

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

In the Matter of the Accusation against:)	
)	
RICHARD LANGFORD)	Case No. 1252-A
424 Preston Court)	
Livermore, CA 94551)	
)	
Land Surveyor License, No. L 6895,)	
)	
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 9, 2021.

IT IS SO ORDERED November 9, 2021.

Original Signed

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

1 ROB BONTA
Attorney General of California
2 DIANN SOKOLOFF
Supervising Deputy Attorney General
3 LAURA PEDICINI
Deputy Attorney General
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Attorneys for Complainant

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9 **BEFORE THE**
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 and Citation
Against:

14 **RICHARD LANGFORD**
15 **424 Preston Court**
16 **Livermore, CA 94551**

17 **Land Surveyor License No. L 6895**

18 Respondent.

Case Nos. 1252-A, 10899-L

OAH Case Nos. 2021060673, 2021060675
(Consolidated)

**STIPULATED SETTLEMENT
AND ORDER**

19
20 In the interest of a prompt and speedy settlement of the consolidated hearing on Accusation
21 No. 1252-A and Citation No. 10899-L, consistent with the public interest and the responsibility of
22 the Board for Professional Engineers, Land Surveyors, and Geologists of the Department of
23 Consumer Affairs, the parties hereby agree to the following Stipulated Settlement and
24 Disciplinary Order which will be submitted to the Board for approval and adoption as the final
25 disposition of the Accusation No. 1252-A and Citation No. 10899-L.

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1 **PARTIES**

2 1. Richard B. Moore, PLS (Complainant) is the Executive Officer of the Board for
3 Professional Engineers, Land Surveyors, and Geologists (Board). He brought this action solely in
4 his official capacity and is represented in this matter by Rob Bonta, Attorney General of the State
5 of California, by Laura Pedicini, Deputy Attorney General.

6 2. Respondent Richard Langford (Respondent) is represented in this proceeding by
7 attorney Robert Hahn, whose address is Gould, Hahn & Reinhardt P.L.C., 2550 Ninth Street,
8 Suite 101, Berkeley, CA 94710.

9 3. On or about January 14, 1993, the Board issued Land Surveyor License No. L 6895 to
10 Richard Langford (Respondent). The Land Surveyor License expired on June 30, 2021, and has
11 not been renewed.

12 **JURISDICTION**

13 4. Accusation No. 1252-A was filed before the Board, and is currently pending against
14 Respondent. The Accusation and all other statutorily required documents were properly served
15 on Respondent on February 17, 2021. Respondent timely filed his Notice of Defense contesting
16 the Accusation.

17 5. On or about March 10, 2021, pursuant to its authority under California Code of
18 Regulations, section 473, the Board issued Citation No. 10899-L to Respondent. The citation
19 contained an order of abatement and an administrative fine in the amount of \$2,500.00.

20 6. A copy of Accusation No. 1252-A is attached as exhibit A and incorporated here by
21 reference. A copy of Citation No. 10899-L is attached as exhibit B and incorporated here by
22 reference.

23 **ADVISEMENT AND WAIVERS**

24 7. Respondent has carefully read, fully discussed with counsel, and understands the
25 charges and allegations in Accusation No. 1252-A, and Citation No. 10899-L. Respondent has
26 also carefully read, fully discussed with counsel, and understands the effects of this Stipulated
27 Settlement and Order.

28 ///

1 8. Respondent is fully aware of his legal rights in this matter, including the right to a
 2 hearing on the charges and allegations in the Accusation; the right to confront and cross-examine
 3 the witnesses against him; the right to present evidence and to testify on his own behalf; the right
 4 to the issuance of subpoenas to compel the attendance of witnesses and the production of
 5 documents; the right to reconsideration and court review of an adverse decision; and all other
 6 rights accorded by the California Administrative Procedure Act and other applicable laws.

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

9 CULPABILITY

10 10. Respondent understands and agrees that the charges and allegations in Accusation
 11 No. 1252-A and Citation No. 10899-L, if proven at a hearing, constitute cause for imposing
 12 discipline upon his Land Surveyor License or the imposition of an order of abatement and
 13 administrative fine, respectively.

14 11. For the purpose of resolving the Accusation and Citation without the expense and
 15 uncertainty of further proceedings, Respondent agrees that, at a hearing, Complainant could
 16 establish a factual basis for the charges in the Accusation and Citation, and that Respondent
 17 hereby gives up his right to contest those charges.

18 12. Respondent agrees that his Land Surveyor License is subject to discipline and he
 19 agrees to be bound by the Board's imposition of discipline as set forth in the Order below.

20 13. Respondent is aware and agrees that, on the effective date of the Board's decision and
 21 order, Citation No. 10899-L will become final and non-appealable.

22 WITHDRAWAL OF CITATION APPEAL

23 14. Respondent withdraws his appeal of Citation No. 10899-L and agrees not to appeal
 24 the Citation.

25 CONTINGENCY

26 15. This stipulation shall be subject to approval by the Board for Professional Engineers,
 27 Land Surveyors, and Geologists. Respondent understands and agrees that counsel for
 28 Complainant and the staff of the Board for Professional Engineers, Land Surveyors, and

1 Geologists may communicate directly with the Board regarding this stipulation and settlement,
2 without notice to or participation by Respondent or his counsel. By signing the stipulation,
3 Respondent understands and agrees that he may not withdraw his agreement or seek to rescind the
4 stipulation prior to the time the Board considers and acts upon it. If the Board fails to adopt this
5 stipulation as its Decision and Order, the Stipulated Settlement and Order shall be of no force or
6 effect, except for this paragraph, it shall be inadmissible in any legal action between the parties,
7 and the Board shall not be disqualified from further action by having considered this matter.

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

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

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

20 **DISCIPLINARY ORDER**

21 IT IS HEREBY ORDERED that Land Surveyor License No. L 6895, issued to Respondent
22 Richard Langford, is now revoked.

23 1. Respondent shall lose all rights and privileges as a land surveyor in California as of
24 the effective date of the decision of the Board adopting this stipulation, including the right to use
25 any of the restricted titles associated with his license.

26 2. Respondent shall cause to be delivered to the Board the pocket identification card(s)
27 and wall certificate for this license on or before the effective date of the decision of the Board
28 adopting this stipulation.

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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: 10/7/21

Respectfully submitted,
ROB BONTA
Attorney General of California
DIANN SOKOLOFF
Supervising Deputy Attorney General

Original Signed

LAURA PEDICINI
Deputy Attorney General
Attorneys for Complainant

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Exhibit A

Accusation No. 1252-A

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Attorney General of California
2 DIANN SOKOLOFF
Supervising Deputy Attorney General
3 LAURA PEDICINI
Deputy Attorney General
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Attorneys for Complainant

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9 **BEFORE THE**
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 Against:

Case No. 1252-A

14 **RICHARD LANGFORD**
424 Preston Court
15 Livermore, California 94551

ACCUSATION

16 Land Surveyor License Number L 6895

17 Respondent.
18

19
20 **PARTIES**

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

24 2. On or about January 14, 1993, the Board issued Land Surveyor License Number L
25 6895 to Richard Langford (Respondent). The Land Surveyor License was in full force and effect
26 at all times relevant to the charges brought in this Accusation and will expire on June 30, 2021,
27 unless renewed.

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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. Code section 8780 provides that the Board, by majority vote, may publicly reprove,
6 suspend for up to two years, or revoke the license of any licensed land surveyor for, among other
7 things, a violation in the course of the practice of land surveying of a rule or regulation of
8 unprofessional conduct adopted by the Board.

9 5. California Code of Regulations, title 16, section 473, subdivision (a), provides that
10 the Executive Officer or his or her designee may issue a citation for any violation of any
11 provision of law enforced by the Board to any person who holds a license issued by the Board.

12 **REGULATORY PROVISIONS**

13 6. California Code of Regulations, title 16, section 473.3, provides that failure of a cited
14 person to abate the violation or pay all of the assessed fine within the time allowed is grounds for
15 suspension or revocation of the cited person’s license.

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

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

28 (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,

1 professional land surveyors, and other qualified persons) as to the intent and
2 meaning of such laws, codes, and regulations.

3 **STATUTORY PROVISIONS**

4 8. Code section 8710.1 provides that protection of the public shall be the highest priority
5 for the Board in exercising its licensing, regulatory, and disciplinary functions; and whenever
6 protection of the public is inconsistent with other interests, the protection of the public shall be
7 paramount.

8 **COST RECOVERY**

9 9. Section 125.3 of the Code provides, in relevant part, that the Board may request the
10 administrative law judge to direct a licentiate found to have committed a violation or violations of
11 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
12 enforcement of the case, with failure of the licentiate to comply subjecting the license to not being
13 renewed or reinstated. If a case settles, recovery of investigation and enforcement costs may be
14 included in a stipulated settlement.

15 **FACTUAL ALLEGATIONS**

16 10. On or about March 8, 2019, the Board issued Citation Order 10729-L to Respondent
17 for a violation of Code section 8780, subdivision (d), based on a survey project he completed in
18 San Francisco County. The citation contained an order of abatement and fined Respondent
19 \$500.00. On or about March 28, 2019, Respondent mailed a request for administrative hearing to
20 contest Citation Order 10729-L. Additionally, Respondent submitted a check for \$500.00 as
21 payment for the administrative fine. However, since Respondent appealed the citation, the Board
22 did not deposit the check for \$500.00. Instead, the Board returned the check to Respondent on or
23 about April 16, 2019.

24 11. On July 17, 2020, Respondent signed Respondent's Notice of Withdrawal of Request
25 for Hearing, and Citation Order 10729-L became final as of that date. On the withdrawal request
26 form, Respondent indicated that he understood that he must comply with the original terms of the
27 citation, including the Order of Abatement and payment of the administrative fine within 30 days.
28

1 On or about November 6, 2020, the Board sent Respondent a letter advising him that failure to
2 pay the administrative fine within thirty (30) days would result in the matter being referred to the
3 Office of the Attorney General for disciplinary action against his land surveyor license. As of the
4 date of the filing of this Accusation, Respondent has not paid the administrative fine.

5 **CAUSE FOR DISCIPLINE**

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

7 12. Respondent has subjected his Land Surveyor License to disciplinary action under
8 California Code of Regulations, title 16, section 473.3, subdivision (b), in that Respondent failed
9 pay the fine associated with Citation No. 10729-L within the time prescribed.

10 **DISCIPLINE CONSIDERATIONS**

11 13. To determine the degree of discipline, if any, to be imposed on Respondent,
12 Complainant alleges that Respondent demonstrated a disregard for the law and his professional
13 obligations by failing to comply with Citation No. 10729-L and take responsibility for his past
14 negligence or incompetence. Respondent's failure to comply poses a threat to the public because
15 Respondent has shown he cannot or will not properly carry out the duties or functions of a
16 licensed land surveyor.

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PRAYER

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

1. Revoking or suspending Land Surveyor License Number L 6895, issued to Richard Langford;
2. Ordering Richard Langford 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: 2/16/21

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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**BOARD FOR PROFESSIONAL ENGINEERS, LAND SURVEYORS, AND GEOLOGISTS**

2535 Capitol Oaks Drive, Suite 300, Sacramento, California, 95833-2944

Telephone: (916) 999-3600 – Toll Free: 1-866-780-5370

Facsimile: (916) 263-2246

www.bpelsg.ca.gov



CITATION ORDER

10899-L

ISSUED TO**RICHARD LEE LANGFORD
424 PRESTON COURT
LIVERMORE, CA 94551****ON MARCH 10, 2021****CASE NO. 2020-08-157
LICENSED**

RICHARD B. MOORE, PLS, in his official capacity as the Executive Officer for the Board for Professional Engineers, Land Surveyors, and Geologists (hereinafter referred to as the "Board"), issues this citation in accordance with Title 16, Division 5, California Code of Regulations section 473 for the violation(s) described below.

ORDER OF ABATEMENT

The Board hereby orders you to cease and desist from violating Business and Professions Code section(s) 8759(a)(3), (4) and (5), 8762(c), 8780(a) and (g).

ORDER TO PAY ADMINISTRATIVE FINE

The Board hereby orders you to pay an administrative fine in the amount of \$2,500.00 as provided for by Title 16, Division 5, Section 473.1 of the California Code of Regulations for the violation of section(s) 8759(a)(3), (4) and (5), 8762(c), 8780(a) and (g) of the Business and Professions Code, within thirty (30) days of the date the citation becomes final.

Licensing History

The records of the Board show that on January 14, 1993, the Board issued a Land Surveyor License No. L 6895 to Richard Lee Langford; said license expires June 30, 2021, unless renewed.

Cause for Citation

An investigation, including a review by at least one licensee of the Board who is competent in the branch of professional land surveying most relevant to the subject matter, determined that you have violated the Professional Land Surveyors' Act (Business and Professions Code section 8700, et seq.) related to a property identified as 779 Bush Street, San Francisco, California.

Specifically, on or about January 25, 2016 you executed a written contract to provide land surveying services related to the aforementioned project. Said contract was deficient in that it did not include your license number and descriptions of the procedures to be used to accommodate additional services and for any party to terminate the contract. As such, you violated Business and Professions Code section(s) 8759(a)(3), (4) and (5). You performed a boundary survey around March 29, 2016, including setting monuments, for which you were required to file a record of survey; however, you failed to timely file your map with the San Francisco City and County Surveyor's Office. Said map was not submitted until September 2020. In failing to file your record of survey within the required ninety days, you violated Business and Professions Code section 8762(c).

According to statements appearing on your filed record of survey, the monumentation shown existed on March 29, 2016. The legend of the map indicates that brass tags had been offset at distances to the northerly and southerly corners of the property on said date. The legend also notes that the northerly offset corner monuments along Bush Street were later destroyed; however, the note omits that fact you removed those tags on July 11, 2020. In removing those monuments that you had previously set related to the aforementioned project you committed acts of misrepresentation in your practice land surveying, in violation of Business and Professions Code section 8780(a). You also breached your contract with your client with regard to failing to timely file your map and in removing monuments you had set, in violation of Business and Professions Code section 8780(g).

Business and Professions Code Section 8759 (in pertinent part)

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

....

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

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

(5) A description of the procedure to be used by both parties to terminate the contract.

....

Business and Professions Code Section 8762 (in pertinent part)

....

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

....

Business and Professions Code Section 8780 (in pertinent part)

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

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

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

....

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

....

Payment Information

Payment of any fine shall not constitute an admission of the violation charged. (Business and Professions Code section 125.9(b)(4)) Where a fine is paid to satisfy an assessment based on the finding of a violation, payment of the fine shall be represented as satisfactory resolution of the matter for purposes of public disclosure. (B & P 125.9(d).) Payment of the administrative fine should be made to the Board for Professional Engineers, Land Surveyors, and Geologists, 2535 Capitol Oaks Drive, Suite 300, Sacramento, CA, 95833-2926.

Appeal and Compliance Information

Unless appealed, this citation shall become a final order of the Board thirty (30) days after the Date of Issuance. Payment of the Administrative Fine is due within thirty (30) days of the date the citation becomes final.

The failure of a professional engineer or land surveyor to comply with the order of abatement or pay the administrative fine after a citation becomes final is grounds for suspension or revocation of his or her license. If a citation is not appealed and the cited person fails to pay the entire fine, 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(s) is/are paid in full.

To appeal this citation or any portion thereof, or to request an informal conference, complete the enclosed "Notice of Appeal/Request for an Informal Conference" form and

submit it to the Board within thirty (30) days of the date of issuance of this citation. Failure to submit a written request for an administrative hearing and/or an informal conference within thirty (30) days of the date of issuance of this citation will waive your right to appeal this citation.

Original Signed

Richard B. Moore, PLS, Executive Officer