

1 EDMUND G. BROWN JR.
Attorney General of California
2 ALFREDO TERRAZAS
Senior Assistant Attorney General
3 MARC D. GREENBAUM
Supervising Deputy Attorney General
4 State Bar No. 138213
300 So. Spring Street, Suite 1702
5 Los Angeles, CA 90013
Telephone: (213) 897-2000
6 Facsimile: (213) 897-2804
Attorneys for Complainant
7

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

11 In the Matter of the Accusation Against:

Case No. 907-A

12 **JACK LITTLE**
8137 Lasaine
13 Northridge, CA 91325

A C C U S A T I O N

14 Land Surveyor License No. L 2883

15 Respondent.

16
17 Complainant alleges:

18 **PARTIES**

19 1. David E. Brown (Complainant) brings this Accusation solely in his official capacity
20 as the Executive Officer of the Board for Professional Engineers and Land Surveyors,
21 Department of Consumer Affairs (Board).

22 2. On or about September 13, 1955, the Board issued Land Surveyor License
23 No. L 2883 to Jack Little (Respondent). The Land Surveyor License was in full force and effect
24 at all times relevant to the charges brought herein and will expire on June 30, 2012, unless
25 renewed.

26 **JURISDICTION**

27 3. This Accusation is brought before the Board under the authority of the following
28 laws. All section references are to the Business and Professions Code unless otherwise indicated.

1 **STATUTORY PROVISIONS**

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

6 5. Section 8780 states, in pertinent part:

7 "The board may receive and investigate complaints against licensed land surveyors and
8 registered civil engineers, and make findings thereon.

9 "By a majority vote, the board may reprove, suspend for a period not to exceed two years,
10 or revoke the license or certificate of any licensed land surveyor or registered civil engineer,
11 respectively, licensed under this chapter or registered under the provisions of Chapter 7
12 (commencing with Section 6700), whom it finds to be guilty of:

13

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

15

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

18 6. Section 8759 states, in pertinent part:

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

26

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

1 **REGULATORY PROVISIONS**

2 7. California Code of Regulations, title 16, section 404 states in pertinent part:

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

6

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

11

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

17 **COST RECOVERY**

18 8. Section 125.3 provides that the board may request the administrative law judge to
19 direct a licentiate found to have committed a violation or violations of the licensing act to pay a
20 sum not to exceed the reasonable costs of the investigation and enforcement of the case.

21 9. Government Code section 11519, subdivision (d), states that “[a]s used in
22 subdivision (b), specified terms of probation may include an order of restitution. Where
23 restitution is ordered and paid pursuant to the provisions of this subdivision, the amount paid shall
24 be credited to any subsequent judgment in a civil action.”

25 **NASIMI PROJECT**

26 10. On or about January 19, 2004, Respondent entered into a contract with Behroz
27 Nasimi for land surveying services for the property located at 1727 San Ysidro Drive, Beverly
28 Hills, California, aka Lot 56, Tract No. 18064, M.B. 473, 27-30 for the amount of \$1,500.00

1 (Nasimi Project). On or about January 23, 2004, Respondent performed a boundary survey for
2 the purpose of establishing the northerly line for a fence placement. On or about
3 February 19, 2004, Respondent filed a Corner Record for the Nasimi Project. Respondent
4 received \$750.00 for his services.

5 **FIRST CAUSE FOR DISCIPLINE**

6 **(Negligence / Incompetence)**

7 11. Respondent is subject to disciplinary action under section 8780, subdivision (b), in
8 conjunction with California Code of Regulations, title 16, section 404, subdivisions (n) and /
9 or (w), in that on the Nasimi Project, he committed acts of negligence and / or lacked the
10 knowledge or ability to discharge his professional obligations as a land surveyor when he failed
11 as follows:

12 a. Respondent failed to research existing documents of record at the Los Angeles county
13 Surveyor's office.

14 b. Respondent failed to locate and show existing monuments on his Corner Record.

15 c. Respondent failed to show a comparison of his bearings and distances with those of
16 record.

17 d. Respondent failed to revise his Corner Record upon being aware of the previously
18 filed Corner Records to show that he was establishing the common line identical to other Corner
19 Records.

20 e. Respondent failed to understand the importance of industry standard procedures.

21 f. Respondent failed to understand the requirements of a licensed land surveyor.

22 g. Respondent failed to provide understandable survey measurements and markings for
23 the property's fence placement.

24 **SECOND CAUSE FOR DISCIPLINE**

25 **(Statutory Violations - Contract Requirements)**

26 12. Respondent is subject to disciplinary action under section 8780, subdivision (d), in
27 conjunction with section 8759, subdivision (a)(3), in that on the Nasimi Project, Respondent
28 violated provisions of the chapter when he did not meet the requirements for contract preparation,

1 as follows:

- 2 a. Respondent failed to include his license number on the contract.
- 3 b. Respondent failed to obtain a signed agreement for services.

4 **CUPERTINO PROJECT**

5 13. On or about May 20, 2005, Respondent entered into a contract with Richard D.
6 Cupertino for land surveying services for the property located at 6049 Mammoth Avenue,
7 Van Nuys, California, aka Lot 11, Tract No. 21991, M.B 600, 68-69, for the amount of \$1,000.00
8 (Cupertino Project). On or about May 21, 2005, Respondent performed a boundary survey for the
9 property. On or about September 26, 2005, Respondent filed a Corner Record for the Cupertino
10 Project. Respondent received \$1,000.00 for his services.

11 **THIRD CAUSE FOR DISCIPLINE**

12 **(Negligence / Incompetence)**

13 14. Respondent is subject to disciplinary action under section 8780, subdivision (b), in
14 conjunction with California Code of Regulations, title 16, section 404, subdivisions (n) and /
15 or (w), in that on the Cupertino Project, he committed acts of negligence and / or lacked the
16 knowledge or ability to discharge his professional obligations as a land surveyor when he failed
17 as follows:

- 18 a. Respondent failed to file a Record of Survey to memorialize lines of occupation¹.
- 19 b. Respondent failed to search for other corner monuments of Lot 11 or the corner
20 monuments to Lot 10.
- 21 c. Respondent failed to provide substantiation for an establishment of offset points on
22 the property.
- 23 d. Respondent failed to understand the proper vehicle² to file to memorialize lines of
24 occupation.
- 25 d. Respondent failed to understand the importance of industry standard procedures.
- 26 e. Respondent failed to understand the requirements of a licensed land surveyor.

27 ¹ "Lines of occupation" are the relationship of improvements to a property line.

28 ² Corner Record vs. Record of Survey.

1 f. Respondent failed to provide understandable survey measurements and markings for
2 the property's fence placement.

3 **FOURTH CAUSE FOR DISCIPLINE**

4 **(Statutory Violations - Contract Requirements)**

5 15. Respondent is subject to disciplinary action under section 8780, subdivision (d), in
6 conjunction with section 8759, subdivision (a)(3), in that on the Nasimi Project, Respondent
7 violated provisions of the chapter when he did not meet the requirements for contract preparation,
8 as follows:

9 a. Respondent failed to include his license number on the contract.

10 b. Respondent failed to obtain a signed agreement for services.

11 **PRAYER**

12 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
13 and that following the hearing, the Board issue a decision:

14 1. Revoking or suspending Land Surveyor License No. L 2883, issued to Respondent;

15 2. Ordering Respondent to pay the Board the reasonable costs of the investigation and
16 enforcement of this case, pursuant to section 125.3; and

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

18
19 DATED: 8/10/10

Original Signed

20 DAVID E. BROWN
21 Executive Officer
22 Board for Professional Engineers and Land Surveyors
23 Department of Consumer Affairs
24 State of California
25 *Complainant*

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