

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

In the Matter of the Accusation and Petition to)	
Revoke Probation against:)	
)	
GREG SCOTT EMBREE)	Case No. 1189-A
918 Deerflats Drive)	
San Dimas, CA 91773)	
)	
Land Surveyor License, No. L 6771,)	
)	
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 December 27, 2019.

IT IS SO ORDERED November 21, 2019.

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 MARC D. GREENBAUM
Supervising Deputy Attorney General
3 LESLIE A. WALDEN
Deputy Attorney General
4 State Bar No. 196882
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Attorneys for Complainant
7

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

13 In the Matter of the Accusation/Petition to
Revoke Probation Against:

14 **GREG SCOTT EMBREE**
15 **918 Deerflats Drive**
16 **San Dimas, CA 91773**

17 **Land Surveyor License No. L 6771**

18 Respondent.

Case No. 1189-A

OAH No. 2019050768

19 **STIPULATED SETTLEMENT AND**
20 **DISCIPLINARY ORDER**

21 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-
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). He brought this action solely in
25 his official capacity and is represented in this matter by Xavier Becerra, Attorney General of the
26 State of California, by Leslie A. Walden, Deputy Attorney General.

27 2. Respondent Greg Scott Embree (Respondent) is representing himself in this
28 proceeding and has chosen not to exercise his right to be represented by counsel.

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3. On or about June 26, 1992, the Board issued Land Surveyor License No. L 6771 to Greg Scott Embree (Respondent). The Land Surveyor License was in full force and effect at all times relevant to the charges brought in Accusation/Petition to Revoke Probation No. 1189-A, and will expire on September 30, 2020, unless renewed.

JURISDICTION

4. The Accusation and Petition to Revoke Probation No. 1189-A was filed before the Board, and is currently pending against Respondent. The Accusation and Petition to Revoke Probation and all other statutorily required documents were properly served on Respondent on November 19, 2018. Respondent timely filed his Notice of Defense contesting the Accusation/Petition to Revoke Probation.

5. A copy of the Accusation and Petition to Revoke Probation No. 1189-A is attached as exhibit A and incorporated herein by reference.

ADVISEMENT AND WAIVERS

6. Respondent has carefully read, and understands the charges and allegations in the Accusation and Petition to Revoke Probation No. 1189-A. Respondent has also carefully read, 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 and Petition to Revoke Probation; 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.

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

1 **CULPABILITY**

2 9. Respondent admits the truth of each and every charge and allegation in the
3 Accusation and Petition to Revoke Probation No. 1189-A.

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

6 **CONTINGENCY**

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

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

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

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

1 **DISCIPLINARY ORDER**

2 IT IS HEREBY ORDERED that Land Surveyor License No. L 6771 issued to Respondent
3 Greg Scott Embree is revoked. However, the revocation is stayed and Respondent is to remain on
4 probation for the current probationary period of four (4) years as previously ordered on April 21,
5 2017, with an effective date of May 19, 2017, on the following terms and conditions.

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

8 2. **Submit Reports.** Respondent shall submit such special reports as the Board may
9 require.

10 3. **Tolling of Probation.** The period of probation shall be tolled during the time
11 Respondent is practicing exclusively outside the state of California. If, during the period of
12 probation, Respondent practices exclusively outside the state of California, Respondent shall
13 immediately notify the Board in writing.

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

21 5. **Completion of Probation.** Upon successful completion of all of the probationary
22 conditions and the expiration of the period of probation, Respondent's Land Surveyor License,
23 No. L 6771, shall be unconditionally restored.

24 6. **Cost Recovery.** No later than six (6) months prior to completion date of probation,
25 Respondent shall reimburse the Board for its current and previous investigative and enforcement
26 costs in this matter in the amount of \$5,292.50. Said reimbursement may be paid in installments.

27 7. **Surveying Course.** No later than six (6) months prior to completion date of
28 probation, Respondent shall successfully complete and pass one college-level land surveying

1 course, which must be related to the areas of violation alleged in the Accusation. Said course shall
2 be approved in advance by the Board or its designee. Respondent shall provide the Board with
3 official proof of completion of the requisite course. For purposes of this condition, “college-level
4 course” means a course offered by a community college or a four-year university of three
5 semester units or the equivalent; it does not include seminars.

6 8. **Ethics Course.** No later than six (6) months prior to completion date of probation,
7 Respondent must successfully complete and pass a course in professional ethics, approved in
8 advance by the Board or its designee.

9 9. **Notification.** Respondent shall provide the Board with evidence that he has provided
10 all persons or entities with whom he has a contractual or employment relationship relating to
11 professional land surveying services with a copy of the decision and order of the Board and shall
12 provide the Board with the name and business address of each person or entity required to be so
13 notified. During the period of probation, Respondent may be required to provide the same
14 notification to each new person or entity with whom he has a contractual or employment
15 relationship relating to professional land surveying services and shall report to the Board the
16 name and address of each person or entity so notified.

17 10. **Resubmit Record of Survey 2014-1040.** Within thirty (30) days from the effective
18 date of the decision, Respondent shall resubmit Record of Survey 2014-1040. Respondent shall
19 provide the Board proof of having resubmitted the Record of Survey within thirty (30) days of the
20 resubmittal to the Orange County Surveyor’s Office. Furthermore, Respondent shall comply with
21 all pertinent provisions of the Business and Professions Code in order to complete the filing
22 process for the subject map. Respondent shall provide the Board with a copy of the Record of
23 Survey as filed with the County Recorder.

24 11. **Submit Corner Records for “Long Beach Project.”** Within ninety (90) days from
25 the effective date of the decision, Respondent shall submit corner records for the land surveying
26 identified as the “Long Beach Project.” Respondent shall provide the Board proof of having
27 resubmitted the corner records within thirty (30) days of the resubmittal to the Los Angeles
28 County Surveyor’s Office. Furthermore, Respondent shall comply with all pertinent provisions of

1 the Business and Professions Code in order to complete the filing process for the subject map.
2 Respondent shall provide the Board with a copy of the corner records as filed with the County.

3 12. **Resubmit Corner Records for “Charnwood Project.”** Within ninety (90) days
4 from the effective date of the decision, Respondent shall resubmit corner records for the land
5 surveying identified as the “Charnwood Project.” Respondent shall provide the Board proof of
6 having resubmitted the corner records within thirty (30) days of the resubmittal to the Los
7 Angeles County Surveyor’s Office. Furthermore, Respondent shall comply with all pertinent
8 provisions of the Business and Professions Code in order to complete the filing process for the
9 subject map. Respondent shall provide the Board with a copy of the corner records as filed with
10 the County.

11 13. **California Laws and Board Rules Examination.** Respondent shall successfully
12 complete and pass the California Laws and Board Rules examination, as administered by the
13 Board.

14
15 **ACCEPTANCE**

16 I have carefully read the Stipulated Settlement and Disciplinary Order. I understand the
17 stipulation and the effect it will have on my Land Surveyor License. I enter into this Stipulated
18 Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be
19 bound by the Decision and Order of the Board for Professional Engineers, Land Surveyors, and
20 Geologists.

21
22 DATED: 10/16/19

Original Signed

23 GREG SCOTT EMBREE
24 *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.

DATED: 10/17/19

Respectfully submitted,
XAVIER BECERRA
Attorney General of California
MARC D. GREENBAUM
Supervising Deputy Attorney General

Original Signed

LESLIE A. WALDEN
Deputy Attorney General
Attorneys for Complainant

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Exhibit A

Accusation/Petition to Revoke Probation No. 1189-A

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2 MARC D. GREENBAUM
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7 *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**

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13
14 In the Matter of the Accusation and Petition to
Revoke Probation Against:

15 **GREG SCOTT EMBREE**
16 **11245 West Cienega, No. 138**
17 **San Dimas, CA 91773**
Land Surveyor License No. L 6771

18 Respondent.

Case No. 1189-A

**ACCUSATION AND PETITION TO
REVOKE PROBATION**

19
20 Complainant alleges:

21 **PARTIES**

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

25 2. On or about June 26, 1992, the Board for Professional Engineers, Land Surveyors,
26 and Geologists issued Land Surveyor License Number L 6771 to Greg Scott Embree
27 (Respondent). The Land Surveyor License was in full force and effect at all times relevant to the
28 charges brought herein and will expire on September 30, 2020, unless renewed.

1 3. In a disciplinary action entitled "In the Matter of the Accusation against Greg Scott
2 Embree," Case No. 1124-A, the Board for Professional Engineers, Land Surveyors, and
3 Geologists issued a Decision and Order effective June 16, 2016, in which Respondent's Land
4 Surveyor License was revoked. However, the revocation was stayed and Respondent's Land
5 Surveyor License was placed on probation for four (4) years with certain terms and conditions. A
6 copy of that Decision and Order is attached as Exhibit A and is incorporated by reference.

7 **JURISDICTION AND STATUTORY PROVISIONS FOR ACCUSATION**

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

12 5. Section 8780 of the Code states:

13 "Section 8780 of the Code states:

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

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

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

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

24 "(c) Any fraud or deceit in obtaining his or her license.

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

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

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

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

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

6 6. Section 8773.2 of the Code states:

7 (a) A “corner record” submitted to the county surveyor or engineer shall be examined by
8 him or her for compliance with subdivision (d) of Section 8765 and Sections 8773 , 8773.1 , and
9 8773.4 , endorsed with a statement of his or her examination, and filed with the county surveyor
10 or returned to the submitting party within 20 working days after receipt.

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

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

1 explaining the differences. The explanation of the differences shall be sufficiently specific to
2 identify the factual basis for the differences.

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

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

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

14 7. Section 8780.2 of the Code states:

15 (a) The failure of, or refusal by, a licensee or a certificate holder to respond to a written
16 request from a representative of the board to cooperate in the investigation of a complaint against
17 that licensee or certificate holder constitutes a cause for disciplinary action under Section 8780 or
18 8780.1 .

19 (b) This section shall remain in effect only until January 1, 2020, and as of that date is
20 repealed.

21 8. Section 8771 subdivision (b) of the Code states:

22 "(b) When monuments exist that control the location of subdivisions, tracts, boundaries,
23 roads, streets, or highways, or provide horizontal or vertical survey control, the monuments shall
24 be located and referenced by or under the direction of a licensed land surveyor or licensed civil
25 engineer legally authorized to practice land surveying, prior to the time when any streets,
26 highways, other rights-of-way, or easements are improved, constructed, reconstructed,
27 maintained, resurfaced, or relocated, and a corner record or record of survey of the references
28 shall be filed with the county surveyor."

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9. Title 16 of the California Code of Regulations, section 476 states:

“To protect and safeguard the health, safety, welfare, and property of the public, every person who is licensed by the Board as a professional land surveyor or professional civil engineer legally authorized to practice land surveying, including licensees employed in any manner by a governmental entity or in private practice, shall comply with this Code of Professional 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.

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

“....”

COST RECOVERY

10. Section 125.3 of the Code provides, in pertinent part, that the Board may request the administrative law judge to direct a licentiate 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, with failure of the licentiate to comply subjecting the license to not being renewed or reinstated. If a case settles, recovery of investigation and enforcement costs may be included in a stipulated settlement.

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1 **FACTUAL BACKGROUND**

2 **Charnwood Avenue Project.**

3 11. On or about March 6, 2017, the Board received a complaint dated March 2, 2017,
4 from GDC¹ against Respondent. The complaint concerned a land surveying project located at
5 Charnwood Avenue in Los Angeles, California (Charnwood Avenue Project). GDC alleged that
6 in 2013, while performing her own surveys along the 710 Freeway in Alhambra, California, she
7 found some of Respondent's monuments. Upon research at the County of Los Angeles' (County)
8 website, GDC found two corner records filed in 2010 with reference to three other unfiled corner
9 records. The County informed GDC that the other three corner records had been reviewed, and
10 returned to Respondent for corrections. The revised records were required to be returned to the
11 County within sixty (60) days, or upon a mutually agreeable time. However, Respondent failed
12 to resubmit the corrected corner records. An independent reviewer for the Board confirmed these
13 allegations. On or about April 26, 2017, a Board Analyst sent Respondent a letter advising him of
14 the complaint and allegations above, and requesting a response by May 17, 2017. Despite several
15 extensions of time provided to Respondent to respond to the written inquiry, no response was
16 ever received from the Respondent.

17 **Basswood Avenue Project**

18 12. On or about March 9, 2017, the Board received a complaint dated March 9, 2017
19 from RM, licensed land surveyor against Respondent. The complaint concerned the property
20 identified as a cul-de-sac of Basswood Avenue, north of Graylog Street, Tract No. 21169 in
21 Rancho Palos Verdes (Basswood Avenue Project). RM's complaint stated that ties were on file
22 with Los Angeles County (County) for the monument at the centerline of the subject cul-de-sac,
23 CEFB2068_97. RM alleged that Respondent tied out something other than the centerline
24 monument, used and referred to the existing ties as "no reference," and filed Corner Record
25 PWFB0317 -723/724. RM further advised that this created a false centerline monument that could
26 adversely affect all adjacent homeowners. RM advised that he corrected the problem with

27 _____
28 ¹ Initials are used in lieu of witness names in order to protect the privacy interest of those individuals.

1 unnecessary additional expenses by returning to the site to locate and perpetuate the actual
2 centerline monument, Corner Record PWFB03 17-1750/1751. An independent reviewer for the
3 Board confirmed these allegations. On or about April 26, 2017, a Board Analyst sent Respondent
4 a letter advising him of the complaint and allegations above, and requesting a response by May
5 17, 2017. Despite several extensions of time provided to Respondent to respond to the written
6 inquiry, no response was ever received from the Respondent.

7 **FIRST CAUSE FOR DISCIPLINE**

8 **(Negligence - Charnwood Avenue Project)**

9 13. Respondent is subject to disciplinary action under section 8780 subdivision (b) of the
10 Code in conjunction with section 8773.2 subdivision (b) of the Code and title 16 of the California
11 Code of Regulations, section 476 in that he was negligent in his practice of land surveying by
12 failing in properly file corner records within sixty (60) days or within a mutually agreed upon
13 time frame with regard to the Charnwood Avenue Project. The circumstances surrounding these
14 violations are set forth above in paragraph 11, and are incorporated herein as though set forth in
15 full.

16 **SECOND CAUSE FOR DISCIPLINE**

17 **(Incompetence - Charnwood Avenue Project)**

18 14. Respondent is subject to disciplinary action under section 8780 subdivision (b) of the
19 Code in conjunction with section 8773.2 subdivision (b) of the Code and title 16 of the California
20 Code of Regulations, section 476 in that he was incompetent in his practice of land surveying by
21 failing to provide professional services on the Charnwood Avenue Project that were consistent
22 with the law, rules and regulations when he failed in properly file corner records within sixty (60)
23 days or within a mutually agreed upon time frame with regard to the Charnwood Avenue Project.
24 The circumstances surrounding these violations are set forth above in paragraph 11, and are
25 incorporated herein as though set forth in full.

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THIRD CAUSE FOR DISCIPLINE

(Negligence - Basswood Avenue Project)

15. Respondent is subject to disciplinary action under section 8780 subdivision (b) of the Code in conjunction with section 8771 subdivision (b) of the Code and title 16 of the California Code of Regulations, section 476 in that he was negligent in his practice of land surveying by failing to adequately perform the research for the proper placement of the monuments on the Basswood Avenue Project. The circumstances surrounding these violations are set forth above in paragraph 12, and are incorporated herein as though set forth in full.

FOURTH CAUSE FOR DISCIPLINE

(Incompetence - Basswood Avenue Project)

16. Respondent is subject to disciplinary action under section 8780 subdivision (b) of the Code in conjunction with section 8771 subdivision (b) of the Code and title 16 of the California Code of Regulations, section 476 in that he was incompetent in his practice of land surveying by failing to provide professional services that were consistent with the law, rules and regulations when he failed to adequately perform the research for the proper placement of the monuments on the Basswood Avenue Project. The circumstances surrounding these violations are set forth above in paragraph 12, and are incorporated herein as though set forth in full.

FIFTH CAUSE FOR DISCIPLINE

(Failure to Respond to Written Requests by Board)

17. Respondent is subject to disciplinary action under section 8780.2 of the Code in that Respondent failed or refused to respond to several written requests from the Board to cooperate in the investigations of the complaints against him on the both Charnwood Avenue Project and the Basswood Avenue Project. The circumstances surrounding these violations are set forth above in paragraphs 11 and 12, and are incorporated herein as though set forth in full.

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1 **JURISDICTION FOR PETITION TO REVOKE PROBATION**

2 18. This Petition to Revoke Probation is brought before the Board for Professional
3 Engineers, Land Surveyors, and Geologists (Board), Department of Consumer Affairs under the
4 following Probation Terms and Condition set forth in the Decision and Order *In the Matter of the*
5 *Accusation against Greg Scott Embree*, Case No. 1124-A.

6 **FIRST CAUSE TO REVOKE PROBATION**

7 **(Failure to obey all laws)**

8 7. At all times after the effective date of Respondent's probation, Condition 1 stated:
9 **Obey All Laws.** Respondent shall obey all federal, state, and local laws and regulations
10 related to the practices of professional engineering and land surveying.

11 8. Respondent's probation is subject to revocation because he failed to comply with
12 Probation Condition 1, referenced above. The facts and circumstances regarding this violation
13 are such that obey all federal, state, and local laws and regulations related to the practices of
14 professional engineering and land surveying.

15 **SECOND CAUSE TO REVOKE PROBATION**

16 **(Notification)**

17 7. At all times after the effective date of Respondent's probation, Condition 9 stated:
18 **Notification.** Within thirty (30) days from the effective date of the decision, Respondent
19 shall provide the Board with evidence that he has provided all persons or entities with whom he
20 has a contractual or employment relationship relating to professional land surveying services with
21 a copy of the decision and order of the Board and shall provide the Board with the name and
22 business address of each person or entity required to be so notified. During the period of
23 probation, Respondent may be required to provide the same notification to each new person or
24 entity with whom he has a contractual or employment relationship relating to professional land
25 surveying services and shall report to the Board the name and address of each person or entity so
26 notified.

27 8. Respondent's probation is subject to revocation because he failed to comply with
28 Probation Condition 9, referenced above. The facts and circumstances regarding this violation

1 are such that Respondent failed to provide to the Board evidence that he provided all persons or
2 entities with whom he had a contractual or employment relationship relating to professional land
3 surveying services with a copy of the decision and order of the Board.

4 **THIRD CAUSE TO REVOKE PROBATION**

5 **(Resubmit Record of Survey 2014-1040)**

6 7. At all times after the effective date of Respondent's probation, Condition 10 stated:

7 **Resubmit Record of Survey 2014-1040.** Within ninety (90) days from the effective date of
8 the decision, Respondent shall resubmit Record of Survey 2014-1040. Respondent shall provide
9 the Board proof of having resubmitted the Record of Survey within thirty (30) days of the
10 resubmittal to the Orange County Surveyor's Office. Furthermore, Respondent shall comply with
11 all pertinent provisions of the Business and Professions Code in order to complete the filing
12 process for the subject map. Respondent shall provide the Board with a copy of the Record of
13 Survey as filed with the County Recorder.

14 8. Respondent's probation is subject to revocation because he failed to comply with
15 Probation Condition 10, referenced above. The facts and circumstances regarding this violation
16 are as such that Respondent failed to, within ninety days from the effective date of the decision,
17 resubmit Record of Survey 2014-1040. The order required that Respondent provide to the Board
18 proof of having resubmitted the Record of Survey within thirty days of the resubmittal to the
19 Orange County Surveyor's Office and that he comply with all pertinent provisions of the Business
20 and Professions Code in order to complete the filing process for the map. The order additionally
21 required that Respondent provide the Board with a copy of the Record of Survey as filed with the
22 County Recorder. Respondent failed to comply.

23 **FOURTH CAUSE TO REVOKE PROBATION**

24 **(Submit Corner Records For "Long Beach Project")**

25 7. At all times after the effective date of Respondent's probation, Condition 11 stated:

26 **Submit Corner Records For "Long Beach Project."** Within ninety (90) days from the
27 effective date of the decision, Respondent shall submit corner records for the land surveying
28 identified as the "Long Beach Project." Respondent shall provide the Board proof of having

1 resubmitted the Record of Survey within thirty (30) days of the resubmittal to the Los Angeles
2 County Surveyor's Office. Furthermore, Respondent shall comply with all pertinent provisions of
3 the Business and Professions Code in order to complete the filing process for the subject map.
4 Respondent shall provide the Board with a copy of the Record of Survey as filed with the County
5 Recorder.

6 8. Respondent's probation is subject to revocation because he failed to comply with
7 Probation Condition 11, referenced above. The facts and circumstances regarding this violation
8 are such that Respondent failed to submit Corner Records for the Long Beach Project within 90
9 days from the effective date of the decision.

10 **PRAYER**

11 WHEREFORE, Complainant requests that a hearing be held on the matters alleged in this
12 Accusation and Petition to Revoke Probation, and that following the hearing, the Board for
13 Professional Engineers, Land Surveyors, and Geologists issue a decision:

14 1. Revoking the probation that was granted by the Board for Professional Engineers,
15 Land Surveyors, and Geologists in Case No. 1124-A and imposing the disciplinary order that was
16 stayed thereby revoking Land Surveyor License No. L 6771 issued to Greg Scott Embree;

17 2. Revoking or suspending Land Surveyor License No. L 6771, issued to Greg Scott
18 Embree;

19 3. Ordering Greg Scott Embree to pay the Board for Professional Engineers, Land
20 Surveyors, and Geologists the reasonable costs of the investigation and enforcement of this case,
21 pursuant to Business and Professions Code section 125.3; and

22 4. Taking such other and further action as deemed necessary and proper.

23 DATED: 10/29/18

Original Signed

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

28 LA2018601591
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Exhibit A

Decision and Order

Board for Professional Engineers, Land Surveyors, and Geologists Case No. 1124-A

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

In the Matter of the First Amended)	
Accusation against:)	
)	
GREG SCOTT EMBREE)	Case No. 1124-A
2131 Redell Avenue)	
Monrovia, CA 91016)	
)	
Land Surveyor License, No. L 6771)	
)	
Respondent.)	
_____)	

DECISION

The attached Stipulated Surrender 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 *May 19, 2017* .

IT IS SO ORDERED *April 21, 2017* .

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 LINDA L. SUN
Supervising Deputy Attorney General
3 MATTHEW A. KING
Deputy Attorney General
4 State Bar No. 265691
300 So. Spring Street, Suite 1702
5 Los Angeles, CA 90013
Telephone: (213) 897-7446
6 Facsimile: (213) 897-2804
E-mail: Matthew.King@doj.ca.gov
7 *Attorneys for Complainant*

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

11 In the Matter of the Accusation Against:

12 **GREG SCOTT EMBREE**
13 2131 Redell Ave.
14 Monrovia, CA 91016

15 **Land Surveyor License No. L 6771**

16 Respondent.

Case No. 1124-A
OAH No. 2016080642

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

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

20 PARTIES

21 1. Richard B. Moore, PLS (Complainant) is the Executive Officer of the Board for
22 Professional Engineers, Land Surveyors, and Geologists (Board). He brought this action solely in
23 his official capacity and is represented in this matter by Xavier Becerra, Attorney General of the
24 State of California, by Matthew A. King, Deputy Attorney General.

25 2. Respondent Greg Scott Embree (Respondent) is representing himself in this
26 proceeding and has chosen not to exercise his right to be represented by counsel.

27 ///

28 ///

1 CULPABILITY

2 9. Respondent admits the truth of each and every charge and allegation in Accusation
3 No. 1124-A.

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

6 CONTINGENCY

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

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

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

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

1 **DISCIPLINARY ORDER**

2 IT IS HEREBY ORDERED that Land Surveyor License No. L 6771 issued to Respondent
3 Greg Scott Embree is revoked. However, the revocation is stayed and Respondent is placed on
4 probation for four (4) years on the following terms and conditions.

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

7 2. **Submit Reports.** Respondent shall submit such special reports as the Board may
8 require.

9 3. **Tolling of Probation.** The period of probation shall be tolled during the time
10 Respondent is practicing exclusively outside the state of California. If, during the period of
11 probation, Respondent practices exclusively outside the state of California, Respondent shall
12 immediately notify the Board in writing.

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

20 5. **Completion of Probation.** Upon successful completion of all of the probationary
21 conditions and the expiration of the period of probation, Respondent's Land Surveyor License,
22 No. L 6771, shall be unconditionally restored.

23 6. **Cost Recovery.** Within three and one-half (3 ½) years from the effective date of the
24 decision, Respondent shall reimburse the Board for its investigative and enforcement costs in this
25 matter in the amount of \$5,292.50. Said reimbursement may be paid in installments.

26 7. **Surveying Course.** Within three and one-half (3 ½) years from the effective date of
27 the decision, Respondent shall successfully complete and pass one college-level land surveying
28 course, which must be related to the areas of violation alleged in the Accusation. Said course shall

1 be approved in advance by the Board or its designee. Respondent shall provide the Board with
2 official proof of completion of the requisite course. For purposes of this condition, “college-level
3 course” means a course offered by a community college or a four-year university of three
4 semester units or the equivalent; it does not include seminars.

5 8. **Ethics Course.** Within three and one-half (3 ½) years from the effective date of the
6 decision, Respondent must successfully complete and pass a course in professional ethics,
7 approved in advance by the Board or its designee.

8 9. **Notification.** Within thirty (30) days from the effective date of the decision,
9 Respondent shall provide the Board with evidence that he has provided all persons or entities with
10 whom he has a contractual or employment relationship relating to professional land surveying
11 services with a copy of the decision and order of the Board and shall provide the Board with the
12 name and business address of each person or entity required to be so notified. During the period
13 of probation, Respondent may be required to provide the same notification to each new person or
14 entity with whom he has a contractual or employment relationship relating to professional land
15 surveying services and shall report to the Board the name and address of each person or entity so
16 notified.

17 10. **Resubmit Record of Survey 2014-1040.** Within ninety (90) days from the effective
18 date of the decision, Respondent shall resubmit Record of Survey 2014-1040. Respondent shall
19 provide the Board proof of having resubmitted the Record of Survey within thirty (30) days of the
20 resubmittal to the Orange County Surveyor’s Office. Furthermore, Respondent shall comply with
21 all pertinent provisions of the Business and Professions Code in order to complete the filing
22 process for the subject map. Respondent shall provide the Board with a copy of the Record of
23 Survey as filed with the County Recorder.

24 11. **Submit Corner Records For “Long Beach Project.”** Within ninety (90) days from
25 the effective date of the decision, Respondent shall submit corner records for the land surveying
26 identified as the “Long Beach Project.” Respondent shall provide the Board proof of having
27 resubmitted the Record of Survey within thirty (30) days of the resubmittal to the Los Angeles
28 County Surveyor’s Office. Furthermore, Respondent shall comply with all pertinent provisions of

1 the Business and Professions Code in order to complete the filing process for the subject map.
2 Respondent shall provide the Board with a copy of the Record of Survey as filed with the County
3 Recorder.

4 12. **California Laws and Board Rules Examination.** Within sixty (60) days from the
5 effective date of the decision, Respondent shall successfully complete and pass the California
6 Laws and Board Rules examination, as administered by the Board.

7 ACCEPTANCE

8 I have carefully read the Stipulated Settlement and Disciplinary Order. I understand the
9 stipulation and the effect it will have on my Land Surveyor License. I enter into this Stipulated
10 Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be
11 bound by the Decision and Order of the Board for Professional Engineers, Land Surveyors, and
12 Geologists.

13
14 DATED: 3/8/19 Original Signed
15 GREG SCOTT EMBREE
Respondent

16 ENDORSEMENT

17 The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully
18 submitted for consideration by the Board for Professional Engineers, Land Surveyors, and
19 Geologists.

20 Dated: 3/9/19 Respectfully submitted,
21 XAVIER BECERRA
22 Attorney General of California
23 LINDA L. SUN
24 Supervising Deputy Attorney General

Original Signed

25 MATTHEW A. KING
26 Deputy Attorney General
27 *Attorneys for Complainant*

28 LA2015501996 | 52408720

Exhibit A

First Amended Accusation No. 1124-A

1 KAMALA D. HARRIS
Attorney General of California
2 LINDA L. SUN
Supervising Deputy Attorney General
3 MATTHEW A. KING
Deputy Attorney General
4 State Bar No. 265691
300 So. Spring Street, Suite 1702
5 Los Angeles, CA 90013
matthew.king@doj.ca.gov
6 (213) 897-7446

7 *Attorneys for Complainant*

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

11 In the Matter of the Accusation Against:

Case No. 1124-A

12 **GREG SCOTT EMBREE**
13 2131 Redell Ave.
14 Monrovia, CA 91016

FIRST AMENDED ACCUSATION

15 **Land Surveyor License No. L 6771**

16 Respondent.

17
18 Complainant alleges:

19 **PARTIES**

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

23 2. On June 26, 1992, the Board for Professional Engineers, Land Surveyors, and
24 Geologists issued Land Surveyor License Number L 6771 to Greg Scott Embree (Respondent).
25 The Land Surveyor License was in full force and effect at all times relevant to the charges brought
26 herein and, unless renewed, will expire on September 30, 2018.

27 ///

28 ///

1 **JURISDICTION**

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

5 4. Code section 118 states:

6 (a) The withdrawal of an application for a license after it has been filed with a
7 board in the department shall not, unless the board has consented in writing to such
8 withdrawal, deprive the board of its authority to institute or continue a proceeding
9 against the applicant for the denial of the license upon any ground provided by law or to
10 enter an order denying the license upon any such ground.

11 (b) The suspension, expiration, or forfeiture by operation of law of a license
12 issued by a board in the department, or its suspension, forfeiture, or cancellation by
13 order of the board or by order of a court of law, or its surrender without the written
14 consent of the board, shall not, during any period in which it may be renewed, restored,
15 reissued, or reinstated, deprive the board of its authority to institute or continue a
16 disciplinary proceeding against the licensee upon any ground provided by law or to
17 enter an order suspending or revoking the license or otherwise taking disciplinary action
18 against the licensee on any such ground.

19 (c) As used in this section, "board" includes an individual who is authorized by
20 any provision of this code to issue, suspend, or revoke a license, and "license" includes
21 "certificate," "registration," and "permit."

22 **STATUTES**

23 5. Code section 8762 states in pertinent part:

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

27 6. Code section 8764 states in pertinent part:

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

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

7. Code section 8772 states:

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

1 Nothing in this section shall prevent the inclusion of other information on the tag
2 which will assist in the tracing or location of the survey records which relate to the
3 tagged monument.

4 8. Code section 8780 states in pertinent part:

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

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

19 ...

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

22 REGULATIONS

23 9. California Code of Regulations, title 16, section 416 states in pertinent part:

24 For the purpose of denial, suspension, or revocation of the license of a
25 professional engineer or a land surveyor pursuant to Division 1.5 (commencing with
26 Section 475) of the Business and Professions Code, a crime or act shall be considered
27 substantially related to the qualifications, functions, and duties of a professional
28 engineer or land surveyor if, to a substantial degree, it evidences present or potential
unfitness of a professional engineer or land surveyor to perform the functions
authorized by his or her license in a manner consistent with the public health, safety, or
welfare. Such crimes or acts shall include, but not be limited to, those involving the
following:

...
(b) For land surveyors, any violations of the provisions of the Professional Land
Surveyors' Act or aiding and abetting any person in such a violation;

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10. California Code of Regulations, title 16, section 473.3 states in pertinent part:

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

(c) If the cited person fails to pay all of the fine within the time allowed, the balance due for the fine shall be added to the renewal fee for the license, and the license shall not be renewed until the fine is paid in full.

11. California Code of Regulations, title 16, section 476 states in pertinent part:

To protect and safeguard the health, safety, welfare, and property of the public, every person who is licensed by the Board as a professional land surveyor or professional civil engineer legally authorized to practice land surveying, including licensees employed in any manner by a governmental entity or in private practice, shall comply with this Code of Professional 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.

(a) Compliance with Laws Applicable to a Project:

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

COST RECOVERY

12. Code section 125.3 provides, in pertinent part, that the Bureau may request the administrative law judge to direct a licentiate 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, with failure of the licentiate to comply subjecting the license to not being renewed or reinstated.

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STATEMENT OF FACTS

A. Citation Order 10305-L

13. On or about January 6, 2014, Citation Order 10305-L was issued to Respondent. Citation Order 10305-L contained an order of abatement requiring that Respondent comply with the law and not violate Business and Professions Code section 8762, subdivision (b)(5). That Code section requires a licensed land surveyor to file a record of survey with the county surveyor if the survey discloses that the points or lines set during the performance of the survey (in any deed or other instrument of title recorded in the county recorder’s office) are not shown on any subdivision map, official map, or record of survey.

14. The Citation ordered Respondent to file a record of survey to document the work he performed on a project identified as Lot 408 of Tract 2590 in Seal Beach. The Citation carried an administrative fine of \$1,000. Respondent was required to comply with the Citation in 30 days.

15. On March 6, 2014, following an informal conference, the Board issued an Informal Conference Decision affirming the citation and extending the deadline for compliance to 30 days from the date of the decision.

16. On or about April 10, 2014, Respondent filed a record of survey with the Orange County Surveyor’s Office. On or about May 12, 2014, the Orange County Surveyor’s Office notified Respondent that his record of survey was deficient and he needed to address thirteen points of error. Respondent did not file a corrected record of survey.

B. Canyon Crest Road Project

17. On or about December 28, 2010, Respondent attempted to re-monument Canyon Crest Road in San Juan Capistrano.

18. Respondent filed four corner records with the Orange County Surveyor’s Office on or about August 26, 2013. He filed four more corner records on or about November 7, 2013.

19. The Orange County Surveyor’s Office accepted the records “as stated,” meaning it could not independently verify the records’ accuracy.

20. Respondent’s preparation of the corner records was deficient in three respects. First, Respondent was required to file the corner records within 90 days of performing the survey, but he

1 delayed filing the corner records until years later. Second, Respondent was required to tie out the
2 monuments properly, but he failed to do it. Third, Respondent was required to state on the corner
3 records what kind of monument he found on the centerline that he was tying out, but he did not
4 describe the centerline monument.

5 **C. Long Beach Project**

6 21. In 2010 and 2011, Respondent surveyed land in Long Beach but he failed to file nine
7 corner records with the Los Angeles County Surveyor's Office. As of December 5, 2015,
8 Respondent still had not filed the corner records.

9 **FIRST CAUSE FOR DISCIPLINE**

10 **(Incompetence)**

11 22. Respondent is subject to disciplinary action under Code section 8780, subdivision (b),
12 in conjunction with California Code of Regulations, title 16, section 416, because he performed
13 land surveying in an incompetent manner. Complainant realleges paragraphs 17 through 20.

14 **SECOND CAUSE FOR DISCIPLINE**

15 **(Negligence)**

16 23. Respondent is subject to disciplinary action Code section 8780, subdivision (b), in
17 conjunction with California Code of Regulations, title 16, section 416, because he negligently
18 performed land surveying. Complainant realleges paragraphs 17 through 20.

19 **THIRD CAUSE FOR DISCIPLINE**

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

21 24. Respondent is subject to disciplinary action under California Code of Regulations, title
22 16, section 473.3 because he failed to comply with a citation issued by the Board. Complainant
23 realleges paragraphs 13 through 16.

24 ///

25 ///

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1 **FOURTH CAUSE FOR DISCIPLINE**

2 **(Violation of Professional Land Surveyors' Act)**

3 25. Respondent is subject to disciplinary action under Business and Professions Code
4 section 8780, subdivision (d), for violating a provision of the Professional Land Surveyors' Act, as
5 follows.

6 26. **Bus. & Prof. Code, § 8772:** Business and Professions Code section 8772 requires a
7 licensed land surveyor to permanently and visibly mark or tag monuments that he sets during a
8 survey. Respondent violated this provision of the Professional Land Surveyors' Act by failing to
9 appropriately tag monuments during a survey of Canyon Crest Road in San Juan Capistrano.
10 Complainant realleges paragraphs 17 through 20.

11 27. **Bus. & Prof. Code, § 8762, subd. (c):** Business and Professions Code section 8762,
12 subdivision (c), requires a licensed land surveyor to file a record of survey within 90 days of the
13 survey. Respondent violated this provision of the Professional Land Surveyors' Act by failing to
14 file a record of survey within 90 days of the survey in two separate projects: one on Canyon Crest
15 Road in San Juan Capistrano, the other in Long Beach. Complainant realleges paragraphs 17
16 through 21.

17 28. **Bus. & Prof. Code, § 8764, subd. (a):** Business and Professions Code section 8764,
18 subdivision (a), requires a licensed land surveyor to describe (by their kind, size and location) all
19 monuments that he finds (or sets, resets, replaces or removes). Respondent violated this provision
20 of the Professional Land Surveyors' Act by failing to adequately describe a centerline monument in
21 his survey of Canyon Crest Road in San Juan Capistrano. Complainant realleges paragraphs 17
22 through 20.

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1 **FIFTH CAUSE FOR DISCIPLINE**

2 **(Unprofessional Conduct)**

3 29. Respondent is subject to disciplinary action under Business and Professions Code
4 section 8780, subdivision (h), in conjunction with California Code of Regulations, title 16, section
5 476, subdivision (a), for unprofessional conduct in that he failed to provide professional services
6 for a project in a manner that is consistent with the laws, codes, ordinances, rules, and regulations
7 applicable to the project. Complainant realleges paragraphs 17 through 21.

8 **PRAYER**

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

- 12 1. Revoking or suspending Land Surveyor License Number L 6771, issued to Greg Scott
13 Embree;
- 14 2. Ordering Greg Scott Embree to pay the Board for Professional Engineers, Land
15 Surveyors, and Geologists the reasonable costs of the investigation and enforcement of this case,
16 pursuant to Business and Professions Code section 125.3; and,
- 17 3. Taking such other and further action as deemed necessary and proper.

18
19
20
21 DATED: 3/3/17

Original Signed

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