

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

In the Matter of the Accusation against:	)	
	)	
GARY D. SCHNAKENBERG	)	Case No. 1238-A
P.O. Box 18971	)	
South Lake Tahoe, CA 96151	)	
	)	
Land Surveyor License, No. L 5728,	)	
	)	
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 January 14, 2021.

IT IS SO ORDERED December 10, 2020.

*Original Signed*

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

1 XAVIER BECERRA  
Attorney General of California  
2 KENT D. HARRIS  
Supervising Deputy Attorney General  
3 STEPHANIE ALAMO-LATIF  
Deputy Attorney General  
4 State Bar No. 283580  
1300 I Street, Suite 125  
5 P.O. Box 944255  
Sacramento, CA 94244-2550  
6 Telephone: (916) 210-6112  
Facsimile: (916) 327-8643  
7 E-mail: Stephanie.AlamoLatif@doj.ca.gov  
*Attorneys for Complainant*  
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10 **BEFORE THE**  
**BOARD FOR PROFESSIONAL ENGINEERS, LAND SURVEYORS, AND**  
**GEOLOGISTS**  
11 **DEPARTMENT OF CONSUMER AFFAIRS**  
**STATE OF CALIFORNIA**  
12

13 In the Matter of the Accusation Against:

Case No. 1238-A

14 **GARY D. SCHNAKENBERG**  
**PO Box 18971**  
15 **South Lake Tahoe, CA 96151**  
16 **Land Surveyor License No. L 5728**

**STIPULATED SURRENDER OF  
LICENSE AND ORDER**

17 Respondent.  
18  
19

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

22 **PARTIES**

23 1. Richard B. Moore, PLS (Complainant) is the Executive Officer of the Board for  
24 Professional Engineers, Land Surveyors, and Geologists (Board), Department of Consumer  
25 Affairs. He brought this action solely in his official capacity and is represented in this matter by  
26 Xavier Becerra, Attorney General of the State of California, by Stephanie Alamo-Latif, Deputy  
27 Attorney General.

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1 **CULPABILITY**

2 8. Respondent admits the truth of each and every charge and allegation in Accusation  
3 No. 1238-A, agrees that cause exists for discipline and hereby surrenders his Land Surveyor  
4 License No. L 5728 for the Board's formal acceptance.

5 9. Respondent understands that by signing this stipulation he enables the Board to issue  
6 an order accepting the surrender of his Land Surveyor License without further process.

7 **CONTINGENCY**

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

17 11. The parties understand and agree that Portable Document Format (PDF), facsimile  
18 and/or electronic copies of this Stipulated Surrender of License and Order, including PDF,  
19 facsimile and/or electronic signatures thereto, shall have the same force and effect as the  
20 originals.

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

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

**ORDER**

IT IS HEREBY ORDERED that Land Surveyor License No. L 5728, issued to Respondent Gary D. Schnakenberg, is surrendered and accepted by the Board.

1. The surrender of Respondent's Land Surveyor License and the acceptance of the surrendered license by the Board shall constitute the imposition of discipline against Respondent. This stipulation constitutes a record of the discipline and shall become a part of Respondent's license history with the Board.

2. Respondent shall lose all rights and privileges as a Land Surveyor in California as of the effective date of the Board's Decision and Order.

3. Respondent shall cause to be delivered to the Board his pocket license and, if one was issued, his wall certificate on or before the effective date of the Decision and Order.

4. Respondent agrees not to petition for reinstatement of the surrendered license. Respondent agrees not to apply for any license issued by the Board for three years from the effective date of this surrender. Respondent understands and agrees that if he ever applies for any license issued by the Board, the Board shall treat it as a new application for licensure. Respondent must comply with all the laws, regulations, and procedures for licensure in effect at the time the application is filed, including but not limited to, submitting a completed application and the requisite fee and taking and passing the required examination(s), and all of the charges and allegations contained in Accusation No. 1238-A shall be deemed to be true, correct, and admitted by Respondent when the licensing agency determines whether to grant to deny the application.

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**ACCEPTANCE**

I have carefully read the Stipulated Surrender of License and Order. I understand the stipulation and the effect it will have on my Land Surveyor 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: 10/6/2020 *Original Signed*  
GARY D. SCHNAKENBERG  
*Respondent*

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**ENDORSEMENT**

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: 10/6/2020 Respectfully submitted,  
XAVIER BECERRA  
Attorney General of California  
KENT D. HARRIS  
Supervising Deputy Attorney General  
*Original Signed*  
STEPHANIE ALAMO-LATIF  
Deputy Attorney General  
*Attorneys for Complainant*

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**Exhibit A**

**Accusation No. 1238-A**

1 XAVIER BECERRA  
Attorney General of California  
2 KENT D. HARRIS  
Supervising Deputy Attorney General  
3 STEPHANIE ALAMO-LATIF  
Deputy Attorney General  
4 State Bar No. 283580  
1300 I Street, Suite 125  
5 P.O. Box 944255  
Sacramento, CA 94244-2550  
6 Telephone: (916) 210-6112  
Facsimile: (916) 327-8643  
7 E-mail: Stephanie.AlamoLatif@doj.ca.gov  
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10 **GEOLOGISTS**  
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14 In the Matter of the Accusation Against:

15 **GARY D. SCHNAKENBERG**  
16 **PO Box 18971**  
**South Lake Tahoe, CA 96151**  
17 **Land Surveyor License No. L 5728**

18 Respondent.

Case No. 1238-A

**ACCUSATION**

19  
20  
21 **PARTIES**

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

25 2. On or about April 10, 1987, the Board issued Land Surveyor License Number L 5728  
26 to Gary D. Schnakenberg (Respondent). The Land Surveyor License expired on December 31,  
27 2019, and has not been renewed.  
28



1 **JURISDICTION**

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

5 4. Section 8710 of the code states, in pertinent part:

6 (a) The Board for Professional Engineers, Land Surveyors, and Geologists is vested with  
7 power to administer the provisions and requirements of this chapter, and may make and enforce  
8 rules and regulations that are reasonably necessary to carry out its provisions.

9 (b) The board may adopt rules and regulations of professional conduct that are not  
10 inconsistent with state and federal law. The rules and regulations may include definitions of  
11 incompetence and negligence. Every person who holds a license or certificate issued by the board  
12 pursuant to this chapter, or a license or certificate issued to a civil engineer pursuant to Chapter 7  
13 (commencing with Section 6700), shall be governed by these rules and regulations.

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

18 **STATUTORY PROVISIONS**

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

20 [T]he board may publicly reprove, suspend for a period not to exceed two  
21 years, or revoke the certificate of any professional engineer licensed under this  
chapter on any of the following grounds:

22 ...

23 (h) A violation of any provision of this chapter or any other law relating to or  
24 involving the practice of professional engineering.

25 **REGULATORY PROVISIONS**

26 7. California Code of Regulations (CCR), title 16, section 473, subdivision (a) states  
27 that the Executive Officer or his or her designee may issue a citation for any violation of any  
28 provision of law enforced by the Board to any person who holds a license issued by the Board.

1 8. CCR, title 16, section 473.3 states, in pertinent part:

2 (a) If a cited person who has been issued an order of abatement is unable to complete the  
3 correction within the time set forth in the citation because of conditions beyond his or her control  
4 after the exercise of reasonable diligence, then he or she may request from the Executive Officer  
5 an extension of time within which to complete the correction. Such a request shall be in writing  
6 and shall be made within the time set forth for abatement.

7 (b) Failure of the cited person to abate the violation or to pay all of the assessed fine within  
8 the time allowed is grounds for suspension or revocation of the cited person's license.

9 **COST RECOVERY**

10 9. Section 125.3 of the Code provides, in pertinent part, that the Board may request the  
11 administrative law judge to direct a licentiate found to have committed a violation or violations of  
12 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and  
13 enforcement of the case.

14 **CAUSE FOR DISCIPLINE**

15 **(Failure to Comply with Citation)**

16 10. Respondent is subject to disciplinary action under CCR, title 16, section 473.3,  
17 subdivision (b), in that Respondent failed to comply with Citation No. 10791-L by failing to  
18 comply with the order of abatement and failing to pay the administrative fine in the amount of  
19 \$5,000.00. The circumstances are as follows:

20 11. On or about October 24, 2019, the Board issued Citation No. 10791-L to Respondent.  
21 Citation No. 10791-L contained an order of abatement requiring Respondent to ensure that he  
22 does not violate Code section 8780.2, subdivision (a), in the future. Respondent was further  
23 ordered to submit a written response to the Board's Enforcement Unit's inquiry regarding the  
24 complaint filed against him in Case No. 2018-05-160. Citation No. 10791-L also ordered  
25 Respondent to pay an administrative fine in the amount of \$5,000.00 within thirty (30) days of the  
26 date the citation became final. Respondent did not appeal Citation No. 10791-L, and  
27 consequently on or about November 23, 2019, the Citation became the final Order of the Board.  
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