engineer License No. C 32711

**A C C U S A T I O N**

14 Respondent.  
15  
16

17 Complainant alleges:

18 PARTIES

19 1. David E. Brown (Complainant) brings this Accusation solely in his  
20 official capacity as the Executive Officer of the Board for Professional Engineers and Land  
21 Surveyors, Department of Consumer Affairs.

22 2. On or about July 15, 1981, the Board issued Civil Engineer License  
23 Number C 32711 to Richard H. Chasey, Jr. (Respondent). The Civil Engineer License was in  
24 full force and effect at all times relevant to the charges brought herein and will expire on June  
25 30, 2010, unless renewed.

26 JURISDICTION

27 3. This Accusation is brought before the Board under the authority of the  
28 following laws. All section references are to the Business and Professions Code (Code) unless



1 otherwise indicated.

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

5           5.       Section 125.3 of the Code provides, in pertinent part, that the Board may  
6 request the administrative law judge to direct a licensee found to have committed a violation or  
7 violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation  
8 and enforcement of the case.

9           6.       Section 6775 of the Code states, in pertinent part, that

10           The board may reprove, suspend for a period not to exceed two years, or  
11           revoke the certificate of any professional engineer registered under this chapter:

12           ...

13           (b) Who has been found guilty by the board of any deceit,  
14           misrepresentation, or fraud in his or her practice.

15           (c) Who has been found guilty by the board of negligence or  
16           incompetence in his or her practice.

17           7.       Section 8780 of the Code states, in pertinent part, that

18           The board may receive and investigate complaints against licensed land  
19           surveyors and registered civil engineers, and make findings thereon.

20           By a majority vote, the board may reprove, suspend for a period not to  
21           exceed two years, or revoke the license or certificate of any licensed land  
22           surveyor or registered civil engineer, respectively, licensed under this chapter or  
23           registered under the provisions of Chapter 7 (commencing with Section 6700),  
24           whom it finds to be guilty of:

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

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

... .

(d) Any violation of any provision of this chapter or of any other law  
relating to or involving the practice of land surveying.

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///

8. California Code of Regulations, title 16, section 464 states, in pertinent part:

• • • •

(c) The corner record shall be filed within 90 days from the date a corner was found, set, reset, or used as control in any survey. The provisions for extending the time limit shall be the same as provided for a record of survey in Section 8762 of the Code.

FIRST CAUSE FOR DISCIPLINE

(Negligence and/or Incompetence in the Practice of Engineering)

9. Respondent is subject to disciplinary action under sections 6775(c) and 8780(b) of the Code in that Respondent was negligent and incompetent in his practice of land surveying relating to a survey purporting to depict Lot 238 of the Clinemiller Subdivision MB 20/19-20 in San Bernardino, California, that was prepared on or about May 14, 1996. The circumstances are as follows:

10. Respondent signed and stamped a Corner Record Form dated May 14, 1996, however, Respondent did not file the subject corner record.

11. Respondent ignored the basic rules of surveying lots in subdivisions by failing to work between found valid points and prorating overages/shortages or by holding to credible found monuments.

12. Respondent ignored the basic rules of surveying lots in subdivisions by failing to take sufficient notice of a record of survey filed by the County Surveyor in 1985, showing poor knowledge of the subject.

13. In the May 14, 1996 survey, Respondent failed apply ordinary care in surveying lots in a subdivision. Respondent failed to show sufficient credible monumentation or measurements between points to establish the westerly boundary in question.

14. In or about December 2004, Respondent performed a re-survey of the subject lot, which deviated significantly from the May 14, 1996. The 2004 survey found the westerly rear line to be 8 feet easterly of the 1996 survey. The bearings of the sidelines on the lot changed by up to 7 ½ degrees and the lengths on the sidelines were shorter by up to 3 feet.

1 Upon further inspection, it was determined that the May 14, 1996 survey contained incorrect  
2 information.

3 SECOND CAUSE FOR DISCIPLINE

4 (Misrepresentation)

5 15. Respondent is subject to disciplinary action under sections 6775(b) and  
6 8780(a) of the Code in that Respondent misrepresented that the findings in the December 2004  
7 "re-survey" were reflective of the findings made in the survey dated May 14, 1996 of Lot 238 of  
8 the Clinemiller Subdivision MB 20/19-20 in San Bernardino, California. The December 2004  
9 survey was a corrected survey and was not reflective of the May 14, 1996 survey. The May 14,  
10 1996 survey contained errors and omissions as set forth in paragraphs 10 through 14 above, and  
11 incorporated herein as though fully set forth.

12 THIRD CAUSE FOR DISCIPLINE

13 (Failure to File Corner Record)

14 16. Respondent is subject to disciplinary action under section 8780(d) in that  
15 he failed to file a corner record after performing a survey dated May 14, 1996 purporting to  
16 depict Lot 238 of the Clinemiller Subdivision MB 20/19-20 in San Bernardino, California  
17 project in violation of CCR section 464(c). The circumstances are set forth in detail in paragraph  
18 9 and 10 above, and are incorporated herein as though fully set forth.

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1 PRAYER

2 WHEREFORE, Complainant requests that a hearing be held on the matters herein  
3 alleged, and that following the hearing, the Board for Professional Engineers and Land  
4 Surveyors issue a decision:

5 1. Revoking or suspending Civil Engineer License Number C 32711, issued  
6 to Richard H. Chasey, Jr.

7 2. Ordering Richard H. Chasey, Jr. to pay the Board for Professional  
8 Engineers and Land Surveyors the reasonable costs of the investigation and enforcement of this  
9 case, pursuant to Business and Professions Code section 125.3; and

10 3. Taking such other and further action as deemed necessary and proper.  
11

12 DATED: July 7, 2009  
13  
14

15 Original Signed

16 DAVID E. BROWN

17 Executive Officer

18 Board for Professional Engineers and Land Surveyors

19 Department of Consumer Affairs

20 State of California

21 Complainant  
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