

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

In the Matter of the Accusation against:)

OLAV SIGURN MEUM)

1112 Baja Way)

San Marcos, CA 92069)

Land Surveyor License No. L 4384,)

Respondent.)

Case No. 1013-A

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 12, 2013.

IT IS SO ORDERED June 13, 2013.

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 LINDA K. SCHNEIDER
Supervising Deputy Attorney General
3 LAURO A. PAREDES
Deputy Attorney General
4 State Bar No. 254663
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8 *Attorneys for Complainant*

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:

13 **OLAV SIGURD MEUM**
14 1112 Baja Way
San Marcos, CA 92069

15 **Land Surveyor License No. L 4384**

16 Respondent.

Case No. 1013-A

OAH No. 2012110546

17 **STIPULATED SETTLEMENT AND**
18 **DISCIPLINARY ORDER**

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

24 **PARTIES**

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

2. Respondent Olav Sigurd Meum (Respondent) is represented in this proceeding by attorney Christian F. Paul, Esq., whose address is: 23456 Madero, Suite 110 Mission Viejo, CA 92691-2780

3. On or about March 9, 1977, the Board for Professional Engineers, Land Surveyors, and Geologists issued Land Surveyor License No. L 4384 to Olav Sigurd Meum (Respondent).

The Land Surveyor License was in full force and effect at all times relevant to the charges brought in Accusation No. 1013-A and will expire on September 30, 2013, unless renewed.

JURISDICTION

4. Accusation No. 1013-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 21, 2012. Respondent timely filed his Notice of Defense contesting the Accusation.

5. A copy of Accusation No. 1013-A is attached as exhibit A and incorporated herein by reference.

ADVISEMENT AND WAIVERS

6. Respondent has carefully read, fully discussed with counsel, and understands the charges and allegations in Accusation No. 1013-A. Respondent has also carefully read, fully discussed with counsel, and understands the effects of this Stipulated Settlement and Disciplinary Order.

7. Respondent is fully aware of his legal rights in this matter, including the right to a hearing on the charges and allegations in the Accusation; the right to 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.

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

3 CULPABILITY

4 9. Respondent understands and agrees that the charges and allegations in Accusation
5 No. 1013-A, if proven at a hearing, constitute cause for imposing discipline upon his Land
6 Surveyor License.

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

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

13 CONTINGENCY

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

25 13. The parties understand and agree that facsimile copies of this Stipulated Settlement
26 and Disciplinary Order, including facsimile signatures thereto, shall have the same force and
27 effect as the originals.
28

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

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

10 **DISCIPLINARY ORDER**

11 IT IS HEREBY ORDERED that Land Surveyor License No. L 4384 issued to Respondent
12 Olav Sigurd Meum (Respondent) is revoked. However, the revocation is stayed and Respondent
13 is placed on probation for three (3) years on the following terms and conditions.

14 1. **Obey All Laws.** The Respondent shall obey federal, state, and local laws and
15 regulations related to the practices of professional engineering and land surveying.

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

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

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

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

4 **6. Cost Recovery.** The Respondent is hereby ordered to reimburse the Board the
5 amount of \$ 2,800 within two and one-half (2 ½) years from the effective date of this decision for
6 its investigative and prosecution costs. Failure to reimburse the Board's cost of its investigation
7 and prosecution shall constitute a violation of the probation order, unless the Board agrees in
8 writing to payment by an installment plan because of financial hardship.

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

12 **8.** Within two and one-half (2 ½) years from the effective date of the decision, the
13 respondent must successfully complete and pass, with a grade of "C" or better, one (1) college-
14 level land surveying course, related to the area(s) of violation(s) alleged in the Accusation,
15 approved in advance by the Board or its designee. The respondent shall provide the Board with
16 official proof of completion of the requisite courses. For purposes of this condition, "college-
17 level course" means a course offered by a community college or a four-year university of three
18 semester units or the equivalent; it does not include seminars.

19 **9. Ethics Course.** Within two and one-half (2 ½) years from the effective date of the
20 decision; the respondent must successfully complete and pass a course in professional ethics,
21 approved in advance by the Board or its designee.

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

1 surveying services and shall report to the Board the name and address of each person or entity so
2 notified.

3 ACCEPTANCE

4 I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully
5 discussed it with my attorney, Christian F. Paul, Esq. I understand the stipulation and the effect it
6 will have on my Land Surveyor License. I enter into this Stipulated Settlement and Disciplinary
7 Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order
8 of the Board for Professional Engineers, Land Surveyors, and Geologists.

9
10 DATED:

5-30-13

Original Signed

OLAV SIGURD MEUM
Respondent

11
12
13 I have read and fully discussed with Respondent Olav Sigurd Meum the terms and
14 conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order.
15 I approve its form and content.

16
17 DATED:

MAY 31 2013

Original Signed

Christian F. Paul, Esq.
Attorney for Respondent

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ENDORSEMENT

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

Dated:

Respectfully submitted,

KAMALA D. HARRIS
Attorney General of California
LINDA K. SCHNEIDER
Supervising Deputy Attorney General

Original Signed

LAURO A. PAREDES
Deputy Attorney General
Attorneys for Complainant

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Exhibit A

Accusation No. 1013-A

1 KAMALA D. HARRIS
Attorney General of California
2 LINDA K. SCHNEIDER
Supervising Deputy Attorney General
3 LAURO A. PAREDES
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Attorneys for Complainant

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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. 1013-A

13 **OLAV SIGURD MEUM**
1112 Baja Way
14 San Marcos, CA 92069

A C C U S A T I O N

15 **Land Surveyor License No. L 4384**

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 March 9, 1977, the Board for Professional Engineers, Land Surveyors,
25 and Geologists issued Land Surveyor License Number L 4384 to Olav Sigurd Meum
26 (Respondent). The Land Surveyor License was in full force and effect at all times relevant to the
27 charges brought herein and will expire on September 30, 2013, unless renewed.
28

JURISDICTION

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

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

5. Section 8780 of the Code states:

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

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

...

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

...

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

...

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

STATUTORY PROVISIONS

6. Section 8761 of the Code states:

...

(d) All final maps, plats, reports, descriptions, or other land surveying documents issued by a licensed land surveyor or civil engineer authorized to practice land surveying shall bear the signature and seal or stamp of the licensee and the date of signing and sealing or stamping. If the land surveying document has multiple pages or sheets, the signature, seal or

1 stamp, and date of signing and sealing or stamping shall appear, at a
2 minimum, on the title sheet, cover sheet or page, or signature sheet, unless
3 otherwise required by law.

4 ...

5 7. Section 8762 of the Code states:

6 ...

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

13 ...

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

19 ...

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

24 8. Section 8764 of the Code states:

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

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

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

...

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

...

(f) Statements required by Section 8764.5.

...

1 9. Section 8764.5 of the Code outlines the required text and format of statements that
2 shall appear on the face of a map and prescribes that no other statements may appear on the face
3 of the map.

4 **REGULATORY PROVISIONS**

5 10. California Code of Regulations, title 16, section 418, states:

6 ...

7 b) When considering the suspension or revocation of the certification
8 of an engineer-in-training or a land surveyor-in-training, or the license of a
9 professional engineer or a professional land surveyor, or the authority to use
10 the title "structural engineer," or the authority to use the title "geotechnical
11 engineer" under Section 490 of the Code, the Board will consider the
12 following criteria in evaluating the rehabilitation of such person and his or
13 her present eligibility to retain his or her license:

14 (1) The nature and severity of the act(s) or crime(s) under
15 consideration as grounds for suspension or revocation.

16 ...

17 (3) The time that has elapsed since commission of the act(s) or
18 crime(s) referred to in subdivision (1) or (2).

19 ...

20 (5) Any evidence of rehabilitation submitted by the licensee.

21 ...

22 11. California Code of Regulations, title 16, section 476, states:

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

29 ...

30 (c) Representations:

31 ...

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

2 ...

3 **COST RECOVERY**

4 12. Section 125.3 of the Code provides, in pertinent 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 **2409 OCEAN WAY PROJECT**

9 13. Respondent prepared and approved a set of land surveys for a property located at
10 2409 Ocean Way in Laguna Beach, California. Respondent completed his survey work but did
11 not properly format, sign or stamp the documents, nor did he file a Record of Survey with the
12 County Surveyor. After Respondent became aware of a boundary line mistake that created a
13 material discrepancy in the survey, he still did not file a Record of Survey with the County
14 Surveyor. Respondent's survey was inaccurate and resulted in the property owner constructing
15 a wall that encroached on the neighboring property.

16 **FIRST CAUSE FOR DISCIPLINE**

17 **(Negligence in the Practice of Land Surveying)**

18 14. Respondent is subject to disciplinary action under Code sections 8780 subsection (b)
19 and 8764 subsections (a),(b),(d), and (f), negligence, in that Respondent was negligent in his
20 practice of land surveying regarding the project located at 2409 Ocean Way in Laguna Beach,
21 California as follows.

22 15. The plans prepared by Respondent did not meet the standard of care for a professional
23 land surveyor in that they contained a number of errors and deficiencies. These errors and
24 deficiencies included the following:

25 a. Respondent failed to re-trace the property boundaries according to the standard
26 practices of land surveying.

27 b. Respondent failed to perform the necessary research associated with the survey.

28 ///

1 **SECOND CAUSE FOR DISCIPLINE**

2 **(Incompetence in the Practice of Land Surveying)**

3 16. Respondent is subject to disciplinary action under Code sections 8780 subsection (d)
4 in that Respondent failed to properly sign and stamp his land surveying documents and failed to
5 record the documents with the County Surveyor, on the project located at 2049 Ocean Way in
6 Laguna Beach, California. These errors and deficiencies included the following:

7 a. Respondent failed to file a Record of Survey over the boundary work he
8 performed.

9 b. Respondent failed to file a Record of Survey after survey results revealed a
10 material discrepancy.

11 c. Respondent did not properly format, sign or stamp the professional land
12 surveying documents.

13 **THIRD CAUSE FOR DISCIPLINE**

14 **(Violation of Land Surveying Regulations)**

15 17. Respondent is subject to disciplinary action under Code sections 8780 subsection (d)
16 and California Code of Regulations, title 16, section 476 subsection (c)(7) in that Respondent
17 expressed a professional opinion without a basis in fact, experience or accepted land surveying
18 principles on the project located at 2049 Ocean Way in Laguna Beach, California; as outlined in
19 paragraph 13 and incorporated herein by reference.

20 **PRAYER**

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

24 1. Revoking or suspending Land Surveyor License Number L 4384, issued to Olav
25 Sigurd Meum;

26 2. Ordering Olav Sigurd Meum to pay the Board for Professional Engineers, Land
27 Surveyors, and Geologists the reasonable costs of the investigation and enforcement of this case,
28 pursuant to Business and Professions Code section 125.3;

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

DATED: 9/17/12

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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