

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

In the Matter of the Accusation against:)	
)	
FAUSTIN GONZALES)	Case No. 1108-A
5266 Mount Royal Drive)	
Los Angeles, CA 90041)	
)	
Civil Engineer License No. C 31693,)	
)	
Respondent.)	
_____)	

DECISION

The attached Stipulated Surrender of License and 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 February 12, 2016.

IT IS SO ORDERED January 14, 2016.

Original Signed

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

1 KAMALA D. HARRIS
Attorney General of California
2 ARMANDO ZAMBRANO
Supervising Deputy Attorney General
3 NANCY A. KAISER
Deputy Attorney General
4 State Bar No. 192083
300 So. Spring Street, Suite 1702
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Attorneys for Complainant
7

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

12 In the Matter of the Accusation Against:

13 **FAUSTIN GONZALES**
14 **5266 Mount Royal Drive**
Los Angeles, CA 90041
15 **Civil Engineer License No. C 31693**

16 Respondent.
17

Case No. 1108-A

OAH No. 2015100815

STIPULATED SURRENDER OF
LICENSE AND ORDER

18 In the interest of a prompt and speedy resolution of this matter, consistent with the public
19 interest and the responsibility of the Board for Professional Engineers, Land Surveyors, and
20 Geologists of the Department of Consumer Affairs the parties hereby agree to the following
21 Stipulated Surrender of License and Order which will be submitted to the Board for approval and
22 adoption as the final disposition of the Accusation.

23 PARTIES

24 1. Richard B. Moore, PLS (Complainant) is the Executive Officer of the Board for
25 Professional Engineers, Land Surveyors, and Geologists. He brought this action solely in his
26 official capacity and is represented in this matter by Kamala D. Harris, Attorney General of the
27 State of California, by Nancy A. Kaiser, Deputy Attorney General.
28

2. Faustin Gonzales (Respondent) is represented in this proceeding by attorney Nannina L. Angioni, Esq., whose address is 2029 Century Park East, Suite 400, Los Angeles, CA 90067.

3. On or about August 14, 1980, the Board for Professional Engineers, Land Surveyors, and Geologists issued Civil Engineer License No. C 31693 to Faustin Gonzales (Respondent). The Civil Engineer License was in full force and effect at all times relevant to the charges brought in Accusation No. 1108-A and will expire on December 31, 2016, unless renewed.

JURISDICTION

4. Accusation No. 1108-A was filed before the Board for Professional Engineers, Land Surveyors, and Geologists (Board), Department of Consumer Affairs, and is currently pending against Respondent. The Accusation and all other statutorily required documents were properly served on Respondent on September 4, 2015. Respondent timely filed his Notice of Defense contesting the Accusation. A copy of Accusation No. 1108-A is attached as Exhibit A and incorporated by reference.

ADVISEMENT AND WAIVERS

5. Respondent has carefully read, fully discussed with counsel, and understands the charges and allegations in Accusation No. 1108-A. Respondent also has carefully read, fully discussed with counsel, and understands the effects of this Stipulated Surrender of License and Order.

6. 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 be represented by counsel, at his own expense; 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.

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

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

4 14. In exchange for the foregoing admissions and stipulations, the Board will waive
5 reimbursement of its costs of investigation and prosecution in this matter.

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

8 **ORDER**

9 IT IS HEREBY ORDERED that Civil Engineer License No. C 31693, issued to
10 Respondent Faustin Gonzales, is surrendered and accepted by the Board for Professional
11 Engineers, Land Surveyors, and Geologists.

12 1. Respondent hereby freely and voluntarily surrenders his Civil Engineer License
13 Number C 31693 to the Board. The Board will issue to Respondent, on the effective date of this
14 decision, a new Civil Engineer License that will not include an authorization to practice land
15 surveying.

16 2. This voluntary surrender shall be deemed a disciplinary action which shall become a
17 part of Respondent's license history with the Board.

18 3. Respondent shall cause to be delivered to the Board the pocket identification cards
19 and wall certificate for the surrendered license on or before the effective date of the decision of
20 the Board adopting this stipulation. The Board shall not issue the new license until the pocket
21 identification cards and wall certificate for the surrendered license are received by the Board.

22 4. Respondent shall not petition for reinstatement of his surrendered license. If
23 Respondent ever wants to practice land surveying in California, he must apply for licensure as a
24 Land Surveyor and must comply with all the laws, regulations and procedures for licensure in
25 effect at the time the application is filed, including but not limited to submitting a completed
26 application and the requisite fee and taking and passing the required examination(s). All of the
27 charges and allegations contained in Accusation No. 1108-A shall be deemed to be true, correct
28 and admitted by Respondent when the Board determines whether to grant or deny the application.

ACCEPTANCE

I have carefully read the above Stipulated Surrender of License and Order and have fully discussed it with my attorney, Nannina L. Angioni, Esq. I understand the stipulation and the effect it will have on my Civil Engineer License. I enter into this Stipulated Surrender of License and 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: Jan. 4, 2016*Original Signed*FAUSTIN GONZALES
Respondent

I have read and fully discussed with Respondent Faustin Gonzales the terms and conditions and other matters contained in this Stipulated Surrender of License and Order. I approve its form and content.

DATED: January 5, 2016*Original Signed*NANNINA L. ANGIONI, ESQ.
Attorney for RespondentENDORSEMENT

The foregoing Stipulated Surrender of License and Order is hereby respectfully submitted for consideration by the Board for Professional Engineers, Land Surveyors, and Geologists of the Department of Consumer Affairs.

Dated: January 7, 2016

Respectfully submitted,

KAMALA D. HARRIS
Attorney General of California
ARMANDO ZAMBRANO
Supervising Deputy Attorney General*Original Signed*NANCY A. KAISER
Deputy Attorney General
Attorneys for ComplainantLA2015500351
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Exhibit A

Accusation No. 1108-A

1 KAMALA D. HARRIS
Attorney General of California
2 ARMANDO ZAMBRANO
Supervising Deputy Attorney General
3 NANCY A. KAISER
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9 **BEFORE THE**
BOARD FOR PROFESSIONAL ENGINEERS,
10 **LAND SURVEYORS, AND GEOLOGISTS**
11 **DEPARTMENT OF CONSUMER AFFAIRS**
12 **STATE OF CALIFORNIA**

13 In the Matter of the Accusation Against:

Case No. 1108-A

14 **FAUSTIN GONZALES**
15 **5266 Mount Royal Drive**
Los Angeles, CA 90041

A C C U S A T I O N

16 **Civil Engineer License No. C 31693**

17 Respondent.
18

19 Complainant alleges:

20 **PARTIES**

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

24 2. On or about August 14, 1980, the Board for Professional Engineers, Land
25 Surveyors, and Geologists issued Civil Engineer License Number C 31693 to Faustin Gonzales
26 (Respondent). The Civil Engineer License was in full force and effect at all times relevant to the
27 charges brought herein and will expire on December 31, 2016, unless renewed. Since Respondent
28

1 was licensed as a civil engineer before January 1, 1982, he is authorized by Business and
2 Professions Code section 6731¹ to practice land surveying.

3 JURISDICTION

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

8 STATUTORY PROVISIONS

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

13 5. Section 8703 of the Code states: "The phrase 'responsible charge of work' means
14 the independent control and direction, by the use of initiative, skill, and independent judgment, of
15 the observations, measurements, and descriptions involved in land surveying work. The phrase
16 does not refer to the concept of financial liability."

17 6. Code Section 8708 states: "In order to safeguard property and public welfare, no
18 person shall practice land surveying unless appropriately licensed or specifically exempted from
19 licensure under this chapter, and only persons licensed under this chapter shall be entitled to take
20 and use the titles 'licensed land surveyor,' 'professional land surveyor,' or 'land surveyor,' or any
21 combination of these words, phrases, or abbreviations thereof."

22 7. Section 8726 of the Code states, in part:

23 "A person . . . practices land surveying within the meaning of this chapter who, either in a
24 public or private capacity, does or offers to do any one or more of the following:

25 . . .

26
27 ¹ Bus. & Prof. Code, § 6731 states, in part that "[c]ivil engineers registered prior to
28 January 1, 1982, shall be authorized to practice all land surveying as defined in Chapter 15
(commencing with Section 8700) of Division 3."

1 “(c) Locates, relocates, establishes, reestablishes, or retraces any property line or
2 boundary of any parcel of land, right-of-way, easement, or alignment of those lines or boundaries.

3 “(d) Makes any survey for the subdivision or resubdivision of any tract of land. For the
4 purposes of this subdivision, the term "subdivision" or "resubdivision" shall be defined to include,
5 but not be limited to, the definition in the Subdivision Map Act (Division 2 (commencing with
6 Section 66410) of Title 7 of the Government Code) or the Subdivided Lands Law (Chapter 1
7 (commencing with Section 11000) of Part 2 of Division 4 of this code).

8 “(e) By the use of the principles of land surveying determines the position for any
9 monument or reference point which marks a property line, boundary, or corner, or sets, resets, or
10 replaces any monument or reference point.

11 ...

12 “(g) Determines the information shown or to be shown on any map or document prepared
13 or furnished in connection with any one or more of the functions described in subdivisions (a),
14 (b), (c), (d), (e), and (f).

15 “(h) Indicates, in any capacity or in any manner, by the use of the title "land surveyor" or
16 by any other title or by any other representation that he or she practices or offers to practice land
17 surveying in any of its branches.

18 “(i) Procures or offers to procure land surveying work for himself, herself, or others.

19 “(j) Manages, or conducts as manager, proprietor, or agent, any place of business from
20 which land surveying work is solicited, performed, or practiced.

21 ...

22 “(l) Determines the information shown or to be shown within the description of any deed,
23 trust deed, or other title document prepared for the purpose of describing the limit of real property
24 in connection with any one or more of the functions described in subdivisions (a) to (f), inclusive.

25 “(m) Creates, prepares, or modifies electronic or computerized data in the performance of
26 the activities described in subdivisions (a), (b), (c), (d), (e), (f), (k), and (l).

27 “(n) Renders a statement regarding the accuracy of maps or measured survey data.

28 ...

1 “The review, approval, or examination by a governmental entity of documents prepared
2 or performed pursuant to this section shall be done by, or under the direct supervision of, a person
3 authorized to practice land surveying.”

4 8. Code Section 8759, states, in part:

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

12 (1) A description of the services to be provided to the client by the licensed land surveyor
13 or registered civil engineer.

14 (2) A description of any basis of compensation applicable to the contract, and the method
15 of payment agreed upon by the parties.

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

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

20 (5) A description of the procedure to be used by any party to terminate the contract.”

21 9. Code Section 8761 states, in part:

22 “(a) Any licensed land surveyor or civil engineer authorized to practice land surveying
23 may practice land surveying and prepare maps, plats, reports, descriptions, or other documentary
24 evidence in connection with that practice.

25 “(b) All maps, plats, reports, descriptions, or other land surveying documents shall be
26 prepared by, or under the responsible charge of a licensed land surveyor or civil engineer
27 authorized to practice land surveying and shall include his or her name and license number.

1 “(c) Interim maps, plats, reports, descriptions, or other land surveying documents shall
2 include a notation as to the intended purpose of the map, plat, report, description, or other
3 document, such as "preliminary" or "for examination only."

4 “(d) All final maps, plats, reports, descriptions, or other land surveying documents issued
5 by a licensed land surveyor or civil engineer authorized to practice land surveying shall bear the
6 signature and seal or stamp of the licensee and the date of signing and sealing or stamping. If the
7 land surveying document has multiple pages or sheets, the signature, seal or stamp, and date of
8 signing and sealing or stamping shall appear, at a minimum, on the title sheet, cover sheet or
9 page, or signature sheet, unless otherwise required by law.

10 “(e) It is unlawful for any person to sign, stamp, seal, or approve any map, plat, report,
11 description, or other land surveying document unless the person is authorized to practice land
12 surveying.”

13 10. Code Section 8762 states:

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

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

21 (1) Material evidence or physical change, which in whole or in part does not appear on
22 any subdivision map, official map, or record of survey previously recorded or properly filed in the
23 office of the county recorder or county surveying department, or map or survey record maintained
24 by the Bureau of Land Management of the United States.

25 (2) A material discrepancy with the information contained in any subdivision map, official
26 map, or record of survey previously recorded or filed in the office of the county recorder or the
27 county surveying department, or any map or survey record maintained by the Bureau of Land
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1 Management of the United States. For purposes of this subdivision, a "material discrepancy" is
2 limited to a material discrepancy in the position of points or lines, or in dimensions.

3 (3) Evidence that, by reasonable analysis, might result in materially alternate positions of
4 lines or points, shown on any subdivision map, official map, or record of survey previously
5 recorded or filed in the office of the county recorder or the county surveying department, or any
6 map or survey record maintained by the Bureau of Land Management of the United States.

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

11 (5) The points or lines set during the performance of a field survey of any parcel
12 described in any deed or other instrument of title recorded in the county recorder's office are not
13 shown on any subdivision map, official map, or record of survey.

14 "(c) The record of survey required to be filed pursuant to this section shall be filed within
15 90 days after the setting of boundary monuments during the performance of a field survey or
16 within 90 days after completion of a field survey, whichever occurs first.

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

25 (2) The licensed land surveyor or licensed civil engineer shall not initially be required to
26 provide specific details of the survey. However, if other surveys at the same location are
27 performed by others which may affect or be affected by the survey, the licensed land surveyor or
28

1 licensed civil engineer shall then provide information requested by the county surveyor without
2 unreasonable delay.”

3 11. Code Section 8764 states:

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

6 “(a) All monuments found, set, reset, replaced, or removed, describing their kind, size,
7 and location, and giving other data relating thereto.

8 “(b) Bearing or witness monuments, basis of bearings, bearing and length of lines, scale
9 of map, and north arrow.

10 “(c) Name and legal designation of the property in which the survey is located, and the
11 date or time period of the survey.

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

14 “(e) Memorandum of oaths.

15 “(f) Statements required by Section 8764.5.

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

20 “The record of survey shall also show, either graphically or by note, the reason or reasons,
21 if any, why the mandatory filing provisions of paragraphs (1) to (5), inclusive, of subdivision (b)
22 of Section 8762 apply.

23 “The record of survey need not consist of a survey of an entire property.”

24 12. Code Section 8764.5 sets forth the statements that are required to be included on a
25 record of survey.

26 13. Code Section 8765 states, in part:

27 “A record of survey is not required of any survey:
28

1 “(d) When the survey is a retracement of lines shown on a subdivision map, official map,
2 or a record of survey, where no material discrepancies with those records are found and sufficient
3 monumentation is found to establish the precise location of property corners thereon, provided
4 that a corner record is filed for any property corners which are set or reset or found to be of a
5 different character than indicated by prior records. For purposes of this subdivision, a "material
6 discrepancy" is limited to a material discrepancy in the position of points or lines, or in
7 dimensions.”

8 14. Code Section 8771 states, in part:

9 “(a) Monuments set shall be sufficient in number and durability and efficiently placed so
10 as not to be readily disturbed, to ensure, together with monuments already existing, the
11 perpetuation or facile reestablishment of any point or line of the survey.”

12 15. Code Section 8772 states:

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

19 “Nothing in this section shall prevent the inclusion of other information on the tag which
20 will assist in the tracing or location of the survey records which relate to the tagged monument.”

21 16. Code Section 8773 states, in part:

22 “(a) Except as provided in subdivision (b) of Section 8773.4, a person authorized to
23 practice land surveying in this state shall complete, sign, stamp with his or her seal, and file with
24 the county surveyor or engineer of the county where the corners are situated, a written record of
25 corner establishment or restoration to be known as a "corner record" for every corner established
26 by the Survey of the Public Lands of the United States, except "lost corners," as defined by the
27 Manual of Surveying Instructions (2009), published by the federal Bureau of Land Management
28

1 and every accessory to such corner which is found, set, reset, or used as control in any survey by
2 such authorized person."

3 17. Code Section 8773.2 states that:

4 "(a) A "corner record" submitted to the county surveyor or engineer shall be examined by
5 him or her for compliance with subdivision (d) of Section 8765 and Sections 8773, 8773.1, and
6 8773.4, endorsed with a statement of his or her examination, and filed with the county surveyor or
7 returned to the submitting party within 20 working days after receipt.

8 "(b) In the event the submitted "corner record" fails to comply with the examination
9 criteria of subdivision (a), the county surveyor or engineer shall return it to the person who
10 submitted it together with a written statement of the changes necessary to make it conform to the
11 requirements of subdivision (a). The licensed land surveyor or licensed civil engineer submitting
12 the corner record may then make the agreed changes in compliance with subdivision (a) and note
13 those matters that cannot be agreed upon in accordance with the provisions of subdivision (c), and
14 shall resubmit the corner record within 60 days, or within the time as may be mutually agreed
15 upon by the licensed land surveyor or licensed civil engineer and the county surveyor, to the
16 county surveyor for filing pursuant to subdivision (c). The county surveyor or engineer shall file
17 the corner record within 10 working days after receipt of the resubmission.

18 "(c) If the matters appearing on the corner record cannot be agreed upon by the licensed
19 land surveyor or the licensed civil engineer and the county surveyor within 10 working days after
20 the licensed land surveyor or licensed civil engineer resubmits and requests the corner record be
21 filed without further change, an explanation of the differences shall be noted on the corner record
22 and it shall be submitted to and filed by the county surveyor. The licensed land surveyor or
23 licensed civil engineer filing the corner record shall attempt to reach agreement with the county
24 surveyor regarding the language for the explanation of the differences. If they cannot agree on the
25 language explaining the differences, then both shall add a notation on the corner record
26 explaining the differences. The explanation of the differences shall be sufficiently specific to
27 identify the factual basis for the differences.

1 “(d) The corner record filed with the county surveyor of any county shall be securely
2 fastened by him or her into a suitable book provided for that purpose.

3 “(e) A charge for examining, indexing, and filing the corner record may be collected by
4 the county surveyor, not to exceed the amount required for the recording of a deed.

5 “(f) If the preparer of the corner record provides a postage-paid, self-addressed envelope
6 or postcard with the filing of the corner record, the county surveyor shall return the postage-paid,
7 self-addressed envelope or postcard to the preparer of the corner record with the filing data within
8 20 days of final filing. For the purposes of this subdivision, "filing data" includes the date, book
9 or volume, and the page at which the corner record is filed by the county surveyor. This
10 subdivision shall not apply to a county surveyor's office that maintains an electronic database of
11 filed corner records that is accessible to the public by reference to the preparer's license number.”

12 18. Code Section 8773.4 states, in part:

13 “(a) A corner record shall be signed by a licensed land surveyor or licensed civil engineer
14 and stamped with his or her seal . . . prior to filing.

15 “(b) A corner record need not be filed when:

16 (1) A corner record is on file and the corner is found as described in the existing corner
17 record.

18 (2) All conditions of Section 8773 are complied with by proper notations on a record of
19 survey map filed in compliance with the Professional Land Surveyors' Act or a parcel or
20 subdivision map, in compliance with the Subdivision Map Act.

21 (3) When the survey is a survey of a mobile home park interior lot as defined in Section
22 18210 of the Health and Safety Code, provided that no subdivision map, official map, or record of
23 survey has been previously filed for the interior lot or no conversion to residential ownership has
24 occurred pursuant to Section 66428.1 of the Government Code.

25 19. Code Section 8780 states:

26 “The board may, upon its own initiative or upon the receipt of a complaint, investigate the
27 actions of any land surveyor licensed under this chapter (commencing with Section 8700) or any
28 civil engineer licensed under the provisions of Chapter 7 (commencing with Section 6700) who is

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

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

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

8 “(c) Any fraud or deceit in obtaining his or her license.

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

11 “(e) Any conviction of a crime substantially related to the qualifications, functions, and
12 duties of a land surveyor. The record of the conviction shall be conclusive evidence thereof.

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

15 “(g) A breach or violation of a contract to provide land surveying services.

16 “(h) A violation in the course of the practice of land surveying of a rule or regulation of
17 unprofessional conduct adopted by the board.”

18 REGULATORY PROVISIONS

19 20. California Code of Regulations, Title 16, Section 404 states, in part:

20 “For the purpose of the rules and regulations contained in this chapter, the following terms
21 are defined.

22 ...

23 “(u) For the sole purpose of investigating complaints and making findings thereon under
24 Sections 6775 and 8780 of the Code, "incompetence" as used in Sections 6775 and 8780 of the
25 Code is defined as the lack of knowledge or ability in discharging professional obligations as a
26 professional engineer or land surveyor.

27 “(w) "Land surveying" is that practice defined in Section 8726 of the Code.

1 “(x) "Land surveyor" refers to a person who holds a valid license as a land surveyor, as
2 defined in Section 8701 of the Code.

3 ...

4 “(dd) For the sole purpose of investigating complaints and making findings thereon under
5 Sections 6775 and 8780 of the Code, "negligence" as used in Sections 6775 and 8780 of the Code
6 is defined as the failure of a licensee, in the practice of professional engineering or land
7 surveying, to use the care ordinarily exercised in like cases by duly licensed professional
8 engineers and land surveyors in good standing.”

9 21. California Code of Regulations, Title 16, Section 404.2, states, in part:

10 “The term ‘responsible charge’ directly relates to the extent of control a licensed land
11 Surveyor or civil engineer legally authorized to practice land surveying (hereinafter referred to as
12 ‘legally authorized civil engineer’) is required to maintain while exercising independent control
13 and direction of land surveying work or services, and the land surveying decisions which can be
14 made only by a licensed land surveyor or legally authorized civil engineer.

15 (1) Extent of Control. The extent of control necessary to be in responsible charge
16 shall be such that the land surveyor or legally authorized civil engineer:

17 (A) Makes or reviews and approves the land surveying decisions defined and
18 described in subdivision (a)(2) below.

19 (B) In making or reviewing and approving the land surveying decisions,
20 determines the applicability of survey criteria and technical recommendations provided
21 by others before incorporating such criteria or recommendations.”

22 22. California Code of Regulations, Title 16, Section 411, subdivision (h), states:
23 “Each licensee shall include the date of signing and sealing immediately below or next to the
24 signature and seal.”

25 23. California Code of Regulations, Title 16, section 464, states:

26 “(a) The corner record required by Section 8773 of the Code for the perpetuation of
27 monuments shall contain the following information for each corner identified therein:

28 (1) The county and, if applicable, city in which the corner is located.

1 (2) An identification of the township, range, base, and meridian in which the corner is
2 located, if applicable.

3 (3) Identification of the corner type (example: government corner, control corner,
4 property corner, etc.).

5 (4) Description of the physical condition of

6 (A) the monument as found and

7 (B) any monuments set or reset.

8 (5) The date of the visit to the monument when the information for the corner record was
9 obtained.

10 (6) For Public Land Corners for which a corner record is required by Section 8773(a) of
11 the Code, a sketch shall be made showing site recovery information that was used for the corner.
12 For other kinds of corners, a drawing shall be made which shows measurements that relate the
13 corner to other identifiable monuments.

14 (7) A reference to the California Coordinate System, is optional at the discretion of the
15 preparer of the record.

16 (8) The date of preparation of the corner record and, as prescribed by Section 8773.4 of
17 the Code, the signature and title of the chief of the survey party if the corner record is prepared by
18 a United States Government or California State agency or the signature and seal of the land
19 surveyor or civil engineer, as defined in Section 8731 of the Code, preparing the corner record.

20 (9) The date the corner record was filed and the signature of the county surveyor.

21 (10) A document or filing number.

22 “(b) A corner record shall be filed for each public land survey corner which is found,
23 reset, or used as control in any survey by a land surveyor or a civil engineer. Exceptions to this
24 rule are identified in Section 8773.4 of the Code.

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

1 “(d) A corner record may be filed for any property corner, property controlling corner,
2 reference monument, or accessory to a property corner, together with reference to record
3 information. Such corner record may show one or more property corners, property controlling
4 corners, reference monuments, or accessories to property corners on a single corner record
5 document so long as it is legible, clear, and understandable.

6 “(e) When conducting a survey which is a retracement of lines shown on a subdivision
7 map, official map, or a record of survey, where no material discrepancies with these records are
8 found and where sufficient monumentation is found to establish the precise location of property
9 corners thereon, a corner record may be filed in lieu of a record of survey for any property corners
10 which are set or reset or found to be of a different character than indicated by prior records. Such
11 corner records may show one or more property corners, property controlling corners, reference
12 monuments, or accessories to property corners on a single corner record document so long as it is
13 legible, clear, and understandable.

14 “(f) The standard markings and standard abbreviations used by the Bureau of Land
15 Management (formerly the General Land Office) of the United States Department of the Interior
16 shall be used in the corner record.

17 “(g) The corner record shall be filed on a form prescribed by the Board. The approved
18 form is BORPELS-1297.”

19 24. California Code of Regulations, Title 16, Section 476 (Code of Professional
20 Conduct -- Professional Land Surveying), states:

21 “To protect and safeguard the health, safety, welfare, and property of the public, every
22 person who is licensed by the Board as a professional land surveyor or professional civil engineer
23 legally authorized to practice land surveying, including licensees employed in any manner by a
24 governmental entity or in private practice, shall comply with this Code of Professional Conduct.
25 A violation of this Code of Professional Conduct in the practice of professional land surveying
26 constitutes unprofessional conduct and is grounds for disciplinary action pursuant to Section 8780
27 of the Code. This Code of Professional Conduct shall be used for the sole purpose of investigating
28 complaints and making findings thereon under Section 8780 of the Code.

1 “(a) Compliance with Laws Applicable to a Project:

2 A licensee shall provide professional services for a project in a manner that is consistent
3 with the laws, codes, ordinances, rules, and regulations applicable to that project. A licensee may
4 obtain and rely upon the advice of other professionals (e.g., architects, attorneys, professional
5 engineers, professional land surveyors, and other qualified persons) as to the intent and meaning
6 of such laws, codes, and regulations.

7 ...

8 “(c) Representations:

9 (1) A licensee shall not misrepresent his or her qualifications to a prospective or existing
10 client or employer.

11 (2) A licensee shall not misrepresent to a prospective or existing client the licensee's
12 scope of responsibility in connection with projects or services for which the licensee is receiving
13 or will receive compensation from that client.

14 (3) A licensee shall not misrepresent his or her scope of responsibility in connection with
15 projects or services for which the licensee is claiming credit.

16 (4) A licensee shall not misrepresent nor permit the misrepresentation of his or her
17 professional qualifications, or affiliations or the affiliations or purposes of the institutions,
18 organizations, or other businesses with which he or she is associated.

19 ...

20 (7) A licensee shall only express professional opinions that have a basis in fact or
21 experience or accepted land surveying principles.

22 ...

23 (11) A licensee shall not misrepresent data and/or its relative significance in any
24 professional land surveying report.

25 ...

26 “(e) Document Submittal:

27 (1) A licensee shall not misrepresent the completeness of the professional documents he
28 or she submits to a governmental agency.

1 (2) A licensee shall not misrepresent the completeness of the professional documents he
2 or she prepared to his or her client or to other involved parties.”

3 COST RECOVERY

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

8 BACKGROUND

9 26. Group Land Surveyors Inc. (GLS) is an unlicensed entity. On February 5, 2009,
10 GLS registered with the California Secretary of State as a corporation, with its principal address
11 at 1436 N. Ayala Dr., Suite C, Rialto, CA 92376, and was issued corporation number 3200478.
12 Juan Carlos Garcia (Garcia) is the owner of GLS, and Garcia's son, Carlos Mason Garcia
13 (Mason), is a manager at GLS. Garcia and Mason have never been licensed by the Board.

14 27. Per GLS' Organization Record Form filed with the Board on March 27, 2013,
15 which was signed by Respondent, Respondent was the only civil engineer at GLS in responsible
16 charge of the company's civil engineering and land surveying projects, until Respondent
17 disassociated from GLS as of June 30, 2015. Previously, Richard Garcia Carrizosa (Carrizosa), a
18 licensed civil engineer authorized by section 6731 to practice land surveying, had associated with
19 GLS to be in responsible charge of the company's civil engineering and land surveying projects.
20 On or about September 14, 2012, Carrizosa disassociated from GLS.

21 28. Since 2013 numerous complaints against Respondent and GLS have been filed
22 with the Board. The Board has referred the cases to the Department of Consumer Affairs'
23 Division of Investigation (DOI) for investigation. During the investigations, Respondent reported
24 that he is Vice President of GLS and that he is subcontracted per a verbal contract with GLS.
25 Respondent does not have his own office at GLS. He works from home. All contracts are
26 forwarded to him for review and authorization via fax or email. He provided GLS with his
27 electronic signature, which he claims GLS is authorized to use on a case-by-case basis.
28 Respondent stated that clients call GLS telephone numbers or submit a service request via GLS'

1 website. GLS staff makes the initial contact with the client, answers basic questions, and sends
2 out a preliminary contract to Respondent and to the client for review, approval, and signature.
3 When both parties have signed the contract, GLS staff schedules the project. Respondent
4 generally receives \$100.00 per project. If the project is more complex, the compensation is
5 higher. When interviewed by a DOI investigator, Respondent could not recall details about the
6 GLS' projects on which he purportedly worked.

7 **BOARD COMPLAINT CASE NO. 2013-10-245**

8 **(384 North Bonhill Road, Los Angeles, CA)²**

9 29. On or about November 2, 2012, consumer K.H. entered into a contract with GLS
10 to perform a land survey, install monuments and tags, and file the appropriate documentation with
11 the County Surveyor's Office for her property, located at 384 North Bonhill Road, Los Angeles,
12 California, for \$1,100.00, and was charged \$550 in additional fees (North Bonhill Road Project).
13 Prior to October 24, 2013, GLS had not filed any documentation with the county relating to the
14 property. GLS was paid \$1,650.00 for its services.

15 30. On or about August 29, 2013, K.H. filed a complaint with the Board, dated August
16 22, 2013, against Carrizosa and GLS. The Board initiated an investigation. During the Board's
17 investigation, it was revealed that Carrizosa had started the project, but that Respondent had taken
18 over the project and was responsible for performing the survey work and filing a corner record.

19 31. On or about October 24, 2013, GLS submitted a corner record for the project to the
20 county, and the county returned the corner record to Respondent on or about November 12, 2013,
21 for minor revisions. As of January 30, 2014, Gonzales had not re-filed the corner record.

22 32. During the Board's investigation, GLS offered K.H. a refund for the project. On
23 or about November 6, 2013, a Board representative followed up with Adriana from GLS who
24 stated that the refund check must have been lost in the mail and assured the representative that
25 another check would be immediately issued. Adriana stated she was unaware that a corner record
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27
28 ² Also known as Assessor's ID No. 4403-016-003, Tract No. 7840, Lot 549.

1 had been filed and that no one from GLS had visited the property in September or October 2013.
2 On or about November 8, 2013, K.H. received a refund from GLS.

3 **FIRST CAUSE FOR DISCIPLINE**

4 **(Negligence)**

5 33. Respondent is subject to disciplinary action under Section 8780, subdivision (b),
6 for negligence, as defined in California Code of Regulations, title 16, section 404, subdivision
7 (dd), with regard to the North Bonhill Road Project, in that Respondent was negligent in the
8 practice of professional land surveying, by failing to use the care ordinarily exercised in like cases
9 by duly licensed professional engineers or land surveyors in good standing. Respondent
10 committed negligence by:

11 a. Failing to prepare a record of survey, as agreed in the contract, which would show
12 records and methods used and an analysis of the parcel boundaries, rather than the corner record
13 he ultimately filed.

14 b. Failing to timely file the initial corner record within 90 days of the placement of
15 monuments.

16 d. Failing to timely file the revised corner record within 60 days of the record's
17 return by the county.

18 c. Failing to meet responsible charge criteria as he left the project to be performed by
19 individual(s) at GLS not authorized to practice land surveying.

20 Complainant refers to and by this reference incorporates, the allegations set forth above in
21 paragraphs 26 through 32, inclusive, as though set forth fully.

22 **SECOND CAUSE FOR DISCIPLINE**

23 **(Incompetence)**

24 34. Respondent is subject to disciplinary action under Section 8780, subdivision (b),
25 for incompetence, as defined in California Code of Regulations, title 16, section 404, subdivision
26 (u), with regard to the North Bonhill Road Project, in that Respondent demonstrated a lack of
27 knowledge or ability in discharging professional obligations as a professional land surveyor.

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1 Complainant refers to and by this reference incorporates, the allegations set forth above in
2 paragraphs 26 through 33, inclusive, as though set forth fully.

3 **THIRD CAUSE FOR DISCIPLINE**

4 **(Breach of contract to provide land surveying services)**

5 35. Respondent is subject to disciplinary action under Code Section 8780, subdivision
6 (g), in that he breached his contract to provide land surveying services on the North Bonhill Road
7 Project. Complainant refers to and by this reference incorporates, the allegations set forth above
8 in paragraphs 26 through 34, inclusive, as though set forth fully.

9 **FOURTH CAUSE FOR DISCIPLINE**

10 **(Violation of the Act)**

11 36. Respondent is subject to disciplinary action under Code Section 8780, subdivision
12 (d), with regard to the North Bonhill Road Project, for violating provisions of the Professional
13 Land Surveyors' Act (the Act) and/or of any other law relating to or involving the practice of
14 professional land surveying, by:

- 15 a. Failing to properly mark or tag set monuments, in violation of Section 8772;
16 b. Failing to file a corner record with the county surveyor's office (or applicable
17 administering agency) within ninety days of setting monuments, in violation of California Code
18 of Regulations, title 16, section 464, subdivision (c); and
19 c. Failing to maintain responsible charge of professional land surveying services, in
20 violation of California Code of Regulations, title 16, section 404.2.

21 Complainant refers to and by this reference incorporates, the allegations set forth above in
22 paragraphs 26 through 35, inclusive, as though set forth fully.

23 **FIFTH CAUSE FOR DISCIPLINE**

24 **(Aiding and Abetting Unlicensed Practice)**

25 37. Respondent is subject to disciplinary action under Section 8780 subdivision (f), for
26 violating Section 8708, with regard to the North Bonhill Road Project, in that Respondent aided
27 or abetted unlicensed GLS personnel to engage in the practice of or offer to practice land
28

1 surveying. Complainant refers to and by this reference incorporates, the allegations set forth
2 above in paragraphs 26 through 36, inclusive, as though set forth fully.

3 **BOARD COMPLAINT CASE NO. 2013-07-173**

4 **(5031 Glen Albyn Lane, Orange, CA)³**

5 38. On or about May 3, 2013, consumer K.M. entered into a contract with GLS for
6 land surveying services for the property located at 5031 Glen Albyn Lane, Orange, California, for
7 \$900 (the "Glen Albyn Lane Project"). Respondent signed the contract. GLS was paid \$900.00
8 for its services.

9 39. Pursuant to the contract, GLS agreed to provide the following services: "3)
10 Perform deed lines boundary analysis for the referenced property; 4) Replace any missing
11 property corners encountered during the course of the field survey with appropriate durable
12 markers, including an identification stamp of a professional surveyor/engineer; 5). . . provide a
13 map showing the property lines with dimensions, along with any walls, fences, easements, and
14 structures within 3-5 feet of the property lines; 6) Provide two 11" by 17" inch hard copies with
15 ORIGINAL WET SEAL showing all work performed as described above." Respondent did not
16 deliver these services, other than to include some fences on the map.

17 40. GLS provided to K.M. a map entitled "Boundary Exhibit", which is not signed,
18 sealed, stamped, or dated. The Boundary Exhibit indicates that no boundary analysis was
19 performed by GLS. The document shows only one line outside the parcel, which is the apparent
20 centerline of an easement for Glen Albyn Lane. The deed to K.M. and his wife contains
21 references to other parcels adjoining it on three sides and a street easement that grants by
22 exception. Yet, no adjoiners are cited on the Boundary Exhibit or even shown. No provision was
23 made for possible conflicting ownerships. The legal description shown on the exhibit does not
24 describe anything, and there is no mention of existing monumentation or a basis of bearings to aid
25 in determining the real direction of lines as related to surrounding parcels.

26
27
28 ³ Also known as Assessor's ID No. 379-311-24

1 41. The four corners of the parcel shown on the Boundary Exhibit indicate that some
2 sort of survey marker was set at or near each corner. These markers consist of two nails and two
3 iron pipes. According to K.M., the markers originally had no identifying number on them, but
4 when he complained about this to GLS, they sent someone to replace the markers with others. A
5 marker that was recovered from the property was not durable and had no identifying number.

6 42. Respondent did not file the Boundary Exhibit with the county. As of May 13,
7 2014, GLS had not filed any documents relating to the subject parcel with the Orange County
8 Public Works Department.

9 43. In or about June 2013, K.M. made a complaint with the Board. The Board
10 initiated an investigation.

11 **SIXTH CAUSE FOR DISCIPLINE**

12 **(Fraud, Deceit, or Misrepresentation)**

13 44. Respondent is subject to disciplinary action under Section 8780 subdivision (a),
14 in conjunction with California Code of Regulations, Title 16, Section 476, in that Respondent
15 committed fraud, deceit, or misrepresentation in his practice of land surveying. Respondent
16 willfully defrauded K.M. by misrepresenting the professional services that Respondent and his
17 firm, GLS, could or would provide, and by accepting payment for services that were not to be
18 provided. Complainant refers to and by this reference incorporates, the allegations set forth
19 above in paragraphs 26 through 28 and 38 through 43, inclusive, as though set forth fully.

20 **SEVENTH CAUSE FOR DISCIPLINE**

21 **(Negligence)**

22 45. Respondent is subject to disciplinary action under Section 8780,
23 subdivision (b), for negligence, as defined in California Code of Regulations, title 16, section 404,
24 subdivision (dd), with regard to the Glen Albyn Lane Project, in that Respondent was negligent in
25 the practice of professional land surveying, by failing to use the care ordinarily exercised in like
26 cases by duly licensed professional engineers or land surveyors in good standing. Respondent
27 committed negligence by:

28 ///

a. Failing to properly research or analyze the parcel in relation to its boundaries, where consideration of surrounding parcels, several of which are called for in the deed, would be required. The parcel was simply laid out by record information.

b. Failing to place his stamp or signature on the Boundary Exhibit provided to the client.

c. Failing to include any of the required informational notes on the Boundary Exhibit, e.g., a basis of bearings statement or a proper legal description.

d. Failing to put his license number on the monuments set.

e. Failing to have durable monuments set.

f. Failing to file a corner record with the county surveyor's office (or applicable administering agency).

g. Failing to provide a recordable map to his client.

Complainant refers to and by this reference incorporates, the allegations set forth above in paragraphs 26 through 28 and 38 through 44, inclusive, as though set forth fully.

EIGHTH CAUSE FOR DISCIPLINE

(Incompetence)

46. Respondent is subject to disciplinary action under Section 8780 subdivision (b), for incompetence, as defined in California Code of Regulations, title 16, section 404, subdivision (u), with regard to the Glen Albyn Lane Project, in that Respondent demonstrated a lack of knowledge or ability in discharging professional obligations as a professional land surveyor. Complainant refers to and by this reference incorporates, the allegations set forth above in paragraphs 26 through 28 and 38 through 45, inclusive, as though set forth fully.

NINTH CAUSE FOR DISCIPLINE

(Breach of contract to provide land surveying services)

47. Respondent is subject to disciplinary action under Code Section 8780, subdivision (g), in that he breached his contract to provide land surveying services on the Glen Albyn Lane Project. Complainant refers to and by this reference incorporates, the allegations set forth above in paragraphs 26 through 28 and 38 through 46, inclusive, as though set forth fully.

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1 **BOARD COMPLAINT CASE NO. 2013-10-259**

2 **(7214 Clinton Street, Los Angeles, CA 90036⁴)**

3 50. On or about October 22, 2013, J.V., a licensed land surveyor, filed a complaint
4 against Respondent regarding a map entitled "Boundary Exhibit" prepared by Respondent. In the
5 complaint, J.V. stated that he had been retained by E.G., the owner of the property located at 547
6 N. Formosa Avenue, Los Angeles, CA, which is adjacent to the Boundary Exhibit's subject
7 parcel, 7214 Clinton Street in Los Angeles, CA 90036 (Clinton Street Project), to verify the
8 location of an existing fence on or near E.G.'s westerly property line. The owner of the subject
9 parcel on Clinton Street, a client of GLS, provided E.G. a copy of the Boundary Exhibit that had
10 been prepared by GLS. E.G. provided a copy of GLS' Boundary Exhibit to J.V. for use in the
11 performance of his survey of the fence. Upon searching the county records for a recorded survey
12 or other record of GLS' survey of the Clinton Street property, J.V. determined that none had ever
13 been filed.

14 51. In his complaint, J.V. alleged that the Boundary Exhibit shows three monuments
15 set that do not appear on any previously recorded map and lines of occupation that appear to
16 conflict with record title. J.V. opined that the Boundary Exhibit, as is, could not be filed for
17 recordation with the county, for several reasons, including the fact that the map does not indicate
18 any basis for how the various lines were determined, it does not cite to any record sources or
19 show any ties to monuments of record, and there is no reference to a recorded deed. The Board
20 initiated an investigation.

21 52. On March 3, 2014, the Board received a letter from Respondent, dated February
22 28, 2014, in response to the allegations, which included a copy of GLS' land surveying contract
23 with the property owner, dated July 5, 2013, and a record of survey that he had prepared for the
24 subject parcel, which states that the survey was conducted on August 26, 2013. The record of
25 survey had not been timely filed with the county, if at all.

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28 ⁴ Also known as Assessor's ID No. 5525-023-002, Tract No. 6143, Lot 237.

1 **TWELFTH CAUSE FOR DISCIPLINE**

2 **(Negligence)**

3 53. Respondent is subject to disciplinary action under Section 8780 subdivision (b),
4 for negligence, as defined in California Code of Regulations, title 16, section 404, subdivision
5 (dd), with regard to the Clinton Street Project, in that Respondent was negligent in the practice of
6 professional land surveying, by failing to use the care ordinarily exercised in like cases by duly
7 licensed professional engineers or land surveyors in good standing. Respondent committed
8 negligence by:

- 9 a. Failing to make the Boundary Exhibit recordable.
10 b. Failing to provide evidence of the exact procedures employed for the survey of the
11 subject project.
12 c. Failing to include technical requirements on the Boundary Exhibit.
13 d. Failing to use required statements on the Boundary Exhibit.
14 e. Failing to timely file a record of survey for the property.
15 f. Failing to maintain responsible charge of professional land surveying services.

16 Complainant refers to and by this reference incorporates, the allegations set forth above in
17 paragraphs 26 through 28 and 50 through 52, inclusive, as though set forth fully.

18 **THIRTEENTH CAUSE FOR DISCIPLINE**

19 **(Incompetence)**

20 54. Respondent is subject to disciplinary action under Section 8780
21 subdivision (b), for incompetence, as defined in California Code of Regulations, title 16, section
22 404, subdivision (u), with regard to the Clinton Street Project, in that Respondent demonstrated a
23 lack of knowledge or ability in discharging professional obligations as a professional land
24 surveyor. Complainant refers to and by this reference incorporates, the allegations set forth above
25 in paragraphs 26 through 28 and 50 through 53, inclusive, as though set forth fully.

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1 **FOURTEENTH CAUSE FOR DISCIPLINE**

2 **(Breach of contract to provide land surveying services)**

3 55. Respondent is subject to disciplinary action under Code Section 8780,
4 subdivision (g), in that he breached his contract to provide land surveying services on the Clinton
5 Street Project. Complainant refers to and by this reference incorporates, the allegations set forth
6 above in paragraphs 26 through 28 and 50 through 54, inclusive, as though set forth fully.

7 **FIFTEENTH CAUSE FOR DISCIPLINE**

8 **(Violation of the Act)**

9 56. Respondent is subject to disciplinary action under Code Section 8780, subdivision
10 (d), with regard to the Clinton Street Project, for violating provisions of the Act and/or of any
11 other law relating to or involving the practice of professional land surveying, by:

- 12 a. Failing to timely file a record of survey, in violation of Section 8762(b)(5).
13 b. Failing to include technical requirements on the Boundary Exhibit, in violation of
14 Section 8764.
15 c. Failing to have the required statements on the Boundary Exhibit, in violation of
16 Section 8764.5.
17 d. Failing to maintain responsible charge of professional land surveying services, in
18 violation of California Code of Regulations, title 16, section 404.2.
19 Complainant refers to and by this reference incorporates, the allegations set forth above in
20 paragraphs 26 through 28 and 50 through 55, inclusive, as though set forth fully.

21 **SIXTEENTH CAUSE FOR DISCIPLINE**

22 **(Aiding and Abetting Unlicensed Practice)**

23 57. Respondent is subject to disciplinary action under Section 8780
24 subdivision (f), for violating Section 8708, with regard to the Clinton Street Project, in that
25 Respondent aided or abetted unlicensed GLS personnel to engage in the practice of or offer to
26 practice land surveying. Complainant refers to and by this reference incorporates, the allegations
27 set forth above in paragraphs 26 through 28 and 50 through 56, inclusive, as though set forth
28 fully.

1 **BOARD COMPLAINT CASE NO. 2014-06-132**

2 **(135 N. Lassen Place, Ontario, CA)⁵**

3 58. On or about December 3, 2013, consumer H.G. entered into a contract with GLS
4 for land surveying services for the property located at 135 N. Lassen Place, Ontario, California,
5 for \$800.00 (Lassen Place Project). Respondent signed the contract. In the contract, GLS agreed
6 to perform a boundary survey, reset property corners, and prepare a map. GLS performed a field
7 survey on December 10, 2013. GLS was paid \$800.00 for its services.

8 59. GLS provided a corner record to H.G., which had Respondent's seal, but it was not
9 signed by Respondent. The county surveyor's office for San Bernardino County did not receive or
10 process this corner record. H.G. contacted Respondent numerous times about the status of the
11 filing of the corner record and told Respondent that he would file a complaint with the Board if it
12 was not filed. Respondent later claimed to the Board that this corner record got lost in the mail
13 on its way to the county surveyor's office.

14 60. On or about May 9, 2014, GLS re-surveyed the property and submitted to the
15 county a corner record, dated June 7, 2014, which was signed by Respondent. There were
16 significant differences between the first and second corner records prepared by GLS.

17 61. Per California Code of Regulations, title 16, Section 464, subdivision (c), the
18 corner record should have been filed within 90 days after the completion of a the field survey.
19 Since the field survey was completed on December 10, 2013, the 90 day time limit would mean
20 that the corner record should have been submitted to the county on or before March 10, 2014. If
21 the original corner record had been submitted prior to or on January 3, 2014, Respondent waited
22 at least 18 weeks from the original submittal date to resurvey the property. Respondent waited as
23 long as 3 or 4 months after allegedly mailing the corner record to contact the county to see if it
24 had been received.

25 62. On or about June 4, 2014, H.G. filed a complaint with the Board. The Board
26 initiated an investigation.

27 _____
28 ⁵ Also known as Assessor Parcel No. 0110072230000, Tract No. 12959, Lot 7.

1 **SEVENTEENTH CAUSE FOR DISCIPLINE**

2 **(Negligence)**

3 63. Respondent is subject to disciplinary action under Section 8780 subdivision (b),
4 for negligence, as defined in California Code of Regulations, title 16, section 404, subdivision
5 (dd), in that Respondent was negligent in the practice of professional land surveying, with regard
6 to the Lassen Place Project, by failing to use the care ordinarily exercised in like cases by duly
7 licensed professional engineers or land surveyors in good standing. Respondent committed
8 negligence by:

9 a. Failing to file a corner record with the county surveyor's office (or applicable
10 administering agency) in a timely manner and

11 b. Failing to notify his client about the filing delay until he was threatened with a
12 complaint to the Board.

13 Complainant refers to and by this reference incorporates, the allegations set forth above in
14 paragraphs 26 through 28 and 58 through 62, inclusive, as though set forth fully.

15 **EIGHTEENTH CAUSE FOR DISCIPLINE**

16 **(Violations of the Act)**

17 64. Respondent is subject to disciplinary action under Code Section 8780, subdivision
18 (d), with regard to the Lassen Place Project, for violating provisions of the Act and/or of any other
19 law relating to or involving the practice of professional land surveying, by:

20 a. Failing to file a corner record with the county surveyor's office (or applicable
21 administering agency) within 90 days after completion of the survey, in violation of California
22 Code of Regulations, Title 16, Section 464, subdivision (c).

23 b. Failing to include his signature on the survey, or include a notation indicating its
24 purpose, if not final, in violation of Section 8761.

25 c. Failing to properly mark or tag set monuments, in violation of Section 8772.

26 d. Failing to maintain responsible charge of professional land surveying services, in
27 violation of California Code of Regulations, title 16, section 404.2.
28

1 Complainant refers to and by this reference incorporates, the allegations set forth above in
2 paragraphs 26 through 28 and 58 through 63, inclusive, as though set forth fully.

3 **BOARD COMPLAINT CASE NO. 2013-05-111**

4 **(12014 Poutous Court, Moreno Valley, CA 92557)⁶**

5 65. On or about April 3, 2013⁷, consumer G.A. hired GLS to provide land surveying
6 services for the property located at 12014 Poutous Court, Moreno Valley, California, for \$700.00
7 (Poutous Court Project). GLS performed a boundary survey on August 25, 2013.

8 66. On or about May 20, 2013, the Board received a complaint from D.R., a licensed
9 land surveyor, employed by the Riverside/San Bernardino Chapter of the Joint Professional
10 Practice Committee (JPPC)⁸, regarding boundary surveys prepared by GLS. Attached to the
11 complaint was GLS' map entitled "Boundary Exhibit" and a copy of an invoice for the Poutous
12 Court project. The Boundary Exhibit was stamped and signed by Respondent. The Board initiated
13 an investigation.

14 67. On or about October 15, 2013, the Board's investigator received documents from
15 GLS which included an unsigned and unstamped corner record for the Poutous Court Project. The
16 corner record indicated GLS had placed two monuments.

17 68. On or about December 11, 2013, 108 days after the placement of the monuments,
18 GLS submitted a corner record for the subject property to the Riverside County Surveyor. On or
19 about December 13, 2013, the Riverside County Surveyor returned the corner record to GLS for
20 revisions. The revisions were due February 13, 2014, as required by Section 8773.2, subdivision
21 (b). As of May 7, 2014, 145 days after the corner record was returned to GLS, GLS had not yet
22 filed a revised corner record with the Riverside County Surveyor.

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25 ⁶ Also known as Assessor Parcel No. 292191011, Tract No. 10522, Lot 31.

26 ⁷ The project was invoiced on April 3, 2013. The contract date is unknown.

27 ⁸ JPPC Riverside/San Bernardino is a local chapter of the California Land Surveyor's
28 Association, an industry organization. Members of the Riverside/San Bernardino chapter assist
their peers to gain compliance in their practice and address issues from concerned citizens or
peers.

1 **NINETEENTH CAUSE FOR DISCIPLINE**

2 **(Negligence)**

3 69. Respondent is subject to disciplinary action under Section 8780 subdivision (b),
4 for negligence, as defined in California Code of Regulations, title 16, section 404, subdivision
5 (dd), with regard to the Poutous Court Project, in that Respondent was negligent in the practice of
6 professional land surveying by failing to use the care ordinarily exercised in like cases by duly
7 licensed professional engineers or land surveyors in good standing. Respondent committed
8 negligence by:

9 a. Failing to sign and stamp the Boundary Exhibit and failing to note the record's
10 intended purpose, if not final.

11 b. Failing to timely file the initial corner record within 90 days of the placement of
12 monuments.

13 c. Failing to timely file the revised corner record within 60 days of the record's
14 return by the Riverside County Surveyor.

15 d. Failing to show justification for the use of any value and show conformity with
16 record data in the Boundary Exhibit and the corner record.

17 e. Failing to maintain responsible charge of land surveying services relating to the
18 project.

19 Complainant refers to, and by this reference incorporates, the allegations set forth above in
20 paragraphs 26 through 28 and 65 through 70, inclusive, as though set forth fully.

21 **TWENTIETH CAUSE FOR DISCIPLINE**

22 **(Incompetence)**

23 70. Respondent is subject to disciplinary action under Section 8780 subdivision (b),
24 for incompetence, as defined in California Code of Regulations, title 16, section 404, subdivision
25 (u), with regard to the Poutous Court Project, in that Respondent demonstrated a lack of
26 knowledge or ability in discharging professional obligations as a professional land surveyor.

27 Complainant refers to and by this reference incorporates, the allegations set forth above in
28 paragraphs 26 through 28 and 65 through 69, inclusive, as though set forth fully.

1 **TWENTY-FIRST CAUSE FOR DISCIPLINE**

2 **(Violation of the Act)**

3 71. Respondent is subject to disciplinary action under Code Section 8780, subdivision
4 (d), with regard to the Poutous Court Project, for violating provisions of the Act and/or of any
5 other law relating to or involving the practice of professional land surveying, by:

6 a. Failing to include on the Boundary Exhibit a notation indicating its intended
7 purpose, if not final, in violation of Section 8761.

8 b. Failing to include his signature, license number, and stamp on the corner record, in
9 violation of Section 8761.

10 c. Failure to show on the Boundary Exhibit or the corner record the relation of
11 portions depicted to adjacent tracts, streets, or senior conveyances which have common lines with
12 the survey, in violation of Section 8764.

13 d. Failure to file the corner record within 90 days of setting a corner monument, in
14 violation of California Code of Regulations, title 16, section 464, subsection (c).

15 e. Failing to resubmit the corner report which was returned by the Riverside County
16 Surveyor within 60 days, in violation of Section 8773.2, subsection (b).

17 f. Failure to include statements on the corner record required by Section 8764.5.

18 g. Failing to maintain "responsible charge" of professional land surveying services,
19 as defined in California Code of Regulations, title 16, section 404.2, in violation of that section.

20 Complainant refers to, and by this reference incorporates, the allegations set forth above in
21 paragraphs 26 through 28 and 65 through 70, inclusive, as though set forth fully.

22 **TWENTY-SECOND CAUSE FOR DISCIPLINE**

23 **(Aiding and Abetting the Unlicensed Practice of Land Surveying)**

24 72. Respondent is subject to disciplinary action under Section 8780, subdivision (f), in
25 that Respondent aided and abetted a violation of the Act by assisting unlicensed GLS personnel in
26 the practice of or offer to practice land surveying, which on the part of the GLS personnel
27 constituted a violation of Section 8708. Complainant refers to, and by this reference incorporates,
28

1 the allegations set forth above in paragraphs 26 through 28 and 65 through 71, inclusive, as
2 though set forth fully.

3 **BOARD COMPLAINT CASE NO. 2013-08-212**

4 **(437 Delaware Road, Burbank, CA)⁹**

5 73. On or about July 21, 2013, the Board received a complaint from J.O., a licensed
6 land surveyor, regarding a map entitled "Boundary Exhibit" for the property located at 437
7 Delaware Road, Burbank, California (the Delaware Road Project). A copy of the Boundary
8 Exhibit had been given to J.O. by the owner of the adjacent property located at 438 Cornell Drive,
9 Burbank, California. The owner had been given the survey map during an ongoing dispute with
10 the owner of the 437 Delaware Road property. The map bore the logo and address of GLS, but
11 was not signed, sealed, stamped, or dated, nor was it labeled "preliminary" or with any other
12 label. The survey map contained notes and markings indicating four corner monuments had been
13 placed. The complaint also included a photograph of a corner monument found on the property
14 which simply read "survey marker." The Board initiated an investigation.

15 74. On October 24, 2013, Respondent filed a corner record for the Delaware Road
16 Project with the Los Angeles County Surveyor. The corner record was not signed. On or about
17 November 12, 2013, the Los Angeles County Surveyor returned the corner record to
18 Respondent for revision. As of January 30, 2014, 79 days later, no revised corner record had
19 been received by the County.

20 **TWENTY-THIRD CAUSE FOR DISCIPLINE**

21 **(Negligence)**

22 75. Respondent is subject to disciplinary action under Section 8780 subdivision (b),
23 for negligence, as defined in California Code of Regulations, title 16, section 404, subdivision
24 (dd), with regard to the Delaware Road Project, in that Respondent was negligent in the practice
25 of professional land surveying by failing to use the care ordinarily exercised in like cases by duly
26

27 _____
28 ⁹ Also known as Assessor's ID No. 2459-030-001, Tract 3548, Lot 1.

1 licensed professional engineers or land surveyors in good standing. Respondent committed
2 negligence by:

- 3 a. Failing to sign and stamp the Boundary Exhibit and failing to note the record's
4 intended purpose, if not final.
- 5 b. Failing to properly mark or tag set monuments.
- 6 c. Failing to set monuments of durable character.
- 7 d. Failing to timely file a corner record with the county surveyor's office (or
8 applicable administering agency) within 90 days of the placement of monuments.
- 9 e. Failing to timely file a revised corner record within 60 days of its return by the Los
10 Angeles County Surveyor.
- 11 f. Failing to maintain responsible charge of land surveying services relating to the
12 project.

13 Complainant refers to, and by this reference incorporates, the allegations set forth above in
14 paragraphs 26 through 28 and 73 and 74, inclusive, as though set forth fully.

15 **TWENTY-FOURTH CAUSE FOR DISCIPLINE**

16 **(Incompetence)**

17 76. Respondent is subject to disciplinary action under Section 8780 subdivision (b),
18 for incompetence, as defined in California Code of Regulations, title 16, section 404, subdivision
19 (u), with regard to the Delaware Road Project, in that Respondent demonstrated a lack of
20 knowledge or ability in discharging professional obligations as a professional land surveyor.
21 Respondent displayed incompetence by:

- 22 a. Failing to sign and stamp the Boundary Survey and failing to note the record's
23 intended purpose, if not final.
- 24 b. Failing to timely file a corner record within 90 days of the placement of
25 monuments.
- 26 c. Failing to timely file a revised record within 60 days of its return by the County
27 Surveyor.
- 28 d. Failing to file a record of survey when required to do so by law.

- 1 e. Failing to set monuments of durable character.
- 2 f. Failing to properly mark or tag set monuments.
- 3 g. Creating a record of survey displaying a disputed boundary with potential serious
- 4 legal repercussions for himself and the parties to the potential boundary dispute, without any
- 5 indication that he understood the ramifications of the survey.
- 6 h. Failing to maintain responsible charge of land surveying services relating to the
- 7 project.

8 Complainant refers to, and by this reference incorporates, the allegations set forth above in
9 paragraphs 26 through 28 and 73 through 75, inclusive, as though set forth fully.

10 **TWENTY-FIFTH CAUSE FOR DISCIPLINE**

11 **(Violation of the Act)**

12 77. Respondent is subject to disciplinary action under Code Section 8780, subdivision
13 (d), with regard to the Delaware Road Project, for violating provisions of the Act and/or of any
14 other law relating to or involving the practice of professional land surveying, by:

15 a. Failing to include a signature and stamp on the Boundary Exhibit, or to include a
16 notation indicating its intended purpose, if not final, in violation of Section 8761.

17 b. Failing to set monuments of durable character, in violation of Section 8771,
18 subdivision (a).

19 c. Failing to properly mark or tag set monuments, in violation of Section 8772.

20 d. Failing to file a corner record with the county surveyor's office (or applicable
21 administering agency) within 90 days of setting monuments, in violation of California Code of
22 Regulations, title 16, section 464, subdivision (c).

23 e. Failing to file a record of the survey, when the survey map had set points not
24 shown on any subdivision map, official map, or record of survey, in violation of Section 8762,
25 subdivision (b)(5).

26 f. Failing to maintain responsible charge of professional land surveying services, in
27 violation of California Code of Regulations, title 16, section 404.2.

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1 Complainant refers to, and by this reference incorporates, the allegations set forth above in
2 paragraphs 26 through 28 and 73 through 76, inclusive, as though set forth fully.

3 **TWENTY-SIXTH CAUSE FOR DISCIPLINE**

4 **(Aiding and Abetting the Unlicensed Practice of Land Surveying)**

5 78. Respondent is subject to disciplinary action under Section 8780, subdivision (f),
6 with regard to the Delaware Road Project, in that Respondent aided and abetted a violation of the
7 Act by assisting unlicensed GLS personnel in the practice of or offer to practice land surveying,
8 which constituted a violation of Section 8708 on the part of the GLS personnel. Complainant
9 refers to, and by this reference incorporates, the allegations set forth above in paragraphs 26
10 through 28 and 73 through 77, inclusive, as though set forth fully.

11 **BOARD COMPLAINT CASE NO. 2013-08-213**

12 **(24572 Mosquero Lane, Mission Viejo, CA)¹⁰**

13 79. On or about August 15, 2013, the Board received a complaint from C.W., a
14 licensed land surveyor employed by Orange County Public Works, regarding a survey performed
15 by GLS for the property located at 24572 Mosquero Lane, Mission Viejo (the Mosquero Lane
16 project). The complaint contained a copy of a map entitled "Boundary Exhibit" bearing GLS'
17 information and logo and Respondent's stamp and signature. The document indicated four corner
18 markers had been placed. The document was not labeled "preliminary" or with any other label.

19 80. The owner of an adjacent property gave a copy of GLS' survey to Orange County
20 Public Works, reportedly after the owner of 24572 Mosquero Lane had removed vegetation and
21 began demolishing existing walls and a driveway apron based on the survey.

22 **TWENTY-SEVENTH CAUSE FOR DISCIPLINE**

23 **(Negligence)**

24 81. Respondent is subject to disciplinary action under Section 8780 subdivision (b),
25 for negligence, as defined in California Code of Regulations, title 16, section 404, subdivision

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27
28 ¹⁰ Also known as Assessor's Parcel No. 784-274-02, Tract No. 6325, Lot 37.

(dd), with regard to the Mosquero Lane project, in that Respondent was negligent in the practice of professional land surveying by failing to use the care ordinarily exercised in like cases by duly licensed professional engineers or land surveyors in good standing. Respondent committed negligence by:

a. Failing to file a record of survey with Orange County Public Works upon completion.

b. Failing to file a record of survey with Orange County Public Works when the property lines in the survey were materially at odds with the actual occupation of the land.

c. Failing to note on the record of survey the date the survey was performed or the date the survey was signed.

Complainant refers to, and by this reference incorporates, the allegations set forth above in paragraphs 26 through 28 and 79 through 80, inclusive, as though set forth fully.

TWENTY-EIGHTH CAUSE FOR DISCIPLINE

(Incompetence)

82. Respondent is subject to disciplinary action under Section 8780 subdivision (b), for incompetence, as defined in California Code of Regulations, title 16, section 404, subdivision (u), with regard to the Mosquero Lane project, in that Respondent demonstrated a lack of knowledge or ability in discharging professional obligations as a professional land surveyor. Complainant refers to, and by this reference incorporates, the allegations set forth above in paragraphs 26 through 28 and 79 through 81, inclusive, as though set forth fully.

TWENTY-NINTH CAUSE FOR DISCIPLINE

(Violations of the Act)

83. Respondent is subject to disciplinary action under Section 8780, subdivision (d), with regard to the Mosquero Lane project, for violating provisions of the Act and/or of any other law relating to or involving the practice of professional land surveying, by:

a. Failing to include a note indicating the purpose, if not final, of the survey, in violation of Section 8761, subdivision (c).

///

1 b. Failing to file a record of the survey with Orange County Public Works, in
2 violation of Section 8762.

3 Complainant refers to, and by this reference incorporates, the allegations set forth above in
4 paragraphs 26 through 28 and 79 through 82, inclusive, as though set forth fully.

5 **THIRTIETH CAUSE FOR DISCIPLINE**

6 **(Aiding and Abetting the Unlicensed Practice of Land Surveying)**

7 84. Respondent is subject to disciplinary action under Section 8780, subdivision (f),
8 with regard to the Mosquero Lane project, in that Respondent aided and abetted a violation of the
9 Act by assisting unlicensed GLS personnel in the practice of or offer to practice land surveying,
10 which constituted a violation of Section 8708 on the part of the GLS personnel. Complainant
11 refers to, and by this reference incorporates, the allegations set forth above in paragraphs 26
12 through 28 and 79 through 83, inclusive, as though set forth fully.

13 **BOARD COMPLAINT CASE NO. 2013-11-273**

14 **(1601 and 1609 First Street, Santa Ana, CA 92701)¹¹**

15 85. On or about March 29, 2013, consumer L.B. entered into a contract with GLS to
16 perform a topographic survey of the properties located at 1601 and 1609 First Street, Santa Ana,
17 California (First Street Project), in contemplation of a lot merger, for \$3,800.00.

18 86. On or about November 4, 2013, D.W., a licensed land surveyor, filed a complaint
19 with the Board. D.W. claimed that the property owner hired an engineer who relied on GLS'
20 survey to prepare a grading plan. The Board initiated an investigation.

21 87. Between mid-November, 2013, and mid-December, 2013, GLS returned to the site
22 to adjust elevations on the survey in connection with construction occurring at the site. During
23 this time, consumer L.B. requested that GLS replace monuments that had been destroyed by the
24 construction. GLS complied and set new monuments. On or about December 30, 2013,
25 Respondent provided this record of survey to the Board, including a copy of the written contract
26 for the project, a map prepared for the subject project, and other maps related to the property. The

27
28 ¹¹ Also known as Gardner Villa Tract, Lots 1 and 3, respectively.

1 record of survey provided indicated that GLS had placed monuments on the property. On or
2 about March 17, 2014, Respondent signed and stamped a record of survey for the First Street
3 Project. On or about April 25, 2014, Respondent forwarded to the Board a digital copy of the
4 record of survey bearing the Orange County Surveyor's "received" stamp dated March 20, 2014.

5 **THIRTY-FIRST CAUSE FOR DISCIPLINE**

6 **(Negligence)**

7 88. Respondent is subject to disciplinary action under Section 8780 subdivision (b),
8 for negligence, as defined in California Code of Regulations, title 16, section 404, subdivision
9 (dd), with regard to the First Street Project, in that Respondent was negligent in the practice of
10 professional land surveying, by failing to use the care ordinarily exercised in like cases by duly
11 licensed professional engineers or land surveyors in good standing. Respondent committed
12 negligence by:

13 a. Failing to properly conform to sections 8764 and 8764.5, such that the Orange
14 County Surveyor had to add required statements and remove other statements.

15 b. Exceeding the scope of its disclosed reference documents, indicating that either
16 additional, undisclosed reference documents were used or that more reference documents should
17 have been used.

18 c. Combining the reference section and the legend.

19 d. Failing to adequately describe all the monuments found or set.

20 Complainant refers to, and by this reference incorporates, the allegations set forth above in
21 paragraphs 26 through 28 and 85 through 87, inclusive, as though set forth fully.

22 **THIRTY-SECOND CAUSE FOR DISCIPLINE**

23 **(Incompetence)**

24 89. Respondent is subject to disciplinary action under Section 8780 subdivision (b),
25 for incompetence, as defined in California Code of Regulations, title 16, section 404, subdivision
26 (u), with regard to the First Street Project, in that Respondent demonstrated a lack of knowledge
27 or ability in discharging professional obligations as a professional land surveyor. Complainant
28 displayed incompetence by:

1 a. Submitting a defective record of survey to the Orange County Surveyor which
2 evidenced a lack of familiarity with the preparation of records of survey for recording and with
3 the laws of land surveying.

4 b. Failing to determine which of portions of the lots depicted in the record of survey
5 are senior and what the full name of the person who ordered the survey.

6 Complainant refers to and by this reference incorporates, the allegations set forth above in
7 paragraphs 26 through 28 and 85 through 88, inclusive, as though set forth fully.

8 **THIRTY-THIRD CAUSE FOR DISCIPLINE**

9 **(Violations of the Act)**

10 90. Respondent is subject to disciplinary action under Section 8780, subdivision (d),
11 with regard to the First Street Project, for violating provisions of the Act and/or of any other law
12 relating to or involving the practice of professional land surveying, in that:

13 a. Respondent failed to include a provision in the written contract addressing how to
14 add additional services, in violation of Section 8759, subdivision (a).

15 b. After setting monuments in mid-November to mid-December, 2013, Respondent
16 did not file a record of survey with the Orange County Surveyor until March 20, 2014, more than
17 90 days later, in violation of Section 8762, subdivision (b)(5).

18 c. Respondent failed to include technical requirements on a record of survey, in
19 violation of Section 8764.

20 d. Respondent failed to include required statements on a record of survey, in
21 violation of Section 8764.5.

22 e. Respondent failed to set monuments sufficient in number and durability and
23 appropriately placed so as not to be readily disturbed, in violation of Section 8771, subdivision
24 (a).

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PRAYER

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

1. Revoking or suspending Civil Engineer License Number C 31693, issued to Faustin Gonzales;
2. Ordering Faustin Gonzales to pay the Board the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3; and
3. Taking such other and further action as deemed necessary and proper.

DATED: 8/27/15

Original Signed

RICHARD B. MOORE, PLS
Executive Officer
Board for Professional Engineers, Land Surveyors,
and Geologists
Department of Consumer Affairs
State of California
Complainant

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