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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  
14 Revoke Probation Against:

15 **SOLOMON S. HANDY**  
16 **960 Rancheros Drive, Suite J**  
17 **San Marcos, CA 92069**

18 **Land Surveyor License No. L 7584**

19 Respondent.

Case No. 1226-A

**DEFAULT DECISION AND ORDER**

[Gov. Code, §11520]

20 **FINDINGS OF FACT**

21 1. On or about April 10, 2020, Complainant Richard B. Moore, PLS, in his official  
22 capacity as the Executive Officer of the Board for Professional Engineers, Land Surveyors, and  
23 Geologists, Department of Consumer Affairs, filed Accusation/Petition to Revoke Probation No.  
24 1226-A against Solomon S. Handy (Respondent) before the Board for Professional Engineers,  
25 Land Surveyors, and Geologists. (Accusation/Petition to Revoke Probation attached as Exhibit  
26 A.)

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1           2.     On or about September 17, 1999, the Board for Professional Engineers, Land  
2 Surveyors, and Geologists (Board) issued Land Surveyor License No. L 7584 to Respondent.  
3 The Land Surveyor License was in full force and effect at all times relevant to the charges  
4 brought in Accusation/Petition to Revoke Probation No. 1226-A and will expire on December 31,  
5 2021, unless renewed.

6           3.     On or about April 13, 2020, Respondent was served by Certified and First Class Mail  
7 copies of the Accusation/Petition to Revoke Probation No. 1226-A, Statement to Respondent,  
8 Notice of Defense, Request for Discovery, and Discovery Statutes (Government Code sections  
9 11507.5, 11507.6, and 11507.7) at Respondent's address of record which, pursuant to Business  
10 and Professions Code section 136, is required to be reported and maintained with the Board.  
11 Respondent's address of record was and is: 960 Rancheros Drive, Suite J, San Marcos, CA  
12 92069.

13           4.     Service of the Accusation/Petition to Revoke Probation was effective as a matter of  
14 law under the provisions of Government Code section 11505(c) and/or Business and Professions  
15 Code section 124.

16           5.     Government Code section 11506(c) states, in pertinent part:

17                   (c) The respondent shall be entitled to a hearing on the merits if the respondent  
18 files a notice of defense . . . and the notice shall be deemed a specific denial of all  
19 parts of the accusation . . . not expressly admitted. Failure to file a notice of defense  
20 . . . shall constitute a waiver of respondent's right to a hearing, but the agency in its  
21 discretion may nevertheless grant a hearing.

22           6.     The Board takes official notice of its records and the fact that Respondent failed to  
23 file a Notice of Defense within 15 days after service upon him of the Accusation/Petition to  
24 Revoke Probation, and therefore waived his right to a hearing on the merits of  
25 Accusation/Petition to Revoke Probation No. 1226-A.

26           7.     California Government Code section 11520(a) states, in pertinent part:

27                   (a) If the respondent either fails to file a notice of defense . . . or to appear at  
28 the hearing, the agency may take action based upon the respondent's express  
admissions or upon other evidence and affidavits may be used as evidence without  
any notice to respondent . . . .

8. Pursuant to its authority under Government Code section 11520, the Board finds Respondent is in default. The Board will take action without further hearing and, based on the relevant evidence contained in the Default Decision Investigatory Evidence Packet in this matter, as well as taking official notice of all the investigatory reports, exhibits and statements contained therein on file at the Board's offices regarding the allegations contained in Accusation/Petition to Revoke Probation No. 1226-A, finds that the charges and allegations in Accusation/Petition to Revoke Probation No. 1226-A, are separately and severally, found to be true and correct by clear and convincing evidence.

9. The Board finds that the actual costs for Investigation and Enforcement are \$3,853.75 as of May 20, 2020.

## DETERMINATION OF ISSUES

1. Based on the foregoing findings of fact, Respondent Solomon S. Handy has subjected his Land Surveyor License No. L 7584 to discipline.

2. The agency has jurisdiction to adjudicate this case by default.

3. The Board for Professional Engineers, Land Surveyors, and Geologists is authorized to revoke Respondent's Land Surveyor License based upon the following violations alleged in the Accusation/Petition to Revoke Probation which are supported by the evidence contained in the Default Decision Investigatory Evidence Packet in this case:

a. In or about January of 2015, Respondent was hired to perform a boundary survey in Encinitas, California (Subject Parcel). Respondent conducted his boundary survey of the Subject Parcel and set his monuments in February 2015. Respondent was required to submit a Record of Survey and submit it to the County Surveyors within 90 days per Business and Professions Code section 8762 subdivision (c). Over four years has elapsed since Respondent's work in 2015, and Respondent has yet to submit a Record of Survey for the Subject Parcel to the County Surveyor's Office.

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**ORDER**

IT IS SO ORDERED that Land Surveyor License No. L 7584, issued to Respondent Solomon S. Handy, is revoked.

Pursuant to Government Code section 11520, subdivision (c), Respondent may serve a written motion requesting that the Decision be vacated and stating the grounds relied on within seven (7) days after service of the Decision on Respondent. The agency in its discretion may vacate the Decision and grant a hearing on a showing of good cause, as defined in the statute.

This Decision shall become effective on July 30, 2020.

It is so ORDERED June 25, 2020

*Original Signed*

\_\_\_\_\_  
FOR THE BOARD FOR PROFESSIONAL  
ENGINEERS, LAND SURVEYORS, AND  
GEOLOGISTS  
DEPARTMENT OF CONSUMER AFFAIRS

HANDY DEFAULT DECISION ADA COMPLIANT FORMAT.DOCX/SD2020800051

Attachment:  
Exhibit A: Accusation/Petition to Revoke Probation

1 XAVIER BECERRA  
Attorney General of California  
2 JAMES M. LEDAKIS  
Supervising Deputy Attorney General  
3 AMIE J. FLYNN  
Deputy Attorney General  
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5 San Diego, CA 92101  
P.O. Box 85266  
6 San Diego, CA 92186-5266  
Telephone: (619) 738-9337  
7 Facsimile: (619) 645-2061  
*Attorneys for Complainant*

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

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

15 **SOLOMON S. HANDY**  
16 **960 Rancheros Drive, Suite J**  
17 **San Marcos, CA 92069**  
**Land Surveyor License No. L 7584**

18 Respondent.

Case No. 1226-A

**ACCUSATION AND PETITION TO  
REVOKE PROBATION**

19  
20 **PARTIES**

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

24 2. On or about September 17, 1999, the Board for Professional Engineers, Land  
25 Surveyors, and Geologists issued Land Surveyor License Number L 7584 to Solomon S. Handy  
26 (Respondent). The Land Surveyor License was in full force and effect at all times relevant to the  
27 charges brought herein and will expire on December 31, 2021, unless renewed.

28 ///

1 **PRIOR DISCIPLINE**

2 3. In a disciplinary action titled "*In the Matter of the Accusation Against Solomon*  
3 *Handy*," Case No. 1063-A, the Board issued a Decision and Order effective October 24, 2014, in  
4 which Respondent's Land Surveyor License was revoked. However, the revocation was stayed  
5 and Respondent's Land Surveyor License was placed on probation for three (3) years with certain  
6 terms and conditions. Respondent failed to comply with all terms and conditions. As a result of  
7 Respondent's violation of that probation, in a subsequent disciplinary action entitled "*In the*  
8 *Matter of the First Amended Petition to Revoke Probation Against Solomon Handy*," Case No.  
9 1063-A, the Board issued a Decision and Order effective April 11, 2018, in which Respondent's  
10 Land Surveyor License was revoked. However, the revocation was stayed and Respondent's Land  
11 Surveyor License was placed on probation for two (2) years with certain terms and conditions. A  
12 copy of that Decision and Order is attached as Exhibit A and is incorporated by reference.  
13 Respondent failed to comply with all terms and conditions.

14 **JURISDICTION PROVISIONS**

15 4. This Accusation and Petition to Revoke Probation is brought before the Board under  
16 the authority of the following laws. All section references are to the Business and Professions  
17 Code (Code) unless otherwise indicated.

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

22 6. Section 8780 of the Code states, in pertinent part:

23 [T]he board may, upon its own initiative or upon the receipt of a complaint,  
24 investigate the actions of any land surveyor licensed under this chapter or any civil  
25 engineer licensed under the provisions of Chapter 7 (commencing with Section  
26 6700) who is legally authorized to practice land surveying and make findings  
27 thereon.

28 [T]he 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:

1                   ....

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

3                   ....

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

6                   ....

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

9                   **STATUTORY PROVISIONS**

10                  7.     Section 8762 of the Code states, in pertinent part:

11                   (a) Except as provided in subdivision (b), after making a field survey in  
12 conformity with the practice of land surveying, the licensed surveyor or licensed  
13 civil engineer may file with the county surveyor in the county in which the field  
14 survey was made, a record of the survey.

15                   (b) Notwithstanding subdivision (a), after making a field survey in  
16 conformity with the practice of land surveying, the licensed land surveyor or  
17 licensed civil engineer shall file with the county surveyor in the county in which  
18 the field survey was made a record of the survey relating to land boundaries or  
19 property lines, if the field survey discloses any of the following:

20                   ....

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

25                   ....

26                   **REGULATORY PROVISIONS**

27                  8.     California Code of Regulations, title 16, (CCR) section 404, subdivision (dd) states:

28                   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 professional engineering as defined in the Professional Engineers Act.

                  ....

                  (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.

**COST RECOVERY**

9. Section 125.3 of the Code provides, in pertinent part, that the Board may request the administrative law judge to direct a licensee 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.

**NORTH ½ LOT 3, BLOCK B OF MAP 2141, ENCINITAS, CALIFORNIA**

10. In or about January of 2015, Respondent was hired to perform a boundary survey of North ½ Lot 3, Block B of Map 2141 in Encinitas, California (Subject Parcel). Respondent conducted his boundary survey of the Subject Parcel and set his monuments in February 2015. Respondent was required to submit a Record of Survey and submit it to the County Surveyors within 90 days per Business and Professions Code section 8762 subdivision (c).

11. Over four years has elapsed since Respondent's work in 2015, and Respondent has yet to submit a Record of Survey for the Subject Parcel to the County Surveyor's Office.

12. Another surveyor, JR, retraced the Subject Parcel boundaries and found Respondent's monuments. Surveyor JR's subsequent work did not absolve Respondent of his obligations under Business and Professions Code section 8762 subdivision (c).

**FIRST CAUSE FOR DISCIPLINE**

**(Failure to Prepare and File a Record of Survey)**

13. Respondent is subject to disciplinary action under Code section 8780, subdivision (d), for violation of Code section 8762, subdivision (c), in that Respondent failed to file a Record of Survey within 90 days after the setting of monuments, as set forth in paragraphs 10 through 12 above, which are incorporated by reference herein.

**SECOND CAUSE FOR DISCIPLINE**

**(Negligence in the Practice of Land Surveying)**

14. Respondent is subject to disciplinary action under Code section 8780, subdivision (b), in that he was negligent in his practice of land surveying regarding the Subject Property, as set forth in paragraphs 10 through 12 above, which are incorporated by reference herein.

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1                   **CHARGES AND ALLEGATIONS FOR PETITION TO REVOKE PROBATION**

2           15.    Grounds exist for revoking the probation and reimposing the order of revocation of  
3 Land Surveyor License Number L 7584 issued to Respondent. The Board's disciplinary order  
4 effective on April 11, 2018, contained Probation Condition 6, Violation of Probation, which  
5 provides as follows:

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

11           16.    Respondent has violated the conditions of his probation as set forth below.

12                   **FIRST CAUSE TO REVOKE PROBATION**

13                   **(Failure to Obey All Laws and Regulations Related to Land Surveying)**

14           17.    The Board's disciplinary order effective on April 11, 2018, contained Probation  
15 Condition 3, Obey All Laws, which required Respondent to do the following:

16                   "The Respondent shall obey all federal, state and local laws and regulations related to the  
17 practices of professional engineering and land surveying."

18           18.    Respondent's probation is subject to revocation because he failed to comply with  
19 Probation Condition 3, referenced above. Respondent violated the laws and regulations of the  
20 practice of land surveying in that he failed to file a Record of Survey for a project as required by  
21 Code section 8762 and failed to provide the Board with a copy of the filed Record of Survey.

22                   **PRAYER**

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

26           1.    Revoking the probation that was granted by the Board for Professional Engineers,  
27 Land Surveyors, and Geologists in Case No. 1063-A and imposing the disciplinary order that was  
28 stayed thereby revoking Land Surveyor License No. L 7584 issued to Solomon S. Handy;

2. Revoking or suspending Land Surveyor License No. L 7584, issued to Solomon S. Handy;

3. Ordering Solomon S. Handy 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: 4/10/20

*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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# **Exhibit A**

## **Decision and Order**

**Board for Professional Engineers, Land Surveyors, and Geologists Case No. 1063-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 Petition to )  
Revoke Probation against: )

SOLOMON S. HANDY )  
960 Rancheros Drive, Suite J )  
San Marcos, CA 92069 )

Land Surveyor License, No. L 7584, )

Respondent. )  
\_\_\_\_\_ )

Case No. 1063-A

**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 April 11, 2018.

IT IS SO ORDERED March 8, 2018.

*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 GREGORY J. SALUTE  
Supervising Deputy Attorney General  
3 AGUSTIN LOPEZ  
Deputy Attorney General  
4 State Bar No. 218717  
600 West Broadway, Suite 1800  
5 San Diego, CA 92101  
P.O. Box 85266  
6 San Diego, CA 92186-5266  
Telephone: (619) 738-9461  
7 Facsimile: (619) 645-2061  
E-mail: Agustin.Lopez@doj.ca.gov  
8 *Attorneys for Complainant*

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

14 In the Matter of the Petition to Revoke  
15 Probation Against:

16 **SOLOMON S. HANDY**  
17 **960 Rancheros Drive, Suite J**  
18 **San Marcos, CA 92069**

19 **Land Surveyor License No. L 7584**

20 Respondent.

Case No. 1063-A

OAH No. 2017090656

21 **STIPULATED SETTLEMENT AND**  
22 **DISCIPLINARY ORDER**

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

25 **PARTIES**

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

2. Respondent Solomon S. Handy (Respondent) is represented in this proceeding by attorney Robert F. Hahn, whose address is: Hahn & Gould, 2550 9<sup>th</sup> Street, Ste. 101, Berkeley, CA 94710.

3. On or about September 17, 1999, the Board issued Land Surveyor License No. L 7584 to Respondent. The Land Surveyor License was in full force and effect at all times relevant to the charges brought in Petition to Revoke Probation No. 1063-A, and will expire on December 31, 2019, unless renewed.

## JURISDICTION

4. On June 7, 2017, Petition to Revoke Probation No. 1063-A was filed before the Board. The Petition to Revoke Probation and all other statutorily required documents were properly served on Respondent on June 7, 2017. Respondent timely filed his Notice of Defense contesting the Petition to Revoke Probation.

5. On October 10, 2017, the First Amended Petition to Revoke Probation No. 1063-A was filed and is currently pending against Respondent.

6. A copy of the First Amended Petition to Revoke Probation No. 1063-A is attached as exhibit A and incorporated herein by reference.

## ADVISEMENT AND WAIVERS

7. Respondent has carefully read, fully discussed with counsel, and understands the charges and allegations in First Amended Petition to Revoke Probation No. 1063-A. Respondent has also carefully read, fully discussed with counsel, and understands the effects of this Stipulated Settlement and Disciplinary Order.

8. Respondent is fully aware of his legal rights in this matter, including the right to a hearing on the charges and allegations in the First Amended Petition to Revoke Probation; 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.



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

## CULPABILITY

10. Respondent admits the truth of each and every charge and allegation in the First Amended Petition to Revoke Probation No. 1063-A.

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

## CONTINGENCY

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

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

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

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

**DISCIPLINARY ORDER**

IT IS HEREBY ORDERED that Land Surveyor License, No. L 7584, issued to Solomon Handy, is revoked; however, the revocation shall be stayed, and the previous disciplinary order, effective October 24, 2014, shall remain in full force and effect. In addition, the license shall be placed on probation for two (2) additional years, upon the following terms and conditions:

1. Within thirty (30) days from the effective date of the decision, Respondent shall resubmit the Record of Survey identified as ROS07142 to the Riverside County Surveyor's Office. Respondent shall provide the Board proof of having resubmitted the Record of Survey within fifteen (15) days of the resubmittal to the Riverside County Surveyor's Office.

Furthermore, Respondent shall comply with all pertinent provisions of the Business and Professions Code in order to complete the filing process for the subject map. Respondent shall provide the Board with a copy of the Record of Survey as filed with the County Recorder within fifteen (15) days of said filing.

2. Within thirty (30) days from the effective date of the decision, the respondent shall provide the Board with evidence that he has provided all persons or entities with whom he has a contractual or employment relationship relating to professional land surveying services 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 to each new person or entity with whom he has a contractual or employment relationship relating to professional land surveying services and shall report to the Board the name and address of each person or entity so notified.

3. The respondent shall obey all federal, state, and local laws and regulations related to the practices of professional engineering and land surveying.

4. The respondent shall submit such special reports as the Board may require.





**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: January 12, 2018

Respectfully submitted,

XAVIER BECERRA  
Attorney General of California  
GREGORY J. SALUTE  
Supervising Deputy Attorney General

*Original Signed*

*AY*  
AGUSTIN LOPEZ  
Deputy Attorney General  
*Attorneys for Complainant*

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81918723.doc

**Exhibit A**

**Petition to Revoke Probation No. 1063-A**

1 XAVIER BECERRA  
Attorney General of California  
2 JAMES M. LEDAKIS  
Supervising Deputy Attorney General  
3 AGUSTIN LOPEZ  
Deputy Attorney General  
4 State Bar No. 218717  
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7 Facsimile: (619) 645-2061  
*Attorneys for Complainant*

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

12 In the Matter of the Petition to Revoke  
13 Probation Against,

14 **SOLOMON S. HANDY**  
**970 West Valley Parkway #621**  
**Escondido, CA 92025**

15 **Land Surveyor License No. L 7584**

16 Respondent.

Case No. 1063-A

**FIRST AMENDED PETITION TO  
REVOKE PROBATION**

17  
18 Complainant alleges:

19 **PARTIES**

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

23 2. On September 17, 1999, the Board issued Land Surveyor License Number L 7584  
24 to Solomon S. Handy (Respondent). The Land Surveyor License was in effect at all times  
25 relevant to the charges brought herein and will expire on December 31, 2017, unless renewed.

26 **PRIOR DISCIPLINE**

27 3. In a disciplinary action entitled "In the Matter of Accusation Against Solomon S.  
28 Handy," Case No. 1063-A, the Board issued a decision, effective October 24, 2014, in which

1 Respondent's Land Surveyor License was revoked. However, the revocation was stayed and  
2 Respondent's Land Surveyor License was placed on probation for a period of three (3) years  
3 with certain terms and conditions. A copy of that decision is attached as Exhibit A and is  
4 incorporated by reference.

## 5 JURISDICTION

6 4. This Petition to Revoke Probation is brought before the Board under the authority  
7 of the following laws. All section references are to the Business and Professions Code (Code)  
8 unless otherwise indicated.

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

13 6. Code section 8762 states:

14 (a) Except as provided in subdivision (b), after making a field survey in  
15 conformity with the practice of land surveying, the licensed surveyor or licensed  
civil engineer may file with the county surveyor in the county in which the field  
survey was made, a record of the survey.

16 (b) Notwithstanding subdivision (a), after making a field survey in conformity  
17 with the practice of land surveying, the licensed land surveyor or licensed civil  
engineer shall file with the county surveyor in the county in which the field  
18 survey was made a record of the survey relating to land boundaries or property  
lines, if the field survey discloses any of the following:

19 (1) Material evidence or physical change, which in whole or in part does  
20 not appear on any subdivision map, official map, or record of survey previously  
recorded or properly filed in the office of the county recorder or county surveying  
21 department, or map or survey record maintained by the Bureau of Land  
Management of the United States.

22 (2) A material discrepancy with the information contained in any  
23 subdivision map, official map, or record of survey previously recorded or filed in  
the office of the county recorder or the county surveying department, or any map  
24 or survey record maintained by the Bureau of Land Management of the United  
States. For purposes of this subdivision, a "material discrepancy" is limited to a  
25 material discrepancy in the position of points or lines, or in dimensions.

26 (3) Evidence that, by reasonable analysis, might result in materially  
27 alternate positions of lines or points, shown on any subdivision map, official map,  
or record of survey previously recorded or filed in the office of the county  
28



recorder or the county surveying department, or any map or survey record maintained by the Bureau of Land Management of the United States.

(4) The location, relocation, establishment, reestablishment, or retracement of one or more points or lines not shown on any subdivision map, official map, or record of survey, the positions of which are not ascertainable from an inspection of the subdivision map, official map, or record of survey.

(5) The points or lines set during the performance of a field survey of any parcel described 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.

(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.

(d) (1) If the 90-day time limit contained in subdivision (c) cannot be complied with for reasons beyond the control of the licensed land surveyor or licensed civil engineer, the 90-day time period shall be extended until the time at which the reasons for delay are eliminated. If the licensed land surveyor or licensed civil engineer cannot comply with the 90-day time limit, he or she shall, prior to the expiration of the 90-day time limit, provide the county surveyor with a letter stating that he or she is unable to comply. The letter shall provide an estimate of the date for completion of the record of survey, the reasons for the delay, and a general statement as to the location of the survey, including the assessor's parcel number or numbers.

(2) The licensed land surveyor or licensed civil engineer shall not initially be required to provide specific details of the survey. However, if other surveys at the same location are performed by others which may affect or be affected by the survey, the licensed land surveyor or licensed civil engineer shall then provide information requested by the county surveyor without unreasonable delay.

(e) Any record of survey filed with the county surveyor shall, after being examined by him or her, be filed with the county recorder.

(f) If the preparer of the record of survey provides a postage-paid, self-addressed envelope or postcard with the filing of the record of survey, the county recorder shall return the postage-paid, self-addressed envelope or postcard to the preparer of the record of survey with the filing data within 10 days of final filing. For the purposes of this subdivision, "filing data" includes the date, the book or volume, and the page at which the record of survey is filed with the county recorder.

7. Code section 8767 states:

If the county surveyor finds that the record of survey complies with the examination in Section 8766<sup>1</sup>, the county surveyor shall endorse a statement on it

<sup>1</sup> Code section 8766 states:

1 of his or her examination, and shall present it to the county recorder for filing.  
2 Otherwise the county surveyor shall return it to the person who presented it,  
3 together with a written statement of the changes necessary to make it conform to  
4 the requirements of Section 8766. The licensed land surveyor or registered civil  
5 engineer submitting the record of survey may then make the agreed changes and  
6 note those matters which cannot be agreed upon in accordance with the provisions  
7 of Section 8768<sup>2</sup> and shall resubmit the record of survey within 60 days, or within  
8 the time as may be mutually agreed upon by the licensed surveyor or registered  
9 engineer and the county surveyor, to the county surveyor for filing pursuant to  
10 Section 8768.

11 8. Code section 8780 states:

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

17 (a) Within 20 working days after receiving the record of survey, or within the additional time  
18 as may be mutually agreed upon by the land surveyor or civil engineer and the county surveyor,  
19 the county surveyor shall examine it with respect to all of the following:

20 (1) Its accuracy of mathematical data and substantial compliance with the information  
21 required by Section 8764.

22 (2) Its compliance with Sections 8762.5, 8763, 8764.5, 8771.5, and 8772.

23 (b) The examination pursuant to this section shall not require the licensed land surveyor or  
24 registered civil engineer submitting the record of survey to change the methods or procedures  
25 utilized or employed in the performance of the survey, nor shall the examination require a field  
26 survey to verify the data shown on the record of survey.

27 (c) Nothing in this section shall limit the county surveyor from including notes expressing  
28 opinions regarding the record of survey, or the methods or procedures utilized or employed in the  
performance of the survey.

(d) The examination pursuant to this section shall be performed by, or under the direct  
supervision of, a licensed land surveyor or registered civil engineer.

<sup>2</sup> Code section 8768 states:

If the matters appearing on the record of survey cannot be agreed upon by the licensed  
land surveyor or the registered civil engineer and the county surveyor within 10 working days  
after the licensed land surveyor or registered civil engineer resubmits and requests the record of  
survey be filed without further change, an explanation of the differences shall be noted on the  
map and it shall be presented by the county surveyor to the county recorder for filing, and the  
county recorder shall file the record of survey. The licensed land surveyor or registered civil  
engineer filing the record of survey shall attempt to reach agreement with the county surveyor  
regarding the language for the explanation of the differences. If they cannot agree on the  
language explaining the differences, then both shall add a notation on the record of survey  
explaining the differences. The explanation of the differences shall be sufficiently specific to  
identify the factual basis for the difference.

1                     ...  
2                     (d) Any violation of any provision of this chapter or of any other law  
3                     relating to or involving the practice of land surveying.  
4                     ....

5                     9.       Grounds exist for revoking the probation and reimposing the order of revocation  
6                     of Land Surveyor License Number L 7584 issued to Solomon S. Handy (Respondent). The  
7                     Board's disciplinary order effective on October 24, 2014, contained Probation Condition 9,  
8                     Violation of Probation, which provides as follows:

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

17                    10.     Respondent has violated the conditions of his probation as set forth below.

18                    **FIRST CAUSE TO REVOKE PROBATION**

19                    **(Filing of Record of Survey)**

20                    11.     The Board's disciplinary order effective on October 24, 2014, contained  
21                    Probation Condition 1, Filing of Record of Survey, which required Respondent to do the  
22                    following:

23                    Within thirty days from the effective date of the decision, Respondent  
24                    shall resubmit the Record of Survey identified as ROS07142 to the Riverside  
25                    County Surveyor's Office. Respondent shall provide the Board proof of having  
26                    resubmitted the Record of Survey within fifteen days of the resubmittal to the  
27                    Riverside County Surveyor's Office. Furthermore, Respondent shall comply with  
28                    all pertinent provisions of the Business and Professions Code in order to complete  
29                    the filing process for the subject map. Respondent shall provide the Board with a  
30                    copy of the Record of Survey as filed with the County Recorder within fifteen  
31                    days of said filing.

32                    12.     Respondent's probation is subject to revocation because he failed to comply with  
33                    Probation Condition 1, referenced above. Pursuant to Condition 1, Respondent was required  
34                    within 30 days of the effective date of the decision to resubmit Record of Survey ROS07142 to  
35                    the Riverside County Surveyor's Office. Respondent was also required to provide the Board with



1 a copy of the filed Record of Survey as filed with the County recorder within 15 days of said  
2 filing. Respondent violated Condition 1 when he failed to submit the Record of Survey by  
3 November 23, 2014.

## 4 **SECOND CAUSE TO REVOKE PROBATION**

### 5 **(Investigative Costs)**

6 13. The Board's disciplinary order effective on October 24, 2014, contained  
7 Probation Condition 3, Investigative Costs, which required Respondent to do the following:

8 Within 30 months from the effective date of the decision, Respondent  
9 shall reimburse the Board for its investigative and enforcement costs in this matter  
in the amount of \$3,107.50. Said reimbursement may be paid in installments.

10 14. Respondent's probation is subject to revocation because he failed to pay the  
11 Board's investigative and enforcement costs in the amount of \$3,107.50 by the 30-month  
12 deadline on April 24, 2017. On August 5, 2017, Respondent paid \$3,107.50, four months after  
13 the deadline. Respondent violated Condition 3 when he failed to pay the full amount by the April  
14 24, 2017, deadline.

## 15 **THIRD CAUSE TO REVOKE PROBATION**

### 16 **(Failure to Obey All Laws Related to Land Surveying)**

17 15. The Board's disciplinary order effective on October 24, 2014, contained  
18 Probation Condition 6, Obey All Laws, which required Respondent to do the following:

19 "Respondent shall obey all federal, state and local laws and regulations related to the  
20 practices of professional engineering and land surveying."

21 16. Respondent's probation is subject to revocation because he failed to comply with  
22 Probation Condition 6, referenced above. Respondent violated the laws and regulations of the  
23 practice of land surveying in that he failed to resubmit Record of Survey ROS07142 to the  
24 Riverside County Surveyor's Office within 60 days as required by Code section 8767 and failed  
25 to provide the Board with a copy of the filed Record of Survey.

26 17. In addition, Respondent's probation is subject to revocation because he failed to  
27 comply with Probation Conditions 1 and 3, referenced above. Respondent violated the laws and  
28 regulations of the practice of land surveying in that he failed to file a Record of Survey for a

1 project as required by Code section 8762 and failed to provide the Board with a copy of the filed  
2 Record of Survey.

3 **FOURTH CAUSE TO REVOKE PROBATION**

4 **(Failure to Complete and Pass a Course in Professional Ethics)**

5 18. The Board's disciplinary order effective on October 24, 2014, contained  
6 Probation Condition 2, pass and complete course in professional ethics, which required  
7 Respondent to do the following:

8 "Within 30 months from the effective date of the decision, Respondent shall successfully  
9 complete and pass a course in professional ethics, approved in advance by the Board or its  
10 designee."

11 19. Respondent's probation is subject to revocation because he failed to comply with  
12 Probation Condition 2, referenced above. To date Respondent has not provided proof he has  
13 successfully completed or passed an approved course in professional ethics.

14 **PRAYER**

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

18 1. Revoking the probation that was granted by the Board for Professional Engineers,  
19 Land Surveyors, and Geologists in Case No. 1063-A and imposing the disciplinary order that  
20 was stayed thereby revoking Land Surveyor License No. L 7584 issued to Solomon S. Handy;

21 2. Revoking or suspending Land Surveyor License No. L 7584 , issued to Solomon  
22 S. Handy; and

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

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DATED: 9/28/17

*Original Signed*

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

JML:JRL  
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## **Exhibit A**

### **Decision and Order**

**Board for Professional Engineers, Land Surveyors, and Geologists Case No. 1063-A**



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

In the Matter of the Accusation against:	)	
	)	
SOLOMON S. HANDY	)	Case No.1063-A
960 Rancheros Drive, Suite J	)	
San Marcos, CA 92069	)	
	)	
	)	
Land Surveyor License No. L 7584,	)	
	)	
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 October 24, 2014.

IT IS SO ORDERED September 25, 2014.

*Original Signed*

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

1 KAMALA D. HARRIS  
Attorney General of California  
2 JAMES M. LEDAKIS  
Supervising Deputy Attorney General  
3 ADRIAN R. CONTRERAS  
Deputy Attorney General  
4 State Bar No. 267200  
110 West "A" Street, Suite 1100  
5 San Diego, CA 92101  
P.O. Box 85266  
6 San Diego, CA 92186-5266  
Telephone: (619) 645-2634  
7 Facsimile: (619) 645-2061  
E-mail: Adrian.Contreras@doj.ca.gov  
8 *Attorneys for Complainant*

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

14 In the Matter of the Accusation Against:

15 **SOLOMON S. HANDY**  
16 **960 Rancheros Drive, Suite J**  
17 **San Marcos, CA 92069**

18 **Land Surveyor License No. L 7584**

19 Respondent.

Case No. 1063-A

OAH No. 2013110429

**STIPULATED SETTLEMENT AND  
DISCIPLINARY ORDER**

20 In the interest of a prompt and speedy settlement of this matter, consistent with the public  
21 interest and the responsibility of the Board for Professional Engineers, Land Surveyors, and  
22 Geologists of the Department of Consumer Affairs, the parties hereby agree to the following  
23 Stipulated Settlement and Disciplinary Order which will be submitted to the Board for approval  
and adoption as the final disposition of the First Amended Accusation.

24 **PARTIES**

25 1. Richard B. Moore, PLS ("Complainant") is the Executive Officer of the Board for  
26 Professional Engineers, Land Surveyors, and Geologists. He brought this action solely in his  
27 official capacity and is represented in this matter by Kamala D. Harris, Attorney General of the  
28 State of California, by Adrian R. Contreras, Deputy Attorney General.

2. Respondent Solomon S. Handy ("Respondent") is represented in this proceeding by attorney Robert F. Hahn, whose address is: 2550 Ninth Street, Suite 101, Berkeley, CA 94710

3. On or about September 17, 1999, the Board for Professional Engineers, Land Surveyors, and Geologists issued Land Surveyor License No. L 7584 to Solomon S. Handy (Respondent). The Land Surveyor License was in full force and effect at all times relevant to the charges brought in First Amended Accusation No. 1063-A and will expire on December 31, 2015, unless renewed.

## JURISDICTION

4. First Amended Accusation No. 1063-A was filed before the Board for Professional Engineers, Land Surveyors, and Geologists (Board), Department of Consumer Affairs, and is currently pending against Respondent. The First Amended Accusation and all other statutorily required documents were properly served on Respondent on May 20, 2014. Respondent timely contested the First Amended Accusation.

5. A copy of First Amended Accusation No. 1063-A is attached as exhibit A and incorporated herein by reference.

## ADVISEMENT AND WAIVERS

6. Respondent has carefully read, fully discussed with counsel, and understands the charges and allegations in First Amended Accusation No. 1063-A. Respondent has also carefully read, fully discussed with counsel, 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 First Amended Accusation; 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.

CULPABILITY

9. Respondent admits the truth of each and every charge and allegation in First Amended Accusation No. 1063-A.

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

## CONTINGENCY

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

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

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



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

4 **DISCIPLINARY ORDER**

5 IT IS HEREBY ORDERED that Land Surveyor License No. L 7584 issued to Respondent  
6 Solomon S. Handy (Respondent) is revoked. However, the revocation is stayed and Respondent  
7 is placed on probation for three years on the following terms and conditions.

8 1. Within thirty days from the effective date of the decision, Respondent shall resubmit  
9 the Record of Survey identified as ROS07142 to the Riverside County Surveyor's Office.  
10 Respondent shall provide the Board proof of having resubmitted the Record of Survey within  
11 fifteen days of the resubmittal to the Riverside County Surveyor's Office. Furthermore,  
12 Respondent shall comply with all pertinent provisions of the Business and Professions Code in  
13 order to complete the filing process for the subject map. Respondent shall provide the Board with  
14 a copy of the Record of Survey as filed with the County Recorder within fifteen days of said  
15 filing.

16 2. Within 30 months from the effective date of the decision, Respondent shall  
17 successfully complete and pass a course in professional ethics, approved in advance by the Board  
18 or its designee.

19 3. Within 30 months from the effective date of the decision, Respondent shall reimburse  
20 the Board for its investigative and enforcement costs in this matter in the amount of \$3,107.50.  
21 Said reimbursement may be paid in installments.

22 4. Within sixty days from the effective date of the decision, Respondent shall  
23 successfully complete and pass the California Laws and Board Rules examination, as  
24 administered by the Board.

25 5. Within thirty days from the effective date of the decision, Respondent shall provide  
26 the Board with evidence that he has provided all persons or entities with whom he has a  
27 contractual or employment relationship relating to professional land surveying services with a  
28 copy of the decision and order of the Board and shall provide the Board with the name and

1 business address of each person or entity required to be so notified. During the period of  
2 probation, Respondent may be required to provide the same notification to each new person or  
3 entity with whom he has a contractual or employment relationship relating to professional land  
4 surveying services and shall report to the Board the name and address of each person or entity so  
5 notified.

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

8 7. Respondent shall submit such special reports as the Board may require.

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

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

19 10. Upon successful completion of all of the probationary conditions and the expiration  
20 of the period of probation, Respondent's Land Surveyor License No. L 7584 shall be  
21 unconditionally restored.

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ACCEPTANCE

I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully discussed it with my attorney, Robert F. Hahn. I understand the stipulation and the effect it will have on my Land Surveyor License. I enter into this Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Board for Professional Engineers, Land Surveyors, and Geologists.

DATED:

August 14, 2014*Original Signed*SOLOMON S. HANDY  
Respondent

I have read and fully discussed with Respondent Solomon S. Handy the terms and conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order. I approve its form and content.

DATED:

8-14-14*Original Signed*ROBERT F. HAHN  
Attorney for RespondentENDORSEMENT

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

Dated:

8/14/2014

Respectfully submitted,

KAMALA D. HARRIS  
Attorney General of California  
JAMES M. LEDAKIS  
Supervising Deputy Attorney General

*Original Signed*

ADRIAN R. CONTRERAS  
Deputy Attorney General  
Attorneys for Complainant

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**Exhibit A**

**First Amended Accusation No. 1063-A**



1 KAMALA D. HARRIS  
Attorney General of California  
2 JAMES M. LEDAKIS  
Supervising Deputy Attorney General  
3 ADRIAN R. CONTRERAS  
Deputy Attorney General  
4 State Bar No. 267200  
110 West "A" Street, Suite 1100  
5 San Diego, CA 92101  
P.O. Box 85266  
6 San Diego, CA 92186-5266  
Telephone: (619) 645-2634  
7 Facsimile: (619) 645-2061  
E-mail: Adrian.Contreras@doj.ca.gov  
8 *Attorneys for Complainant*

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

14 In the Matter of the Accusation Against:

Case No. 1063-A

15 **SOLOMON S. HANDY**  
16 **960 Rancheros Drive, Suite J**  
17 **San Marcos, CA 92069**

18 **FIRST AMENDED**  
19 **ACCUSATION**

20 **Land Surveyor License No. L 7584**

21 Respondent.

22 Complainant alleges:

23 **PARTIES**

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

27 2. On or about September 17, 1999, the Board for Professional Engineers, Land  
28 Surveyors, and Geologists issued Land Surveyor License Number L 7584 to Solomon S. Handy  
(Respondent). The Land Surveyor License was in full force and effect at all times relevant to the  
charges brought herein and will expire on December 31, 2015, unless renewed.

///

///

## **JURISDICTION**

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

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

5. Section 8802 of the Code states:

"Except as otherwise provided in this article, licenses issued under this chapter may be renewed at any time within three years after expiration on filing of application for renewal on a form prescribed by the board and payment of all accrued and unpaid renewal fees. If the license is renewed more than 30 days after its expiration, the licensee, as a condition precedent to renewal, shall also pay the delinquency fee prescribed by this chapter. Renewal under this section shall be effective on the date on which the application is filed, on the date on which the renewal fee is paid, or on the date on which the delinquency fee, if any, is paid, whichever last occurs. If so renewed, the license shall continue in effect through the date provided in Section 8801 which next occurs after the effective date of the renewal, when it shall expire if it is not again renewed."

## **STATUTORY PROVISIONS**

6. Section 8780 of the Code states:

"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



1 engineer licensed under the provisions of Chapter 7 (commencing with Section 6700) who is  
2 legally authorized to practice land surveying on any of the following grounds:

3 "...

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

6 "...."

### 7 **REGULATORY PROVISIONS**

8 7. Title 16, California Code of Regulations, Section 473.3 states:

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

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

16 "..."

### 17 **COSTS**

18 8. Section 125.3 of the Code provides, in pertinent part, that the Board may request the  
19 administrative law judge to direct a licentiate found to have committed a violation or violations of  
20 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and  
21 enforcement of the case, with failure of the licentiate to comply subjecting the license to not being  
22 renewed or reinstated. If a case settles, recovery of investigation and enforcement costs may be  
23 included in a stipulated settlement.

### 24 **FIRST CAUSE FOR DISCIPLINE**

#### 25 **(Failure to Pay Citation)**

26 9. Respondent is subject to disciplinary action under Code section 8780, subdivision (d),  
27 in conjunction with title 16, California Code of Regulations, section 473.3, subdivision (b) in that  
28 Respondent failed to pay a citation. The circumstances are as follows:

10. On or about February 5, 2013, the Board issued to Respondent Citation No. 10250-L for a violation of Code section 8767 for failure to resubmit timely a record of survey for a project. The citation included a fine of \$500.00 to be paid within thirty days and an order of abatement to resubmit the record of survey to the county surveyor's office within thirty days and submit a copy of the final record of survey to the Board within thirty days after that. Respondent did not appeal the citation and it became final on March 13, 2013. It is incorporated by reference as if fully set forth herein. Respondent did not pay the fine or comply with the order of abatement.

### SECOND CAUSE FOR DISCIPLINE

**(Failure to Pay Citation)**

11. Respondent is subject to disciplinary action under Code section 8780, subdivision (d), in conjunction with title 16, California Code of Regulations, section 473.3, subdivision (b) in that Respondent failed to pay a citation. The circumstances are as follows:

12. On or about May 14, 2013, the Board issued to Respondent Citation No. 10266-L for a violation of Code section 8780, subdivision (g), breach of contract; and Code section 8759, subdivision (a)(4)-(5), failure to include obligatory language in a contract. The citation included a fine of \$1,500.00 to be paid within thirty days. Respondent did not appeal the citation and it became final on June 19, 2013. It is incorporated by reference as if fully set forth herein. Respondent did not pay the fine.

## PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, 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 7584, issued to Solomon S. Handy;

2. Ordering Solomon S. Handy 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

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

DATED:

5/13/14

*Original Signed*

RICHARD B. MOORE, PLS  
Executive Officer  
Board for Professional Engineers, Land Surveyors, and  
Geologists  
State of California  
*Complainant*

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