

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

In the Matter of the Accusation against: )

THOMAS NORMAN STEPHENS )  
P. O. Box 2141 )  
Redway, CA 95560 )

Case No. 1021-A

and )

4938 Airstream Avenue )  
Arcata, CA 95521 )

Land Surveyor License No. L 6734, )

Respondent. )

**DECISION**

Pursuant to Government Code section 11517, the Board for Professional Engineers, Land Surveyors, and Geologists of the State of California hereby adopts the attached Stipulated Surrender of License and Order as its Decision in the above-entitled matter.

In adopting this Stipulated Surrender of License and Order as its Decision, the Board for Professional Engineers, Land Surveyors, and Geologists has made the following technical or other minor changes pursuant to Government Code section 11517(c)(2)(C):

The reference to "sections 4982" in Paragraph 19, at Line 12 on Page 2, of the Accusation is corrected to reference "section 8780."

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 DIANN SOKOLOFF  
Supervising Deputy Attorney General  
3 SHANA A. BAGLEY  
Deputy Attorney General  
4 State Bar No. 169423  
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5 P.O. Box 70550  
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7 *Attorneys for Complainant*

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

11 In the Matter of the Accusation Against:

Case No. 1021-A

12 **THOMAS NORMAN STEPHENS**  
13 **P.O. Box 2141**  
14 **Redway, California 95560**

OAH No. 2013050440

**STIPULATED SURRENDER OF  
LICENSE AND ORDER**

15 **and**

16 **4938 Airstream Ave**  
**Arcata, CA 95521**

17 **Land Surveyor License No. L 6734**

18 Respondent.

19  
20 IT IS HEREBY STIPULATED AND AGREED by and between the parties in this  
21 proceeding 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. He brought this action solely in his  
25 official capacity and is represented in this matter by Kamala D. Harris, Attorney General of the  
26 State of California, by Shana A. Bagley, Deputy Attorney General.

27 2. Thomas Norman Stephens (Respondent) is represented in this proceeding by attorney  
28 Edward A. Schrock, whose address is 514 H Street, Ste 301, P.O. Box 1345, Eureka, CA 95502.



1 CULPABILITY

2 8. Respondent admits the truth of each and every charge and allegation in Accusation  
3 No. 1021-A, agrees that cause exists for discipline and hereby surrenders his Land Surveyor  
4 License No. L 6734 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 for Professional Engineers,  
9 Land Surveyors, and Geologists. Respondent understands and agrees that counsel for  
10 Complainant and the staff of the Board for Professional Engineers, Land Surveyors, and  
11 Geologists may communicate directly with the Board regarding this stipulation and surrender,  
12 without notice to or participation by Respondent or his counsel. By signing the stipulation,  
13 Respondent understands and agrees that he may not withdraw his agreement or seek to rescind the  
14 stipulation prior to the time the Board considers and acts upon it. If the Board fails to adopt this  
15 stipulation as its Decision and Order, the Stipulated Surrender and Disciplinary Order shall be of  
16 no force or effect, except for this paragraph, it shall be inadmissible in any legal action between  
17 the parties, and the Board shall not be disqualified from further action by having considered this  
18 matter.

19 11. The parties understand and agree that facsimile copies of this Stipulated Surrender of  
20 License and Order, including facsimile signatures thereto, shall have the same force and effect as  
21 the originals.

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

I have carefully read the above Stipulated Surrender of License and Order and have fully discussed it with my attorney, Edward A. Schrock, Esq. 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: 5/31/2013 *Original Signed*  
THOMAS NORMAN STEPHENS  
Respondent

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

DATED: 5/30/2013 *Original Signed*  
EDWARD A. SCHROCK, ESQ.  
Attorney for Respondent

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: Respectfully submitted,  
KAMALA D. HARRIS  
Attorney General of California  
DIANN SOKOLOFF  
Supervising Deputy Attorney General  
*Original Signed*  
SHANA A. BAGLEY  
Deputy Attorney General  
Attorneys for Complainant

**Exhibit A**

**Accusation No. 1021-A**

1 KAMALA D. HARRIS  
Attorney General of California  
2 DIANN SOKOLOFF  
Supervising Deputy Attorney General  
3 CAROL ROMEO  
Deputy Attorney General  
4 State Bar No. 124910  
1515 Clay Street, 20th Floor  
5 P.O. Box 70550  
Oakland, CA 94612-0550  
6 Telephone: (510) 622-2141  
Facsimile: (510) 622-2270  
7 *Attorneys for Complainant*

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

11 In the Matter of the Accusation Against:

Case No. 1021-A

12 **THOMAS NORMAN STEPHENS**  
13 **P.O. Box 2141**  
14 **Redway, California 95560**  
15 **Land Surveyor License No. L 6734**

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

16 Respondent.

17 Complainant alleges:

18 PARTIES

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

22 2. On or about April 17, 1992, the Board for Professional Engineers, Land Surveyors,  
23 and Geologists issued Land Surveyor License Number L 6734 to Thomas Norman Stephens  
24 (Respondent). The Land Surveyor License was in full force and effect at all times relevant to the  
25 charges brought in this Accusation and will expire on September 30, 2012, unless renewed.

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JURISDICTION

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2           3     This Accusation is brought before the Board for Professional Engineers, Land  
3 Surveyors, and Geologists (Board), Department of Consumer Affairs, under the authority of the  
4 following laws. All section references are to the Business and Professions Code unless otherwise  
5 indicated.

6           4.     Section 8781 of the Code states:

7           "The proceedings under this article shall be conducted in accordance with Chapter 4  
8 (commencing with Section 11370), Chapter 4.5 (commencing with Section 11400), and Chapter 5  
9 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code, and  
10 the board shall have all the powers granted therein."

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

15          6.     Section 8803 of the Code states, in pertinent part:

16          "A license which is not renewed within three years after its expiration may not be renewed,  
17 restored, reissued, or reinstated thereafter, unless all of the following apply:

18               "(a) The licensee has not committed any acts or crimes constituting grounds for denial of  
19 licensure under Section 480.

20               "(b) The licensee pays all of the fees which would be required if applying for the license for  
21 the first time. If the registrant or certificate holder has been practicing in this state with an expired  
22 or delinquent license and receives a waiver from taking the examination as specified in  
23 subdivision (c) then he or she shall pay all accrued and unpaid renewal fees."

24          7.     Section 8803.1 of the Code states, in pertinent part:

25          "Once an expired or delinquent license is renewed, restored, reinstated, or reissued pursuant  
26 to Section 8803, all of the following apply:

27               "(a) The board shall continue to have full jurisdiction and authority over the licensee as if  
28 the license had not expired or become delinquent."



1 COST RECOVERY

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

6 CONTROLLED SUBSTANCES/DANGEROUS DRUGS

7 12. Section 4021 of the Code states:

8 “‘Controlled substance’ means any substance listed in Chapter 2 (commencing with Section  
9 11053) of Division 10 of the Health and Safety Code.”

10 13. Section 4022 of the Code provides:

11 “‘Dangerous drug’ or ‘dangerous device’ means any drug or device unsafe for self-use in  
12 humans or animals, and includes the following:

13 “(a) Any drug that bears the legend: ‘Caution: federal law prohibits dispensing without  
14 prescription,’ ‘Rx only’ or words of similar import.

15 “(b) Any device that bears the statement: ‘Caution: federal law restricts this device to sale  
16 by or on the order of a \_\_\_\_\_,’ ‘Rx only,’ or words of similar import . . .

17 “(c) Any other drug or device that by federal or state law can be lawfully dispensed only on  
18 prescription or furnished pursuant to Section 4006.”

19 14. "**Cocaine**" is a Schedule I controlled substance as designated by Health and Safety  
20 Code, subdivision 11054, subdivision (f)(6), and a dangerous drug pursuant to Business and  
21 Professions Code section 4022. Cocaine is an illegal, highly addictive recreational drug.

22 15. "**Heroin**" is a Schedule I controlled substance as designated by Health and Safety  
23 Code section 11054, subdivision (c)(11), and a dangerous drug pursuant to Business and  
24 Professions Code section 4022. Heroin is an opiate drug processed from morphine, a naturally  
25 occurring substance extracted from the seed pod of certain varieties of poppy plants. Heroin is an  
26 illegal, highly addictive recreational drug.

27 16. "**LSD**" is a Schedule I controlled substance as designated by Health and Safety Code  
28 section 11054, subdivision (d)(12), and a dangerous drug pursuant to Business and Professions

1 Code section 4022. LSD is the popular name for the narcotic substance, Lysergic Acid  
2 Diethylamide, an illegal hallucinogen.

3 17. "**Marijuana**" is a Schedule I controlled substance as designated by Health and  
4 Safety Code section 11054, subdivision (d)(13), and a dangerous drug pursuant to Business and  
5 Professions Code section 4022.

6 18. "**Methamphetamine**" is a Schedule II controlled substance as designated by Health  
7 and Safety Code section 11055, subdivision (d)(2), and a dangerous drug pursuant to Business  
8 and Professions Code section 4022. It is an illegal, highly addictive recreational drug.

9 FIRST CAUSE FOR DISCIPLINARY ACTION

10 (Substantially Related Conviction)  
(Bus. & Prof. Code §§8780 and 490)

11 19. Respondent has subjected his Professional Land Surveyor to disciplinary action under  
12 sections 4982, subdivision (a), and 490 in that he was convicted of a crime substantially related to  
13 the qualifications, functions, of duties of a Professional Land Surveyor. Specifically, on or about  
14 February 1, 2012, in the Superior Court of California, Humboldt County, Case No. CR1102113C,  
15 entitled *The People of the State of California v. Thomas Norman Stephens*, Respondent pled nolo  
16 contendere and was convicted of violating Health and Safety Code section 11378 (possession for  
17 sale of a controlled substance, to wit, Methamphetamine), a felony. Respondent also admitted the  
18 enhancement within the meaning of Penal Code section 12022, subdivision (a)(1), of being armed  
19 with a firearm — a .380 Taurus semi-auto handgun, during the commission and attempted  
20 commission of the above offense. Respondent was also convicted by his plea of nolo contendere  
21 of violating Health and Safety Code section 11366.5 (knowingly renting, leasing, making  
22 available, etc., a facility for the purpose of storing, manufacturing, distributing, etc., a controlled  
23 substance), a felony. The factual circumstances of the conviction are as follows:

24 a. On or about April 16, 2011, Humboldt County Sheriff's Department (HCSD)  
25 deputies and members of the Humboldt County Drug Task Force (HCDTF) executed a search  
26 warrant at Respondent's residence located at 154 Redway Drive, Redway, California. Besides  
27 Respondent, three other individuals were present during the search warrant's execution. The  
28 items seized during the search warrant's execution of Respondent's master bedroom included, but

1 were not limited to, a loaded .380 Taurus semi-automatic handgun; two loaded .380 magazines  
2 for the Taurus semi-automatic handgun; a H&R 20 gauge shotgun; an Ohaus triple beam scale; a  
3 white cen-tech digital scale; Marijuana buds weighing about 9 pounds bundled for sale; a  
4 prescription pill bottle containinng 7 small pieces of paper (suspected LSD); a large prescription  
5 bottle containing 55.5 grams of a white crystal substance (suspected Methamphetamine); a clear  
6 plastic bag containing 2.8 grams of a brown powdery substance (suspected Heroin); and a clear  
7 plastic container containing 6.3 grams of a white powdery substance (suspected Cocaine). A  
8 large amount of US currency or \$8,000.00 was located on Respondent's person and in his  
9 bedroom.

10 b. Due to the HCSD deputy's training and experience, the deputy believed the white  
11 crystal substance to be Methamphetamine, the white powdery substance to be Cocaine; the hard  
12 black substance to be Heroin, and the small paper tabs to be LSD. Due to the large quantity of  
13 controlled substances, the several digital scales, and the way the Marijuana was packaged, the  
14 HCSD deputy believed that Respondent possessed these items for sale. Respondent was arrested  
15 for violating Health and Safety Code sections 11378, 11351, 11377, subdivision (a), 113659, and  
16 11366.5, subdivision (a), and for violating Penal Code sections 12022, subdivision (c), and  
17 12280, subdivision (b).

18 PRAYER

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

22 1. Revoking or suspending Land Surveyor License Number L 6734, issued to Thomas  
23 Norman Stephens;

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2. Ordering Thomas Norman Stephens to pay the Board for Professional Engineers, Land Surveyors, and Geologists the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3; and

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

DATED: 8/6/12

*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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