

**STATE OF WASHINGTON
BOARD OF REGISTRATION FOR PROFESSIONAL
ENGINEERS AND LAND SURVEYORS**

In the Matter of the License to Practice as a
Professional Land Surveyor of:

Peter Jonas, PLS

Respondent.

License #37551

NO. 2021-04-1006-00LSV

**STIPULATED FINDINGS OF FACT,
CONCLUSION OF LAW, AND
AGREED ORDER**

The Washington State Board of Registration for Professional Engineers and Land Surveyors ("Board"), and Peter Jonas ("Respondent"), stipulate and agree to the following:

**Section 1
BACKGROUND**

1.1 Peter Jonas, Respondent, holds a license to practice as a professional land surveyor. Respondent's license number is 37551.

1.2 The Respondent's license to practice is due to expire on August 22, 2023.

**Section 2
PROCEDURAL STIPULATIONS**

2.1 The Respondent understands that the Board is prepared to proceed to a hearing on the allegations in the Statement of Charges.

2.2 The Respondent understands that he has the right to defend himself against the allegations in the Statement of Charges by presenting evidence at a hearing.

2.3 The Respondent understands that, should the Board prove at a hearing the allegations in the Statement of Charges, the Board has the power and authority to impose sanctions, including fines, pursuant to RCW 18.235.110 and/or RCW 18.43.110.

2.4 The Respondent and the Board agree to expedite the resolution of this matter by means of this Stipulated Findings of Fact, Conclusions of Law, and Agreed Order ("AGREED ORDER").

2.5 The Respondent waives the opportunity to present evidence at a hearing on the Statement of Charges contingent upon signature and acceptance of this Agreed Order by the Board.

2.6 This AGREED ORDER is not binding on any party unless and until it is signed and accepted by the Board. Should this Agreed Order be rejected, the Respondent waives any objection to the participation at a hearing of all or some of the Board members who considered the Agreed Order. The exception is Board Member James Wengler, PLS, Case Manager for this matter, who is recused from participating as a presiding or reviewing officer in an adjudicative hearing on this matter.

2.7 Once this AGREED ORDER is signed by the Board, the Respondent waives any and all right to judicial review and/or reconsideration by the Board.

Section 3 STIPULATED FACTS

The Respondent acknowledges that evidence is sufficient to justify the following findings of fact:

3.1 On April 25, 2021, a complaint was received alleging Respondent performed an erroneous survey. In October 2019, Anamaria Yhaya, (Complainant) hired Respondent to perform a survey on their property located in Kitsap County. After being notified numerous times by Complainant that the survey included neighboring property, Respondent amended the survey. The amended survey took several months to complete and over a year to file with the County Auditor's office.

3.2 On December 2, 2019, Respondent recorded a survey of the complainant's property under Book 90 of Surveys, Page 45, Auditor's file number 201912030098, records of Kitsap County, Washington. This survey was deficient in the following ways:

3.2.1 The survey shows 4 lots labeled A through D. The survey contains two citations of the legal descriptions. The first on the left-hand side of the survey cites the legal description for all four parcels as being from the Kitsap County Assessor's office. Parcels "A" and "B" cited thereon are actually for the adjoining parcels to the west of his client's property per the 1980 short plat cited above. The dimensions on said survey for these two lots are only half the width cited in the Assessors legal descriptions cited thereon.

3.2.2 The second set of legal descriptions cited on said survey are for lots "C" and "D" are from short plat amendment no. 403 R-1 recorded in 1998. The dimensions shown for

these lots are also only half the width cited on said short plat amendment. In addition, the survey shows a gap of 12 feet between the east boundary of lots "A" and "B" and the west boundary of lots "C" and "D".

3.2.3 Note 6 on the survey notes a discrepancy between the legal description from the Kitsap County Assessor's office and from short plat amendment dated 9-10-1998, No. 403 R-1, recording number 3127955. However, it does not contain information that is sufficient in kind and quality to explain the rationale for the boundary locations shown thereon and to allow for the accurate and unambiguous retracement or re-creation thereof without requiring oral testimony for clarification.

3.2.4 The survey uses the legal descriptions for the adjoining property to the west of the complainant's property. However, the survey does not conform to the legal descriptions of the adjoining property.

3.2.5 The survey does not contain a section subdivision necessary to support the boundaries shown.

3.2.6 The survey does not include documentation for any General Land Office (GLO), or Bureau of Land Management (BLM) corners or points used to control the location of the parcel surveyed.

3.2.7 The survey includes a surveyor seal with an expiration date. The expiration date should no longer be included on the stamp pursuant to the current regulation.

3.2.8 The survey includes a legend indicating there are four types of dimensions shown on the survey, (M) for measured, (C) for calculated, (D) for deed and (R) for Short Plat AFN 3127955, while some of the dimensions are not labeled. Not all of the dimensions on the Respondent's survey are labeled per this legend. This missing information does not allow for the accurate and unambiguous retracement or re-creation thereof, as required by the regulations, without requiring oral testimony for clarification.

3.2.9 The survey does not show deed calls (measurements contained in the deed) as required by regulation. Respondent did not use the correct information from the deed when he measured the physical boundaries of the property at issue.

3.2.10 The survey map does not use the proper Auditor's Certificate. Specifically, the book number and page number are missing.

3.3 On February 21, 2020, Respondent recorded a deficient amended survey under Book 92 of Surveys, Page 25, Auditor's file number 202010300078, records of Kitsap County, Washington.

3.3.1 Although this survey included a note indicating this survey corrected and superseded the 2019 recorded survey, it failed to include a title or heading identifying the map, plat, or plan as an alteration, amendment, change, or correction to a previously filed or recorded map, plat, or plan.

3.3.2 The survey did not include a prominent note itemizing the change(s) to the original map, plat, or plan or explicitly state what the change is and where the change is located on the original.

3.3.3 This survey also lacks information required on the original survey as cited above, specifically the lack of the required section subdivision, documentation for BLM or GLO corners, the lack of intelligent interpretations, the correct Auditor's Certificate and Surveyor's Seal.

3.4 On 12-17-2021, a series of questions were sent to Respondent regarding the two surveys he recorded to help answer and address the issues noted above. In addition, Respondent was requested to supply the board with his field notes and traverse closures after angle balance.

3.5 The responses to the questions were inadequate because he did not answer the questions as asked, the field notes were incomplete, and no traverse closure was supplied.

3.6 On 7-21-2022 Respondent met for an interview with the Board case manager assigned to Respondent's matter, the Deputy Director, and the Investigations & Compliance Manager of the

Board at the Board's office in Olympia Washington.

3.6.1 During the interview Respondent admitted he was not in compliance with the applicable WAC's and RCW's. The Board asked if Respondent researched adjoining surveys at the Auditor's office. Respondent admitted that he did not do any research with the auditor's office and did not know how to research certain Short Plat records in Kitsap County. Respondent stated he did his research at the Assessor's Office, instead of the Auditor's Office where the correct records are maintained. He also admitted he did not know if the boundaries of the subject property were correct since he never subdivided the section.

3.6.2 Discussions included the importance of following the applicable laws and rules regarding the practice of Land Surveying and the importance of performing research. During the interview Respondent asked if he could provide the missing field notes, traverse closures, and amend the survey to be in compliance with all the applicable rules and laws.

3.6.3 A copy of chapter 332-130 WAC and Chapter 58.09 RCW was provided to Respondent during the interview. In addition, copies of surveys showing section subdivision data in the area was provided.

3.7 On August 9, 2022, Respondent provided the Board with a copy of the missing field notes and an unrecorded copy of the amended survey. Respondent again did not furnish the traverse closures after angle balance as requested by the disciplinary authority. The amended survey was found not to comply with the applicable statutes and regulations.

3.7.1 Respondent copied the bearings and distances from a survey recorded under Auditor's file 3017786, records of Kitsap County to produce the section subdivision. Respondent failed to notice that the two surveys did not use the same basis of bearings.

3.7.2 The bearing shown on Respondent's survey along the south line of the southwest quarter of section 9 differs from the referenced survey by $00^{\circ} 16' 27''$ while the other bearings are identical to the referenced survey. This error makes the section subdivision for the

newly amended survey not close mathematically by over 10 feet.

3.7.3 In addition the amended survey lacks the documentation for all GLO, or BLM corner(s) or point(s) used to control the location of the parcel surveyed.

3.7.4 The amended survey does not use the proper Auditor's Certificate. Specifically, the book number and page number are missing.

Section 4 CONCLUSIONS OF LAW & ALLEGED VIOLATIONS

The Respondent acknowledges that, based upon the Findings of Fact, the following Conclusions of Law are justified:

4.1 The Board has jurisdiction over the subject matter of this proceeding and over the Respondent.

4.2 The Respondent's acts, errors, or omissions in connection with his practice as a professional land surveyor represent violations of WAC 332-130-020(11), WAC 332-130-030(2), WAC 332-130-030(3)(c)(i), WAC 332-130-030(3)(c)(iii), WAC 332-130-050(1)(f)(ii), WAC 196-23-010, WAC 196-27A-020(2)(a) and (e), RCW 58.09.080, RCW 58.09.030, RCW 58.09.040, RCW 58.09.140, RCW 18.43.105(5), RCW 18.43.110, and RCW 18.235.130(4) and 18.235.130(6)(a).

4.3 The acts, omissions, errors and/or discrepancies stated above in this AGREED ORDER, individually and cumulatively, constitute misconduct, malpractice and/or unprofessional conduct as defined in chapters 18.43 and 18.235 RCW. Such acts are grounds for the Board to suspend or revoke the license to practice land surveying issued to Peter Jonas and/or to impose a monetary fine against the Respondent, as provided in RCW 18.235.110.

Section 5 AGREED ORDER

The Board and the Respondent stipulate and agree to the following terms and conditions:

5.1 Upon the effective date of this AGREED ORDER Respondent's Washington license to practice as a professional land surveyor will be permanently **RETIRED** in lieu of disciplinary action such as

sanctions.

5.2 Upon the effective date of this order the Respondent is prohibited from practice land surveying as defined in RCW 18.43.020 and will not practice or offer to practice land surveying while retired.

5.3 Upon the effective date of this order if Respondent has any outstanding projects, Respondent will at his own expense hire a Washington state licensed professional land surveyor to complete those projects.

5.4 Respondent may retain the Board issued wall certificate. Respondent may use the title – professional land surveyor (PLS) – provided that it is supplemented by the term retired, or the abbreviation “ret.”

5.5 Respondent will not reinstate or apply for reinstatement of his professional license.

5.6 The Respondent shall be responsible for all costs, expenses, fees and/or tax consequences incurred by the Respondent in complying with this AGREED ORDER.

5.7 Should the Respondent fail to comply with any of the terms or conditions of this AGREED ORDER, the Board will initiate administrative steps for imposition of further penalties and/or sanctions authorized and deemed appropriate. In making a determination of compliance under the terms of this AGREED ORDER, the Board may rely upon the records in their possession, or lack thereof, in reaching such a decision.

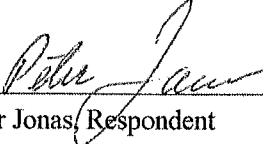
5.8 The Board shall not be precluded from investigating any other complaints or allegations regarding the Respondent for alleged violations of Chapter 18.43 RCW, Chapter 18.235 RCW and/or Title 196 WAC, or otherwise from exercising its responsibilities and authority under Chapter 18.235 RCW and Chapter 18.43 RCW, except that the alleged violations referenced herein shall be handled in accordance with the terms of this AGREED ORDER.

5.9 This AGREED ORDER addresses and concerns itself solely with those issues referenced herein relating to the Respondent’s practices as a professional land surveyor that are within the license-disciplining authority of the Board. This AGREED ORDER should not be considered to address, encompass, or limit judicial or other remedies relating to those practices and activities of the Respondent not deemed within

the Board's license-disciplining authority.

5.10 The AGREED ORDER becomes effective immediately upon its being served pursuant to RCW 18.235.080. Service of this order is complete upon mailing. RCW 34.05.010(19).

I, Peter Jonas, Respondent, certify that I have read this Stipulated Findings of Fact, Conclusions of Law and Agreed Order in its entirety; that my counsel of record, if any, has fully explained the legal significance and consequence of it; that I fully understand and agree to all of it; and that it may be presented to the Board without my appearance. If the Board accepts the Stipulated Findings of Fact, Conclusions of Law and Agreed Order, I understand that I will receive a signed copy.



Peter Jonas, Respondent

May 31, 2023
Date

Attorney for Respondent WSBA #:
(if applicable)

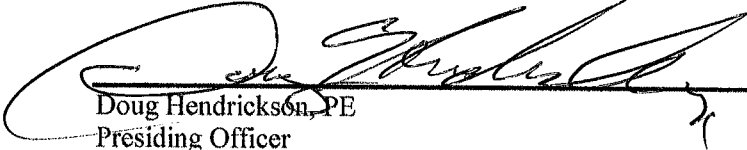
Date

**Section 6
FINAL ORDER**

The Board accepts and enters this Stipulated Findings of Fact, Conclusions of Law, and Agreed Order.

DATED this 22nd day of June, 2023.

State of Washington Board of Registration for
Professional Engineers and Land Surveyors



Doug Hendrickson, PE
Presiding Officer