

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

In the Matter of the Accusation against:)

PABLO BELTRAN SANCHEZ)
1840 South Gaffney St, No. 382)
San Pedro, CA 90731)

Case No. 1033-A

Civil Engineer License, No. C 29664,)
Respondent.)
_____)

DECISION

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

This Decision shall become effective on July 15, 2016.

IT IS SO ORDERED June 10, 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 THOMAS L. RINALDI
Supervising Deputy Attorney General
3 SUSAN MELTON WILSON
Deputy Attorney General
4 State Bar No. 106902
300 So. Spring Street, Suite 1702
5 Los Angeles, CA 90013
Telephone: (213) 897-4942
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Attorneys for Complainant

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

11 In the Matter of the Accusation Against:

12 PABLO BELTRAN SANCHEZ
1840 South Gaffey Street, No. 382
13 San Pedro, CA 90731

14 Civil Engineer License No. C 29664

15 Respondent.
16

Case No. 1033-A
OAH No. 2015031280

STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER

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

19 PARTIES

20 1. Richard B. Moore, PLS ("Complainant") is the Executive Officer of the Board for
21 Professional Engineers, Land Surveyors, and Geologists. He brought this action solely in his
22 official capacity and is represented in this matter by Kamala D. Harris, Attorney General of the
23 State of California, by Susan Melton Wilson, Deputy Attorney General.

24 2. Respondent Pablo Beltran Sanchez ("Respondent") is represented in this proceeding
25 by attorney Seth Weinstein, whose address is: Law Offices of Seth Weinstein, 15260 Ventura
26 Boulevard, Suite 1200, Sherman Oaks, CA 91403

27 3. On or about July 12, 1978, the Board for Professional Engineers, Land Surveyors,
28 and Geologists issued Civil Engineer License No. C 29664 to Pablo Beltran Sanchez

1 (Respondent). The Civil Engineer License was in full force and effect at all times relevant to the
2 charges brought in Accusation No. 1033-A and will expire on March 31, 2017, unless renewed.

3 JURISDICTION

4 4. Accusation No. 1033-A was filed before the Board for Professional Engineers, Land
5 Surveyors, and Geologists (Board), Department of Consumer Affairs, and is currently pending
6 against Respondent. The Accusation and all other statutorily required documents were properly
7 served on Respondent on December 4, 2014. Respondent timely filed his Notice of Defense
8 contesting the Accusation.

9 5. A copy of Accusation No. 1033-A is attached as Exhibit A and incorporated herein
10 by reference.

11 ADVISEMENT AND WAIVERS

12 6. Respondent has carefully read, fully discussed with counsel, and understands the
13 charges and allegations in Accusation No. 1033-A. Respondent has also carefully read, fully
14 discussed with counsel, and understands the effects of this Stipulated Settlement and Disciplinary
15 Order.

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

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

25 CULPABILITY

26 9. Respondent admits the truth of each and every charge and allegation in Accusation
27 No. 1033-A.

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

CONTINGENCY

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

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

13. This Stipulated Settlement and Disciplinary Order is intended by the parties to be an integrated writing representing the complete, final, and exclusive embodiment of their agreement. It supersedes any and all prior or contemporaneous agreements, understandings, discussions, negotiations, and commitments (written or oral). This Stipulated Settlement and Disciplinary Order may not be altered, amended, modified, supplemented, or otherwise changed except by a writing executed by an authorized representative of each of the parties.

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

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1 be deemed to be true, correct, and admitted by Respondent when the licensing agency determines
2 whether to grant or deny the application.

3 **Issuance of New Civil Engineer License – Probationary Terms and Conditions**

4 6. Upon issuance of the *new* Civil Engineer License, that license will immediately be
5 revoked. However, the revocation will be stayed, and Respondent will be placed on probation for
6 a period of four (4) years, upon the following terms and conditions:

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

11 8. Within three and one-half (3 ½) years from the effective date of the decision, the
12 Respondent shall reimburse the Board for its investigative and enforcement costs in this matter in
13 the amount incurred through the date of this settlement offer, in the total sum of seven thousand
14 and five hundred dollars (\$ 7,500.00). Said reimbursement may be paid in installments.

15 9. Within three and one-half (3 ½) years from the effective date of the decision, the
16 Respondent shall pay restitution in the sum of \$3,000.00 to Hector S. and Irene L., homeowners
17 of the Lynwood project, as described in the Accusation.

18 10. Within sixty (60) days of the effective date of the decision, the Respondent shall
19 successfully complete and pass the California Laws and Board Rules examination, as
20 administered by the Board.

21 11. Within thirty (30) days of the effective date of the decision, the Respondent shall
22 provide the Board with evidence that he has provided all persons or entities with whom he has a
23 contractual or employment relationship relating to professional civil engineering services with a
24 copy of the decision and order of the Board and shall provide the Board with the name and
25 business address of each person or entity required to be so notified. During the period of
26 probation, the Respondent may be required to provide the same notification to each new person or
27 entity with whom he has a contractual or employment relationship relating to professional civil
28 engineering services and shall report to the Board the name and address of each person or entity

1 so notified,

2 12. The Respondent shall obey all federal, state, and local laws and regulations related
3 to the practices of professional engineering and land surveying.

4 13. The Respondent shall submit such special reports as the Board may require.

5 14. The period of probation shall be tolled during the time the Respondent is
6 practicing exclusively outside the state of California. If, during the period of probation, the
7 Respondent practices exclusively outside the state of California, the Respondent shall
8 immediately notify the Board in writing.

9 15. If the Respondent violates the probationary conditions in any respect, the Board,
10 after giving him notice and the opportunity to be heard, may vacate the stay and reinstate the
11 disciplinary order which was stayed. If during the period of probation, an accusation or petition
12 to vacate stay is filed against the Respondent, or if the matter has been submitted to the Office of
13 the Attorney General for the filing of such, the Board shall have continuing jurisdiction until all
14 matters are final, and the period of probation shall be extended until all matters are final.

15 16. Upon successful completion of all of the probationary conditions and the
16 expiration of the period of probation, the Respondent's Civil Engineer License shall be
17 unconditionally restored.

18 ACCEPTANCE

19 I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully
20 discussed it with my attorney, Seth Weinstein. I understand the stipulation and the effect it will
21 have on my Civil Engineer License, No. C 29964. I understand that the Board will issue a new
22 probationary Civil Engineer License that will not include an authorization to practice land
23 surveying. I enter into this Stipulated Settlement and Disciplinary Order voluntarily, knowingly,
24 and intelligently, and agree to be bound by the Decision and Order of the Board for Professional
25 Engineers, Land Surveyors, and Geologists.

26
27 DATED: 3/22/16

Original Signed

PABLO BELTRAN SANCHEZ
Respondent

1 I have read and fully discussed with Respondent Pablo Beltran Sanchez the terms and
2 conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order.
3 I approve its form and content.

4 DATED: 03-22-2016

Original Signed

✓ SETH WEINSTEIN
Attorney for Respondent

7 ENDORSEMENT

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

11 Dated: March 22, 2016

Respectfully submitted,

13 KAMALA D. HARRIS
Attorney General of California
14 THOMAS L. RINALDI
Supervising Deputy Attorney General

Original Signed

16 SUSAN MELTON WILSON
17 Deputy Attorney General
18 Attorneys for Complainant

20 LA2012508000
21 52026864.doc

Exhibit A

Accusation No. 1033-A

1 KAMALA D. HARRIS
Attorney General of California
2 GREGORY J. SALUTE
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3 SUSAN MELTON WILSON
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7 *Attorneys for Complainant*

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

12 In the Matter of the Accusation Against:

Case No. 1033-A

13 **PABLO BELTRAN SANCHEZ**
14 1840 South Gaffey Street, No. 382
San Pedro, CA 90731

A C C U S A T I O N

15 Civil Engineer License No. C 29664

16 Respondent.
17

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.

24 2. On or about July 12, 1978, the Board for Professional Engineers, Land Surveyors,
25 and Geologists issued Civil Engineer License Number C 29664 to Pablo Beltran Sanchez
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 March 31, 2015, unless renewed.

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4. Section 6738 of the Code provides in pertinent part:

(3) If the business name of a California engineering business contains the name of any person, then that person shall be licensed as a professional engineer, a licensed land surveyor, a licensed architect, or a geologist registered under the Geologist and Geophysicist Act (Chapter 12.5 (commencing with Section 7800)). Any offer, promotion, or advertisement by the business that contains the name of any individual in the business, other than by use of the name of an individual in the business name, shall clearly and specifically designate the license or registration discipline of each individual named.

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III

1 (d) A person not licensed under this chapter may also be a partner or an officer of a
2 civil, electrical, or mechanical engineering business if the requirements of subdivision (a) are met.
3 Nothing in this section shall be construed to permit a person who is not licensed under this
4 chapter to be the sole owner of a civil, electrical, or mechanical engineering business, unless
5 otherwise exempt under this chapter.

6 . . .

7 (i) A current organization record form shall be filed with the board for all businesses
8 engaged in rendering civil, electrical, or mechanical engineering services.

9 . . .

10 5. Section 6749 of the Code provides in pertinent part:

11 (a) A professional engineer shall use a written contract when contracting to provide
12 professional engineering services to a client pursuant to this chapter. The written contract shall be
13 executed by the professional engineer and the client, or his or her representative, prior to the
14 professional engineer commencing work, unless the client knowingly states in writing that work
15 may be commenced before the contract is executed. The written contract shall include, but not be
16 limited to, all of the following:

17 (1) A description of the services to be provided to the client by the professional engineer.

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

20 (3) The name, address, and license or certificate number of the professional engineer,
21 and the name and address of the client.

22 (4) A description of the procedure that the professional engineer and the client will use to
23 accommodate additional services.

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

25 . . .

26 6. Section 6775 of the Code states, in pertinent part:

27 "[T]he board may reprove, suspend for a period not to exceed two years, or revoke the
28 certificate of any professional engineer registered under this chapter:

1 . . .
2 "(c) Who has been found guilty by the board of negligence or incompetence in his or her
3 practice.

4 "(d) Who has been found guilty by the board of any breach or violation of a contract to
5 provide professional engineering services.

6 . . .
7 "(f) Who aids or abets any person in the violation of any provision of this chapter.

8 "(g) Who in the course of the practice of professional engineering has been found guilty
9 by the board of having violated a rule or regulation of unprofessional conduct adopted by the
10 board.

11 "(h) Who violates any provision of this chapter."

12 7. Section 8703 of the Code defines the term "Responsible Charge of Work" as used in
13 the Professional Land Surveyor's Act as follows:

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

18 8. Section 8704 of the Code defines the term "Practice of Land Surveying" as used in
19 the Professional Land Surveyor's Act as follows:

20 Any person practices land surveying when he professes to be a land surveyor or is in
21 responsible charge of land surveying work.

22 9. Section 8705 of the Code defines the term "Subordinate" as used in the Professional
23 Land Surveyor's Act as follows:

24 A subordinate is any person directly supervised by a licensed land surveyor or registered
25 civil engineer and who assists a licensed surveyor or registered civil engineer in the practice of
26 land surveying without assuming responsible charge of work.

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1 subdivision (a) are satisfied. Nothing in this section shall be construed to permit a person who is
2 not licensed under this chapter or licensed as a civil engineer in this state prior to 1982 to be the
3 sole owner or officer of a land surveying business, unless otherwise exempt under this chapter.

4 . . .

5 (i) A current organization record form shall be filed with the board for all businesses
6 engaged in rendering professional land surveying services.

7 . . .

8 12. Section 8759 of the Code provides in pertinent part:

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

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

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

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

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

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

25 . . .

26 13. Section 8762 of the Code subtitled "Record of Surveys" provides:

27 (a) Except as provided in subdivision (b), after making a field survey in conformity with
28 the practice of land surveying, the licensed surveyor or licensed civil engineer may file with the

1 county surveyor in the county in which the field survey was made, a record of the survey.

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

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

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

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

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

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

26 (c) The record of survey required to be filed pursuant to this section shall be filed within
27 90 days after the setting of boundary monuments during the performance of a field survey or
28 within 90 days after completion of a field survey, whichever occurs first.

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

9 (2) The licensed land surveyor or licensed civil engineer shall not initially be required to
10 provide specific details of the survey. However, if other surveys at the same location are
11 performed by others which may affect or be affected by the survey, the licensed land surveyor or
12 licensed civil engineer shall then provide information requested by the county surveyor without
13 unreasonable delay.

14 (e) Any record of survey filed with the county surveyor shall, after being examined by him
15 or her, be filed with the county recorder.

16 (f) If the preparer of the record of survey provides a postage-paid, self-addressed envelope
17 or postcard with the filing of the record of survey, the county recorder shall return the postage-
18 paid, self-addressed envelope or postcard to the preparer of the record of survey with the filing
19 data within 10 days of final filing. For the purposes of this subdivision, "filing data" includes the
20 date, the book or volume, and the page at which the record of survey is filed with the county
21 recorder.

22 14. Section 8767 of the Code provides :

23 If the county surveyor finds that the record of survey complies with the examination in
24 Section 8766, the county surveyor shall endorse a statement on it of his or her examination, and
25 shall present it to the county recorder for filing. Otherwise the county surveyor shall return it to
26 the person who presented it, together with a written statement of the changes necessary to make it
27 conform to the requirements of Section 8766. The licensed land surveyor or registered civil
28 engineer submitting the record of survey may then make the agreed changes and note those

1 matters which cannot be agreed upon in accordance with the provisions of Section 8768 and shall
2 resubmit the record of survey within 60 days, or within the time as may be mutually agreed upon
3 by the licensed surveyor or registered engineer and the county surveyor, to the county surveyor
4 for filing pursuant to Section 8768.

5 15. Section 8780 of the Code provides in pertinent part:

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

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

14 . . .

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

16 . . .

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

19 . . .

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

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

23 (h) A violation in the course of the practice of land surveying of a rule or regulation of
24 unprofessional conduct adopted by the board.

25 16. Title 16 of the California Code of Regulations provides at section 404.2:

26 (a) The term "responsible charge" directly relates to the extent of control a licensed land
27 surveyor or civil engineer legally authorized to practice land surveying (hereinafter referred to as
28 "legally authorized civil engineer") is required to maintain while exercising independent control

1 and direction of land surveying work or services and the land surveying decisions which can be
2 made only by a licensed land surveyor or legally authorized civil engineer.

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

5 (A) Makes or review and approves the land surveying decisions defined and described in
6 subdivision (a)(2) below.

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

10 (2) Land Surveying Decisions. The term "responsible charge" relates to land surveying
11 decisions within the purview of the Professional Land Surveyors' Act.

12 Land surveying decisions which must be made by and are the responsibility of the land
13 surveyor or legally authorized civil engineer in responsible charge are those decisions concerning
14 permanent or temporary work which could create a hazard to life, health, property, or public
15 welfare, and may include, but are not limited to:

16 (A) Selecting the methods, procedures, and tolerances of field work.

17 (B) Determining calculation and adjustment methods.

18 (C) Determining and specifying the information to be shown on maps or documents
19 furnished in connection with land surveying services, including the format of the information and
20 the format of the maps or documents.

21 (D) The decisions related to the preparation of maps, plats, land surveying reports,
22 descriptions, and other land surveying documents furnished in connection with the land surveying
23 services.

24 (E) Reviewing the sufficiency and accuracy of the work product.

25 (3) Reviewing and Approving Land Surveying Decisions. In making or reviewing and
26 approving land surveying decisions, the land surveyor or legally authorized civil engineer shall be
27 physically present or shall review and approve through the use of communication devices the land
28 surveying decisions prior to their implementation.

...

COST RECOVERY

17. Section 125.3 provides that the Board may request the administrative law judge to direct a licensee found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

CAUSES FOR DISCIPLINE

SUMMARY OF FACTS

18. The following allegations are common to multiple causes for discipline herein:

A. VENEGAS CREATIVE SOLUTIONS

1. At all times relevant herein, ARTURO VENEGAS held no professional licenses in California.

2. **Secretary of State Records** - Documents obtained from the CA Secretary of State show Venegas Creative Solutions filed articles of incorporation in November 9, 2007, which show Respondent as a 10% owner, but not an officer or director, of the corporation. An executed "Statement of Information" form filed on or about February 8, 2008 shows "Civil Engineering- Land Survey- Architectural Design" as the type of business of the corporation.

3. **Organizational Record Form** - No Organizational Record form was filed by Venegas Creative Solutions.

4. On or about February 2008, the Board initiated investigation of a complaint that Arturo Venegas was offering "civil engineering & architectural consulting" services from his business Venegas Creative Solutions. In or about April of 2008, following investigative contact, Arturo Venegas notified the Board that he was changing the name of his business from Venegas Creative Solutions to Land Creative Solutions, and that Respondent was a director and the licensee in responsible charge. An Organizational Record form signed by Respondent was filed by Land Creative Solutions on or about April 29, 2008.

6. **Admissions by Venegas** - In an interview with Board investigators on or about May 20, 2009, Arturo Venegas stated that he and Respondent were long time friends, that business had been poor (only 1 or 2 jobs a month), and that Respondent was "helping him out" by

1 reviewing and stamping his plans. He stated he (Venegas) routinely prepares plans for grading
2 and boundary surveys – which he then gives to Respondent “to review, stamp and sign.”

3 **B. VENEGAS RELATED PROJECT(S)**

4 1. **Downey Project (Venegas)**

5 a. On or about April, 2013, the Board received a complaint from the Joint
6 Professional Practice Committee of Riverside and San Bernardino Counties, regarding
7 Respondent’s failure to file a Record of Survey following his unrecorded boundary survey
8 performed in or about September 13, 2005, which purports to set 7 monuments
9 (committee field investigators located at least one monument bearing Respondent’s
10 license number) and to disclose alternate locations for points set on previous survey maps.
11 (Both setting of monuments and disclosure of alternate locations require filing a Record of
12 Survey under Business and Professions Code sections 8762 (b)(4)(5).

13 b. The unrecorded boundary survey map referenced by the Committee was
14 prepared for Tomas N. and Jesus F. for residential property in the city of Downey.

15 c. On its face, in a box in the lower right corner, said map shows it was
16 prepared September 13, 2005 by “*Madariaga and Associates*” and that the survey
17 recorded was by “*Arturo Venegas*” The document was signed and stamped by Respondent
18 on September 13, 2005.

19 d. On or about September 24, 2012 the Committee sent Respondent a letter,
20 advising him that he should have filed a Record of Survey within 90 days after survey
21 completion.(The 90 day period expired in December 2005).

22 e. In his written response to the Committee dated October 25, 2012,
23 Respondent tacitly acknowledged responsibility for the error, and stated he would obtain
24 required documents, then prepare and submit a Record of Survey Map to the County of
25 San Bernardino, “as soon as time allows me.”

26 f. As of July 1, 2013, Respondent had not filed the requested Record of
27 Survey in connection with the Downey project.

28 ///

1 C. SO CAL LAND DEVELOPMENT

2 1. At all times relevant herein, JUAN BRAVO held no professional licenses
3 in California.

4 2. On or about December 2011, the Board received a complaint alleging an
5 unlicensed individual, Juan Bravo, was offering land surveying services from his business So. Cal
6 Land Development, Inc.

7 3. **Organizational Record Form** - An Organizational Record form signed
8 by Respondent was filed with the Board by So. Cal Land Development, Inc. of Downey, CA, on
9 May 18, 2010, showing Respondent as "vice-president" and Juan Bravo as "secretary," with an
10 incorporation date of February 22, 2010. No Organizational Record forms were filed by So Cal
11 Land Development during the approximately three (3) month period between the date of
12 incorporation and May 18, 2010.

13 D. SO CAL LAND/ BRAVO RELATED PROJECTS

14 1. Lomas Project (Bravo)

15 a. On or about October 31, 2010, Juan Bravo, identified as "Director" of So.
16 Cal Land Development, Inc. signed a written contract on behalf of So. Cal Land
17 Development (a group practice of Respondent) with R.Lomas, to perform land surveying
18 services (preparation of a record of survey and topographic survey) for the total sum of
19 \$3,000.00. (\$1,500 on retention; remainder on completion) for work to Lomas' residential
20 property in the city of Monrovia, CA.

21 b. At the top of the one page contract, the words "civil engineering land
22 surveyors" and "R.C.E. C29664" (Respondent's license number) appear directly beneath
23 the company name.

24 c. Mr. Lomas reported that he interacted only with Bravo in making the
25 contract, and that Respondent did not supervise Bravo at the project site (Lomas'
26 residence) nor inspect Bravos' work. Mr. Lomas reported Respondent visited the project
27 for the first time *after* he (Lomas) complained about non-performance of the contract in a
28

1 letter (dated 11-22-11) to Bravo which he copied to Respondent. Respondent briefly
2 visited the project site after receiving the letter, but failed to complete the work.

3 d. So. Cal Land Development accepted \$1,500.00 payment on or about
4 November 4, 2012. However, as of June 30, 2013 had failed to complete and/or deliver
5 the record of survey and topographic survey per the contract.

6 2. Lynwood Project (Bravo)

7 a. On or about September 8, 2010 homeowners Hector S. and Irene L.
8 (homeowners) contracted with Juan Bravo, on behalf of So Cal Land Surveyors to survey
9 the boundary line between their residential property in Lynwood, CA, and a neighbor's
10 property, in order to resolve a dispute regarding the correct location of a planned wall
11 between the properties.

12 b. Parties agreed to an initial payment of \$350.00, and a second payment of
13 \$350.00 due on completion. Juan Bravo worked on the project between September 2,
14 2010 and October 1, 2010. On or about October 1, 2010, Juan Bravo, accepted the second
15 payment on the project, and gave the homeowners a signed a written "invoice for
16 boundary survey" on behalf of So. Cal Land Development indicating a \$700.00 payment
17 had been received. At the top of the one page invoice, the words "civil engineering land
18 surveyors" appear directly beneath the company name.

19 c. According to the homeowners, Juan Bravo did not indicate to them that he
20 did not have a license, nor that he worked for Respondent or anyone else. Later, in or
21 about December 2011 when one of the homeowners asked Bravo about his relationship
22 with Respondent – Bravo stated that he "uses" Respondent, but that he (Bravo) was the
23 owner of the company, and that Respondent works for him (Bravo).

24 d. After receiving the second payment, Juan Bravo gave the homeowners a
25 copy of a "Corner Record" which bears Respondent's stamp and signature, and stated they
26 would have to wait for the Corner Record to be approved before they could build the
27 planned wall. This Corner Record was submitted by Respondent at some time in Fall of
28 2010 to the Office of Los Angeles County Surveyor (LA County Surveyor).

1 e. On or about March 16, 2011, the LA County Surveyor sent Respondent a
2 letter advising that a Record of Survey should be prepared and submitted for the subject
3 property, due to new information that had come to their attention.

4 f. Between the time of the initial request and April 17, 2012, Respondent
5 failed to provide the Record of Survey requested by the LA County Surveyor.

6 g. **Admissions of Respondent** - On or about February 14, 2012, Respondent
7 admitted to the homeowners that : (1) he was not going to have the Record of Survey
8 done for the subject property, because the surveying work Juan Bravo did in Fall of 2010
9 was not correct; and (2) he really didn't know what was going on because he didn't do the
10 surveying work.

11 h. In or about April 2012, an expert appointed by the Board to review
12 investigative findings related to the Lynwood Project concluded that Respondent was
13 negligent on multiple grounds, including but not limited to his failure to prepare and file a
14 Record of Survey.

15 **E. LANDEVELOPMENT ENGINEERING INC.**

16 1. At all times relevant herein, **EDUARDO VILLARRUEL** held no
17 professional licenses in California.

18 2. In or about May 2009 , the board received a complaint alleging an
19 unlicensed individual, Eduardo Villarruel was offering land surveying services from his business
20 Landdevelopment Engineering, Inc..

21 3. CA Secretary of State records show Landdevelopment Engineering Inc.
22 initially filed articles of incorporation in or about August of 2003.

23 4. An Organizational Record form signed by Respondent was filed with the
24 Board by Landdevelopment Engineering Inc., on May 24, 2005 showing Respondent as vice-
25 president and "qualified person ...in responsible charge" of professional services offered by this
26 business, and inaccurately stating the corporation was organized on May 24, 2005.

27 ///

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1 F. LANDEVELOPMENT/VILLARRUEL RELATED PROJECTS

2 1. Adams Project (Villarruel)

3 a. On or about May 13, 2009 Eduardo Villarruel, identified as "President" of
4 Landdevelopment Engineering Inc. signed a contract by which he agreed to perform land
5 surveying services (perform and prepare a Boundary Survey Map) for the total sum of
6 \$900.00. with homeowner PW for work her residential property on Adams Boulevard in
7 the city of Los Angeles.

8 b. According to PW, Eduardo Villarruel stated he was licensed to practice
9 civil engineering and/or land surveying at the time they made the contract. However, she
10 became suspicious he had lied to her when two young men who identified themselves as
11 "employees" of Villanuel showed up in her front yard and started taking measurements.

12 c. According to Respondent, the surveying work was completed, but PW
13 declined to pay when she learned the individuals who performed the work on site were
14 unlicensed.

15 2. Riverside Country Surveyor Complaint (Villarruel)

16 a. On or about February 2, 2012 the Board received a complaint from the
17 Riverside County Surveyor (RC Surveyor) regarding Respondent's failure to timely
18 respond to a request to correct and re-submit filed documents.

19 b. Investigation disclosed that on or about September 14, 2006,
20 Landdevelopment Engineering Inc. submitted a Record of Survey for property identified as
21 APN 191-200-017 in Riverside County to the Riverside County Surveyor's Office,
22 signed and stamped by Respondent, and dated September 12, 2006.

23 c. On or about October 19, 2006, the RC Surveyor returned the survey to
24 Landdevelopment Engineering Inc., showing necessary corrections, and requesting that
25 the corrections be made and the documents re-submitted.

26 d. Having received this notice, Respondent was required under Business and
27 Profession Code section 8767 to re-submit the corrected record of survey within sixty (60)
28 days (approximately December 19, 2006).

1 e. Respondent failed to respond to multiple notices from the Surveyor, which
2 then filed a complaint with the Board. Respondent initially failed to respond to a series of
3 letters from the board demanding he attend to the problem with the RC Surveyor. On or
4 about February 21, 2012, Respondent sent the RC Surveyor a letter in which he stated
5 "no monuments were set physically on the (surveyed) property" because Landdevelopment
6 Engineering Inc., did not receive payment on the project, and requested "this record of
7 survey case be terminated."

8 f. By letter dated March 7, 2012, the RC Surveyor responded that the
9 requirements for filing the record of survey were not dependent on the setting of
10 monuments, and that since the record of survey by Landdevelopment Engineering Inc. "did
11 establish points and lines not shown on any subdivision map, parcel map or record of
12 survey" the record of survey was required under Business and Professions Code section
13 8762(b). In this letter, the RC Surveyor against requested Respondent file the
14 corrected document within 60 days.

15 g. Respondent submitted additional documents to the RC Surveyor on or
16 about May 12, 2012, but without the required processing fee.

17 3. San Bernardino County Surveyor Complaint (Villarruel)

18 a. In or about April 2011 the Board initiated an investigation after receiving a
19 complaint from the San Bernardino County Land Surveyor's Office (SB Surveyor)
20 regarding Respondent's failure to timely respond to a request to correct and re-submit
21 filed documents.

22 b. **Ontario - San Bernardino County - Survey 05-388**

23 (1) Investigation disclosed that in or about December 2005,
24 Respondent submitted a **Record of Survey 05-388** for property on a tract in the
25 city of **Ontario**. In or about March 2008, the SB Surveyor returned the survey to
26 Respondent, showing necessary corrections, and requesting that the corrections be
27 made and the documents re-submitted.
28

1 (2) Having received this notice, Respondent was required under
2 Business and Profession Code section 8767 to re-submit the corrected record of
3 survey within sixty (60) days (approximately May 2008).

4 (3) SB Surveyor sent multiple additional notices, but received no
5 response or re-submission from Respondent, and on or about March 21, 2011, filed
6 a complaint with the Board.

7 (4) Despite inquiries about the matter by Board staff - Respondent
8 failed to re-submit the Record of Survey until several months later - in or about
9 May 16, 2011. This record again required correction and was returned to
10 Respondent on or about June 9, 2011. Respondent submitted corrected documents
11 on or about August 2, 2011. This record again required correction and was
12 returned to Respondent on or about August 25, 2011. Respondent then failed to re-
13 submit corrected documents until November 28, 2011. On or about December 19,
14 2011, the SB Surveyor again notified Respondent that his Record of Survey
15 required corrections, and requested that the corrections be made and the
16 documents re-submitted.

17 (5) The corrected Record of Survey was not submitted/recorded until
18 on or about May 1, 2012.

19 c. **San Bernardino - San Bernardino County - Survey 08-313**

20 (1) Investigation further disclosed that in or about November 2008,
21 Respondent submitted a Record of Survey 08-313 for property in the city of San
22 Bernardino. In or about February 2009, the SB Surveyor returned the survey to
23 Respondent, showing necessary corrections, and requesting that the corrections be
24 made and the documents re-submitted.

25 (2) Having received this notice, Respondent was required under
26 Business and Profession Code section 8767 to re-submit the corrected record of
27 survey within sixty (60) days (approximately May 2008).
28

1 (3) SB Surveyor sent multiple additional notices, but received no
2 response or re-submission from Respondent, and on or about March 21, 2011, filed
3 a complaint with the Board.

4 (4) Despite inquiries about the matter by Board staff - Respondent
5 failed to re-submit the Record of Survey until on or about August, 2011. Record of
6 Survey 08-313 was again returned to Respondent for corrections on or about
7 August 25, 2011. Respondent then failed to re-submit corrected documents until
8 December 7, 2011. On or about December 28, 2011, the SB Surveyor again
9 notified Respondent that the Record of Survey required corrections, and requested
10 that the corrections be made and the documents re-submitted.

11 (5) The corrected Record of Survey was not finally submitted/recorded
12 until on or about April 20 2012.

13 **G. ORANGE COUNTY – COMPLAINT REGARDING MONUMENTS**

14 1. On or about December 26, 2012 , the board initiated an investigation after
15 receiving a complaint from the Joint Professional Practice Committee of Orange County
16 (Committee) regarding their discovery of two monuments bearing Respondent's registration
17 number located on parcels in the city of Fullerton, with no record(s) having been filed with the
18 Orange County Surveyor's Office to substantiate the location of the monuments.(Setting of
19 monuments triggers the requirement to file a Record of Survey within 90 days under Business and
20 Professions Code sections 8762 (c)).

21 2. Respondent made no reply to correspondence from the Committee sent to
22 his address of record on or about March 15, 2012 and June 28, 2012.

23 3. Respondent made no reply to a demand letter from the Board, dated
24 December 26, 2012, requiring an immediate response about his "intentions regarding
25 compliance" in the subject matter.

26 4. As of July 1, 2013, no record(s) has/have been filed with the Orange
27 County Surveyor's Office to substantiate the location of the two monuments.

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1 **H. PB&M ENGINEERING INC.**

2 1. **Organizational Record-** An Organizational Record form was filed by
3 PB&M Engineering, Inc. (at an Alhambra address) on December 7, 2009, showing that the
4 business was incorporated in November 21, 2009. The organizational record listed Felix
5 Madariaga, an unlicensed individual as "President" – and Respondent as "Secretary" and the
6 qualified person in responsible charge.

7 **I. MADARIAGA & ASSOCIATES ENGINEERING AND CONSTRUCTION**
8 **INC. and LAND SURVEYING SERVICES**

9 1. At all times relevant herein, **OSCAR MADARIAGA** was licensed as a
10 contractor in the state of California (License no 887991), but held no other professional licenses.

11 2. On or about February 2008, the board received a complaint alleging Oscar
12 Madariaga (a licensed contractor: 887991) was offering land surveying services without proper
13 licensure, from his business Madariaga & Associates Engineering and Construction Inc.

14 3. **Secretary of State Records** - Documents obtained from the CA Secretary
15 of State showed Madariaga & Associates Engineering and Construction Inc. (Madariaga) filed
16 articles of incorporation on February 1, 2006, and a completed Statement of Information form
17 dated March 7, 2006, which describes the corporate business as "engineering + construction" and
18 identify Respondent as "Secretary" to the corporation and one of three listed "directors."

19 4. **Tax Form** - A federal tax form showing Respondent as 10% owner of
20 Madariaga was signed and dated by Respondent on or about March 8, 2006.

21 5. **Organizational Record-** An Organizational Record form signed by
22 Respondent was filed by Madariaga on or about April 18, 2008. However- no Organizational
23 Record forms were filed by Madariaga during the approximately 2 year and 2 month period
24 between the date of incorporation (February 1, 2006) and April 18, 2008.

25 6. On or about November 21, 2009, Respondent filed a formal notice of
26 disassociation with Madariaga.

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28 ///

1 J. SIR-GEO

2 1. Organizational Record- An Organizational Record form signed by
3 Respondent was filed by Sir-Geo (at a San Pedro address) on or about February 16, 2009.
4 However- no Organizational Record forms were filed by Sir-Geo during the approximately four
5 (4) year period between the date of incorporation (January 15, 2005) and February 16, 2009. The
6 organizational record listed Sergio J.A. Sanchez, an unlicensed individual as "President" – and
7 Respondent as "Director of Engineering" and qualified person in responsible charge.

8 **FIRST CAUSE FOR DISCIPLINE**

9 **(Unprofessional Conduct – Prohibited Group Practice)**

10 19. Respondent is subject to disciplinary action for unprofessional conduct under
11 section 6775(f) and (h) in conjunction with section 6738 (a)(3)and(c) and/or section 8729(a)(3)
12 and (c) and/or section 8780(d) and (f) in that in *seven separate instances* between approximately
13 January 2005 and February 2010, Respondent established a group practice – that is, a
14 partnership, firm or corporation in which he practiced or offered to practice civil engineering and
15 land surveying, in which he failed to comply with provisions of the Professional Engineers Act
16 and Professional Land Surveyors' Act regulating group practice, as alleged in paragraph 18
17 (subparagraphs A,C,E,H,I and J) above and summarized as follows:

18

19 COMPANY NAME	DATE ASSOCIATED	RESPONDENT'S TITLE	ASSOCIATED UNLICENSED INDIVIDUAL
20 So Cal Land Development	2/22/10	Vice President	Juan Bravo
21 PB & M Engineering Inc.	1/21/09	Secretary	Felix Madariaga
22 Land Creative Solutions (formerly Venegas 23 Creative Solutions)	3/31/08	None Specified	Arturo Venegas
24 Venegas Creative Solutions	10/18/07	Not known	Arturo Venegas
25 Madariaga & Associates 26 Engineering and Construction, Inc.	2/21/06	Officer	Oscar Madariaga Felix Madariaga
27 LandDevelopment Engineering, Inc.	5/24/05	Vice President	Eduardo Villaruel

28

Sir-Geo	1/5/05	Director of Engineering	Sergio Sanchez (Respondent's son)
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SECOND CAUSE FOR DISCIPLINE

(Unprofessional Conduct – Failure to File Organization Record Form)

20. Respondent is subject to disciplinary action for unprofessional conduct under section 6775(f) and (h) in conjunction with section 6738(i) and/or section 8780(d) and (f) and/or section 8729(i) and section 6738(i) in that between approximately January 2005 and February 2010, in at least six instances Respondent established a group practice but failed to timely file an organization record form, as required by sections 6738(i), 8729(i) as follows:

- a. So Cal Land Development (Realleging allegations of paragraph 18 C);
- b. PB & M Engineering Inc. (Realleging allegations of paragraph 18 H);
- c. Venegas Creative Solutions (Realleging allegations of paragraph 18 A);
- d. Madariaga & Associates Engineering and Construction, Inc. (Realleging allegations of paragraph 18 I);
- e. LandDevelopment Engineering, Inc. (Realleging allegations of paragraph 18E);
- f. Sir-Geo (Realleging allegations paragraph 18 J).

THIRD CAUSE FOR DISCIPLINE

(Aiding and Abetting Unlicensed Practice of Land Surveying by Arturo Venegas)

21. Respondent is subject to disciplinary action for unprofessional conduct under section 6775 (f) and (h) in conjunction with section 8780(f) and 8708, in that starting approximately October 2007 and thereafter, Respondent established or maintained a group practice with the unlicensed subordinate Arturo Venegas, then facilitated, allowed and otherwise assisted Venegas in soliciting, procuring and contracting with consumers for land surveying projects(s) [including but not limited to the project identified as the Adams Project in paragraph 18 B above] and/or executing land surveying work on such project(s) without direct supervision,

1 and/or in violation of multiple provisions of the Professional Engineers Act and Professional
2 Land Surveyors' Act, including but not limited to:

3 a. **Business and Professions Code section 8708** – Prohibits practice of land
4 surveying by and unlicensed person; and use of the title “land surveyor” by an unlicensed person;

5 b. **Business and Profession Code sections 6738(a)(3) and 8729(a)(3)** – Prohibits
6 use of name of a person not licensed as a professional engineer, land surveyor or geologist in the
7 business name.

8 c. **Business and Professions Code section 8729 (i)** – Requires filing of an
9 organization record form for a business engaged in professional land surveying services

10 **FOURTH CAUSE FOR DISCIPLINE**

11 **(Downey Project (Venegas) - Failure to Timely File Record of Survey)**

12 22. Respondent is subject to disciplinary action for unprofessional conduct under
13 section 8780(d) in conjunction with section 8762, sub-division “c” in that on the Downey
14 Project [as described at paragraph 18A and B above] Respondent failed to file a Record of Survey
15 following his unrecorded boundary survey performed in or about September 13, 2005, which
16 purports to set 7 monuments and appears to disclose alternate locations for points set on previous
17 survey maps – both circumstances which trigger the requirement to file a Record of Survey under
18 Business and Professions Code sections 8762 (b) (4) and (5).

19 **FIFTH CAUSE FOR DISCIPLINE**

20 **(Aiding and Abetting Unlicensed Practice of Land Surveying by Juan Bravo)**

21 23. Respondent is subject to disciplinary action for unprofessional conduct under
22 section 6775 (f) and (h) in conjunction with section 8780(f) and 8708, in that starting
23 approximately February 2010 and thereafter, Respondent established or maintained a group
24 practice with the unlicensed subordinate Juan Bravo, then facilitated, allowed and otherwise
25 assisted Bravo in soliciting, procuring and contracting with consumers for land surveying
26 projects(s) [including but not limited to the projects identified as (1) **Lomas Project** in paragraph
27 18 C and D (1) above, and (2) **Lynwood Project** in paragraph 18 C and D(2) above] and/or
28 executing land surveying work on such project(s) without direct supervision, and/or in violation

1 of multiple provisions of the Professional Engineers Act and Professional Land Surveyor' Act
2 including but not limited to:

3 a. **Business and Professions Code section 8708** – Prohibits practice of land
4 surveying by and unlicensed person; and use of the title “land surveyor” by an unlicensed person;

5 b. **Business and Profession Code sections 6738(a)(3) and 8729(a)(3)** – Prohibits
6 use of name of a person not licensed as a professional engineer, land surveyor or geologist in the
7 business name;

8 c. **Business and Professions Code sections 8729 (i)** – Requires filing of an
9 organization record form for a business engaged in professional land surveying services.

10 **SIXTH CAUSE FOR DISCIPLINE**

11 **(Lomas Project (Bravo) - Failure to Use Contract Meeting Statutory Requirements)**

12 24. Respondent is subject to disciplinary action for unprofessional conduct under
13 section 8780(d) in conjunction with section 8759(a) in that on the **Lomas Project** [as described at
14 paragraph 18 C and D (1) above] on or about October 31, 2010, Respondent contracted through
15 his agent Jose Bravo, to provide professional land surveying services for which Respondent's
16 practice received compensation, without use of an executed written contract conforming to
17 statutory requirements as follows:

18 a. Contract not signed by Respondent as required under section 8759, sub-section (a).

19 b. Contract fails to provide specific details about the transaction required under section
20 8759, sub-section (a).

21 **SEVENTH CAUSE FOR DISCIPLINE**

22 **(Lomas Project (Bravo) -Breech of Contract)**

23 25. Respondent is subject to disciplinary action for unprofessional conduct under section
24 6775(h) in conjunction with section 8780(g) in that in that on the **Lomas Project** [as described at
25 paragraph 18 C and D (1) above] on or about October 31, 2010 Respondent contracted through
26 his agent Juan Bravo, to provide professional land surveying services for which Respondent's
27 practice received compensation. However, Respondent failed to timely perform services as
28 required under the Lomas contract. Moreover, as of June 30, 2013, Respondent remained in

1 breach of contract, having failed to deliver either the record of survey or the topographic survey
2 as agreed.

3 **EIGHTH CAUSE FOR DISCIPLINE**

4 **(Lynwood Project (Bravo) - Negligence in Professional Practice)**

5 26. Respondent is subject to disciplinary action for unprofessional conduct under
6 section 6775 at subsection (c) and/or section 8780 at subsection (b) in that Respondent engaged in
7 negligence in his practice of land surveying in connection with the **Lynwood Project** by reason
8 of the following facts:

- 9 a. Allegations of paragraph 18 C and D(2) are realleged as though fully set forth.
10 b. An expert appointed by the Board to review and evaluate investigative findings
11 related to the Lynwood Project made the following conclusions:

12 **(1) Respondent was negligent in failing to prepare and file a Record of Survey.**

13 Under the standard of care, a Record of Survey should have been filed in the
14 Lynwood project. The Corner Record initially prepared by Respondent did not meet
15 exemption requirements under section 8765(d) – a fact which the LA County Surveyor
16 recognized and advised Respondent of. Filing a Record of Survey would also be required to
17 supersede the incorrect Corner Record previously filed by Respondent.

18 **(2) Respondent failed to discharge responsibilities as professional in**
19 **responsible charge – deferring all aspects of the work to an unlicensed subordinate.**

20 Though nominally in responsible charge of the Lynwood project - work
21 undertaken by his group practice – Respondent made no appreciable effort to provide
22 professional services meeting the standard of care to the homeowners. Instead, Respondent
23 deferred all aspects of the project to an unlicensed subordinate, Jose Bravo, and knowingly
24 allowed or assisted Jose Bravo to procure and/ or contract for land surveying projects(s),
25 and/or execute surveying work on such project(s) without direct supervision, and/or in
26 violation of multiple provisions of the Professional Engineers Act and the Professional
27 Land Surveyors' Act.
28

1 c. As a result of Respondent's actions, the homeowners on the Lynwood Project lack
2 resolution of their property line dispute, and would have to pay an estimate three thousand dollars
3 (\$3,000.00) to have a competent survey and Record of Survey completed and filed with the Los
4 Angeles County Surveyor in order to (1) resolve the property line dispute and (2) supersede the
5 incorrect Corner Record previously filed.

6 **NINTH CAUSE FOR DISCIPLINE**

7 **(Lynwood Project (Bravo)- Failure to Use Contract Meeting Statutory Requirements)**

8 27. Respondent is subject to disciplinary action for unprofessional conduct under section
9 8780(d) in conjunction with section 8759(a) in that in that in [as described at paragraph 18 C and
10 D (2) above] or about September 8, 2010, Respondent contracted through his agent Jose Bravo, to
11 provide professional land surveying services for which Respondent's practice received
12 compensation, without use of an executed written contract conforming to statutory requirements
13 as follows:

14 a. Contract not signed by Respondent as required under section 8759, sub-section (a).

15 b. Contract fails to provide specific details about the transaction required under section
16 8759, sub-section (a).

17 **TENTH CAUSE FOR DISCIPLINE**

18 **(Aiding and Abetting Unlicensed Practice of Land Surveying by Eduardo Villarruel)**

19 28. Respondent is subject to disciplinary action for unprofessional conduct under
20 section 6775 (f) and (h) in conjunction with section 8780(f) and 8708, in that starting
21 approximately May 2005 and thereafter, Respondent established or maintained a group practice
22 with the unlicensed subordinate Eduardo Villarruel, then facilitated, allowed and otherwise
23 assisted Villarruel in soliciting, procuring and contracting with consumers for land surveying
24 projects(s) [including but not limited to the projects identified as (1) Adams Project - paragraph
25 18 F (1) above; (2) Riverside County Surveyor Complaint - paragraph 18 F (2) above; (3) San
26 Bernardino County Surveyor complaint (re: Survey 05-388) - paragraph 18 F (3) (a) and (b)
27 above;(4) San Bernardino County Surveyor complaint (re: Survey 08-313) in paragraph 18 F
28 (3) (a) and (c) above] and/or executing land surveying work on such project(s) without direct

1 supervision, and/or in violation of multiple provisions of the Professional Engineers Act and the
2 Professional Land Surveyors' Act, including but not limited to:

3 a. **Business and Professions Code section 8708** – Prohibits practice of land
4 surveying by and unlicensed person; and use of the title “land surveyor” by an unlicensed person;

5 b. **Business and Profession Code sections 6738(a)(3) and 8729(a)(3)** – Prohibits
6 use of name of a person not licensed as a professional engineer, land surveyor or geologist in the
7 business name;

8 c. **Business and Professions Code section 8729 (i)** – Requires filing of an
9 organization record form for a business engaged in professional land surveying services.

10 **ELEVENTH CAUSE FOR DISCIPLINE**

11 **(Adams Project (Villarruel)- Failure to Use Contract Meeting Statutory Requirements)**

12 29. Respondent is subject to disciplinary action for unprofessional conduct under
13 section 8780(d) in conjunction with section 8759(a) in that on the **Adams Project**, on or about
14 October 31, 2010, Respondent contracted through his agent **Eduardo Villarruel**, to provide
15 professional land surveying services for which Respondent's practice received compensation,
16 without use of an executed written contract conforming to statutory requirements, as described in
17 paragraph 18 F (1) above.

18 **TWELFTH CAUSE FOR DISCIPLINE**

19 **(Villarruel - Riverside County Surveyor - Failure to Timely Resubmit Record of Survey)**

20 30. Respondent is subject to disciplinary action for unprofessional conduct under
21 section 8780(d) in conjunction with section 8767 in that in that on multiple instances in
22 connection with records for property identified as APN 191-200-017 in Riverside County,
23 between approximately September 2006 and May 2012, Respondent failed to timely submit
24 corrected record(s) of survey to the Riverside County Surveyor's Office, as described in
25 paragraph 18 F(2) above.

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1 THIRTEENTH CAUSE FOR DISCIPLINE

2 (Villaruel - San Bernardino Surveyor- Failure to Timely Resubmit Record of Survey)

3 31. Respondent is subject to disciplinary action for unprofessional conduct under
4 section 8780(d) in conjunction with section 8767 in that in that on multiple instances in
5 connection with records for two (2) different survey projects - between approximately March
6 2008 and May 2012, Respondent failed to timely submit corrected record(s) of survey to the San
7 Bernardino County Surveyor within sixty (60) days after said record(s) of survey were returned
8 for corrections in two different projects:

9 a. City of Ontario - Survey 05-388 – Allegations of paragraph 18 F(3)(a) and (b) are
10 realleged as though fully set forth.

11 b. City of San Bernardino - Survey 08-313 - Allegations of paragraph 18 F(3)(a) and
12 (c) are realleged as though fully set forth.

13 FOURTEENTH CAUSE FOR DISCIPLINE

14 (Madariaga - Aiding and Abetting Unlicensed Practice of Land Surveying)

15 32. Respondent is subject to disciplinary action for unprofessional conduct under
16 section 6775 (f) and (h) in conjunction with section 8780(f), in that starting in approximately
17 February 2006 and thereafter, Respondent established or maintained a group practice with the
18 unlicensed subordinate Oscar Madariaga, then facilitated, allowed and otherwise assisted
19 Madariaga in soliciting, procuring and contracting with consumers for land surveying projects(s),
20 and/or executing land surveying work on such project(s) [as alleged at paragraph 18 I above]
21 without direct supervision, and/or in violation of multiple provisions of the Professional
22 Engineers Act and the Professional Land Surveyors' Act, including but not limited to :

23 a. Business and Professions Code section 8708 – Prohibits practice of land
24 surveying by and unlicensed person; and use of the title "land surveyor" by an unlicensed person;

25 b. Business and Profession Code sections 6738(a)(3) and 8729(a)(3) – Prohibits
26 use of name of a person not licensed as a professional engineer, land surveyor or geologist in the
27 business name;
28

1 c. Business and Professions Code section 8729 (i) – Requires filing of an
2 organization record form for a business engaged in professional land surveying services.

3 **FIFTEENTH CAUSE FOR DISCIPLINE**

4 **(Orange County Monuments - Failure To Timely File Record of Survey)**

5 33. Respondent is subject to disciplinary action for unprofessional conduct under
6 section 8780(d) in conjunction with section 8762(c) in that Respondent failed to file a Record of
7 Survey within 90 days after the underlying survey or after immediately after notice on about
8 March 15, 2012, that two monuments bearing his registration number had been located on
9 parcels in the city of Fullerton, with no record(s) on file with the Orange County Surveyor's
10 Office to substantiate the location of the monuments, as described at paragraph 18 G above.

11 **PRAYER**

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

- 15 1. Revoking or suspending Civil Engineer License Number C 29664, issued to Pablo
16 Beltran Sanchez;
- 17 2. Ordering Pablo Beltran Sanchez to pay restitution in the sum of \$3,000.00 to Hector
18 S. and Irene L., homeowners of the Lynwood Project, that amount being the estimated cost to
19 correct errors resulting from Respondent's misconduct;
- 20 3. Ordering Pablo Beltran Sanchez to pay the Board for Professional Engineers, Land
21 Surveyors, and Geologists the reasonable costs of the investigation and enforcement of this case;
22 pursuant to Business and Professions Code section 125.3;
- 23 4. Taking such other and further action as deemed necessary and proper.

24 DATED: 11/24/14

Original Signed

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