

**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:

Robert Rogers, PLS

Respondent.

License #44644

NO. 2022-06-0883-00LSV

PROPOSED AGREED ORDER

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

**Section 1
LICENSE HISTORY**

- 1.1 Robert Rogers, Respondent, holds a license to practice as a professional land surveyor. Respondent's license number is 44644.
- 1.2 The Respondent's license to practice is due to expire on September 2, 2025.

**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 June 13, 2022, a complaint was received alleging that the Respondent twice incorrectly surveyed property belonging to the complainant, Galina Chumov (Parcel #0319201022 & #0319201015 located in Spanaway, WA), which resulted in substantial legal fees, medical out of pocket fees, damage expenses, and interest on the complainant's construction loan.

3.2 On June 16, 2023, Respondent stated he would amend the survey again and send to the Board a preliminary copy before recording.

3.3 On November 1, 2023, the Respondent was interviewed again, and the lack of data shown on the preliminary second survey, specifically the lack of research and section subdivision was discussed. The respondent stated he would again revise the survey.

3.4 The Respondent performed a survey in November 2018 and on December 3, 2018, and filed the survey under Auditor's number 201812035005. The survey was lacking the data necessary to support the boundaries shown thereon and was not in compliance with the Survey Recording Act RCW 58.09.060(a)(e) or the Minimum Standards for Land Boundary Surveys WAC 332-130-030(2) and (3)(a). This conduct is also a violation of RCW 58.09.030.

3.5 On April 21, 2023, the Respondent recorded an amended record of survey (AROS). A review of that survey by the case manager found the survey was still inadequate and lacked the data necessary to support the boundaries shown thereon and was not in compliance with RCW 58.09.060(a), (e)

and WAC 332-130-030(2) and (3)(a). In addition, the survey shows that the monuments set were not placed at the corrected corner positions of the subject property with no explanation, in violation of RCW 58.09.060(e). This conduct is also a violation of RCW 58.09.030.

3.6 On June 16, 2023, the Respondent was interviewed, and discussion occurred regarding information that was lacking on the Respondent's original and amended record of surveys, specifically the lack of a section subdivision or reference to a section subdivision necessary to support the boundaries shown thereon pursuant to WAC 332-130-030(2) and (3)(a).

3.7 On June 29, 2023, the Board Case Manager received and reviewed the second preliminary amended record of survey. It was determined the survey still lacked the necessary section subdivision data among other things, in violation of RCW 58.09.060(a), (e), and WAC 332-130-030(2), (3).

3.8 On November 3, 2023, a preliminary amended record of survey was received from Respondent. This survey still lacked the necessary section subdivision or reference to a section subdivision necessary to support the boundaries show thereon pursuant to WAC 332-130-030(2) and (3)(a).

3.9 On November 9, 2023, the Respondent was asked if he felt the survey met both Chapter 58.09 RCW and Chapter 332-130 WAC. On November 16, 2023, the Respondent stated that two minor changes were made. Still, no section subdivision was shown, in violation of RCW 58.09.060(a), (e), and WAC 332-130-030(2), (3).

3.10 The conduct described in 3.1 through 3.9 contain multiple violations of WAC 332-130-030(2) and (3)(a); RCW 58.09.030; RCW 58.09.060(a), (e); RCW 18.43.105(5), RCW 18.43.110, and RCW 18.235.130(4).

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 332-130-030(2) and (3)(a); RCW 58.09.030; RCW 58.09.060(a)(e); RCW 18.43.105(5), RCW 18.43.110, and RCW 18.235.130(4).

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 Robert Rogers 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 license to practice is suspended for a minimum of one year. Said suspension will be stayed for a period of one year contingent upon Respondent complying with the following conditions outlined in 5.2 through 5.4.

5.2 Within ninety (90) days of the effective date of this AGREED ORDER, Respondent shall pay a fine to the Board, by check or money order, in the amount of five thousand (\$5,000) dollars.

5.3 All fines shall be submitted to:

Board of Registration for Professional Engineers and
Land Surveyors
Attn: Jill Short
DES-SAFS Agencies
PO Box 24281
Seattle, WA 98124-0281

5.4 Within ninety (90) days of the effective date of this AGREED ORDER, Respondent will provide a corrected record of survey for Board review for Parcels #0319201022 & #0319201015 located in Spanaway, WA. The corrected record of survey will comply with RCW 58.09.060(a), (e) and WAC 332-130-030(2) and (3)(a). Once said survey is approved to meet standards, the Respondent will file the Amended

Record of Survey with the appropriate county auditor's office.

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

5.6 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.

5.7 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.

5.8 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, Robert Rogers, 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.



Robert Rogers, Respondent

9/24/2024

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 17th day of October, 2024.

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



Marjorie Lund, PE, SE
Presiding Officer