

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

In the Matter of the Accusation against:)	
)	
BERNHARD KARL MAYER)	Case No. 1222-A
P.O. Box 592)	
Highland, CA 92346)	
)	
Civil Engineer License, No. C 36866)	
Land Surveyor License No. L 7319,)	
)	
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 June 2, 2022.

IT IS SO ORDERED May 2, 2022.

Original Signed

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

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Attorney General of California
2 ERIN M. SUNSERI
Supervising Deputy Attorney General
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8 *Attorneys for Complainant*

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

13
14 In the Matter of the Accusation Against:

Case No. 1222-A

15 **BERNHARD KARL MAYER**
16 **P.O. Box 592**
Highland, CA 92346

STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER

17
18 **Civil Engineer License No. C 36866**
Land Surveyor License No. L 7319

19 Respondent.
20

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

23 **PARTIES**

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

1 court review of an adverse decision; and all other rights accorded by the California
2 Administrative Procedure Act and other applicable laws.

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

5 **CULPABILITY**

6 10. Respondent admits the truth of each and every charge and allegation in Accusation
7 No. 1222-A.

8 11. Respondent agrees that his Civil Engineer License and Land Surveyor License are
9 subject to discipline and he agrees to be bound by the Board's probationary terms as set forth in
10 the Disciplinary Order below.

11 **CONTINGENCY**

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

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

25 14. This Stipulated Settlement and Disciplinary Order is intended by the parties to be an
26 integrated writing representing the complete, final, and exclusive embodiment of their agreement.
27 It supersedes any and all prior or contemporaneous agreements, understandings, discussions,
28 negotiations, and commitments (written or oral). This Stipulated Settlement and Disciplinary

1 Order may not be altered, amended, modified, supplemented, or otherwise changed except by a
2 writing executed by an authorized representative of each of the parties.

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

6 **DISCIPLINARY ORDER**

7 IT IS HEREBY ORDERED that Civil Engineer License No. C 36866, and Land Surveyor
8 License No. L 7319, issued to Respondent Bernhard Karl Mayer are revoked. However, the
9 revocations are stayed, and Respondent is placed on probation for three years on the following
10 terms and conditions:

11 1. **Ethics Course:** Within one year from the effective date of the decision, Respondent
12 must successfully complete and pass a course in professional ethics, approved in advance by the
13 Board or its designee.

14 2. **Cost Recovery:** Within one year from the effective date of the decision, Respondent
15 shall reimburse the Board \$7,795.00, for its investigative and enforcement costs in this matter in
16 the amount as charged by the Office of the Attorney General up to the date this proposed
17 settlement was offered to Respondent.

18 3. **Comply with Citation No. 10741-L:** Respondent will completely comply with
19 Citation Order 10741-L. Compliance includes, but is not limited to, the following:

- 20 a) Pay the administrative fine of \$2,000.00 as ordered;
- 21 b) Submit a record of survey for the project in Calimesa, California, within ninety days from
22 the effective date of the decision;
- 23 c) Provide the Board proof of submission of the record of survey within thirty days of the
24 submittal to the Riverside County Surveyor's Office;
- 25 d) Complete the filing process for the record of survey in accordance with the Business and
26 Professions Code, within ninety days from the effective date of the decision; and
- 27 e) Provide the Board with a copy of the record of survey as filed with the County Surveyor's
28 Office, within one hundred and twenty days from the effective date of the decision.

1 4. **Comply with Citation No. 10742-L:** Respondent will completely comply with
2 Citation Order 10742-L. Compliance includes, but is not limited to, the following:

- 3 a) Pay the administrative fine of \$2,000.00 as ordered;
- 4 b) Submit a record of survey for the project in Indian Wells, California, within ninety days
5 from the effective date of the decision;
- 6 c) Provide the Board proof of having submitted the record of survey within thirty days of the
7 submittal to the Riverside County Surveyor's Office;
- 8 d) Complete the filing process for the record of survey in accordance with the Business and
9 Professions Code; and
- 10 e) Provide the Board with a copy of the record of survey as filed with the County Surveyor's
11 Office, within one hundred and twenty days from the effective date of the decision.

12 5. **Comply with Citation No. 10743-L:** Respondent will completely comply with
13 Citation Order 10743-L. Compliance includes, but is not limited to, the following:

- 14 a) Pay the administrative fine of \$1,500.00 as ordered.

15 6. **Laws and Rules Examination:** Respondent shall complete and pass the California
16 Laws and Board Rules examination, as administered by the Board, within sixty days of the
17 effective date of the decision;

18 7. **Notice of Discipline:** Respondent shall inform any persons or entities with whom he
19 has a contractual or employment relationship relating to land surveying or civil engineering that
20 his licenses are subject to discipline by providing such persons or entities with a copy of the
21 decision and order in this matter.

- 22 a) Respondent shall provide the Board with the known contact information for each person
23 to be notified (including but not limited to the person or entity's name, address, phone,
24 number, and email);
- 25 b) Respondent shall provide the Board with evidence that he has complied with this notice
26 requirement within thirty days from the effective date of the decision;
- 27 c) Respondent shall notify any new person or entity with whom he enters into a contractual
28 or employment relationship related to land surveying or civil engineering, prior to entering

1 into such a relationship; and

2 d) Respondent shall notify the Board in writing of new contractual or employment
3 relationships related to land surveying or civil engineering, and report the contact
4 information for any new person or entity to the Board within thirty days of the start of
5 such contractual or employment relationship.

6 8. **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 9. **Submit Special Reports.** Respondent shall submit such special reports as the Board
9 may require.

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

14 11. **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 12. **Fines.** Each violation of the terms of probation shall be considered a separate and
22 distinct violation subject to the assessment of administrative fines under California Code of
23 Regulations, title 16, section 472.1. Accordingly, the Complainant or a designee, in his/her sole
24 discretion, may impose fines of up to \$5,000.00 per violation of any term of probation.
25 Imposition of administrative fines are in addition to any other discipline or action the Board may
26 take against Respondent.

27 ///

28 ///

Exhibit A

Accusation No. 1222-A

1 XAVIER BECERRA
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2 JAMES M. LEDAKIS
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3 AGUSTIN LOPEZ
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14 In the Matter of the Accusation Against:

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15 **BERNHARD KARL MAYER**
16 **P.O. Box 592**
Highland, CA 92346

ACCUSATION

17 **Civil Engineer License No. C 36866**
18 **Land Surveyor License No. L 7319**

19 Respondent.
20

21 **PARTIES**

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

25 2. On or about July 22, 1983, the Board issued Civil Engineer License Number C 36866
26 to Bernhard Karl Mayer (Respondent). The Civil Engineer License was in full force and effect at
27 all times relevant to the charges brought herein and will expire on June 30, 2020, unless renewed.
28

1 otherwise taking disciplinary action against the licensee on any such ground.

2 (c) As used in this section, “board” includes an individual who is authorized
3 by any provision of this code to issue, suspend, or revoke a license, and “license”
4 includes “certificate,” “registration,” and “permit.”

5 8. Business and Professions Code section 6775 states:

6 The board may, upon its own initiative or upon the receipt of a complaint,
7 investigate the actions of any professional engineer licensed under this chapter
8 and make findings thereon.

9 By a majority vote, the board may publicly reprove, suspend for a period
10 not to exceed two years, or revoke the certificate of any professional engineer
11 licensed under this chapter on any of the following grounds:

12 . . .

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

15 9. Business and Professions Code section 8780 states:

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

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

26 . . .

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

. . .

10. Business and Professions Code section 8780.2 states, “The failure of, or refusal by, a
licensee or a certificate holder to respond to a written request from a representative of the board in
the investigation of a complaint against that licensee or certificate holder constitutes a cause for
disciplinary action under Section 8780 or 8780.1.”

///

REGULATORY PROVISIONS

11. California Code of Regulations, title 16, section 404 defines the following:

For the purpose of the rules and regulations contained in this chapter, the following terms are defined. No definition contained herein authorizes the practice of engineering as defined in the Professional Engineers Act.

...

(u) For the sole purpose of investigating complaints and making findings thereon under Sections 6775 and 8780 of the Code, "incompetence" as used in Sections 6775 and 8780 of the Code is defined as the lack of knowledge or ability in discharging professional obligations as a professional engineer or land surveyor.

...

(i) "Board" means the Board for Professional Engineers, Land Surveyors, and Geologists.

...

(k) "Civil engineer" refers to a person who holds a valid license in the branch of civil engineering, as defined in Section 6702 of the Code.

(l) "Civil engineering" is that branch of professional engineering as defined in Section 6731 of the Code.

...

(w) "Land surveying" is that practice defined in Section 8726 of the Code.

(x) "Land surveyor" refers to a person who holds a valid license as a land surveyor, as defined in Section 8701 of the Code.

...

(dd) For the sole purpose of investigating complaints and making findings thereon under Sections 6775 and 8780 of the Code, "negligence" as used in Sections 6775 and 8780 of the Code is defined as the failure of a licensee, in the practice of professional engineering or land surveying, to use the care ordinarily exercised in like cases by duly licensed professional engineers and land surveyors in good standing.

...

12. California Code of Regulations, title 16, section 418 provides the criteria for rehabilitation and states:

...

1 (b) When considering the suspension or revocation of . . . the license of a
2 professional engineer or a professional land surveyor, . . . , the Board will
3 consider the following criteria in evaluating the rehabilitation of such person and
4 his or her present eligibility to retain his or her license:

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

7 (2) Evidence of any act(s) committed prior to or subsequent to the act(s) or
8 crime(s) under consideration as grounds for suspension or revocation which could
9 also be considered as grounds for suspension or revocation under Section 490 of
10 the Code.

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

13 (4) The extent to which the licensee has complied with any terms of parole,
14 probation, restitution, or any other sanctions lawfully imposed against the license.

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

16 . . .

17 13. California Code of Regulations, title 16, section 419 provides required language for
18 disciplinary orders as follows:

19 For violations of Business and Professions Code sections 6775 and/or 8780
20 which result in an order issued in accordance with Chapters 4.5 and 5 of Part 1 of
21 Division 3 of Title 2 of the Government Code against a professional engineering
22 and/or a professional land surveying license, the following provisions shall apply
23 to disciplinary orders contained in decisions of the Board:

24 (a) The minimum disciplinary order shall be reproof. The maximum
25 disciplinary order shall be revocation of the license.

26 (b) If warranted by extenuating and/or mitigating factors in the matter, the
27 disciplinary order may be stayed by an express condition that the respondent
28 comply with probationary conditions. The minimum time period in which the
respondent shall have to comply with the conditions shall be two years. For
purposes of this section, this time period shall be known as the period of
probation.

(c) All decisions containing stayed disciplinary orders as described in
subdivision (b) shall include the following probationary conditions:

(1) The respondent shall obey all laws and regulations related to the
practices of professional engineering and professional land surveying.

(2) The respondent shall submit such special reports as the Board may

1 require.

2 (3) The period of probation shall be tolled during the time the respondent is
3 practicing exclusively outside the state of California. If, during the period of
4 probation, the respondent practices exclusively outside the state of California, the
5 respondent shall immediately notify the Board in writing.

6 (4) If the respondent violates the probationary conditions in any respect, the
7 Board, after giving the respondent notice and the opportunity to be heard, may
8 vacate the stay and reinstate the disciplinary order which was stayed. If, during
9 the period of probation, an accusation or petition to vacate stay is filed against the
10 respondent, or if the matter has been submitted to the Office of the Attorney
11 General for the filing of such, the Board shall have continuing jurisdiction until all
12 matters are final, and the period of probation shall be extended until all matters
13 are final.

14 (5) Upon successful completion of all of the probationary conditions and the
15 expiration of the period of probation, the respondent's license shall be
16 unconditionally restored.

17 (d) All decisions containing stayed disciplinary orders as described in
18 subdivision (b) may include one or more of the following probationary
19 conditions:

20 (1) The respondent's license shall be suspended for a period not to exceed
21 two years. If a suspension of the license is ordered, it shall begin on the effective
22 date of the decision.

23 (2) Within 60 days of the effective date of the decision, the respondent shall
24 successfully complete and pass the California Laws and Board Rules
25 examination, as administered by the Board.

26 (3) The respondent shall successfully complete and pass a course in
27 professional ethics, approved in advance by the Board or its designee. The
28 probationary condition shall include a time period in which this course shall be
successfully completed which time period shall be at least 60 days less than the
time period ordered for the period of probation.

(4) Within 30 days of the effective date of the decision, the respondent shall
provide the Board with evidence that he or she has provided all persons or entities
with whom he or she has a contractual or employment relationship such that the
relationship is in the area of practice of professional engineering and/or
professional land surveying in which the violation occurred with a copy of the
decision and order of the Board and shall provide the Board with the name and
business address of each person or entity required to be so notified. During the
period of probation, the respondent may be required to provide the same
notification of each new person or entity with whom he or she has a contractual or
employment relationship such that the relationship is in the area of practice of
professional engineering and/or land surveying in which the violation occurred

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

3 (5) The respondent shall provide verifiable proof to the Board that
4 restitution has been paid as ordered. The probationary condition shall include a
5 time period in which the verifiable proof shall be provided to the Board which
6 time period shall be at least 60 days less than the time period ordered for the
7 period of probation.

8 (e) In addition to the conditions as may be ordered pursuant to subdivisions
9 (c) and/or (d), the following conditions shall be included for the following
10 specific violations:

11 (1) Incompetency in the practice of professional engineering and/or
12 professional land surveying:

13 (A) The respondent shall successfully complete and pass, with a grade of
14 "C" or better, a minimum of one and a maximum of three college-level courses,
15 approved in advance by the Board or its designee. Such courses shall be
16 specifically related to the area of violation. For purposes of this subdivision,
17 "college-level course" shall mean a course offered by a community college or a
18 four-year university of three semester units or the equivalent; "college-level
19 course" does not include seminars. The probationary condition shall include a
20 time period in which the course(s) shall be successfully completed which time
21 period shall be at least 60 days less than the time period ordered for the period of
22 probation.

23 (B) The respondent shall take and achieve the passing score as set by the
24 Board for the second division examination (including the seismic principles and
25 engineering surveying examinations for civil engineers), provided that in the
26 event the respondent holds multiple licenses, the Board shall select the
27 examination in the area of practice of professional engineering and/or professional
28 land surveying in which the violation occurred and in the area of professional
engineering and/or professional land surveying in which the respondent is
licensed. The Board or its designee may select the specific examination questions
such that the questions relate to the specific area of violation and comprise an
examination of the same duration as that required of an applicant for licensure.
The respondent shall be required to pay the application fee as described in Section
407 and shall be afforded all examination appeal rights as described in Sections
407, 443, and 444. The probationary condition shall include a time period in
which the examination(s) shall be successfully completed which time period shall
be at least 60 days less than the time period ordered for the period of probation.

(C) During the period of probation, the respondent may practice
professional engineering and/or professional land surveying only under the
supervision of a professional engineer and/or professional land surveyor licensed
in the same branch as the respondent. This person or persons shall be approved in
advance by the Board or its designee. Such supervising professional engineer
and/or professional land surveyor shall initial every stamped or sealed document

1 in close proximity to the respondent's stamp or seal.

2 (2) Negligence in the practice of professional engineering and/or
3 professional land surveying:

4 (A) The respondent shall successfully complete and pass, with a grade of
5 "C" or better, a minimum of one and a maximum of three college-level courses,
6 approved in advance by the Board or its designee. Such courses shall be
7 specifically related to the area of violation. For purposes of this subdivision,
8 "college-level course" shall mean a course offered by a community college or a
9 four-year university of three semester units or the equivalent; "college-level
10 course" does not include seminars. The probationary condition shall include a
11 time period in which the course(s) shall be successfully completed which time
12 period shall be at least 60 days less than the time period ordered for the period of
13 probation.

14 (3) Violation and/or breach of contract in the practice of professional
15 engineering and/or professional land surveying:

16 (A) The respondent shall successfully complete and pass, with a grade of
17 "C" or better, a minimum of one and a maximum of three college-level courses,
18 approved in advance by the Board or its designee. Such courses shall be
19 specifically related to the area of violation. For purposes of this subdivision,
20 "college-level course" shall mean a course offered by a community college or a
21 four-year university of three semester units or the equivalent; "college-level
22 course" does not include seminars. The probationary condition shall include a
23 time period in which the course(s) shall be successfully completed which time
24 period shall be at least 60 days less than the time period ordered for the period of
25 probation.

26 (4) Failure to file a record of survey and/or corner record in the practice of
27 professional land surveying:

28 (A) For any records of survey and/or corner records found not to have been
filed and recorded, the respondent shall file or record, as appropriate, the required
record(s) with the appropriate governmental agency within 90 days of the
effective date of the decision. The respondent shall provide the Board with
verifiable proof that the required record(s) have been filed or recorded, as
appropriate, by the governmental agency within 30 days of such filing or
recordation. If an actual suspension of the respondent's license is ordered as a
probationary condition, the record(s) required by this subdivision shall be the only
professional land surveying work the respondent is allowed to perform during the
suspension.

(f) If the respondent is a civil engineer who is legally authorized to practice
professional land surveying and the violation involves negligence and/or
incompetency in the practice of professional land surveying and if warranted by
aggravating factors in the matter, the disciplinary order shall include the following
condition:

1 (1) The existing civil engineer license shall be revoked; a new civil engineer
2 license shall be issued which does not authorize the respondent to practice
3 professional land surveying. Before being permitted to practice professional land
4 surveying, the respondent shall complete and comply with all of the legal
5 requirements for licensure as a professional land surveyor, including, but not
6 limited to, supplying the appropriate application documents and fees and taking
7 and passing the entire second-division examination in professional land
8 surveying.

9 In addition to the disciplinary orders described in this section, all decisions
10 shall address recovery of the Board's investigation and enforcement costs, as
11 described in and authorized by Business and Professions Code section 125.3.

12 Notwithstanding this section, non-conforming terms and conditions may be
13 included as part of the disciplinary order, including such other further or lesser
14 action as the Board deems appropriate, in the interest of protecting the public
15 health, safety, and welfare.

16 As used in this section, "license" includes certificate of registration or license as a
17 professional engineer, licensure as a professional land surveyor, and certificates of
18 authority to use the titles 'structural engineer,' "geotechnical engineer," 'soil
19 engineer,' 'soils engineer,' or "consulting engineer."

20 14. California Code of Regulations, title 16, section 473, subdivision (a) states, "The
21 Executive Officer or his or her designee may issue a citation for any violation of any provision of
22 law enforced by the Board to any person who holds a license issued by the Board."

23 15. California Code of Regulations, title 16, section 473.3 states:

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

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

COST RECOVERY

16. 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.

1 **FACTUAL ALLEGATIONS**

2 17. On May 7, 2019, the Board issued Respondent Citation Nos. 10741-L, 10742-L, and
3 10743-L for violations of the Business and Professions Code. The citations contained orders of
4 abatement requiring Respondent to stop violating the law and comply with the citations. The
5 citations also fined Respondent a total of \$5,500.00. Respondent did not appeal the citations, and
6 consequently on or about June 6, 2019, each citation became the final order of the Board
7 respectively. Subsequently, Respondent failed to comply with the orders of abatement and pay
8 the administrative fines associated with each citation.

9 *Citation No. 10741-L*

10 18. The Board issued Citation No. 10741-L because on or about May 26, 2015,
11 Respondent performed a boundary survey and prepared an ALTA/ACSM¹ Land Title Survey
12 Map (Map) related to five adjoining parcels of land in the City of Calimesa, California, (Calimesa
13 Project) that violated sections of the Business and Professions Code. Specifically, Respondent
14 violated Business and Professions Code section 8761, subdivision (d) by failing to include
15 Respondent’s stamp and signature, or a preliminary notation on the Map respondent prepared;
16 and Business and Professions Code section 8771, subdivision (a) by failing to set monuments as
17 required by the code. Additionally, but not related to the Calimesa Project, the Board cited
18 Respondent because he violated Business and Professions Code section 8729, subdivision (i) by
19 failing to file an Organization Record form with the Board for his business “Sitetech, Inc.”

20 19. The citation contained an order of abatement commanding Respondent to do the
21 following within 30-days of the citation becoming final:

22 a. Comply with the law and not violate Business and Professions Code sections
23 8729, subdivision (i); 8761; 8762, subdivision (b)(4); and 8771, subdivision (a).

24 b. File a record of survey with the Riverside County Surveyor’s Office and
25 provide the Board with a copy of the record of survey.

26
27
28 ¹ ALTA/ACSM stands for American Land Title Association/American Congress on
Surveying and Mapping.

1 c. Complete the Map recordation process in accordance with the law and provide
2 the Board a copy of the final record of survey.

3 d. Submit an Organization Record form for Sitetech, Inc. within 30-days of the
4 date the citation became final.

5 20. The citation further ordered Respondent to pay an administrative fine of \$2,000.00
6 within 30-days of the date the citation becomes final.

7 *Citation No. 10742-L*

8 21. The Board issued Citation No. 10742-L because on or about April 2011 Respondent
9 prepared an ALTA/ACSM Land Survey of a vacant lot in Indian Wells, California; and
10 subsequently, prepared an ALTA/NSPS² Land Title Survey in June 2016 (hereinafter collectively
11 referred to as "Survey"). Respondent's surveys violated the Business and Professions Code.
12 Specifically, Respondent violated Business and Professions Code section 8762, subdivision (b)(4)
13 by failing to file a record of survey that included portions of the west property line, and Highway
14 111's northerly right-of-way, as established by Respondent's Survey, that do not appear on any
15 maps of record. Respondent violated Business and Professions Code section 8771, subdivision
16 (a) by failing to recover or set sufficient durable monuments to perpetuate points or lines in
17 Respondent's Survey. Respondent further violated Business and Professions Code section 8780,
18 subdivision (b) by negligently only showing two unreferenced monuments on the street
19 centerline. The two monuments depicted on the map were insufficient to establish the property
20 boundary and did not meet the standard of care.

21 22. The citation contained an order of abatement commanding Respondent to do the
22 following within 30-days of the citation becoming final:

23 a. Comply with the law and not violate Business and Professions Code sections
24 8762, subdivision (b)(4); 8771, subdivision (a); and 8780, subdivision (b).

25 b. Submit a record of survey to the Riverside County Surveyor's Office and
26 provide the Board with a copy.

27 _____
28 ² ALTA/NSPS stands for American Land Title Association/National Society of
Professional Engineers.

1 c. Complete the map recordation process in accordance with the law and provide a
2 copy of the final record of survey to the Board.

3 23. The citation further ordered Respondent to pay an administrative fine of \$2,000.00
4 within 30-days of the date the citation becomes final.

5 *Citation No. 10743-L*

6 24. The Board issued Citation No. 10743-L because on Respondent violated Business and
7 Professions Code sections 6775.2, subdivision (a)(applicable to professional engineers) and
8 8780.2, subdivision (a) by failing to respond to multiple written requests for cooperation in the
9 Board's investigation. The Board mailed Respondent requests for cooperation to his address of
10 record on June 21, 2018, and August 9, 2018. Respondent failed to respond to the Board's
11 requests.

12 25. The citation contained an order of abatement commanding Respondent to do the
13 following within 30-days of the citation becoming final:

14 a. Comply with the law and not violate Business and Professions Code sections
15 6775.2, subdivision (a); and 8780.2, subdivision (a) in the future.

16 b. Submit a written response to the Board's Enforcement Unit's inquiry regarding
17 Complaint No. 2018-05-109.

18 26. The citation further ordered Respondent to pay an administrative fine of \$1,500.00
19 within 30-days of the date the citation becomes final.

20 *Respondent's Continued Failure to Comply and Respond*

21 27. On October 24, 2019, the Board's Enforcement Unit sent Respondent a request for
22 immediate response relating to his failure to comply with the citations. The Board sent its request
23 by first class and certified mail to Respondent.

24 28. Respondent failed to respond to the Board's request.

25 29. On April 2, 2020, the Board's Enforcement Unit sent Respondent a request for a
26 response to a complaint filed with the Board by the Joint Professional Practices Committee of the
27 Riverside/San Bernardino and Desert Chapters of California Land Surveyors Association &
28 American Council of Engineering Companies (JPPC). The JPPC claimed that Respondent failed

1 to file a Record of Survey with the Riverside County Surveyor's Office after Respondent
2 prepared a ALTA/NSPS Land Title Survey for a property located in Beaumont, CA (Beaumont
3 Project). The JPPC claim was based upon: (1) a lack of controlling monuments; (2) lines
4 established that are not shown on any subdivision map, official map, or Record of survey; and (3)
5 positions depicted which are not ascertainable from the inspection of other maps of record.

6 30. Respondent failed to respond to the Board's request.

7 **FIRST CAUSE FOR DISCIPLINE**

8 **(Failure to Comply with Citation Orders)**

9 31. Complainant incorporates paragraphs 17-30 by reference as if set forth in full herein.

10 32. Respondent has subjected his Civil Engineer License and Land Surveyor License to
11 disciplinary action under California Code of Regulations, title 16, section 473.3, subdivision (b)
12 as follows:

13 a. Respondent failed to abate the violations and pay the fine described in Citation
14 No. 10741-L.

15 b. Respondent failed to abate the violations and pay the fine described in Citation
16 No. 10742-L.

17 c. Respondent failed to abate the violations and pay the fine described in Citation
18 No. 10743-L.

19 **SECOND CAUSE FOR DISCIPLINE**

20 **(Failure to Respond to Written Request in Investigation)**

21 33. Complainant incorporates paragraphs 17-30 by reference as if set forth in full herein.

22 34. Respondent has subjected his Civil Engineer License to disciplinary action under
23 Business and Professions Code section 6775.2 as follows:

24 a. Respondent failed or refused to respond to the Board's October 24, 2019 written
25 request for a response related to Complaint No. 2018-05-109.

26 b. Respondent failed or refused to respond to the Board's April 2, 2020, written request
27 for a response related to the JPPC complaint regarding the Beaumont Project.

28 ///

1 **THIRD CAUSE FOR DISCIPLINE**

2 **(Failure to Respond to Written Request in Investigation)**

3 35. Complainant incorporates paragraphs 17-30 by reference as if set forth in full herein.

4 36. Respondent has subjected his Land Surveyor License to disciplinary action under
5 Business and Professions Code section 8780.2 as follows:

6 a. Respondent failed or refused to respond to the Board's October 24, 2019 written
7 request for a response related to Complaint No. 2018-05-109.

8 b. Respondent failed or refused to respond to the Board's April 2, 2020, written request
9 for a response related to the JPPC complaint regarding the Beaumont Project.

10 **DISCIPLINE CONSIDERATIONS**

11 37. To determine the degree of discipline, if any, to be imposed on Respondent,
12 Complainant alleges the following disciplinary considerations in aggravation of Respondent's
13 current violations:

14 38. Effective May 19, 2017, the Board adopted the Proposed Decision in Citation Case
15 No. 10370-L affirming the citation related to a project in Indio, California. On November 20,
16 2015, the Board issued Modified Citation Order No. 10370-L alleging Respondent was negligent
17 in the practice of land surveying related to his preparation of an ALTA/ACSM Land Title Survey;
18 failed to mark the boundary with sufficient durable monuments to preserve the boundary he
19 established (violation of Bus. & Prof. Code, § 8771, subd. (a)); and failed to file a record of
20 survey (violation of Bus. & Prof. Code, § 8762, subd. (b)). The Proposed Decision reduced the
21 administrative fine from \$2,000.00 to \$500.00. Respondent complied with the final decision.

22 39. Respondent's conduct prior and subsequent to Citation Nos. 10370-L, 10741-L,
23 10742-L, and 10743-L, demonstrates a continued disregard for the law and constitute aggravating
24 factors increasing the severity of the current violations under consideration.

25 **PRAYER**

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

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1. Revoking or suspending Civil Engineer License Number C 36866, issued to Bernhard Karl Mayer;
2. Revoking or suspending Land Surveyor License Number L 7319, issued to Bernhard Karl Mayer;
3. Ordering Bernhard Karl Mayer 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,
4. Taking such other and further action as deemed necessary and proper.

DATED: 5/28/20

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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