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

In the Matter of the Accusation Against:

**TERRI ANN GREEN
130 CARMELDE LANE
GROVER BEACH, CA 93433

Land Surveyor License No. L 7868**

Respondent.

Case No. 1239-A

DEFAULT DECISION AND ORDER

[Gov. Code, §11520]

FINDINGS OF FACT

1. On or about August 25, 2020, Complainant Richard B. Moore, PLS, in his official capacity as the Executive Officer of the Board for Professional Engineers, Land Surveyors, and Geologists, Department of Consumer Affairs, filed Accusation No. 1239-A against Terri Ann Green (Respondent) before the Board for Professional Engineers, Land Surveyors, and Geologists. (Accusation attached as Exhibit A.)
2. On or about July 26, 2002, the Board for Professional Engineers, Land Surveyors, and Geologists (Board) issued Land Surveyor License No. L 7868 to Respondent. The Land Surveyor License expired on December 31, 2018, and has not been renewed.

1 3. On or about September 3, 2020, Respondent was served by Certified and First Class
2 Mail copies of the Accusation No. 1239-A, Statement to Respondent, Notice of Defense, Request
3 for Discovery, and Discovery Statutes (Government Code sections 11507.5, 11507.6, and
4 11507.7) at Respondent's address of record which, pursuant to California Code of Regulations,
5 title 16, section 412, is required to be reported and maintained with the Board. Respondent's
6 address of record was and is: 130 Carmelde Lane, Grover Beach, CA 93433.

7 4. Service of the Accusation was effective as a matter of law under the provisions of
8 Government Code section 11505(c) and/or Business and Professions Code section 124.

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

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

15 6. The Board takes official notice of its records and the fact that Respondent failed to
16 file a Notice of Defense within 15 days after service upon her of the Accusation, and therefore
17 waived her right to a hearing on the merits of Accusation No. 1239-A.

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

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

23 8. Pursuant to its authority under Government Code section 11520, the Board finds
24 Respondent is in default. The Board will take action without further hearing and, based on the
25 relevant evidence contained in the Default Decision Investigatory Evidence Packet in this matter,
26 as well as taking official notice of all the investigatory reports, exhibits and statements contained
27 therein on file at the Board's offices regarding the allegations contained in Accusation No. 1239-
28 A, finds that the charges and allegations in Accusation No. 1239-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 \$975.00
as of September 29, 2020.

1 **ORDER**

2 IT IS SO ORDERED that Civil Engineer License, No. C 36866, and Land Surveyor
3 License, No. L 7319, heretofore issued to Respondent Bernhard Karl Mayer, are revoked.

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

8 Pursuant to Business and Professions Code sections 6780 and 8785, Respondent may
9 petition for reinstatement of the revoked license not less than one (1) year from the effective date
10 of this decision.

11 This Decision shall become effective on November 19, 2020.

12 IT IS SO ORDERED October 15, 2020.

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14 *Original Signed*

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16 FOR THE BOARD FOR PROFESSIONAL
17 ENGINEERS, LAND SURVEYORS, AND
18 GEOLOGISTS
19 STATE OF CALIFORNIA
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Exhibit A

Accusation

(TERRI ANN GREEN)

1 XAVIER BECERRA
Attorney General of California
2 ARMANDO ZAMBRANO
Supervising Deputy Attorney General
3 BRIAN LEE
Deputy Attorney General
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7 *Attorneys for Complainant*

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

13 In the Matter of the Accusation Against:

Case No. 1239-A

14 **TERRI ANN GREEN**
15 **130 CARMELDE LANE**
GROVER BEACH, CA 93433

ACCUSATION

16 **Land Surveyor License No. L 7868**

17 Respondent.

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22 **PARTIES**

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

26 2. On or about July 26, 2002, the Board for Professional Engineers, Land Surveyors,
27 and Geologists issued Land Surveyor License Number L 7868 to Terri Ann Green (Respondent).
28 The Land Surveyor License expired on December 31, 2018, and has not been renewed.

1 **JURISDICTION**

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

6 4. Section 118, subdivision (b), of the Code, states:

7 . . .

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

13 **STATUTORY PROVISIONS**

14 5. Section 8780 of the Code, in pertinent part, states:

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

18 By a majority vote, the board may publicly reprove, suspend for a period not to
19 exceed two years, or revoke the license or certificate of any land surveyor licensed
20 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:

21 . . .

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

23
24 6. Business and Professions Code section 8780.2 states, “The failure of, or refusal by, a
25 licensee or a certificate holder to respond to a written request from a representative of the board in
26 the investigation of a complaint against that licensee or certificate holder constitutes a cause for
27 disciplinary action under Section 8780 or 8780.1.”

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1 **REGULATORY PROVISIONS**

2 7. California Code of Regulations, title 16, section 473.3, subdivision (b) states:

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

6 **COST RECOVERY**

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

13 **FACTUAL ALLEGATIONS**

14 9. On March 15, 2019, the Board issued Respondent Citation No. 10732-L. The citation
15 contained an order of abatement requiring Respondent, if she were to renew her license, to
16 comply with Business and Professions Code section(s) 8767. An investigation had determined
17 that Respondent prepared a record of survey and submitted it to the San Luis Obispo County
18 Surveyor’s Office in April 2014, but the map was returned for corrections in May 2014.
19 Respondent failed to submit the corrected survey. The citation also fined Respondent a total of
20 \$1,000.00. Respondent did not appeal the citation and consequently the citation became the final
21 order of the Board on or about April 14, 2019. Two letters, dated October 21, 2019 and
22 December 4, 2019, were sent to Respondent reminding her of her obligations pursuant to the
23 citation. Board records show that Respondent has still failed to pay the administrative fine
24 associated with the citation.

25 10. On December 15, 2019, the Board issued Respondent Citation No. 10809-L for
26 violation of the Business and Professions Code. The citation contained an order of abatement
27 requiring Respondent to comply with the law and ensure compliance with Business and
28 Professions Code section 8780.2, subdivision (a). Respondent had failed to respond to the

1 Board's written requests for cooperation sent to her address of record on June 5, 2019 and July 8,
2 2019 related to a complaint (No. 2019-04-095). As such, Respondent was also ordered to submit
3 a written response to the Board's Enforcement Unit's inquiry regarding the complaint within
4 thirty (30) days of the date the citation becomes final. The citation also fined Respondent a total
5 of \$500. Respondent did not appeal the citation and consequently the citation became the final
6 order of the Board on or about January 21, 2020. The Board sent Respondent a letter dated
7 March 13, 2020, reminding her of her obligations pursuant to the citation. Board records show
8 that Respondent has still failed to comply with the order of abatement and the administrative fine
9 associated with the citation.

10 **FIRST CAUSE FOR DISCIPLINE**

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

12 11. Complainant incorporates paragraphs 10-11 by reference as if set forth in full herein.

13 12. Respondent has subjected her Land Surveyor License to disciplinary action under
14 California Code of Regulations, title 16, section 473.3, subdivision (b) as follows:

15 a. Respondent failed to pay the fine described in Citation No. 10732-L.

16 b. Respondent failed to abate the violations and pay the fine described in Citation
17 No. 108092-L.

18 **SECOND CAUSE FOR DISCIPLINE**

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

20 13. Complainant incorporates paragraph 11 by reference as if set forth in full herein.

21 14. Respondent has subjected her Land Surveyor License to disciplinary action under
22 Business and Professions Code section 8780.2 as follows:

23 a. Respondent failed or refused to respond to the Board's June 5, 2019 and July 8,
24 2019 written requests for a response related to Complaint No. 2019-04-095.

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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 7868, issued to Terri Ann Green;
2. Ordering Terri Ann Green to pay the Board for Professional Engineers, Land Surveyors, and Geologists the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3; and,
3. Taking such other and further action as deemed necessary and proper.

DATED: 8/25/2020

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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