

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

In the Matter of the First Amended Accusation)	
against:)	
)	
RAY RESHAT ZEQOLLARI)	Case No. 1234-A
28101 Sycamore Mesa Rd)	
Temecula, CA 92590)	
)	
Land Surveyor License, No. L 8346,)	
)	
Respondent.)	
_____)	

DECISION

The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the Board for Professional Engineers, Land Surveyors, and Geologists as its Decision in the above-entitled matter.

This Decision shall become effective on December 9, 2021.

IT IS SO ORDERED November 9, 2021.

Original Signed

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

1 XAVIER BECERRA
Attorney General of California
2 GREGORY J. SALUTE
Supervising Deputy Attorney General
3 RITA M. LANE
Deputy Attorney General
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Attorneys for Complainant

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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. 1234-A

15 **RAY RESHAT ZEOLLARI**
28101 Sycamore Mesa Road
Temecula, CA 92590

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

16 **Land Surveyor License No. L 8346**

17 Respondent.
18

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

21 **PARTIES**

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

26 2. Respondent Ray Reshat Zeqollari (Respondent) is representing himself in this
27 proceeding and has chosen not to exercise his right to be represented by counsel.

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1 the amount of \$4,000.00, incurred through the date of this settlement offer. Said reimbursement
2 may be paid in installments.

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

6 8. **Ethics Course.** Within one (1) year from the effective date of the decision, the
7 respondent must successfully complete and pass a course in professional ethics, approved in
8 advance by the Board or its designee.

9 9. **Notification.** Within thirty (30) days of the effective date of the decision, the
10 Respondent shall provide the Board with evidence that he has provided all persons or entities with
11 whom he has a contractual or employment relationship such that the relationship is in the area of
12 practice of professional engineering and/or professional land surveying in which the violation
13 occurred with a copy of the decision and order of the Board and shall provide the Board with the
14 name and business address of each person or entity required to be so notified. During the period
15 of probation, the Respondent may be required to provide the same notification of each new
16 person or entity with whom he has a contractual or employment relationship such that the
17 relationship is in the area of practice of professional engineering and/or land surveying in which
18 the violation occurred and shall report to the Board the name and address of each person or entity
19 so notified.

20 10. **Take and Pass Courses.** Within two and one-half (2 ½) years from the effective
21 date of the decision the Respondent shall successfully complete and pass, with a grade of “C” or
22 better, one (1) college-level land surveyor course, which must be related to the areas of violations
23 alleged in the Accusation. Said course shall be approved in advance by the Board or its designee.
24 The Respondent shall provide the Board with official proof of completion of the requisite course.
25 For purposes of this condition, “college-level course” means a course offered by a community
26 college or a four-year university of three semester units or the equivalent; it does not include
27 seminars.

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ACCEPTANCE

I have carefully read the Stipulated Settlement and Disciplinary Order. 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: 10/11/2021 *Original Signed*
RAY RESHAT ZEQOLLARI
Respondent

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: October 11, 2021 Respectfully submitted,
XAVIER BECERRA
Attorney General of California
GREGORY J. SALUTE
Supervising Deputy Attorney General
Original Signed
RITA M. LANE
Deputy Attorney General
Attorneys for Complainant

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Exhibit A

First Amended Accusation No. 1234-A

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2 GREGORY J. SALUTE
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13 **STATE OF CALIFORNIA**

14 In the Matter of the Accusation Against:

15 **RAY RESHAT ZEQQOLLARI**
16 **28101 Sycamore Mesa Road**
17 **Temecula, CA 92590**

18 **Land Surveyor License No. L 8346**

Respondent.

Case No. 1234-A

OAH No. 2021040517

FIRST AMENDED ACCUSATION

19
20 **PARTIES**

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

24 2. On or about July 27, 2007, the Board for Professional Engineers, Land Surveyors,
25 and Geologists issued Land Surveyor License Number L 8346 to Ray Reshat Zeqqollari
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.

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1 8. Section 8761 of the Code states:

2 (a) Any licensed land surveyor or civil engineer authorized to practice land
3 surveying may practice land surveying and prepare maps, plats, reports,

4 (b) All maps, plats, reports, descriptions, or other land surveying documents
5 shall be prepared by, or under the responsible charge of, a licensed land surveyor
6 or civil engineer authorized to practice land surveying and shall include his or her
7 name and license number.

8 ...

9 (d) All final maps, plats, reports, descriptions, or other land surveying
10 documents issued by a licensed land surveyor or civil engineer authorized to
11 practice land surveying shall bear the signature and seal or stamp of the licensee
12 and the date of signing and sealing or stamping.

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14 9. Section 8762 of the Code states:

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

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

24 ...

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

(3) Evidence that, by reasonable analysis, might result in materially 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 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.

1 10. Section 8771(a) of the Code states:

2 Monuments set shall be sufficient in number and durability and efficiently
3 placed so as not to be readily disturbed, to ensure, together with monuments
4 already existing, the perpetuation or facile reestablishment of any point or line of
5 the survey.

6 11. Section 8772 of the Code states:

7 Any monument set by a licensed land surveyor or registered civil engineer to
8 mark or reference a point on a property or land line shall be permanently and
9 visibly marked or tagged with the certificate number of the surveyor or civil
10 engineer setting it, each number to be preceded by the letters "L.S." or "R.C.E.,"
11 respectively,

12 **REGULATIONS**

13 12. California Code of Regulations, title 16, section 404, states in pertinent part:

14 For the purpose of the rules and regulations contained in this chapter, the
15 following terms are defined.

16 . . .

17 (dd) For the sole purpose of investigating complaints and making findings

18 Sections 6775 and 8780 of the Code is defined as the failure of a licensee, in the
19 exercised in like cases by duly licensed professional engineers and land surveyors
20 in good standing.

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22 **COST RECOVERY**

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

29 **ALTA/NSPS SURVEYS**

30 14. American Land Title Association (ALTA) and National Society of Professional
31 Surveyors (NSPS) have adopted Minimum Standard Detail Requirements (Effective February 23,
32 2016) for all ALTA/NSPS Land Title Surveys. These minimum standards are used as the

1 industry standard for all ALTA surveys and incorporated into the scope of work when contracting
2 for an ALTA survey.

3 15. An ALTA survey must be certified by the surveyor as meeting the Minimum
4 Standard Detail Requirements for ALTA/NSPS Land Title Surveys, signed, sealed, and delivered
5 to the client. Each ALTA survey is a standalone product as of the date of the certification,
6 including updates.

7 **GREENFIELD PROJECT: PINE AVENUE, GREENFIELD, CALIFORNIA**

8 16. On May 13, 2016, Respondent contracted to complete an ALTA survey of the
9 property located at 600 Pine Avenue, Greenfield, California (Greenfield Project).

10 17. On May 16 and 17, 2016, Respondent performed fieldwork on the subject property.

11 18. Respondent prepared, signed, and sealed the ALTA/NSPS Land Title Survey for the
12 Greenfield Project and certified that the map and survey were made in accordance with the 2016
13 Minimum Standard Detail Requirements for ALTA/NSPS Land Title Surveys and that the
14 fieldwork was completed on May 16, 2016. Copies of the ALTA/NSPS Land Title Survey based
15 on the fieldwork completed May 16, 2016, have last revised dates of May 16, 2016, June 2, 2016,
16 June 13, 2016, June 23, 2016, June 27, 2016, July 11, 2016, July 13, 2016, and July 14, 2016.

17 19. On October 2, 2017, Respondent contracted to perform an update of the ALTA/NSPS
18 Land Title Survey for the Greenfield Project. Respondent signed, sealed, and certified the
19 updated ALTA/NSPS Land Title Survey with a last revised date of October 26, 2017.

20 20. Respondent did not properly determine three of the four boundaries of the Greenfield
21 Project. The boundaries as shown on Respondent's ALTA/NSPS Land Title Survey were relied
22 on by an engineering firm performing civil design work at the Greenfield Project, and
23 Respondent's errors necessitated re-design of a portion of the site improvements.

24 21. Respondent did not file a Record of Survey related to the Greenfield Project, although
25 his survey triggered the requirements for a Record of Survey. Specifically, Respondent's survey
26 identified a material discrepancy at El Camino Real; materially alternate positions of lines or
27 points at the Pine Avenue right-of-way; and the establishment of one or more points or lines not

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1 shown on any subdivision map, official map, or record of survey in connection with the Highway
2 101 frontage. (Bus. Prof. Code, §8762(b)(2),(3), and (4).)

3 22. Respondent failed to meet the Minimum Standard Detail Requirements for
4 ALTA/NSPS Land Title Surveys on the Greenfield Project and, therefore, he failed to fulfil the
5 scope of work associated with the contract.

6 **FIRST CAUSE FOR DISCIPLINE**

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

8 23. Respondent is subject to disciplinary action under Code section 8780, subdivision (b),
9 in that he was negligent in his practice of land surveying regarding the ALTA/NSPS Surveys for
10 the Greenfield Project, as set forth in paragraphs 16 through 22 above, which are incorporated by
11 reference. Respondent did not comply with the standard of care exercised by other duly licensed
12 professional land surveyors and the specific Surveying Standards and Standards of Care defined
13 in the Minimum Standard Detail Requirements for ALTA/NSPS Land Title Surveys.

14 **SECOND CAUSE FOR DISCIPLINE**

15 **(Incompetence in the Practice of Land Surveying)**

16 24. Respondent is subject to disciplinary action under Code section 8780, subdivision (b),
17 in that he was incompetent in his practice of land surveying regarding the ALTA/NSPS Surveys
18 for the Greenfield Project, as set forth in paragraphs 16 through 22 above, which are incorporated
19 herein by reference.

20 **THIRD CAUSE FOR DISCIPLINE**

21 **(Failure to File Record of Survey)**

22 25. Respondent is subject to disciplinary action under Code section 8780, subdivision (d),
23 in conjunction with Code section 8762, subdivisions (b)(2),(3), and (4), in that Respondent failed
24 to file a Record of Survey related to the Greenfield Project, although his survey triggered the
25 requirements for a Record of Survey. The circumstances are set in paragraphs 16 through 22
26 above, which are incorporated herein by reference.

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1 **NORCO PROJECT: CRESTVIEW DRIVE, NORCO, CALIFORNIA**

2 26. On October 20, 2020, DG, the owner of the property located at 4355 Crestview Drive,
3 Norco, California (Norco Project), contacted Respondent asking him to locate his property lines
4 and stake the easterly property line for the purpose of constructing a fence. Respondent agreed to
5 do the work, and the parties agreed upon a fee for the job. Respondent did not execute a written
6 contract for the work.

7 27. The subject parcel is described only by deed and is not shown on any subdivision
8 map, official map, or record of survey.

9 28. On October 30, 2020, Respondent performed fieldwork and a survey, setting three
10 stakes along the easterly property line as agreed upon, and also setting three stakes along the
11 southwesterly property line at the request of DG. A plot plan was prepared by Delta Surveying &
12 Mapping and entitled "CONSTRUCTION STAKING" showing positions of found monuments
13 and the stakes that were set along the property lines by Respondent.

14 29. Expert review determined that all bearings and distances shown on Respondent's plot
15 plan are identical to those shown on Parcel Map No. 7098. However, all six found monuments
16 shown on the plot plan are of a different character than those shown as found, or set, per said
17 parcel map. All relevant lines are labeled with bearings and distances, however, no distinction is
18 made as to whether these courses are measured, recorded, or measured and recorded.

19 30. Expert review determined that the positions of the found monuments are not
20 accurately represented on Respondent's plot plan for the Norco Project. Respondent based his
21 calculations on two monuments which were found along the centerline of Crestview Drive (points
22 labeled 2 and 4). The measured (inversed) distance between these two points is 657 .01', and the
23 measured bearing is N32°38'53"W, exactly as shown on Parcel Map No. 7098. However, both of
24 these monuments as shown on Respondent's plot plan are of a different character than those
25 shown as found per Parcel Map No. 7098. The bearings and distances shown on the plot plan are
26 not labeled as measured or recorded, and they do not represent the results of the field survey.

27 These courses were instead calculated per record angles and distances relative to one reference

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1 line on Parcel Map No. 7098. The positions of found monuments were ignored when performing
2 these calculations.

3 31. Monuments set by Respondent on the Norco Project were not durable, nor did they
4 include his license number.

5 32. Respondent did not file a Record of Survey related to the Norco Project, even though
6 his survey triggered the requirements for a Record of Survey. Respondent's survey identified
7 points and/or lines set during the performance of the field survey that were not shown on any
8 subdivision map, official map, or record of survey.

9 33. The plot plan for the Norco Project did not include Respondent's name or license
10 number.

11 34. Respondent did not sign or stamp the plot plan prepared for the Norco Project.

12 35. Respondent provided DG with an invoice from Delta Surveying & Mapping for the
13 sum of \$700, with the description "STAKED PROP. LINES."

14 36. Riverside County Flood Control District (RCFCD) owns the property adjacent to the
15 easterly line of DG's property located at 4355 Crestview Drive in Norco.

16 37. On May 18, 2021, DG contacted RCFCD with a complaint alleging that RCFCD's
17 construction activities had destroyed a monument on his property line.

18 38. After receiving DG's complaint, RCFCD sent survey field crews to the subject parcel
19 to investigate and perform monument perpetuation for any found monuments. RCFCD's survey
20 field crew found un-tagged 60d nails with lathe set at the southerly and westerly corners of the
21 subject parcel. DG gave RCFCD documents which indicated that the 60d nails and lathe were set
22 around October 2020 by Respondent.

23 **FOURTH CAUSE FOR DISCIPLINE**

24 **(Failure to Use Written Contract)**

25 39. Respondent is subject to disciplinary action under Code section 8780, subdivision (d),
26 in conjunction with Code section 8759, subdivision (a), in that Respondent failed to obtain a
27 written contract for professional services provided to client DG on the Norco Project. The
28 circumstances are set in paragraphs 26 through 38 above, which are incorporated by reference.

1 **FIFTH CAUSE FOR DISCIPLINE**

2 **(Failure to Include Name and License Number on Plot Plan)**

3 40. Respondent is subject to disciplinary action under Code section 8780, subdivision (d),
4 in conjunction with Code section 8761, subdivision (b), in that the plot plan prepared by Delta
5 Surveying & Mapping for the Norco Project failed to include Respondent's name and license
6 number. The circumstances are set in paragraphs 26 through 38 above, which are incorporated
7 herein by reference.

8 **SIXTH CAUSE FOR DISCIPLINE**

9 **(Failure to Sign and Stamp the Plot Plan)**

10 41. Respondent is subject to disciplinary action under Code section 8780, subdivision (d),
11 in conjunction with Code section 8761, subdivision (d), in that Respondent failed to sign and
12 stamp the plot plan for the Norco Project. The circumstances are set in paragraphs 26 through 38
13 above, which are incorporated herein by reference.

14 **SEVENTH CAUSE FOR DISCIPLINE**

15 **(Failure to File Record of Survey)**

16 42. Respondent is subject to disciplinary action under Code section 8780, subdivision (d),
17 in conjunction with Code section 8762, subdivision (b)(5), in that Respondent failed to file a
18 record of survey related to the work he performed on the Norco Project, although his survey
19 triggered the requirements for a Record of Survey. The circumstances are set in paragraphs 26
20 through 38 above, which are incorporated by reference.

21 **EIGHTH CAUSE FOR DISCIPLINE**

22 **(Failure to Set Durable Monuments)**

23 43. Respondent is subject to disciplinary action under Code section 8780, subdivision (d),
24 in conjunction with Code section 8771, subdivision (a), in that during Respondent's work on the
25 Norco Project, he failed to set monuments sufficient in durability so as not to be readily disturbed,
26 to ensure the perpetuation of any point or line of the survey. The circumstances are set in
27 paragraphs 26 through 38 above, which are incorporated by reference.

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NINTH CAUSE FOR DISCIPLINE

(Failure to Mark Monuments with License Number)

44. Respondent is subject to disciplinary action under Code section 8780, subdivision (d), in conjunction with Code section 8772, in that Respondent failed to permanently and visibly mark or tag all monuments and reference points on the subject parcel with his license number. The circumstances are set in paragraphs 26 through 38 above, which are incorporated by reference.

TENTH CAUSE FOR DISCIPLINE

(Negligence in the Practice of Land Surveying)

45. 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 work he performed for the survey on the Norco Project, as set forth in paragraphs 26 through 44 above, which are incorporated by reference. Respondent did not comply with the standard of care exercised by other duly licensed professional land surveyors.

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 8346, issued to Ray Reshat Zeqollari;
2. Ordering Ray Reshat Zeqollari 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: 10/06/2021

Original Signed

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