

bulletin

News - Enforcement Actions - Updates to Laws and Rules

31, Fall 2005

A BRIEF HISTORY OF THE BOARD

The California Legislature created the Board of Registration for Civil Engineers in 1929, following the failure of the St. Francis Dam in northern Los Angeles County. At 11:58 pm on March 12, 1928, the dam, located northeast of Castaic in Los Angeles County, suddenly gave way. A huge wall of water cascaded down the narrow valley of the Santa Clara River and when the water hit the town of Santa Paula, almost 50 miles downstream, the crest was still 25 feet high. The dam failure unleashed 12 billion gallons of water through the towns of Piru, Fillmore, Santa Paula and Ventura before it reached the sea. Lives lost numbered approximately 450, property damage was in the millions of dollars, 1,200 houses were demolished and 10 bridges washed out. After the flood, inspection revealed that the dam was built on, and anchored to, a weak and faulted rock formation. The Legislature determined that the unregulated design of construction projects constituted a hazard to the public.

Land Surveyors have been licensed in California since the Legislature established a State Surveyor General in 1891, but that office was abolished with the enactment of the Professional Land Surveyors' Act in 1933. The act expanded the Board's authority to include jurisdiction over licensing of land surveyors and regulation of surveying practices. Until then, local governments had been interpreting the laws governing subdivision maps and recordation of parcel boundaries in widely differing ways for many years. Many land surveyors ignored basic legal requirements concerning subdivision maps and survey records. Some counties allowed boundary monuments to be moved or even destroyed. Legal disputes over property boundaries cost the state and the public millions of dollars. Regulation of land surveyors brought about uniform enforcement of survey law and is in the best interests of the state and California consumers.

The tremendous growth in the state's population has increased the impact of both engineering practices and land surveying activities. The importance of land surveying grows in proportion to the value of California real estate, construction and development.

Over the years, the Board has experienced some major changes under the provisions of the Professional Engineers Act (PE Act). The number of branches of engineering regulated by the Board has increased, and the status of some of the older branches has changed. When electrical and mechanical engineering were first covered by the registration law in 1947, the law only affected the use of the titles. In 1967, the PE Act was amended to regulate

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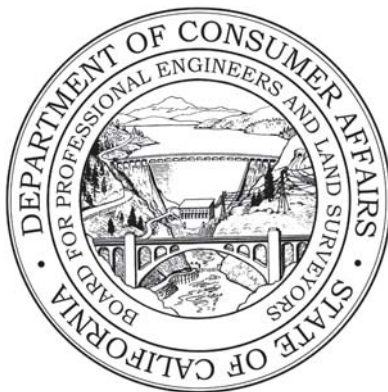
How to Contact the Board

Address

California Board for Professional
Engineers and Land Surveyors
2535 Capitol Oaks Drive, Suite 300
Sacramento, CA 95833

Internet Address

<http://www.dca.ca.gov/pels>



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BPELS_Office@dca.ca.gov

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916-263-2271

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916-263-2247

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Licensing Program Manager
916-263-5438

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(Mechanical)
Exam Administration Manager
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Delinquent Reinstatements

Tiffany Criswell
916-263-2273

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Verification of License

916-263-2222
http://www.dca.ca.gov/pels/l_lookup.htm
BPELS_License_Verifications@dca.ca.gov

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The Who, What, When and Where of the Board

There are thirteen Board member positions on the Board for Professional Engineers and Land Surveyors. All appointments are for a term of 4 years; vacancies are filled by appointment for an unexpired term. Each appointment or reappointment, if the initial appointment fills an unexpired term, is for a 4-year term expiring on June 1st of the fourth year after the year the previous term expired. Each member may remain on the Board until appointment of his or her successor or until one year after the expiration of the term, whichever occurs first; this is known as the "grace year." No person is allowed to serve as a member of the Board for more than two consecutive full four-year terms.

Five of the 7 public member positions are appointed by the Governor, 1 by the Senate Rules Committee, and 1 by the Speaker of the Assembly.

All 6 professional member positions are appointed by the Governor to represent the branches or disciplines of engineering and land surveying listed below. In addition, one professional engineer must be from a local public agency and another professional engineer must be from a state agency.

- Civil Engineer
- Electrical Engineer
- Mechanical Engineer
- Structural Engineer
- Other Professional Engineer (from a branch or discipline not listed above)
- Land Surveyor

An alphabetical list of current members and biographical information about each follows:

Gregg E. Brandow, S.E.

Dr. Brandow was appointed to the Board in October 1998 as the Board's structural engineering member. Dr. Brandow is president of Brandow & Johnston Associates, a structural engineering firm. He has been a practicing structural engineer as well as an adjunct professor at the University of Southern California since 1971. Dr. Brandow has served two terms on the Board's Structural Engineering Technical Advisory Committee. He is a member of the Structural Engineers' Association of Southern California, the Earthquake Engineering Research Institute, and the Consulting Engineers and Land Surveyors of California. Dr. Brandow is currently the treasurer of the National Council of Examiners for Engineering and Surveying. He earned his Bachelor of Science degree in civil engineering from the University of Southern California as well as a master's degree and a doctorate in structural engineering from Stanford University.

Arthur P. Duffy, P.E.

Mr. Duffy was appointed to the Board in April 2002 as the Board's civil engineering member. He has over 19 years of experience in civil engineering in areas including hydraulics, construction, and design of infrastructure. After working his way through college, Mr. Duffy began his professional career in 1986 as a consultant engineer for the City of Brisbane. In 1987 he became a transportation engineer for the California Department of Transportation (CalTrans), a position he held from 1987 to 1998. From 1998 to 2000, Mr. Duffy served as Senior Engineer to the San Francisco Bay Conservation and Development Commission in a special assignment. While there, he was the Secretary of the Engineering Criteria Review Board. In 2000 he returned to CalTrans in Oakland, where he currently works. Mr. Duffy has been involved with several professional societies including the Professional Engineers in California Government where he has served as President of the San Francisco Section and as Corporate President. Mr. Duffy earned a Bachelor of Science in Civil Engineering from San Francisco State University. He holds a certificate in Transportation Management from San Jose State University.

2005-2006 Board Meeting Schedule

2005

Sept. 1 & 2 - Irvine or Anaheim

Nov. 17 & 18 - Sacramento

2006

January 19 & 20 - Carmel

March 16 & 17 - San Diego

May 11 & 12 - Sacramento

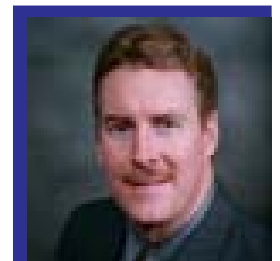
June 22 & 23 - San Francisco

Sept. 7 & 8 - Glendale

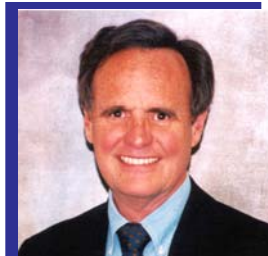
Nov. 9 & 10 - Sacramento



Gregg E. Brandow, S.E.



Arthur P. Duffy, P.E.



James W. Foley, P. E.

James W. Foley, P.E.

James Foley, Jr., P.E., was appointed to the Board in October 1998 as the geotechnical engineering member. He is licensed as a civil, structural, and geotechnical engineer. Mr. Foley has more than 37 years of experience in engineering, construction, and related management. He currently provides consulting services to the engineering and construction industry. In September 2003, he retired from his position as Deputy Director of Public Works for the City of San Jose. Mr. Foley also worked as Division Manager of the Design and Construction Division, Public Works Department of San Jose, and was City Engineer for the City of Campbell. He was a member of the CalTrans Local Bridge Seismic Retrofit Advisory Committee and the CalTrans Highway Bridge Replacement and Rehabilitation Steering Committee. Mr. Foley has over 25 years experience and has spent more than 2,000 hours in depositions, hearings, testimony and related presentations as both an expert and a percipient witness. During the seventies, he was employed by Degenkolb Engineers and Bechtel. He is a member of the American Society of Civil Engineers, Structural Engineers Association of Northern California, American Public Works Association, and Dispute Resolution Board Foundation. Mr. Foley earned Bachelor of Science and Master of Science degrees from the University of Santa Clara.



David J. Fruchtman, P. E.

David J. Fruchtman, P.E.

Mr. Fruchtman was appointed to the Board in April 2002 as the Board's mechanical engineering member. He has more than 25 years of experience in mechanical engineering and is the founder and President of Fruchtman and Associates, Consulting Mechanical Engineers. In addition, Mr. Fruchtman is actively involved in forensic engineering, providing expert witness services to assist in resolving disputes related to heating, ventilating, air conditioning, plumbing and fire protection systems. He also frequently lectures to architectural students and other groups about building mechanical system designs. Mr. Fruchtman is a member of the American Society of Heating and Refrigeration Engineers, American Society of Plumbing Engineers, and National Fire Protection Association. He earned a Bachelor of Science degree from State University of New York at Buffalo. Mr. Fruchtman's term expired as of June 1, 2005. We wish him happiness and success in the future.



Robert L. Jones, J. D.

Robert L. Jones, J.D.

Robert L. Jones of Los Angeles was appointed as a public member of the Board in November 2003 by the Speaker of the Assembly. He is chief arbitrator and senior partner with Jones and Parker, P.C., an arbitration and mediation firm. Mr. Jones is a Certified Arbitrator with the Better Business Bureau and has been practicing dispute resolution for more than fourteen years, presiding over contract, real estate, labor and personal injury disputes. A former Judge Advocate for the American Legion in Los Angeles and Adjunct Professor of Business Law at Brookdale College in 1983, Mr. Jones currently serves as a Commissioner for the Baldwin Hills Conservancy. He is a member of the Law and Rules Committee and Judicial Appointments Committee, as well as Chairman of the Resolutions Committee for the Los Angeles County Democratic Party. Mr. Jones earned an Associate degree in Business Administration from Brookdale College, a Bachelor of Arts degree in Political Science from Rutgers University, a Juris Doctor degree from Howard University Law School and a Certification in Complex Negotiations from the Program on Negotiation, Harvard Law School, in 1998. He is also a member of Phi Delta Phi, the International Law Fraternity, and holds a diploma in Heavy Equipment Maintenance and Repair from the United States Army School of Engineering.

William E. Roschen, Architect

William E. Roschen was appointed as a public member of the Board in November of 2002. He is one of the founding principals of Roschen Van Cleve Architects, which began in 1987. One of their specialties is affordable housing developments, including some designed for Habitat for Humanity. Mr. Roschen's community involvement includes serving as a panelist for Global Green USA, Los Angeles Greening Affordable Housing Carrett, the Hollywood Community Advisory Council, and serving on the Board of Directors for both Hollywood Heritage and the Coro Foundation. He earned a Bachelor of Architecture degree from Arizona State University, and a Master of Science degree in architecture from Columbia University.



William E. Roschen

Millicent Safran

Millicent Safran was appointed as a public member of the Board by the Senate Rules Committee in July 1995. Ms. Safran served on the Los Angeles Unified School Board's Sex Equity Commission, the Superintendent's Affirmative Action Advisory Council and the Committee on School-Based Health Clinics. She was formerly employed as a legal secretary.



Millicent Safran

William R. Schock

William R. Schock was appointed as a public member of the Board in November 2003. Mr. Schock received the Federal Emergency Management Agency's (FEMA) Exemplary Practices in Earthquake Mitigation Award. His years of service as Chief Building Inspector for the City of San Francisco provided him an expertise of building, safety, and seismic issues inherent to California. He is currently employed as the Chief Building Official of the City of San Leandro. He is very active in his profession, serving as current president of the California Building Officials Board of Directors, a member of the Structural Engineers Association of Northern California, the International Council of Building Officials, International Code Council, National Fire Protection Association, and the International Electrical Inspectors Association, among many others. Mr. Schock's term expired June 1, 2005. We wish him good luck and success in the future.



William R. Schock

Cindy Tuttle

Cindy Tuttle was appointed as a public member of the Board in September 2003. Ms. Tuttle is the Director of Public Relations and Politics for the Operating Engineers Local Union No. 3. The union represents heavy equipment operators in the construction industry, land surveyors and members in the testing and inspection fields with a jurisdiction covering northern California, northern Nevada, Utah and Hawaii. Ms. Tuttle is a former Mayor and City Council member for the City of West Sacramento. She serves on numerous boards and commissions related to the work of the labor movement and she is a member of the East Yolo Friends of the Library, West Sacramento Historical Society and the West Sacramento Chamber of Commerce.



Cindy Tuttle

Elizabeth A. Warren

Elizabeth A. Warren was appointed as a public member of the Board in November 2002. Ms. Warren is a Public Policy Manager at the Los Angeles Area Chamber of Commerce, and has 15 years experience in the civil engineering and construction industry. She is a member of the Southern California Association of Governments' Goods Movement Task Force, and the Women's Transportation Seminars Los Angeles and Orange County Chapters. She is earning a certificate as a Global Logistics Specialist from California State University Long Beach, and holds a Bachelor of Science in Business Management from Pepperdine University. Ms. Warren's term expired June 1, 2005. We wish her good luck and success in the future.



Elizabeth A. Warren



Michael K. Welch, P. L. S.

Michael K. Welch, P.L.S.

Michael K. Welch was appointed to the Board in April 2002 and serves as the land surveying member. Mr. Welch has more than 35 years of experience in land surveying. From 1968 to 1998, he was a Land Surveyor for M. K. Welch Surveys, Inc. Mr. Welch recently served as the Chief of Surveys, Deputy County Surveyor for the County of Monterey. He is a Land Surveyor in the Right-of-Way Engineering Division of CalTrans. Mr. Welch has served as a member and past President of the California Land Surveyors Association, is a founding board member of the Surveyors Historical Society and a member of the Western Federation of Professional Land Surveyors.



Dale J. Wilson, P. E.

Dale J. Wilson, P.E.

Dale J. Wilson was appointed to the Board in April 2002 and serves as the Board's electrical engineering member. Mr. Wilson has 35 years of construction and engineering experience. He is a Senior Transportation Electrical Engineer and has worked with CalTrans since 1988. Mr. Wilson is a member of IEEE and serves on the San Diego Regional Traffic Engineers Council. He earned a Bachelor of Science degree from San Diego State University.



Edward C. Yu

Edward C. Yu

Edward C. Yu was appointed as a public member to the Board in November 2002. Mr. Yu is the President of Triton International Ventures, Inc., and President and Founder of EYM Technologies, Inc. He was previously Director of Real Estate & Finance for Starwood Capital and was Investment Manager/Assistant Vice President of AEW Capital Management. Mr. Yu is the founding member of the Global Education Partnership, Inc. and founding board member of the Los Angeles School of Entertainment, Arts & Technology (an organization created to assist inner-city youth in South Central Los Angeles). Mr. Yu earned a Bachelor of Science degree from the University of California, Davis, and a Master of Urban Design degree from Harvard University. ♦

Online Practice Issues

In recent years, the Board's Enforcement Unit has been called upon to investigate the way in which professional engineers and land surveyors are advertising their services on the Internet. In general, under the Professional Engineers Act, the Professional Land Surveyors' Act, and the Board Rules, Internet advertising is no different than advertising in paper publications such as magazines or telephone directories. If a professional engineering or land surveying company has a website through which they are offering their professional services, then they must meet the same requirements as any other professional engineering or land surveying company that offers services in California. The Board has required companies to modify their websites to comply with California law, such as clarifying what services they can legally perform in California.

Companies that are physically located in California must make sure that individuals listed on their website do not violate the restricted titles provisions of California law. Persons who are not licensed in California are not allowed to use restricted titles such as P. E., professional engineer, or civil engineer. Individuals licensed in other states may use restricted titles **only** if they clearly identify the state in which they are licensed immediately following the restricted title. For more information, see Business and Professions Code sections 6732, 6736 and 6736.1. ♦

HELP WANTED

The Board's Enforcement Unit is looking for Professional Engineers and Professional Land Surveyors who have been licensed for 5 or more years to serve as technical experts in the following disciplines and areas of expertise:

▼ **Civil Engineers** with expertise in subdivision planning and development, grading and drainage of residential and small business projects, home inspections for resale and for national disaster evaluation, water intrusion issues, and septic system design. (A special need exists for engineers with experience working in Northern and Central California, including the San Francisco/Oakland Bay areas).

▼ **Civil and/or Structural Engineers** with expertise in structural design for residential houses and commercial projects.

▼ **Civil and/or Geotechnical Engineers** with expertise in providing geotechnical evaluations for new construction and to mitigate soil and compaction failures.

▼ **Land Surveyors** with expertise in boundary surveying, property line disputes, subdivision map processing, and title descriptions (especially in Northern and Central California).

Technical experts review enforcement cases to determine if the standards of the profession are being met and/or Board laws and rules violated. Experts are required to provide a written report of their expert opinion and may be asked to testify at a hearing. Expertise in the area of engineering or land surveying which is the subject of a given complaint is essential. The majority of the Board's cases involve residential projects and small business projects. No one who has had his or her engineering or land surveying license disciplined by the Board can serve as a technical expert.

Board experts are paid \$75 an hour for case review, report preparation, and actual time spent testifying at administrative hearings. Travel costs associated with expert testimony are reimbursed. If you would like more information about being a technical expert, you may contact the Enforcement Unit at (916) 263-2251 or BPELS_Enforcement_Information@dca.ca.gov.

If you are interested, please send your most current resume/curriculum vitae to the following address:

Board for Professional Engineers and Land Surveyors

Attention: Enforcement Unit

2535 Capitol Oaks Drive, Suite 300

Sacramento, CA 95833

Proposed Change to License Renewal Fees

On November 10, 2004, the Board held a hearing regarding proposed changes to the \$150 license renewal fee. Existing regulations require the license renewal fee to decrease to \$100 effective July 1, 2005. Instead, the Board has proposed that the fee decrease to \$125 every two years, effective October 1, 2005. If the proposed change is approved, those with licenses expiring on December 31, 2005 will be required to pay the new renewal fee of \$125. License renewal notices for licenses that expire December 31, 2005 will be mailed October 15, 2005. This fee change will help to ensure a prudent revenue reserve is available in the Board's fund to help absorb future cost increases. ♦

How Well Do You Know The Minimum Requirements for Your Written Contracts?

The Board is very pleased that so many professional engineers and land surveyors are using written contracts, as required by Sections 6749 and 8759 of the Business and Professions Code. A written contract protects the licensee as much as it protects the consumer.

The laws governing the practices of engineering and land surveying require that 5 minimum requirements must be included in the written contract. However, the Board is concerned that not all of the minimum requirements for a written contract are being met.

The laws require that all written contracts must include **all** of the following information:

- (1) A description of the services the licensee will provide to the client.
- (2) A description of the basis of compensation applicable to the contract, and the method of payment agreed upon by the parties.
- (3) The name, address, and license or certificate number of the licensee, and the name and address of the client.
- (4) A description of the procedure that the licensee and the client will use to accommodate additional services.
- (5) A description of the procedure to be used by any party to terminate the contract.

The two items that are most often left out of the written contract are the licensee's license number and the description of the procedure to be used to terminate the contract.

Although it is acceptable for either party to include additional information in the written contract, the five items listed above **must** be included in the written contract. Failing to include any one of these items constitutes a violation of the law. ♦

What two REQUIRED items are most often left out of written contracts between licensee and client?

Find the answer in the article at the right.

“Coordination” of Land Surveying Services: Is It Really Different, Under California Law, Than Practicing Land Surveying?

Professionally licensed land surveyors and civil engineers should be aware that some companies acting as “coordinators” of land surveying services are operating in California in violation of the Professional Land Surveyors’ Act. These so-called “coordination services” companies hire California land surveyors and legally authorized civil engineers to provide land surveying services, usually for ALTA surveys, for the companies’ clients. The clients are often national or multi-state companies in need of ALTA surveys in order to purchase property or secure a loan for a property purchase, but they may also be individual property owners.

The “coordination services” offered by these companies constitute the practice of land surveying in California under Business and Professions Code sections 8726(i), (j), and (k) (part of the Professional Land Surveyors’ Act) [see excerpts of law below]. If these “coordination services” companies do not have a California land surveyor or civil engineer as an owner, part owner, or officer of the company, then the company is operating in violation of the laws in California. In order for a business to offer land surveying, as that practice is defined in the Professional Land Surveyors’ Act, the business must have a California land surveyor or civil engineer as an owner, part owner, or officer.

It is not acceptable under the law for the “coordination services” companies to contract for land surveying services with their clients and then hire a California land surveyor or legally authorized civil engineer to perform the land surveying work. This is considered to be procuring or offering to procure land surveying work; managing or conducting as an agent any business from which land surveying work is solicited; and coordinating the work of professional consultants in connection with land surveying work – all of which are part of the defined area of land surveying practice in California. Pursuant to Business and Professions Code section 8725 (part of the Professional Land Surveyors’ Act), any person who practices, or offers to practice, land surveying in California – as that practice is defined in Section 8726 – must be appropriately licensed in California or exempt from licensure. There is no exemption for companies offering “coordination services.”

It is acceptable for “coordination services” companies to refer their clients to California land surveyors and legally authorized civil engineers, but the contract for the land surveying work must be directly between the client and the California land surveyor or legally authorized civil engineer.

The Board’s Enforcement Unit is aware of several companies, both in and out of California, that are offering “coordination services.” We will be advising these companies that offering the “coordination” of land surveying services in California constitutes the practice of land surveying and that they must either have a California land surveyor or civil engineer as an owner, part owner, or officer of the company or must cease and desist from offering such “coordination services” in California. ♦

Excerpts from California Business and Professions Code sections 8725 and 8726

8725.

Any person practicing, or offering to practice, land surveying in this state shall submit evidence that he or she is qualified to practice and shall be licensed under this chapter.

It is unlawful for any person to practice, offer to practice, or represent himself or herself, as a land surveyor in this state, or to set, reset, replace or remove any survey monument on land in which he or she has no legal interest, unless he or she has been licensed or specifically exempted from licensing under this chapter.

8726.

A person ... practices land surveying within the meaning of this chapter who ... does or offers to do any one or more of the following: ...

- (i) Procures or offers to procure land surveying work for himself, herself, or others.
- (j) Manages, or conducts as manager, proprietor, or agent, any place of business from which land surveying work is solicited, performed or practiced.
- (k) Coordinates the work of professional, technical, or special consultants in connection with the activities authorized by this chapter. ♦

Spotlight on the Enforcement Unit

The eight staff members of the Board's Enforcement/Complaint Unit enjoy the challenges of helping licensees and consumers to understand the laws regulating the practices of engineering and land surveying. The average citizen has little experience with such professionals until faced with the need to develop property, build a home or business, or face and deal with the consequences of a natural disaster.

One of the unit's primary goals is to provide information to consumers so they know that hiring licensed professionals is in their own best interests. *A Guide for Consumers: What you should know before you hire a Professional Engineer or Professional Land Surveyor* is an important publication from the Enforcement Unit. It covers the services available, the functions and responsibilities of engineers and of land surveyors, the kind of projects that require an engineer, the kind of projects that require a land surveyor, how to select a licensed professional, advice about written contracts, how the Board can help the consumer work with the professionals, and, in the event problems arise, how to attempt to resolve them through improved communication between consumer and professional. It advises "When you cannot resolve the problem, you may contact the Board for assistance. We will help you determine what alternatives are available."

The guide also explains how a consumer can learn whether or not a person is licensed by the state, if there have been any disciplinary actions against his or her license, and who to call to ask if complaints have been made against that person. It lists the kind of violations of the Board's laws and rules enforcement staff may be able to help with: breach of contract; negligence or incompetence; fraud, deceit and misrepresentation in professional practice; aiding and abetting unlicensed practice or any other violation of the Board's laws and rules; and unlicensed activity.

Enforcement analysts can also help a consumer who has a complaint against an unlicensed person. Staff from the Department of Consumer Affairs' Division of Investigation is available, as case load permits, to work on such complaints. Often, there is more than one complaint received about the same unlicensed person. The Board can issue a citation and order of abatement against the unlicensed person, or when the circumstances are sufficiently egregious, request that criminal charges be filed by the appropriate county's District Attorney. The enforcement analyst assigned to a particular case keeps the consumer informed of the progress of his or her complaint, and of any other options available, such as Small Claims Court.

72 1/2
Years of
Experience

There are approximately 86,000 licensed engineers and land surveyors in the State of California and, whether inadvertently or maliciously, a few of those licensees will do something that a consumer or a governmental agency questions. Consumer education is the most cost-effective form of consumer protection. The Board's free *A Guide for Consumers: What you should know before you hire a Professional Engineer or Professional Land Surveyor* is distributed to libraries, to city and county agencies, and at public outreach meetings and consumer fairs; it is also available on the Board's website. A high priority for the Board is immediate dissemination of information following floods, earthquakes, or other disasters, when many consumers need the services of an engineer or land surveyor. The Enforcement Outreach Program provides Board staff to attend consumer fairs sponsored by the Department of Consumer Affairs, other governmental agencies, and consumer advocacy agencies in an effort to keep the public informed of the laws and rules related to the practices of professional engineering and professional land surveying. In addition, at the request of professional societies and local governmental agencies, Board staff will attend meetings to discuss any changes in the Professional Engineers Act or the Professional Land Surveyors' Act and other topics related to the Board. These outreach meetings also serve to keep the lines of communication open between the Board and local governmental agencies, licensees, and professional associations.

The enforcement unit is responsible not only for the investigation of complaints but also for all inquiries (telephone, e-mail, fax, letter) regarding the complaint investigation process and how to file a complaint; the status of licenses, especially related to previous complaints

and disciplinary actions; and the laws and regulations relating to the practices of professional engineering and land surveying. In general, the only inquiries that are not handled by the enforcement unit are those that involve the application/examination/licensure process, although exam subversion investigations are also handled by the enforcement unit.

The enforcement unit manages the Board's website, which contains information for consumers, complainants, applicants, and licensees. All of the Board's publications are available on the site, which also includes the consumer complaint form, the Professional Engineers Act, the Professional Land Surveyors' Act, the Board Rules, and applications for certification or licensure. The website also has license look-up capabilities and accounts of disciplinary actions taken since 1990.

Enforcement unit analysts respond to inquiries from consumers, licensees, and state and local governmental agencies regarding the laws, the status of licensees, and the disciplinary process. The inquiries handled by the

enforcement unit can range from the simple – is a person licensed and have there been any complaints against him – to the complex – does a certain action constitute professional practice. Enforcement unit staff is responsible for responding to all inquiries directly or for referring them to the appropriate person and ensuring that a response is provided. That response may come from one of Board's three staff professional engineers, the staff professional land surveyor consultant, or legal counsel.

Nancy Eissler was promoted to Manager of the Enforcement Unit in November 2004. Ms. Eissler came to work for the Board in 1990 and has fourteen years experience working with the Enforcement Unit in many capacities. She is the Enforcement Unit's liaison to the Board, attends all Board meetings, updates the Board website, is the Board's liaison to the Office of the Attorney General on administrative disciplinary matters against licensees, and supervises and assists the other members of the unit.

Each enforcement analyst has her own case load in addition to providing staffing for the unit's other responsibilities. The manager and analysts respond with the skill and professionalism of a combined total of over 72 1/2 years of experience in the Board's Enforcement Unit. ♦

Board Reviews, Changes Policy on Internet Publication of Enforcement Actions

The Board has published short factual summaries of enforcement actions in the newsletter since the mid-1970s in the belief that the information has educational value for engineering and land surveying professionals. The information has always been a matter of public record, disclosable to any member of the public who requests it. With the advent of the Internet and the Board's website, it has been much easier to make the information on citations, disciplinary actions and criminal actions against unlicensed persons available to the public as well as to licensees of the Board.

At its January 2, 2005 meeting, the Board voted to change how long the summaries of citations, disciplinary actions and criminal actions remain on the website. Until then, the summaries remained online indefinitely.

Citations: Summaries of citations remain on the website for five (5) years after the citation is final, unless further action is taken against the licensee/unlicensed person. All citations issued by the Board are matters of public record; anyone may request copies of the actual citations on which these summaries are based or for information about any citation that might no longer be posted on the website in accordance with the above schedule by contacting the Board's Enforcement Unit.

Disciplinary Actions: Summaries regarding disciplinary actions which result in revocation or surrender of the license remain on the website indefinitely. Summaries regarding actions which result in suspension or probation remain on the website for five (5) years after the completion of the suspension or probationary period. Summaries regarding actions resulting in reproof or reprimand remain on the website for five (5) years after the effective date of the decision. All disciplinary actions taken by the Board are matters of public record; anyone may request copies of the actual decisions on which these summaries are based or information about any disciplinary actions that might no longer be posted on the website in accordance with the above schedule by contacting the Board's Enforcement Unit.

Criminal Actions: Summaries of criminal actions remain on the Board website indefinitely. ♦



Reports of Enforcement Actions

Pages 12 - 38 of this issue of the Bulletin contain reports of disciplinary actions taken by the Board since the last newsletter was published almost two years ago. The Board will be publishing the newsletter more frequently as staffing levels improve at the office; consequently there will be fewer enforcement actions published in any given issue. Disciplinary actions are also posted on the Board's website, according to the policy discussed on page 9.

Criminal Proceedings

The Board's Enforcement Unit and the Department of Consumer Affairs' Division of Investigation investigate cases involving unlicensed practice. These cases are forwarded to the Office of the District Attorney in the appropriate county for criminal prosecution. The following are brief summaries of the actions taken by the courts. For further information regarding these matters, please contact the Enforcement Unit.

The Board investigated allegations that William Comeau of Comeau Engineers Inc., Consulting Mechanical Engineers, represented himself as a licensed professional engineer, stamped and signed documents using a former employee's professional engineer license number, and submitted those documents to city and county building permit departments as well as to the Office of the State Architect. Comeau is not licensed by the Board. The Board referred this case to the local district attorney.

On February 5, 2003, Comeau was charged with five felony counts for falsely impersonating another and forgery under Penal Code sections 529, 470(b) and (d), 115(a) and 532(a).

On September 3, 2003, in the Municipal Court for the County of Los Angeles, Comeau entered a no contest plea to the reduced misdemeanor charge of false representation, a violation of Penal Code section 532(a). The other charges against Comeau were dismissed.

Comeau was placed on probation for three years with conditions. These conditions included the requirement that Comeau pay a restitution fine in the amount of \$6,000 to the Board.



The Board investigated complaints in October of 2001 that Noble Engle and Mesa Engineering were advertising and practicing engineering and land surveying without a valid license and without a licensed engineer as an owner/officer of the company. Engle's license as a Civil Engineer was revoked by the Board in 1994. The Board referred the matter to the local district attorney.

On March 25, 2003, the Tehama County District Attorney filed misdemeanor charges against Engle for violation of Business and Professions Code sections 6787(a) and (g) and 8792(a) and (i) in that he practiced civil engineering and managed a civil engineering business without appropriate registration or proper license and practiced land surveying and managed a land surveying business without appropriate registration or proper license.

On July 9, 2003, Engle pled no contest to the charge of violating Section 8792(i) and was sentenced to 180 days in jail. The jail time was suspended, and Engle was placed on probation for three years. He was also ordered to pay a fine of \$3,430 and restitution of \$500 through the District Attorney's office.



The Board investigated allegations that Song Chol Han, also known as Jesse Han, represented himself as a licensed professional engineer as well as a licensed professional geologist, stamped and signed documents using the licenses and seals

COMEAU, WILLIAM
Unlicensed
September 3, 2003

ENGLE, NOBLE
Unlicensed
July 9, 2003

of licensed professional engineers and a licensed professional geologist, both in Los Angeles County and Orange County, California. Han is not licensed by the Board. The Board referred the matter to the local district attorneys.

On November 19, 2002, the Los Angeles District Attorney filed thirty-four misdemeanor charges against Han. He was charged with eighteen counts of forgery under Penal Code section 470(d); one count of grand theft: property over \$400 under section 487(a); one count of insufficient funds under section 476(a); ten counts of unlawful use of a professional engineer's license; and four counts of practicing geology without a license.

On May 14, 2003, in the Municipal Court for the County of Los Angeles, Han entered a plea of no contest and was found guilty of nine of the eighteen forgery charges and the charge of insufficient funds. The Court dismissed the other charges.

On November 14, 2003, Han was placed on probation for five years with conditions, including completion of 240 days of electronic monitoring, restitution fines of \$200, investigative costs of \$3,500 to the Los Angeles Building and Safety Department, and payment of \$61,090 to twenty victims of his violation of section 487(a).

On April 23, 2003, the Orange County District Attorney filed felony charges against Han for forgery of a false soils and geology report and counterfeiting the seal and handwriting of a licensed professional engineer, violations of Penal Code 470(a). An additional felony count was added on August 7, 2003 for violation of 487(a) for felony grand theft.

On September 16, 2003 Han pled guilty to both counts and was placed on formal probation for three years with conditions. He was sentenced to serve 90 days in the Orange County Jail, but jail time was stayed pending completion of successful probation. He was ordered to pay restitution as well as a restitution fine, complete 45 days of community service, and pay the costs of probation. After 18 months, if restitution is paid, fines, and fees are paid and community service is completed, Han will be eligible for informal probation.



The Board investigated a complaint in October of 1998 that Bruce B. Harry, Jr., who was employed by the City of Rancho Mirage as Director of Public Works/ City Engineer, was signing engineering plans using "R.C.E. 42736," a license number that was issued to a different person. The Board referred the matter to the local district attorney.

On August 12, 1999 the Riverside County District Attorney filed misdemeanor charges against Harry for violation of Business and Professions Code section 6787(f) in that he used the title of registered civil engineer when he was not licensed.

On June 13, 2000, Harry pled guilty to a reduced infraction for violating section 6787(f) and was ordered to pay a total fine of \$250.



HAN, SONG CHOL
(a.k.a. Jesse Han)
Unlicensed
September 16, 2003
(Orange County)
November 14, 2003
(Los Angeles County)

HARRY, BRUCE B., JR.
Unlicensed
June 13, 2000

Disciplinary Actions

Administrative disciplinary actions are taken by the Board against licensees who are in violation of the Professional Engineers Act and/or the Professional Land Surveyors Act. Certified copies of these Board decisions may be obtained from the Board's Enforcement Unit at a charge of ten cents per page plus a two dollar certification fee. Noncertified copies are available at no charge. Please include the subject's name and the accusation number in your request. ALL REQUESTS MUST BE MADE IN WRITING.

**ALLEN, FREDRICV.
Civil Engineer C 20702
Petition for Reinstatement
Effective March 1, 2005:
License reinstated, one
year probation**

On August 20, 2004, Allen filed a petition for reinstatement of his revoked license. He agreed that his violations were caused by his own negligence. He explained that in 1996 he began having progressively more serious health problems that ultimately led him to close his private practice in May 2000. Allen thought he had completed all his projects or turned them over to other engineers for completion. He did not realize that the person who subleased his office was not forwarding his mail, but putting it aside. Allen had not notified the Board of his change of address, as required by law. As a result, he was unaware of the County Surveyor's request, the County's complaint to the Board, and the Board's citation and accusation. He discovered the problem after the revocation of his license was already effective. He chose to wait for his health to improve before seeking reinstatement.

In deciding to reinstate Allen's license, the Board noted that he had a long career in civil engineering and land surveying which was unblemished until the incidents leading to the revocation of his license. His neglect was somewhat excusable due to his serious health problems. In the three years since his license was revoked, Allen has been employed by a consulting group where he works as a designer and coaches and trains a group of younger engineers in surveying, mapping, design, and plan checking. Letters and testimony of his employers make it clear that Allen is held in high regard. Effective March 1, 2005, the Board reinstated his license and placed him on probation for one year, requiring that he complete and pass the California Laws and Board Rules examination and that he file or record, within 90 days of March 1, 2005, the records of survey and corner records that were not properly filed before.



**ANDERSON, ROY
ADRIAN
Civil Engineer C 51314
Accusation 742-A
Effective July 23, 2004:
Decision in Accusation
714-A (License revoked,
revocation stayed; 60-day
suspension; five years on
probation), remains in
effect; probationary
period extended one year,
with additional conditions,
until April 5, 2008.**

Accusation 742-A alleged that Roy Adrian Anderson, Civil Engineer License C 51314, was subject to discipline under Business and Professions Code section 6775(c) for negligence and incompetence on a remodeling/addition to a single-family residence. The project included design of the roof framing system, the first floor framing system, the foundation, a lateral analysis and design for the lateral force resisting system, and consultations with the owner, designer, contractor, manufacturers, other consultants, and the building department. The presentation of design included the structural calculations, roof framing plan, first floor framing plan, foundation and first floor framing plan, foundation plan, structural details, and structural sections. Anderson submitted the structural engineering plans to the City of Windsor in March of 2000.

The accusation alleged that Anderson is subject to disciplinary action because he failed to oversee and supervise the quality of work done by employees before sealing the designs as required by the standard of practice of engineering. As submitted, the plans contained faulty and incomplete or inaccurate references, missing details, incomplete and non-conclusive engineering design calculations and analyses, omission of the provision that treated wood should be used at locations where rim joists are in contact with the concrete slab, and drawings not drawn to scale, resulting in portions of the additions built being off by almost three feet.

Effective July 23, 2004, the Board adopted a stipulated settlement agreement as its decision in this matter. In the stipulated settlement, Anderson admitted to

the truth of each and every charge and allegation in Accusation 742-A and that his Civil Engineer License is subject to discipline. In its decision, the Board ordered Anderson's license revoked; however, the revocation was stayed and Anderson was placed on probation under certain terms and conditions. The Board's Decision and Order of stayed revocation and probation of Anderson's Civil Engineer License in Case No. 714-A remains in effect, except that the probationary period was extended for an additional year, until April 5, 2008. One additional Board-approved college-level engineering course was added to the three Board-approved courses ordered in Case No. 714. Until Anderson has successfully completed and passed the required courses, he may practice structural engineering only under the monitoring of a Board-approved professional civil engineer who specializes in structural engineering or a Board-approved professional structural engineer. The monitoring professional engineer must initial, in close proximity to Anderson's stamp, every document that Anderson signs and stamps. During the period of monitored practice, the Board may require reports from the monitoring professional engineer regarding Anderson's work. Additionally, Anderson must reimburse the Board for its investigative and enforcement costs in this case in the amount of \$9,406.42 in addition to the \$4,500.00 previously agreed upon for Case No. 714-A, for a total of \$13,906.42. The reimbursement is due within 5 ½ years of the effective date of the decision in Case 714-A, that is, by October 5, 2007.



Allan Michael Baird of Fortuna, California, stipulated that he is subject to disciplinary action for negligence in the practice of land surveying in violation of Business and Professions Code §8780. In 1995, Baird prepared a flood elevation certificate in Phillippsville, California, using Army Corp of Engineers reference elevations to the high water marks of the 1964/1965 flooding of the Eel River. The references were not original benchmarks. He failed to check for other separate and independent original benchmarks to confirm the elevation of the benchmark he used. Baird's flood elevation certificate had a flood elevation that was approximately five feet different from the correct Base Flood Elevation (BFE) and resulted in construction on the property of a residence that was approximately three feet below the BFE.

In consideration of Baird's admissions and stipulations, the Board ordered his Civil Engineer License revoked, but stayed the revocation and placed him on probation for four years, under terms and conditions including an actual suspension of his license for thirty (30) days. Baird was ordered to complete and pass the California Laws and Board Rules examination within 60 days of the effective date of the decision; to complete and pass, within two years, a Board-approved course in professionalism and ethics for land surveyors; and to take and pass two college-level land surveying courses, specifically related to the areas of violation, within three years. He was also ordered to provide a copy of the Board's decision and order to all persons or entities with whom he has a contractual or employment relationship relating to professional civil engineering or land surveying services. Baird was also required to reimburse the Board within three years the sum of \$2,217.25 for investigative and prosecution costs.



Accusation 700-A alleged that Paul Verner Bartholow III, of Santa Rosa, California, Civil Engineer License 40512, was subject to discipline under Business and Professions Code section 6775 for negligence and/or incompetence in the practice of professional engineering in that in or about 1992, he made structural calculations which are not sufficiently detailed to show how he determined design loads while providing engineering services on construction drawings for a two-story single family residence on a sloping site where the lower level, containing a garage, storage, and a studio and workshop, was partially set into the earth. In particular, Bartholow failed to provide documentation for the computer analysis and print-out in

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**BAIRD, ALLAN
MICHAEL**
Civil Engineer C23681
Accusation 765-A
Effective December 10,
2004: License revoked,
revocation stayed,
actual suspension of
license for 30 days, 4
years probation

**BARTHOLOW, PAUL
VERNER III**
Civil Engineer C40512
Accusation 700-A
Effective Feb. 27, 2004:
License revoked, re-
vocation stayed. 30 day
license suspension, 4
years probation.

that his calculations did not indicate the design lateral soil pressure nor did the computer print-out indicate retaining wall thickness or wall reinforcing. Although his computer analysis evaluated the overturning and sliding stability of the retaining wall, he failed to address the internal stresses and structural adequacy of the wall structure. The evaluation would have shown that the wall is overstressed.

Among other negligent and/or incompetent practices, Bartholow's designs for deck beams failed to consider point loads, resulting in the beams being overstressed. He did not completely design the spread footings as he did not address the thickness of the footings or indicate reinforcing in the footings as required by Uniform Building Code Sections 2610 and 2607(m). Calculations for a shear wall did not properly specify the shear wall sheathing in that he did not state the structural grade category of the plywood nor the orientation of the plywood's face grain in relation to the studs, resulting in the shear wall being overstressed. Additionally, Bartholow's calculations for a different shear wall underestimated the overturning hold-down force by approximately 150% by assuming an eight-foot tall shear panel when, in fact, the wall is two stories, approximately 20 feet in height, resulting in a significant overstress of the hold-down hardware.

Effective February 27, 2004, the Board adopted a stipulated decision and order wherein Bartholow admitted the truth of the allegations in the accusation, admitted that he committed the violations set forth therein, and admitted that cause exists to impose discipline on his civil engineering license. The Board ordered his license revoked, but stayed the revocation and placed Bartholow on probation for four (4) years from the effective date of the decision, with additional terms and conditions. He was ordered to provide the Board with evidence, within thirty days of the effective date of the decision, that he has provided all persons or entities with whom he has a contractual or employment relationship relating to professional civil engineering services with a copy of the decision and order of the Board and provide the Board with the name and business address of each person or entity required to be so notified. He also was required to provide the same notification to each new person or entity entering into a contractual or employment relationship with him. Bartholow was ordered to complete and pass the California laws and Board Rules examination, as administered by the Board, within sixty days of the order's effective date. He was also ordered, within three and one-half years of the effective date, to take and pass, with a grade of "C" or better, three Board-approved college-level courses specifically related to the area of violation. Bartholow was also required to reimburse the Board, within three and one-half years, six thousand five hundred and forty-nine dollars (\$6,549.00) for investigative and enforcement costs.



On April 4, 2003, the Board filed a Petition to Revoke Probation against Mark Terrence Chin, of Fresno, California. In a stipulated decision and order, Chin admitted that he had violated one of the conditions of probation when he failed to successfully complete and pass a Board-approved college-level engineering course related to the area of violation within three years of the October 18, 1999 decision, thereby subjecting his licenses to disciplinary action.

Effective February 27, 2004, the Board adopted a decision and order revoking both Chin's civil engineer and structural engineer licenses. The revocations were stayed, and Chin was placed on probation for two years under certain terms and conditions. Chin must successfully complete and pass, with a grade "C" or better, one Board-approved college-level course specifically related to the area of the violation. Additionally, within thirty days of the effective date of the decision, Chin must provide evidence to the Board that he has provided all persons or entities with whom he has a contractual or employment relationship involving the practice of professional land surveying or professional engineering with a copy of the decision and order of the Board, and provide the Board with the name and business address

**CHIN, MARK
TERRENCE
Civil Engineer C30300
Structural Engr S2515
Accusation 649-A
Petition to Revoke
Probation
Effective February 27,
2004: Licenses revoked,
revocations stayed and
placed on probation for
two years.**

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of each person or entity required to be so notified. Chin must also reimburse the Board \$900 for costs of investigation and prosecution of the case.



In February 2004, the Board filed a Petition to Revoke Probation against Daniel J. Cook. In a Decision effective September 3, 2004, Cook admitted he had failed to complete and pass the two college-level courses and the Board-approved course in professional ethics which were part of the terms and conditions of his extended probation. His probation and his license were revoked, the revocations were stayed, and his probation, due to end on March 1, 2004, was extended to September 1, 2006. Cook must complete the three courses noted above before August 1, 2005. Additionally, he was ordered to pay \$1,800 to the Board for its costs of investigation and prosecution. Cook is barred and prohibited from using his license in any manner, including consultation, during the period of probation.



Accusation 704-A alleged that David Allen Dahmen, of Sacramento, California, Civil Engineer License C 17918, was subject to discipline under Business and Professions Code section 6775(c) for negligence and incompetence in preparation of an inspection of a mobile home site in relation to a home inspection report prepared by a different party. The first report contained over five pages of listed defects. Dahmen's report stated he "could find no evidence to support" several of the previous report's claims. Dahmen also stated the foundation construction "shows excellent workmanship and is in compliance with the intent of the plan and details." However, the shear wall system as constructed is not in compliance with the approved plans; the plans require installation of 6 steel pier supports, but only 3 steel pier supports were installed, some steel pier supports were not properly attached to the steel "I" beams as required by the approved plans, and the anchor bolts on the ends of the home are not installed as called for on the approved plans. Contrary to prior and subsequent inspections by others, Dahmen found no missing shingles, roof deflections or other problem areas on the roof.

Effective February 18, 2005, the Board adopted a stipulated settlement agreement as its decision in this matter. In the stipulated settlement, Dahmen admitted that, if proven at a hearing, the allegations and charges would constitute cause for imposing discipline upon his license to practice civil engineering. The Stipulated Decision and Order required a public reproof be issued to Dahmen. He was ordered to successfully complete and pass a Board-approved course in professional ethics and to pay to the Board investigation and enforcement costs of \$2,000 by February 18, 2006, or his license would be revoked.



Accusation 620-A alleged that George Ray Dickey of Alta Engineering, in Bakersfield, California is subject to discipline under Business and Professions Code Section 6775, negligence, in that he failed to note specific requirements on the grading plan he prepared for the construction of a new home located in Tehachapi, California; specifically, for existing slopes steeper than 5:1, the grading contractor shall cut level benches into competent native material under the Kern County Grading Guidelines. Further, it alleged that Dickey failed to exercise sufficient supervisory control during the grading construction to ensure compliance with the grading plan. In September of 1993, Dickey signed and stamped the Rough Grading Confirmation Notification certifying that the rough grading work had been completed to approximate final elevations and that all work had been completed according to the approved grading plan. In May 1994, Dickey signed and stamped the Final Grading Confirmation.

In early February 1995, interior drywall cracks and a surface tension crack in the front yard fill running in front of the house almost the entire length of the fill were observed at the residence.

There was evidence that slope failure occurred due to improper benching

COOK, DANIEL J.
Civil Engineer C 13062
Second Petition to
Revoke Probation
Effective September 3,
2004: Prior probation
and license revoked,
revocation stayed,
probation extended to
September 1, 2006

DAHMEN, DAVID
ALLEN
Civil Engineer C17918
Accusation 704-A
Effective February 18,
2005: Public reproof,
two additional
conditions.

DICKEY, GEORGE RAY
Civil Engineer C21534
Accusation 620-A
Petition to Revoke
Probation
Effective February 27,
2004: Probation
revoked, License
revoked, revocation
stayed; probation re-
instated for one year.

and/or improper compaction. Remedial measures were taken to prevent further property damage, including installation of five caissons connected together with grade beams and cantilever beams to pick up the foundation loads.

In a stipulated settlement and decision, Dickey agreed that the charges and allegations constitute cause for imposing discipline upon his license to practice as an engineer and admitted their truth, thereby subjecting his license to discipline. Effective October 19, 1998, the Board revoked Dickey's license but stayed the revocation and placed him on probation for five years on certain terms and conditions, including the suspension of his license for sixty days. As conditions for completing probation, Dickey was required to complete a Board-approved course in professional ethics, provide the Board with evidence that he notified all clients and employers with whom he had a current or continuing relationship of his offence and discipline, and provide the Board with each name and address. He was ordered to reimburse the Board \$4,100.00 for costs of the investigation and enforcement of the case. Dickey agreed, in consideration of the Board reducing its costs to \$4,100, to pay the homeowner \$4,000.00 in restitution. He was also required to take and pass one Board-approved college level course specifically related to the area of violation.

On November 27, 2002, the Board filed a Petition to Revoke Probation on the grounds that Dickey did not complete all of the terms and conditions of his probation. He did not submit transcripts of proof of completion of any course in ethics to the Board. He did not obtain approval from the Board of any college-level course and failed to submit any transcript or proof of completion of any college course.

Effective February 27, 2004, the Board issued a Decision in which the probation previously granted was revoked and his license was revoked; however, those revocations were stayed for a period of one year, and probation was reinstated. Dickey was required to complete and pass a Board-approved professional ethics course within 180 days of the effective date of the decision; complete and pass one Board-approved college-level course in the area of the violation, also within 180 days of the effective date; and pay costs of investigation and prosecution to the Board in the amount of \$2,540.75, also within 180 days of the effective date of the decision.



Accusation 768-A alleged that Hugh Lynn Ezzell of Reno, Nevada, was disciplined by the Nevada State Board of Professional Engineers and Land Surveyors for violating provisions of Nevada law by misleading his clients concerning the time in which the professional engineering work would be performed and exhibiting a lack of diligence towards the project and the time frame within which the professional engineering work would be performed, stamped, and signed. He also submitted incomplete plans to the Washoe County Building Department and practiced outside his area of expertise. The Nevada Board suspended Ezzell's civil engineering license, stayed the suspension, and in February of 2002, placed him on probation for 2 years. In December of 2003, the suspension was extended by the Nevada Board for an additional year for failure to comply with the terms of probation.

Under Business and Professions Code section 141(a), a disciplinary action taken by another state for an act substantially related to the practice regulated by the California license may be a ground for disciplinary action by the California Board. In a Stipulation in Settlement and Decision, Ezzell admitted to all of the allegations and agreed to the Board's penalty. His California license was suspended for one year; however, the suspension was stayed and Ezzell was placed on probation for one year under terms and conditions including providing the Board with a list of the states other than California in which he is legally authorized to provide professional engineering, and information on the status of each out-of-state license. He must update that information every 90 days. He must provide a list of all current California

**EZZELL, HUGH
LYNN**
Civil Engineer C48246
Accusation 768-A
Effective April 15, 2005:
One year suspension,
stayed, one year
probation

projects to the Board and provide verifiable proof that he has successfully completed and complied with the terms and conditions of probation as ordered by the Nevada licensing board, or, if he hasn't, he must provide a written statement to that effect, including any further disciplinary action taken by Nevada's licensing board. He was also ordered to complete and pass the California Laws and Board Rules examination and reimburse the Board for its investigative and enforcement costs in the amount of \$521.



In November of 2003, after 20 months of a five-year probation, Jayant Lallubhia Gandhi petitioned for termination of probation. He has been employed full-time as an associate civil engineer (plan checker) for the City of Richmond Building Department for 14 years. He has a part-time consulting business, Jay Consulting, performing structural calculations and stamping/signing plans for projects by referral from architects and/or drafting services. Gandhi has worked on four or five consulting projects while on probation.

Gandhi took and passed the California Laws and Board Rules examination and paid restitution to individuals whose projects were the subject of the Board's disciplinary order as required by the terms of probation. He has not paid any portion of the cost recovery owed to the Board; he has not taken, enrolled in, or made plans to take an ethics course or any of the three required college-level engineering courses; and he has not taken the seismic principles and engineering surveying examinations for civil engineers. In addition, he has not provided to the Board the names and business addresses of all persons or entities with whom he has a contractual or employment relationship in the area of practice of professional engineering and/or land surveying.

At the hearing on his petition, Gandhi testified, among other things, that he is willing to pay cost recovery to the Board and would be able to provide the names and addresses of clients/employers. He has requested termination of probation without having to take an ethics course as he believes he has performed services as an engineer in an ethical manner. With respect to the three college-level engineering courses, he feels that basic engineering courses would not be of any benefit to him because he is working at a more advanced level.

In support of his petition, Gandhi submitted structural calculations for the most recent project undertaken in his consulting business. The documents were stamped and signed by Gandhi, to be submitted to the City of Hayward Planning Department. The documents were incomplete and contained erroneous calculations.

Based on Gandhi's presentation of evidence, his lack of good faith effort to complete the requirements of his probation does not warrant a change in his probationary status at this time. The Board denied his petition for termination of probation.



Accusation 694-A alleged that Edward Gorge of Redding, California, was a partner and sole licensed civil engineer in a two-person partnership doing business as Mesa Engineering & Surveying Associates in Red Bluff, California. The other part owner of Mesa Engineering was a non-registered individual whose own engineering license had been revoked by the Board. In January of 1996, Mesa Engineering entered a written contract to perform a dam site investigation and survey, a soils and borrow pit survey, dam plans and "spec.", spillway design, hydrology and construction staking; all within 45 to 60 days. It was alleged that Gorge violated Business and Professions Code section 6775(d) by breaching the engineering services contract by permitting an unsigned, unstamped, and anonymous Hydrology Report to be presented for a fee and to be relied upon in the preparation of dam design drawings. Furthermore, he allegedly violated section 6775(c) in that his work on the contract fell beneath the standard of care required of a licensed engineer.

A first amended accusation was made and filed alleging additional violations

**GANDHI, JAYANT
LALLUBHAI
Civil Engineer C25569
Petition for Reduction
of Penalty
Effective April 16, 2004:
Petition for termination
of probation DENIED.**

**GORGE, EDWARD
Civil Engineer C22093
Accusation 694-A
Effective February 18,
2005: License
REVOKED**

GORGE, REVOKED,
continued

regarding a land surveying project performed by Gorge in Mendocino County. The survey was performed in June of 1998. A Record of Survey was filed in January of 2001. It was returned by the Mendocino County Surveyor with comments. Gorge did not resubmitt the Record of Survey, in violation of sections 8762(a), (b) and (c).

Gorge was served with the Accusation and filed a Notice of Defense within the time allowed by law, and was also served with the Notice of Hearing setting out the date, time and place for a hearing on the matter. Gorge failed to appear, waiving his right to a further hearing. Effective February 18, 2005, the Board issued a Default Decision and Order revoking Gorge's license.



**GREATHOUSE, JAMES
ROBERT**
Civil Engineer C 23571
Accusation 735-A
Effective February 27,
2004: Surrender of
License

The Board found that James Robert Greathouse of Cambria, California, is subject to disciplinary action under Section 8780 of Business and Professions Code for violating sections 8780(b), 8780(d) and 8780(h), in that while surveying a property in San Luis Obispo County, he was negligent and incompetent in his location and monumentation of the South line of the property, filed for record on May 13, 1999. Furthermore, Greathouse failed to follow proper procedure in his retracement survey of the same property by not establishing and recognizing the location of the line as described in senior deeds and other retracement surveys in the area.

In a Stipulated Surrender of License and Order, Greathouse, for the purpose of resolving the Accusation, agreed that, at a hearing, the Board could establish a factual basis for the charges and that those charges constitute cause for discipline. By signing the stipulation, he understands that he enables the Board to issue an order accepting the surrender of his Civil Engineer License without further process.

Greathouse surrendered Civil Engineer License C 23571, and it was accepted by the Board. Greathouse loses all rights and privileges as a civil engineer in California as of February 27, 2004. He understands and agrees that if he should ever, with the permission of the Board, apply for licensure or petition for reinstatement in California, the Board will treat it as a new application for licensure, and that he must comply with all the laws, regulations and procedures in effect at the time the application or petition is filed. He also agreed not to apply for licensure or petition for reinstatement.



**HARDIN, HAROLD
DEAN**
Land Surveyor L 3555
Accusation 764-A
Effective February 18,
2005: License
Surrendered

Accusation 764-A alleged that Harold Dean Hardin of Poteau, Oklahoma, is subject to disciplinary action in that he has been disciplined by the Oklahoma State Board of Registration for Professional Engineers and Land Surveyors. The Oklahoma Board suspended Hardin's registration effective November 30, 2000 through and until June 2, 2001. On May 31, 2001, his Oklahoma Land Surveyor's License was revoked for failure to meet the Oklahoma Minimum Standards for the Practice of Land Surveying.

Under Business and Professions Code section 141(a), a disciplinary action taken by another state for an act substantially related to the practice regulated by the California license may be a ground for disciplinary action by the California Board.

In a Stipulated Settlement and Disciplinary Order, Hardin admitted the truth of the charges and allegations, agreed that cause exists for discipline and surrendered his Land Surveyor License, Number L 3555, for the Board's formal acceptance. Hardin's signature on the stipulation enabled the Board to issue an order accepting the surrender of his license.



JAHNS, DANIEL
Land Surveyor L 4997
see top of p. 21 for summary

Accusation 753-A alleged that Daniel Jahns of Carpinteria, California, is subject to disciplinary action under Section 8780 of Business and Professions Code for violating sections 8780(b) for negligence and 8780(g) for failure to provide land surveying services and 8780(d) for failure to use a written contract. In July 2000, Jahns entered into an oral contract to prepare a lot split/parcel map for property located in Ventura, California. He was to provide all land surveying work and prepare

both the tentative and the final parcel maps depicting a lot split. He received a \$1,000 deposit to begin the work and completed the tentative map in August 2000. The city rejected the tentative map because it lacked a basic easement depiction and insufficient amount of copies. In September 2000, the tentative map was resubmitted and approved by the City of Ventura Planning Department. In February 2001, the city accepted the lot split plans and requested that the lot split final parcel map be created. In September 2001, Jahns prepared the final map for submission to the City. In November 2001, the County notified him that the map was ready to be picked up. The plan check listed numerous corrections and revisions. Jahns retrieved the map from the county and, in February 2002, notified the property owners the corrections had been completed and the map was ready for its second check. The second map check comments and corrections list were as long as the first check and some of the comments from the first check had not been addressed. Due to Jahn's failure to timely and properly complete the parcel map, the property owners were required to retain another land surveyor to complete the project at additional expense.

Effective September 3, 2004, Jahns agreed that the charges and allegations in the Accusation, if proven at an administrative hearing, would constitute cause for imposing discipline against his Civil Engineer license. Jahns also agreed that, at a hearing, a factual basis for the charges in the Accusation could be established; therefore, he agreed to be bound by the Board's disciplinary decision. His license is revoked, but the revocation was stayed, and Jahns was placed on probation for one year on certain terms and conditions including reimbursing the Board the amount of \$2,500 for its investigative and prosecution costs.

Additionally, within 60 days of the effective date, Jahns must successfully complete and pass the California Laws and Board Rules exam. Within eleven months, he must complete and pass a Board-approved professional ethics course and also sixteen hours of continuing education and/or professional development courses, approved in advance by the Board.



Accusation 707-A alleged that Kai-Min Jimmy Jen of San Francisco, California, subjected his license to discipline for unprofessional conduct – criminal conviction; negligence and incompetence on six separate causes; fraud, misrepresentation and deceit on six causes; and two causes of unprofessional conduct — being a public nuisance for engaging in repeated illegal acts in defiance of San Francisco's Building Code, Planning Code, Plumbing Code, and Electrical Code, as well as California State Housing Laws, thereby creating a danger to the public health, safety, and welfare.

In April 1995, Jen and others used counterfeit credit cards multiple times to obtain \$9,521.25 worth of merchandise in Stanford Shopping Center. He was detained in the parking lot after running away from security personnel and resisting arrest. The merchandise was recovered, and Jen was found to be in possession of 5 counterfeit credit cards and a fake California driver's license with his picture but a different name on it. In February of 1996 Jen was convicted in the Santa Clara County Superior Court of a felony, required to pay a fine and penalty assessments in the amount of \$1700 and restitution of \$750, to serve 150 days in county jail, and placed on probation for three years.

In the first cause of action against him for negligence and incompetence, Jen had been retained to inspect and provide a structural report for a residence in San Francisco being considered for purchase by his clients. He inspected the premises and reported that the home was structurally stable; his clients purchased the house. Subsequent architectural engineering and construction inspections and analysis have shown that the structure was not stable at the time Jen represented that it was, but rather the structure was suffering foundation and structural distress. The estimated cost to the homeowners to fix the problem was more than \$100,000.

JAHNS, DANIEL
Land Surveyor L 4997
Accusation 753-A
Effective September 3,
2004: License revoked,
revocation stayed; one
year on probation

JEN, KAI-MIN JIMMY
Civil Engineer C39633
Accusation 707-A
Effective April 15, 2005:
License revoked,
revocation stayed, 60
day suspension, 4 years
probation

On seven different occasions, Jen negligently and incompetently submitted building permit applications that failed to completely and accurately represent the actual work to be done. In June of 1999, he submitted a fraudulent, misrepresentative and deceitful building permit application for “dry rot repair.” From the summer of 1999 continuing until November 11, 1999, Jen caused work to be performed without the proper permits and without required inspections which included the addition of a second floor to the building, alteration of the ground floor level, including creation of 2 new rooms and 5 new walls, alteration of the basement level creating 4 habitable rooms, a laundry room and a deck, construction of a roof deck, construction of a deck at the basement level, installation of new plumbing and electrical wiring throughout the house and a new foundation under the new rear addition. The work was not authorized, exceeded the scope of the permit, and Jen provided inaccurate information.

For the purposes of a Stipulated Settlement and Disciplinary Order, Jen admitted that if proven at hearing, the charges would establish cause for discipline against his license. In consideration of those admissions and stipulations, the Board ordered Jen’s Civil Engineering License revoked. The revocation was stayed, and Jen is on probation for 4 years, subject to certain terms and conditions including an actual suspension for 60 days beginning April 15, 2005. He is required to reimburse the Board \$6,695 for investigative and prosecution costs. During his period of suspension, he is required to pass the California Laws and Board Rules examination. Within three years, he must also complete and pass a Board-approved course in professional ethics and complete and pass a Board-approved college-level engineering course specifically related to his violations.



Accusation 750-A alleged that Jamshid James Kaviani of Newport Beach, California is subject to disciplinary action under Sections 8780 (a), (b), (d), and (g) of the Business and Professions Code for negligence and/or incompetence as well as fraud, deceit and misrepresentation. On April 24, 2000, he certified to the City of Newport Beach Building Department that the boundary line setbacks for a property in Newport Beach were in compliance with the approved set of plans and that the structure was located properly on the site plan, when there were only a few footings in place at the time he so certified. In response to the Board’s request to explain his certification, Kaviani told the Board’s investigator, “All form boards were in place when our field crew surveyed the property on 4-24-00.” However, photographs taken by the building department on April 25, 2000, showed that many of the forms were not yet placed. Kaviani also represented to the building department that the contractor moved the form boards after his certification and that the subject house was rectangular, when it had multiple inward and outward jogs and extensions of the foundation perimeter. In the certification dated April 24, 2000, a four foot side yard set back was shown on one side of the house and no set back on the other side. Thereafter, Kaviani submitted a foundation form certification dated April 24, 2000, showing a 3’ 1” side yard set back on each side of the building. He failed to follow standard procedure with submission of proper documentation for his work. He had no survey notes, record maps, or calculations on center line tie notes.

Additionally, Kaviani provided a topography map and land survey, a setback and top of slab/floor elevation certificate, certifying that the location of the house was 3’ 2” away from the adjacent property line when in fact it was mislocated 8” to within 2’ 6” of the adjacent house, which violated the Uniform Building Code and fire safety codes. Kaviani had filed a certification on November 8, 1999, that all setbacks complied with the plans to insure that the structure was located properly on the site per the approved set of drawings. This error was discovered at approximately 90% completion of construction, with resulting in significant financial injury to the homeowners.

**KAVIANI, JAMSHID
JAMES
Civil Engineer C29329
Accusation 750-A
Effective July 23, 2004:
Surrender of Civil
Engineer License
C29329.
New Civil Engineer
License, C67384 with-
out legal authorization
to practice land survey-
ing, issued.**

In a Stipulated Decision and Order, Kaviani admitted the truth of the allegations summarized above and agreed that his license is subject to discipline. License C 29329 was ordered to be surrendered. The Board issued a new civil engineering license, No. C 67384, which does not allow him to practice land surveying.



Accusation 755-A alleged that Nick Kazemi of Woodland Hills, California, was subject to discipline under Business and Professions Code sections 8762(b), 8765(d), 8772, and 8780 for negligence in the practice of land surveying, failure to set durable tagged monuments, failure to file a record of survey and failure to file a corner record.

At a hearing before an administrative law judge on August 26, 2004, it was found that Kazemi was hired to survey a residential property in Glendale, California, by a homeowner who planned to build a fence on or at the property lines. Kazemi and the property owner did not execute a written contract. Kazemi researched pertinent tract maps dating back to 1906 at the county recorder's office and survey documents and data at the City of Glendale's public works division. Field surveys performed by Kazemi and subsequent land surveyors demonstrated that the boundary or property lines of the homeowner's property and adjoining properties varied from the county records. Because of this, Kazemi was required to file a record of survey as his field survey disclosed a material discrepancy in measurement or placement of boundary or property lines with the information contained in subdivision maps, official maps, or records of survey previously recorded or filed in the office of the county recorder. Kazemi performed field survey work, measured the block, and found existing monuments. He placed temporary set points or stakes at the corners of the property to mark the property lines and prepared a plat map called "Boundary Staking" that described plat dimensions and illustrated locations of the temporary set points or stakes and the property lines. Kazemi gave the plat map to the property owner, who then relied upon it and the temporary set points or stakes to mark the boundaries of the property and to construct a fence around it.

In May 2002, the neighbor next door hired a land surveyor who performed a boundary survey and determined that the fence encroached onto the neighbor's property by 0.78 feet. A civil suit was filed alleging encroachment and trespass. The property owner hired a surveyor, whose results and findings confirmed the encroachment, then paid the neighbor \$2,500 for the encroachment and trespassing, and incurred legal expenses and survey fees. A contractor was hired and removed 75 feet of the existing fence and constructed a new fence at the revised and correct property line.

In January of 2003, the property owner filed a consumer complaint against Kazemi with the Board. A Board technical expert reviewed the boundary survey and established that Kazemi failed to set durable tagged monuments at the property corners in violation of Business and Professions section 8772. Kazemi also failed to file a record of his survey with the county surveyor, a violation of section 8762(b).

The Board ordered Kazemi's license suspended for ninety days but stayed the suspension and placed his license on probation for three years subject to terms and conditions including the requirement to take and pass the California Laws and Board Rules examination within 90 days, successfully complete and pass a Board-approved course in professional ethics, and pay restitution to the homeowner of \$4,130 which includes the costs for encroachment, hiring a surveyor, and retaining an attorney. Additionally, during his first two years of probation, Kazemi must successfully complete and pass two Board-approved college-level courses. The classes must be specifically related to the areas of violation. He was ordered to file the required Records of Survey within 90 days of the effective date of the decision and pay \$2,500 to the Board for reasonable costs of investigation and enforcement.



KAZEMI, NICK
Land Surveyor L7022
Accusation 755-A
Effective December 10,
2004: License
suspended for 90 days,
suspension stayed, 3
years probation

LAUDER, ROBERT F.
Civil Engineer C33226
Accusation 769-A
Effective February 18,
2005: 2-year suspension,
stayed, 1 year probation

Accusation 769-A alleged that Robert F. Lauder, of Carson City, Nevada, is subject to disciplinary action in that he has been disciplined by the State of Nevada, Board of Registration for Professional Engineers and Land Surveyors. His Nevada license was suspended for two years, the suspension was stayed, with probation imposed for two years for failing to competently design a retaining wall in Carson City, Nevada, to meet building code requirements; for submitting incomplete revised drawings and calculations to a public entity; for failing to consider the increased soil pressure due to location of the retaining wall on a fault line; and failure to take into account the required seismic design values in the soils report. Under Business and Professions Code section 141(a), a disciplinary action taken by another state for an act substantially related to the practice regulated by the California license may be a ground for disciplinary action by the California Board.

For the purposes of a Stipulated Settlement and Disciplinary Order, Lauder admitted the truth of each charge and allegation, agreeing that his license is subject to discipline. The Board ordered his license suspended for two years; however, the suspension was stayed and Lauder is on probation for one year with terms and conditions. By March 20, 2005, he was required to provide the California Board with a list of the states other than California in which he is legally authorized to practice professional engineering and information concerning the status of each out-of-state engineering license, including any disciplinary actions taken. He must provide the same information every 90 days thereafter. Lauder must also provide the Board with a list of all his current California projects, the services he is providing, and the name and business address of his client for each project. This too must be provided every 90 days following the first report. He must reimburse the Board \$816.75 for costs of investigation, and within sixty days of the effective date, must complete and pass the California Laws and Board Rules examination, as administered by the Board.



LUKBAN, ALEXEI
FAJARDO
Civil Engineer C52528
Accusation 763-A
Effective December 10,
2004: License revoked,
revocation stayed,
suspension of license for
60 days, 5 years
probation

For the purposes of a Stipulated Settlement and Disciplinary Order, Alexei Fajardo Lukban of Oakland, California, admitted that he is subject to disciplinary action for violation of Business and Professions Code sections 6775(b), (c), (d), and (h) for deceit, misrepresentation, or fraud; negligence or incompetence in his practice; and breach or violation of a contract to provide professional engineering services. Furthermore, section 6749 requires that a professional engineer use a written contract which must include his or her license number.

Between October of 2000 and March of 2004, Lukban entered into nine contracts with nine different individuals or entities to provide engineering services (1), structural engineering services (5), geotechnical and structural engineering services (2), or drafting and structural services (1). Eight of the nine contracts were titled "Proposal for Engineering Services" and failed to include Lukban's professional engineer's license number. Lukban completed only initial services for three of the nine contracts, and none on six of them. However, in each case, he collected retainers varying in amount from \$750 to \$4,250 for a total of \$19,965. In each case, after requests to return the retainer amount, Lukban stopped communicating with the parties and did not return any portion of any of the retainers.

In the Stipulated Settlement and Disciplinary Order entered into between Lukban and the Board, Lukban's license was revoked; the revocation was stayed and he was placed on probation for five years on terms and conditions including actual suspension of his license for 60 days beginning December 10, 2004; reimbursement to the Board of \$6,251.61 within four and one-half years for investigative and prosecution costs; the successful completion and passage of the California Laws and Board Rules examination within 60 days; and the successful completion and passage of the course "Advanced Studies in Engineering Ethics" or an equivalent Board-approved course in engineering ethics within three years.

Additionally, Lukban was ordered to provide a copy of the decision and order of the Board within 30 days of the effective date of the decision to all persons or

entities with whom he has a contractual or employment relationship involving the area of practice of professional engineering. Lukban was ordered to make restitution to the parties within four and one-half years. The restitution ordered totaled \$20,780, reflecting additional amounts ordered in small claims court filed by two of the injured parties.



Accusation 745-A alleged that Leslie Curtis Marquoit of Danville, California, was subject to discipline under Business and Professions Code sections 6775 (b) and (f) for negligence in the practice of engineering and aiding and abetting Stephen Montel in the unlicensed practice of civil engineering.

At a hearing before an administrative law judge on March 15, 2004, and July 20, 2004, it was found that Marquoit assisted Stephen Montel, an unlicensed individual, to unlawfully engage in the work reserved for licensed professional engineers. Montel entered into a contractual agreement with owners of a restaurant to prepare construction plans for a utility building attached to the restaurant. Montel traveled to the site to view it, take measurements and prepare the drawings. He submitted his plans to the City of Newark. The plans were rejected due to failures or defects in the construction plans. In a letter dated May 30, 2001, Montel was directed to correct the original plans and to return three copies of the documents along with written responses to the inquiries from the inspection department. The building inspector's letter detailed more than a dozen points of reference in the plans that required correction to comply with state and local building requirements.

Montel resubmitted the plans with few or no changes. This second set of drawings was issued a second rejection letter, dated September 12, 2001, pertaining to the substandard quality of the construction plans. Again, Montel resubmitted the plans with few or no changes. The third rejection notice, on November 20, 2001, informed Montel that a qualified architect or civil/structural engineer would be required to sign and stamp the construction documents, which had to be competently and legibly prepared. The letter set out specific instructions that had to be adhered to in revising and correcting the construction plans that Montel had submitted.

Within a few weeks, Montel returned to the Newark City Building Department with supposedly revised construction plans, which had Marquoit's professional stamp and signature. The Building Official for the City of Newark wrote a letter to Montel dated December 11, 2001, advising that the fourth code compliance review for the plans would not result in approval and directed that the restaurant owners must directly hire an architect or engineer to prepare the drawings. Because Marquoit's name appeared on the fourth submittal, the building official sent a copy of the letter to him, as well as to the Board. The building official also filed a formal complaint with the Board regarding Marquoit.

At the hearing, the weight of the evidence established that Marquoit did not physically draw, write, or execute the fourth set of plans. He did little more than remove or erase Montel's name and affix his signature and professional stamp to the fourth set of plans. The construction plans he signed and sealed were incomplete and illegible. The Board ordered Marquoit's license revoked, but stayed the revocation for three years, during which time he is on probation subject to terms and conditions including that, within two years of the effective date, he must complete and pass two Board-approved college-level courses as well as a Board-approved class in professional ethics. He also must take and pass the Seismic Principles examination.



**MARQUOIT, LESLIE
CURTIS**
Civil Engineer CI7810
Accusation 745-A
Effective December 10,
2004: License revoked,
revocation stayed, 3
years probation

**MASUDA, KEITH
DOUGLAS**

**Land Surveyor L5696
Civil Engineer C53439
Accusation 737-A
Effective September 3,
2004: Land Surveyor
License revoked;
revocation stayed; 90-
day actual suspension,
four years on probation.**

Accusation 737-A alleged that Keith Douglas Masuda of Truckee, California, is subject to disciplinary action under sections 8780 (g) and (d), 8762(b), 8772, 8725, 8726, 8729, and 8792 of the Business and Professions Code. In May of 1991, Masuda contracted to provide a land survey of approximately six acres in Placer County. He set some monuments while conducting the survey and was paid in full but never properly marked those monuments or filed the survey with the county. Furthermore, at the time he entered into the contract for the land survey, he was not licensed as a Land Surveyor, although he operated a business, Masuda Associates, which offered land surveying services.

In September 2003, the property owner made a written complaint to the Board that Masuda had not filed a record of survey for the 1991 survey. The complaint was investigated, and in March 2001, Masuda was contacted by a Board agent who recommended that he clear up the matter by filing a record of survey within 90 days. Masuda agreed to do so but did not until February 2004. He claimed that the record was now through the map checking process and ready to record but still not recorded. He did not provide documentation of this claim.

Masuda's Land Surveyor License L 6819 was revoked, but the revocation was stayed and Masuda was placed on probation for four years under certain terms and conditions. The Board suspended Masuda's license for 90 days, and he was ordered to complete and pass the California Laws and Board Rules examination within 60 days. Furthermore, during the first two years of probation, Masuda was ordered to complete and pass, with a grade of "C" or better, three Board-approved college-level courses specifically related to the areas of violation. He was ordered to file or record, as appropriate, the required record of survey for the property in question within 30 days of the effective date of the decision and provide the Board with verifiable proof that this has been done. Additionally, Masuda was ordered to pay \$7,814 to the Board for the reasonable costs of investigation and enforcement.



**NAFFA, IYAD SALEH
Civil Engineer C52632
Accusation 751-A
Effective February 27,
2004: License revoked;
revocation stayed; 15-
day actual suspension,
three years on
probation.**

Accusation 751-A alleged that Iyad Saleh Naffa, of Saratoga, California, is subject to disciplinary action under sections 6775 (b), (c), (d), and (g) of the Business and Professions Code, for fraud, deceit misrepresentation, negligence, incompetence, and/or breach of contract as well as Title 16, California Code of Regulations, Section 412, which provides that a licensee shall notify the Board office of a change of address within thirty days after changing addresses.

In August, 2000, Naffa contracted with homeowners in San Jose, California, to provide civil engineering work and a boundary survey for an estimated \$8,700. The homeowners paid Naffa \$6,000, but he failed to complete the work. The homeowner's numerous attempts to contact Naffa were unsuccessful. His abandonment of the project resulted in the homeowners having to hire another engineer. The homeowners filed a complaint with the Board in December of 2000. In May of 2001, Naffa told the Board that he had notified the clients that he was unable to complete the work and said that he reached an agreement with them to reimburse their funds. No payments or refunds were received as of December of 2003. Attempts to locate Naffa were unsuccessful, as he had moved, leaving no forwarding information. He filed a change of address with the Board on May 1, 2003.

In a Stipulated Settlement and Disciplinary Order, Naffa admitted the truth of all charges in the accusation and agreed that his license was subject to discipline. Naffa's Civil Engineer License Number C 52632 was revoked. However, that revocation was stayed, and he was placed on probation for a period of three years with terms and conditions. His license was suspended for fifteen days. Naffa was ordered to complete payment of the balance of the restitution (\$3,500) owed to the homeowners within thirty days. Within two years, Naffa must successfully complete and pass a Board-approved course in professional ethics. Within sixty days, he must successfully complete and pass the California Laws and Board Rules

exam. He must reimburse the Board \$7,057.50 for its investigative and enforcement costs within two and one-half years of the effective date of the decision, and within 30 days, he is required to provide evidence that he has notified every person or entity with whom he has a contractual or employment relationship in the area of professional engineering and/or professional land surveying with a copy of the decision and order of the Board. He may also be required to provide the same notification of each new person or entity with whom he has such a relationship.



On July 20, 2004, Dihn HUU Nguyen, of Modesto, California, submitted a letter to the Board stating he was filing a petition to reinstate his license based on three reasons: “1) No structure was damaged by my Soil Report prepared for that area in Roseville, CA. 2) All accusations and evidence are false and not accurate. 3) I did a lot of things to rehab. myself and improve myself the last four years.” The Board treated the letter as a third Petition for Reinstatement, and it was scheduled for hearing. The day before the scheduled hearing, the Board received a fax from Nguyen requesting a continuance due to illness and his inability to find legal representation. The Administrative Law Judge found Nguyen’s absence at the hearing to be without good cause, and the Board reviewed the evidence and concluded that Nguyen failed to demonstrate that his petition should be granted, noting that Nguyen still does not acknowledge any responsibility or accept the Board’s findings relating to the revocation of his license and that he continues to request new hearings on matters already conclusively determined. Because Nguyen did not provide any real evidence of rehabilitation, the Board denied his petition.



The Board found Zuhayr Toufic Nizam-Aldine, aka Zuhayr Nizamuddin, Zuhayr Aldine, and Zack Aldine, of Globe Engineering in San Francisco, California, in violation of Business and Professions Code sections 6775(b) for deceit, misrepresentation, and/or fraud; 6775(d) for breach or violation of contract by failing to perform the tasks promised by the contract and report scope of work; and 6775(c) for negligence or incompetence in his practice.

Between April of 1998 and August of 2001, on seven separate projects, Nizam-Aldine signed and certified, under his Geotechnical Engineer License No. GE 644, a “Soil/Geotechnical Report” pertaining to each site.

On each of the seven projects, Nizam-Aldine contracted to provide field investigations including surface visual inspections and exploratory subsurface borings, laboratory testing to assess engineering properties of soil samples, and an engineering analysis of appropriate foundation types and depths, including supporting capacities for design. However, no subsurface borings were performed; no sample testing was performed; and no refraction surveys were performed. The soils reported were not necessarily the soils present on the sites, and the strength test results described did not use the terms typically used to describe to types of soils noted.

In its decision, the Board found that Nizam-Aldine “did not demonstrate that he understands the serious nature of his misconduct. There is no assurance that the misconduct will not occur again.” Effective August 22, 2004, Nizam-Aldine’s Geotechnical Engineer License Number GE 644 and Civil Engineer License Number C 28551 were revoked. Nizam-Aldine was ordered to pay \$43,778.50 to the Board in reasonable costs of investigation and enforcement of the matter.



NGUYEN, DINH HUU
Civil Engineer C40210
Accusation 652-A
Effective March 18,
1999: REVOKED
Effective August 20,
2000: Petition for
Reinstatement Denied
Effective September 8,
2003: 2nd Petition for
Reinstatement Denied
Effective January 28,
2005: 3rd Petition for
Reinstatement Denied

NIZAM-ALDINE,
ZUHAYR TOUFIC aka
NIZAMUDDIN,
ZUHAYR;ALDINE,
ZUHAYR;&ALDINE,
ZACK
Civil Engineer C28551
Geotechnical Engineer
GE644
Accusation 747-A
Effective August 22,
2004: Civil Engineer
License REVOKED;
Geotechnical Engineer

**ODENCRANTZ,
JOSEPH ERIC**
Civil Engineer C61137
Accusation 739-A
Effective October 15,
2004: License revoked,
revocation stayed.
Actual suspension of 15
days, 3 years probation

PIZZINI, VAL EUGENE
Civil Engineer C 29603
Accusation 743-A
Effective December 12,
2003: License revoked;
revocation stayed. Three
years on probation, 30
day actual suspension

For the purposes of a Stipulated Settlement and Disciplinary Order, Joseph Eric Odencrantz of Costa Mesa, California, admitted that he is subject to disciplinary action under Business and Professions Code section 6775(h) for violations of sections 6704, 6730, 6732, and 6787(h) in that before he was licensed by the Board on July 28, 2000, he used the abbreviation "P.E." to describe himself as a Professional Engineer. Odencrantz also admitted that he performed civil engineering at a time when he was not licensed by the Board as a Civil Engineer and that he is guilty of misrepresentation in that, after informing the Board that he would discontinue referring to himself as a P.E., he continued to do so.

In the stipulated settlement and disciplinary order entered into between Odencrantz and the Board, Odencrantz' license was revoked, but the revocation was stayed, and he was placed on probation for 3 years under terms and conditions including suspension of his license for fifteen days. Odencrantz was ordered to complete and pass a Board-approved course in professional ethics within two and one-half years and to complete and pass the California Laws and Board Rules examination within sixty days. Odencrantz was ordered to reimburse the Board for investigative and enforcement costs in this matter in the amount of \$7,784.00 with the total payment to be made within two and one-half years of the effective date of the decision.



Accusation 743-A alleged that Val Eugene Pizzini, of Santa Rosa, California, is subject to disciplinary action under Section 6775(c) for negligence and incompetence and failure to meet the minimum standards of care required by the practice of professional engineering.

In August of 1996, Pizzini submitted a plan and engineering design and calculations to the City of Napa for a building permit for a one- and two-story office building project in Napa. His work went through four plan checks by the City of Napa before a building permit was issued in June of 1998. There were six separate items that did not meet minimum standards, including four which created over-stressed conditions, one that resulted in an over-designed wall, and one which did not take into account the weight of a wall above a header in a two-story section of the building.

In February of 2001, Pizzini submitted a plan to the City of Napa for a single family, one-story residential remodel. Three plan checks were required before the design calculations and plans submitted were approved. Pizzini's original design contained over-stressed rafters for the garage; the new roof beam in the garage calculated by Pizzini was not heavy enough for the loads it had to carry; and the increased ridge size with higher loads required that a post be added to the original design for the exterior wall in order to adequately support the end of the ridge beam. Also in February of 2001, Pizzini submitted a plan and engineering design and calculations to the City of Napa for a building permit for a new two-story custom single family residence. This required three plan checks and contained seven separate items requiring correction.

In a Stipulated Settlement and Disciplinary Order, Pizzini agreed, for the purpose of resolving the Accusation, that at an administrative hearing, the Board could establish a case for the charges and gave up his right to contest the charges. He agreed that his license is subject to discipline. His civil engineer license was revoked. However, the revocation was stayed and Pizzini was placed on probation for three years with certain terms and conditions, including an actual suspension of his license for thirty days. Within 60 days of the effective date, he must take and pass the California Laws and Board Rules examination administered by the Board. He must complete and pass a Board-approved class in professional ethics within two years. Within thirty days, he was required to provide evidence, including names and business addresses, that he provided all persons or entities with whom he has a contractual or employment relationship relating to professional engineering with a

copy of the decision and order of the Board.

Further probationary conditions included the requirement that Pizzini take and pass two Board-approved college-level courses specifically related to the area of violation. He must also reimburse the Board the amount of \$5,061.39 within two and one half years of the effective date for its investigative and prosecution costs.



For the purposes of a Stipulated Settlement and Disciplinary Order, Christopher Raymond Russell of Rancho Cordova, California, admitted the truth of each of the charges in Accusation 748-A. In August of 2000, Russell submitted a Record of Survey to the San Mateo County Surveyor's Office for checking. The County returned the map for correction as it did not comply with the Professional Land Surveyors' Act. Russell did not resubmit the map for recordation as required by Business and Professions Code section 8767.

In November of 1998, Russell was retained to survey property in Sacramento County and file a Record of Survey. He performed the survey and set markers but failed to file the Record of Survey as required by his contract and by law.

On December 9, 2001, Russell entered a contract to survey property in Auburn, California, and to file a Record of Survey with Placer County within 30 days of the signing of the contract. He performed the survey on January 6, 2002, and set monuments on January 12, 2002. He billed the property owner on June 3, 2002, for \$1,250 for "boundary survey, monuments and Record of Survey." The bill was paid in full, but Russell did not make his first submittal to the Placer County Surveyor until August 23, 2002.

The Board ordered Russell's license revoked, but stayed the revocation and placed him on probation for 3 years under terms and conditions including suspension of his license for 15 days. Additionally, Russell must provide all persons or entities with whom he has a contractual or employment relationship related to professional land surveying with a copy of the decision and order of the Board; pass the California Laws and Board Rules examination; complete and pass a Board-approved course in professional ethics; and file or record, as appropriate, all required records he has not already caused to be filed or recorded. He must also reimburse the Board \$2,250 for its investigative and prosecution costs.



The Board took disciplinary action against Mark Durrell Sandstrom of Thousand Oaks, California, for negligence and incompetence in the practice of land surveying by falling below the standard of practice. He performed a boundary survey involving the subdivision of a fractional section which was created in 1896 by the United States Surveyor General. Sandstrom prepared and filed a record of survey with the County Surveyor of Los Angeles but failed to include necessary and adequate information on the map.

Sandstrom based his survey on Clerk Filed Map no. 1753, performed in 1927 by the Los Angeles Department of Water and Power. That map ignores the south quarter corner of the fractional section shown on the map. Sandstrom should have referred to a letter by the Cadastral Engineer of the General Survey Office in San Francisco, which pre-dates Map 1753. Sandstrom failed to show the relationship between his south line of lots 1, 2, 3, and 4, and failed to show relative information from other survey maps of record, which are in conflict with his procedure and survey.

For purposes of the Stipulated Settlement and Disciplinary Order, Sandstrom admitted the truth of the allegations. His license was revoked, but revocation was stayed, and Sandstrom was placed on probation for 2 years under certain terms and conditions including passing the California Laws and Board Rules examination, successful completion of a Board-approved course in professional ethics, and successful completion with a grade of "C" or better, three Board-approved college-level courses.

**RUSSELL,
CHRISTOPHER
RAYMOND**
Land Surveyor L5696
Accusation 748-A
Effective February 18,
2005: License revoked,
revocation stayed, 15
days suspension

**SANDSTROM, MARK
DURRELL**
Land Surveyor L 6847
Accusation 746-A
Effective February 18,
2005: License revoked,
revocation stayed, 2
years on probation

**SMITH, BRIAN
EDWARD**

**Civil Engineer C26399
Accusation 740-A
Effective April 2, 2004:
License revoked,
revocation stayed. Four
years on probation, 30
days actual suspension**

Accusation 740-A alleged that Brian Edward Smith of Fresno, California, is subject to disciplinary action under sections 8780 (b) for negligence and/or incompetence in the practice of land surveying and 8780 (d) through his violation of Government Code Section 66445 (j). In August of 1994, Smith filed "Parcel Map No. P-24-05 of the Bobby Mine" with Trinity County, California. The parcel map failed to reflect the actual locations of clearly marked monuments and, in fact, relocated said monuments in varying incorrect locations. He also failed to note on the parcel map the fee ownership by the State of California of an 80-foot state highway right of way.

In a Stipulated Settlement and Decision Order, which became effective on April 2, 2004, Smith admitted the truth of each and every charge and allegation, and agreed that his Civil Engineer License is subject to discipline. His license was revoked, but the revocation was stayed and Smith was placed on probation for four years under specific terms and conditions, including actual suspension of his license for thirty days and reimbursement to the Board for investigative and prosecution costs in the amount of \$1,981 within one year of the effective date. Within 30 days, Smith was required to provide evidence, including names and business addresses, that he provided all persons or entities with whom he has a contractual or employment relationship relating to professional engineering with a copy of the decision and order of the Board. He may also be required to provide the same notification of each new person or entity during the period of probation. Further conditions require that within 60 days, Smith must complete and pass the California Laws and Board Rules examination. Within two years, Smith must take and pass a Board-approved class in professional ethics. Within three years, Smith must take and pass two Board-approved college-level courses specifically related to the practice of land surveying.



**SON, HYUN S.
Civil Engineer C53659
Structural Engineer
S4350**

**Accusation 757-A
Effective July 23, 2004:
Licenses revoked,
revocations stayed, two
years on probation.**

Accusation 757-A alleged that Hyun S. Son of San Jose, California, is subject to disciplinary action under Sections 6775, 123, and 496 for subverting a licensing examination. BYA Publications, owned and operated by Benham Yousefi, published annual review manuals in August 2001, 2002, and 2003 entitled "Structural Engineering Review Manual Supplement, (year) Edition," edited and co-authored by Benham Yousefi and Son. The 2001 review manual contained 18 design problems; the 2002 edition contained 27 design problems and 10 multiple choice problems; the 2003 edition contained 27 design problems and 10 multiple choice problems. Eighteen of the twenty-seven design problems included in the 2001, 2002 and 2003 review manual supplements reproduce diagram and problem statements from secured Structural Engineering exams from 1998 and 2001. Nine of the ten multiple choice questions in the 2002 and 2003 editions reproduced multiple choice questions that appeared on the secured Structural Engineering examination in 2001. The reproduction of questions from actual licensing examinations was not authorized by the Board.

In a Stipulated Settlement and Decision Order, which became effective on July 23, 2004, Son admitted the truth of each and every charge and allegation, and agreed that his Civil and Structural Engineer Licenses are subject to discipline. His licenses were revoked, however, the revocation was stayed and Son was placed on probation for two years on certain terms and conditions. Within 30 days of the effective date of the decision, Son is required to notify all persons or entities with whom he has an employment relationship in the area of practice of professional engineering with a copy of the Decision and Order of the Board and provide the Board with the name and business address of each person or entity so required to be notified. Within 60 days of the effective date of the decision, Son must take and pass the California Laws and Board rules exam. During his probationary period, Son is permitted to be involved in any type of exam prep/review course, including the ones he develops and organizes. However, he must provide the Board all materials

used in the course by him and/or any of the instructors. Son also understands and agrees that the Board's designated representatives may attend any of the courses at any time, without prior notice to Son or any of the instructors. Son is also required to take and pass a Board-approved course in professional ethics.



Accusation 754-A alleged that Elliott Francis Uhrich, of Murrieta, California, is subject to disciplinary action for violation of the Business and Professions Code for (1) practicing civil engineering without legal authorization; (2) practicing land surveying without legal authorization; (3) using his professional engineer's stamp on civil engineering and land surveying documents while his license was suspended; (4) fraud, deceit, and misrepresentation in his practices of civil engineering and land surveying by indicating false expiration dates on civil engineering and land surveying documents; (5) using a suspended license; and (6) using the title "Registered Professional Engineer" without legal authorization.

The Accusation was served on Uhrich in December 2003. He failed to file a Notice of Defense and, therefore, waived his right to a hearing on the merits of the accusation. Uhrich was found in default. In its Default Decision and Order, which became effective on April 2, 2004, the Board ordered Uhrich's license revoked.



Accusation 727-A alleges that Warren P. Whaley Jr., of El Dorado Hills, California, subjected his license to discipline for negligence and incompetence in submission of a Record of Survey Map to the County of San Mateo Department of Public Works. He did not adequately establish a conveyance; did not note or search for additional monumentation to establish locations and alignment for the Record of Survey; used improper scaling for the Record of Survey Map; did not adequately survey the surrounding sub-divisions and provide ties to the adjacent monumentation and he improperly established boundaries. In April of 2000, in preparing an Amended Record of Survey which was submitted to the County, Walters did not comply with the technical requirements of the Professional Land Surveyors' Act in that he failed to determine a consistent right-of-way, listing it at varying lengths. He also failed to determine the right-of-way line for Ralston Avenue.

For the purposes of a Stipulated Settlement and Disciplinary Order, Whaley admitted the truth of each and every charge in the accusation and agreed that cause exists for discipline and surrenders his license C 15197 for the Board's formal acceptance. The Board issued a new Civil Engineer License, Number C68162, which does not authorize the practice of land surveying.



Accusation 744-A alleged that Gary Timothy Wong, of Sacramento, California, is subject to discipline for violation of Business and Professions Code sections 8780(b), in that he conducted a land survey in an incompetent and/or negligent manner. In March of 2001, Wong contracted to provide land surveying on the building layout for a new structure in Sacramento. A survey crew under Wong's direction placed the survey markers in the wrong positions, causing the original foundation of the structure to encroach upon a restricted setback and resulting in substantial cost to reposition the foundation and relocate plumbing, electrical conduits, and tie-down bolts.

In a Stipulated Settlement and Disciplinary Order, which became effective on February 27, 2004, Wong admitted the truth of the charges and allegations in the accusation. He agreed that his Land Surveyor License is subject to discipline. The disciplinary order revoked Wong's Land Surveyor license; however, the revocation was stayed and Wong was placed on probation for three years with certain terms and conditions. Wong must, within 60 days of the effective date of the decision,

**UHRICH, ELLIOTT
FRANCIS**

**Civil Engineer C22031
Accusation 754-A
Effective April 2, 2004:
License REVOKED**

**WHALEY, WARREN P
JR.**

**Civil Engineer C 15197
Accusation 727-A
Effective April 15, 2005:
Surrender of Civil
Engineer License
C15197. New Civil
Engineer License
C68162, without legal
authorization to prac-
tice land surveying,
issued.**

**WONG, GARY
TIMOTHY**

**Land Surveyor L5035
Accusation 744-A
Effective February 27,
2004: License revoked,
revocation stayed, 3 yrs
on probation**

successfully complete and pass the California Laws and Board Rules examination. Within two years, he must successfully complete and pass a Board-approved course in professional ethics, and within two and one-half years, he must also complete and pass one Board-approved college-level land surveying course specifically related to the area of violation. Wong was ordered to pay restitution in the amount of \$6,037 within two years, and also to reimburse the Board \$2,606.50 for its investigative and prosecution costs within two and one-half years.



Accusation 756-A alleged that Benham Yousefi of Los Angeles, California, is subject to disciplinary action under Sections 6775, 123, and 496 for subverting licensing examination. BYA Publications, owned and operated by Yousefi, published annual review manuals in August 2001, 2002, and 2003 entitled "Structural Engineering Review Manual Supplement, (year) Edition," edited and co-authored by Yousefi and Hyun S. Son. The 2001 review manual contained 18 design problems; the 2002 edition contained 27 design problems and 10 multiple choice problems; the 2003 edition contained 27 design problems and 10 multiple choice problems. Eighteen of the twenty-seven design problems included in the 2001, 2002, and 2003 review manual supplements reproduced diagrams and problem statements from secured Structural Engineering exams from 1998 and 2001. Nine of the ten multiple choice questions in the 2002 and 2003 editions reproduced multiple choice questions that appeared on the secured Structural Engineering examination in 2001. The reproduction of questions from actual licensing examinations was not authorized by the Board.

In a Stipulated Settlement and Decision Order, which became effective on July 23, 2004, Yousefi admitted the truth of each and every charge and allegation, and agreed that his Civil and Structural Engineer Licenses are subject to discipline. His licenses were revoked; however, the revocation was stayed and Yousefi was placed on probation for three years on certain terms and conditions. Within 30 days of the effective date of the decision, Yousefi was required to notify all persons or entities with whom he has an employment relationship in the area of practice of professional engineering and/or professional land surveying with a copy of the Decision and Order of the Board and provide the Board with the name and business address of each person or entity so required to be notified. Within 60 days of the effective date of the decision, Yousefi must take and pass the California Laws and Board rules exam. During his probationary period, Yousefi is permitted to be involved in any type of exam prep/review course, including the ones he develops and organizes. However, he must provide the Board all materials used in the course by him and/or any of the instructors. Yousefi also understands and agrees that the Board's designated representatives may attend any of the courses at any time, without prior notice to Yousefi or any of the instructors. He was also required to take and pass a Board-approved course in professional ethics. Additionally, Yousefi was ordered to reimburse the Board the amount of \$3,079 for its investigative and prosecution costs within two and one-half years of the effective date of the decision. Yousefi was ordered to pay \$15,500 to the Board as restitution towards the cost of replacing the compromised examination problems. The Board agreed that it will not pursue criminal and civil actions against Yousefi for his violation of the Board's copyright of these examination problems. The full amount of \$15,500 must be paid within two and one-half years of the effective date.



YOUSEFI, BEHNAM
Civil Engineer C 43218
Structural Engineer
License S 3624
Accusation 756-A
Effective July 23, 2004:
Licenses revoked,
revocations stayed,
three years on
probation.

Citations

Citations are an alternative way to enforce the laws prohibiting unlicensed practice of engineering or land surveying. Citations are also issued to licensed engineers and land surveyors when the severity of a violation may not warrant suspension or revocation of a professional's right to practice. PLEASE NOTE: Payment of an administrative fine does not constitute admission of any violation(s) charged but represents satisfactory resolution of the matter. [Business & Professions Code section 125.9(d)]

Citations for Unlicensed Practice

Investigation revealed that Fred Cardenas, of Lake Forest, California, who is not licensed as an engineer by the State of California, violated Business and Professions Code section 6787(f) by representing himself as a licensed Civil Engineer in a "Candidate's Statement of Qualifications" for the November 2000 election to the OTAY Water District. Cardenas stated that he was unaware that it was unlawful for him to use the restricted title and attempted to amend his statement of qualifications to remove the title but that the voters' pamphlets were already being printed. The citation ordered Cardenas to cease and desist from violating section 6787(f) by not representing himself as a licensed Civil Engineer and to pay an administrative fine of \$500.

CARDENAS, FRED
Unlicensed
Citation 5056-U
Final October 24, 2003
Action: Order of Abatement; \$500 fine



Investigation revealed that Michael Benson Eschenbach of Freestone, California, who is not licensed as an engineer by the State of California, violated Business and Professions Code sections 6787(d), (f), and (h) by affixing a stamp with his name, the restricted title "Registered Professional Engineer," and a license number which has never been issued by the Board to documents submitted to the City of Rohnert Park for plan review. Eschenbach stated he thought this would speed up the acceptance process. He also stated he was not aware it was illegal to represent himself as a professional engineer. The citation ordered Eschenbach to cease and desist from using the seal of a professional engineer, representing himself as a professional engineer, and using a title which requires licensure without legal authorization; and to pay an administrative fine of \$1,500. The administrative fine has been paid.

ESCHENBACH, MICHAEL BENSON
Unlicensed
Citation 5159-U
Final May 7, 2004
Action: Order of Abatement; \$1,500 fine



Investigation revealed that Odysseus Ketchelidis of Los Angeles, California, who is not licensed as an engineer by the State of California, violated Business and Professions Code section 6787(a) by contracting to perform electrical and mechanical engineering services on at least 2 projects and sections 6787(d) and (f) by signing plans using his name and another person's professional engineering license number on plans for those projects. Further investigation into Ketchelidis' business, Odyssey Enterprises, found that he had not had a licensed professional engineer as a part owner/officer of the business since his last partner disassociated on August 24, 1981, a violation of section 6787(g) by operating a business from which engineering work is solicited, performed, or practiced without legal authorization. The citation ordered Ketchelidis to cease and desist from practicing and offering to practice professional engineering without legal authorization, and to pay an administrative fine of \$4,000.

KETCHELIDIS, ODYSSEUS
Unlicensed
Citation 5152-U
Final December 12, 2003
Action: Order of Abatement; \$4,000 fine



The Board investigated allegations that Michael Steven McCormack, of Modesto, California, a person not licensed by the Board, violated Business and Professions Code sections 8792(b) and (e) by signing his name as the owner of California Construction Staking and writing the license number of a Board-licensed land surveyor as his own. He violated Section 8792(b) by preparing and signing a proposal for land surveying services, representing himself as a land surveyor, and using the license number of a California licensee. He violated Section 8792(i) by managing California Staking Company through which he solicited, performed, and practiced land surveying services, causing delays and additional costs on the project due to his un-

McCORMACK, MICHAEL STEVEN
Unlicensed
Citation 5161-U
Final November 5, 2004
Action: Order of Abatement; \$3,000 fine

licensed status. McCormack was ordered to immediately cease and desist from offering to provide civil land surveying services without legal authorization, and to pay an administrative fine of \$3,000. As of June 1, 2005, McCormack had not paid the fine.



Investigation revealed that Behzad Mirzayi of Sub-Surface Waste Management of Littleton, Colorado, who is not licensed as an engineer by the State of California, violated Business and Professions Code section 6787(d) by signing an engineering report with the initials P. E. in the signature block. The report was to provide San Diego County with determination of the extent of potential soil and groundwater impacts for a 10,000 gallon diesel underground storage tank. The report was used to close and remove the tank. It contained Mirzayi's analysis of groundwater samples, summarized other consultant's data, and provided conclusions and recommendations submitted to the San Diego County Department of Environmental Health (DEH). Mirzayi's report served as a petition to the DEH and provided a professional recommendation that could only legally be made by a California licensed professional engineer. The data analysis, soil classification, conclusions, and recommendations provided were required to be prepared under the responsible charge of either a California licensed civil engineer or certified engineering geologist. A professional engineering license from another state does not give Mirzayi the authority to provide professional engineering services in California. Mirzayi was ordered to cease and desist from practicing or using restricted titles which could lead to the belief that he could practice civil engineering in California and to pay an administrative fine of \$750. The administrative fine has been paid.



An investigation determined that William "Gregory" Myke of Beverly Hills, California, a person not licensed by the Board, violated Business and Professions Code sections 6787(a) and (g) by offering structural (civil) engineering services within a contract to provide design and construction planning services for a 4-unit housing project. His contract included "structural engineering as required." Structural engineering falls within the definition of civil engineering and, as such the person providing and/or offering those services must be licensed as a civil engineer. An informal conference was scheduled following receipt of Myke's July 14, 2004 letter disputing the charges against him, stating that he didn't deny structural engineering was included as part of his contracts; but that he always hires a licensed structural engineer to prepare the engineering documents. California law does not allow someone who is not licensed to offer to provide civil or structural engineering services regardless of who does the actual engineering. Myke did not respond to the scheduling of an informal conference and did not submit a formal request appealing the citation; therefore, his rights to appeal have expired. As of March 23, 2005, the citation, which requires Myke to cease and desist from offering structural and/or civil engineering services and levies an administrative fine of \$2,000, is final.



The Board investigated allegations that Eduardo Oviedo, of La Mirada, California, a person not licensed by the Board, violated Business and Professions Code Section 6787(f) and (h) by using the initials "P.E. and S.E." following his name on his building and special inspection reports. The use of these restricted titles by an unlicensed person is a violation of the California Business and Professions Code. The Board ordered Oviedo to cease and desist from violating the above-referenced sections and to pay an administrative fine of \$250. The administrative fine has been paid.



MIRZAYI, BEHZAD
Unlicensed
Citation 5151-U
Final December 12, 2003
Action: Order of Abatement; \$750 fine

MYKE, WILLIAM
"GREGORY"
Unlicensed
Citation 5155-U
Final March 23, 2005
Action: Order of Abatement; \$2,000 fine

OVIEDO, EDUARDO
Unlicensed
Citation 5160-U
Final November 5, 2004
Action: Order of Abatement; \$250 fine

PLEASE NOTE; Payment of an administrative fine does not constitute admission of any violation(s) charged but represents satisfactory resolution of the matter. [Business & Professions Code section 125.9(d)]

Investigation determined that Brett David Robinson, of Chino, California, who is not licensed by the Board as a professional engineer, violated Business and Professions Code sections 6787(h) and 6732, in that he was using the title “professional engineer” and the abbreviation P.E. on his website. He was contacted concerning the violation and agreed to have the references to “professional engineer” immediately removed from his website. Several months later, his site had not been corrected. At an informal conference in March 2005, Robinson stated he had not meant to use a restricted title; that his title should have PhD, not P.E.; that his former webmaster had made many errors on his website, and that he had trouble finding a new webmaster to correct it. However, he did not keep Board staff informed about the problems he was having and never contacted the Board to advise that his site had been corrected. Based upon his good faith effort, the administrative fine was lowered from \$750 to \$500. The fine has been paid.



Investigation revealed that Gabriel Vasiliu, of Los Angeles, California, who is not licensed as an engineer by the State of California, violated Business and Professions Code section 6787(d) by practicing mechanical and electrical engineering and by using the names and license numbers of licensed engineers on engineering documents for a middle school project within the Los Angeles Unified School District. The citation ordered Vasiliu to cease and desist from representing himself as an engineer licensed by the State of California, and to pay an administrative fine of \$1,000. The fine has not been paid as of June 15, 2005.

Citations Issued to Licensees

The Board found that Siavash Bahador, Civil Engineer License C 24541, violated Business and Professions Code sections 6787(a) and (e) by practicing civil and structural engineering without legal authority when his license was expired for a period of approximately three years and eight months, from December 31, 1997 until early September of 2001. Once aware of the lapse of his civil engineering license, Bahador found another licensed engineer who agreed to be in responsible charge of the engineering work for which he had contracted. Bahador was ordered to keep the Board informed of his current address of record within 30 days of any change, to pay close attention to the date that his civil engineering license expires, and was assessed a fine of \$2,500 for providing engineering services on eighteen projects while his license was expired. The administrative fine has been paid.



The Board found that Walter Theodore Baird of La Mesa, California, violated Business and Professions Code section 6775(c) when providing civil engineering services for the addition of a second floor to a residence with an existing fireplace. Baird included specification for both a heater and a fireplace chase and flue. His design specified a “6-inch inside diameter” flue for the fireplace. Such a flue does not exist. The Board ordered Baird to cease and desist from violating section 6775(c) by practicing in a competent manner and to pay an administrative fine of \$1,500.



A citation was issued to Paul Dwight Bianchi, of Clovis, California on May 15, 2000, alleging that Bianchi had provided false information on reference forms for an applicant for licensing as a civil engineer. The references were dated July 20, 1999 and October 12, 1999. Investigation determined Bianchi had signed and sealed reference forms which contained incorrect information. At an informal conference following service of the citation, which was reissued February 25, 2005, Bianchi admitted that he failed to adequately check the dates of employment on the reference form that he signed and that he took the applicant’s word that the information on the form was correct. The Board ordered Bianchi to cease and desist from violating Business and Professions Code section 6775(f) and to pay an administrative fine of \$250. The fine has been paid.



ROBINSON, BRETT DAVID
Unlicensed
Citation 5143-U
Final: April 8, 2005
Action: Order of Abatement; \$500 fine

VASILIU, GABRIEL
Unlicensed
Citation 5153-U
Final April 29, 2004
Action: Order of Abatement; \$1,000 fine

BAHADOR, SIAVASH
Civil Engineer C 24541
Citation 5139-L
Final October 7, 2003
Action: Order of Abatement; \$2500 fine

BAIRD, WALTER THEODORE
Civil Engineer C 31429
Citation 5136-L
Final April 11, 2003
Action: Order of Abatement; \$1,500 fine

BIANCHI, PAUL DWIGHT
Civil Engineer C 13352
Citation 5042-L
Board Case 2000-01-026
Final: March 26, 2005
Action: Order of Abatement; \$250 fine

**COLEMAN, RANDOLPH
JAY**

**Land Surveyor L 5413
Citation 5058-L
Effective March 2, 2005
Action: Order of Abate-
ment; \$100 fine**

**EHE, PAUL
CHRISTOPHER**

**Land Surveyor L 5280
Citation 5065-L
Final July 29, 2004
Action: Order of Abate-
ment; \$250 fine**

**GAPASIN, ARTHUR
Civil Engineer C 27617
Citation 5144-L
Final October 7, 2003
Action: Order of Abate-
ment; \$500 fine**

**HAMALIAN, ANKE
AVEDIS
Mechanical Engineer M 22082
Citation 5150-L
Final December 12, 2003
Action: Order of Abate-
ment; \$1,500 fine**

**HUTTON, ROBERT C.
Land Surveyor L 5454
Citation 98-0402-L
Effective March 1, 2001
Action: Order of Abate-
ment**

**JENSEN, BRIAN L.
Civil Engineer C 30534
Citation 5163-L
Effective November 9,
2004
Action: Order of Abate-
ment; \$250 fine**

The Board investigated allegations that Randolph Jay Coleman, of Apple Valley, California, violated Business and Professions Code sections 8762(d) and (e) and 8765 (d) by failing to file a survey after setting a monument on a property located in Victorville, San Bernardino County. Coleman was ordered to cease and desist from the violation by filing his field surveys within 90 days as required by law and to pay a \$100 fine. The fine has been paid.



The Board investigated allegations that Paul Christopher Ehe of Running Springs, California, violated Business and Professions Code section 8780(b) in that he was negligent in removing a monument he found while surveying a property. The standard of practice is to leave the monument in place, identify it on the survey map, and show its position and relationship to what has been determined to be the correct location. Ehe was ordered to practice land surveying within the standard of practice for the profession, and to pay a fine of \$250. The administrative fine has been paid.



The Board found that while performing a field survey in 1993, Arthur Gapasin of Tustin, California, failed to timely file a corner record, a violation of Business and Professions Code sections 8765(d) and 8773(a). While performing that same survey, he failed to set permanent and durable monuments or tag the monuments that he did set as required by Business and Professions Code sections 8771(a) and 8772. In July 2003, Gapasin returned to the property at the request of the property owner, set permanent markers on the ground, tagged the markers with his license number, and submitted a corner record for filing with the County of Los Angeles. The Board ordered Gapasin to cease and desist from violating the laws cited above while providing his professional land surveying services and to pay an administrative fine of \$500. The administrative fine has been paid.



The Board found that Anke Avedis Hamalian of Sierra Madre, California, stamped a land surveying document with an engineering stamp which did not indicate his branch of engineering. Only a civil engineer licensed before January 1, 1982, or a licensed land surveyor is authorized to practice land surveying. Hamalian is licensed as a mechanical engineer. The Board ordered Hamalian to cease and desist from violating Business and Professions Code sections 8792(a) and (i) and 6775(h) and to provide proof that his stamp complies with the requirements of Section 6764 and Board Rule 411 within thirty days, and ordered an administrative fine of \$1,500. The administrative fine has been paid.



Citation 98-0402-L, issued to Robert C. Hutton of Belmont, California, was affirmed on September 22, 1998, but Hutton appealed the affirmation by requesting an administrative hearing. In March of 2001, Hutton withdrew his request for a hearing and stated he would comply with the citation, which required him to file two surveys with San Mateo County. One survey, "The Lands of Mohr and the Lands of Mortensen, Menlo Oaks, San Mateo County," has been filed. As of June 1, 2005, the second survey, "The Lands of Estrada, City of Visitacion," has not been filed. No administrative fine was levied.



The Board investigated allegations that Brian L. Jensen, of Riverside, California, violated Business and Professions Code Section 8762(d) by failing to notify the County Surveyor's Office of his pending survey and Section 8772 by failing to mark or tag an iron pipe he set with his license number. The Board ordered Jensen to cease and desist from violating the above-referenced sections and to pay an administrative fine of \$250. The fine has been paid.



PLEASE NOTE; Payment of an administrative fine does not constitute admission of any violation(s) charged but represents satisfactory resolution of the matter. [Business & Professions Code section 125.9(d)]

The Board found that Hasan Ahmad Mohammad, of Fresno, California, violated Business and Professions Code Section 6749 by providing structural engineering services for a room addition to a residence without entering into a written contract. Mohammad stated he was hired by an unlicensed designer to provide services on the project but was paid directly by the homeowner. The unlicensed designer is not legally authorized to provide civil engineering services to his clients unless he has a partner who is a licensed civil engineer or is part of a business that is owned or co-owned by a licensed civil engineer. The homeowner stated the project was never completed; however, Mohammad provided the client with a refund of all of the fees paid to him concerning the project. The Board ordered Mohammad to enter into written contracts as required by Section 6749 when providing civil engineering services and to pay an administrative fine of \$500. The administrative fine has been paid.



The Board found that William Earl Murray, of Morongo Valley, California prepared two preliminary property assessment reports using his land surveyor's license number when his license was suspended pursuant to Family Code section 17520, a violation of Business and Professions Code section 8792(f). The Board ordered Murray to stop violating the law and to pay an administrative fine of \$1,000. The administrative fine has been paid.



A citation issued to Michael Ralph Nickerson on November 9, 2002, alleged that Nickerson, a licensed mechanical engineer, provided civil engineering services without legal authorization for the design of a steel building. When the citation was served on Nickerson, he responded by stating that the building was not a fixed work and, therefore, a civil engineer would not be required to prepare the calculations. The Board's expert reviewed the evidence presented at the informal conference and concluded that the steel storage shed could only be designed by a licensed civil engineer. The expert further stated that the California Building Code requires a building permit for any building that exceeds 120 square feet. The expert stated that small structures, even storage sheds, are not exempt from the requirement of having a civil engineer perform design calculations. Based on the information provided, it was determined that the design work Nickerson provided was an isolated incident. Since it appeared he did not purposefully violate the law, the citation was modified to lower the administrative fine to \$250. The fine has been paid.



The Board found that Darshan Singh Sahota of San Jose, California, had knowingly misrepresented his knowledge of an applicant's professional qualifications and knowingly made false statements to the Board, in violation of Business and Professions Code sections 6787(b) and 499. The misrepresentations and false statements concerned Sahota's personal knowledge of the applicant's engineering abilities. Sahota was ordered to cease and desist from such violations, especially those that involve providing support to another person's application for licensure. The Board also ordered him to pay an administrative fine of \$250. The administrative fine has been paid.



The Board found that Carlos Humberto Saldivar of Mission Viejo, California, failed to file a record of survey within the 90 days required by Business and Professions Code section 8762. Although Saldivar did file a corner record, it was rejected by the County because a record of survey map was required. Saldivar did not submit his survey until after he was contacted by the Board after the 90 day required submittal time period had passed. Additionally, Saldivar violated section 8759 by failing to enter into a written contract with his client before beginning to provide land surveying services. The Board ordered Saldivar to cease and desist from the violations noted above by filing records of survey in a timely manner and by entering into a written contract before commencing the provision of services. An administrative fine of \$500 was assessed. The fine has been paid.



MOHAMMAD, HASAN AHMAD
Civil Engineer C 45997
Citation 5142-L
Final October 7, 2003
Action: Order of Abatement; \$500 fine

MURRAY, WILLIAM E. SR.
Land Surveyor L 4309
Citation 5154-L
Final April 30, 2004
Action: Order of Abatement; \$1,000 fine

NICKERSON, MICHAEL RALPH
Mechanical Engineer
M 23116
Citation 5093-L
Final March 26, 2005
Action: Order of Abatement; \$250 fine

SAHOTA, DARSHAN SINGH
Civil Engineer C 35403
Citation 5140-L
Final October 7, 2003
Action: Order of Abatement; \$250 fine

SALDIVAR, CARLOS HUMBERTO
Land Surveyor L 7667
Citation 5133-L
Final April 11, 2003
Action: Order of Abatement; \$500 fine

SCOTT, RAYMOND J.
Civil Engineer C 14356
Citation 5141-L
Final October 7, 2003
Action: Order of Abate-
ment; \$1,000 fine

SMITH, ROGER DEAN
Civil Engineer C 32202
Citation 5156-L
Final April 30, 2004
Action: Order of Abate-
ment; \$250 fine

WILKE, FRED EDWARD
Land Surveyor LS 5032
Citation 5104-L
Board Cases: 2001-01-021
and 2000-03-074
Effective March 3, 2005
Order of Abatement, \$250
fine

The Board found that Raymond L. Scott of Santa Monica, California, failed to file a corner record within the 90 days required by Business and Professions Code sections 8762(c) and 8765. He did not file the record until approximately 9 months from the date of the survey. The Board also found that Scott violated Board Rule section 464(a)(4)(B) by failing to properly describe his monuments as being tagged on his recorded corner record. Board records show that this is the third instance Scott had failed to meet the 90-day filing requirement. Citation 5141-L ordered Scott to cease and desist from the violations noted above by filing his surveys in a timely manner and to pay an administrative fine of \$1,000. The administrative fine has been paid.



The Board found that Roger Dean Smith of Loomis, California, violated Business and Professions Code section 6787(e). He used his expired civil engineer's license number on his letterhead, business cards, and official resume. Smith's license expired in 1988. The report which Smith prepared and signed was found not to contain civil engineering; however, Smith agreed to refund the fees paid to him by his client because of his representation that he was a licensed engineer. Citation 5156-L ordered Smith to cease and desist from using his expired engineering licenses, and to pay an administrative fine of \$250. The administrative fine has been paid.



On February 28, 2002, the Board cited Fred Edward Wilke, of Jackson, California. Following an informal conference, some allegations were dropped, and the Board issued a Modified Citation Order on December 6, 2002. Wilke appealed that order. A hearing was held on November 8, 2004, at which time it was found that in October 1999, Wilke surveyed a fence line in Amador County. The owners wanted to sell the property but were aware there was an issue regarding the southern boundary. The existing fence line was being used by the owners and the neighbor to the south as the property division, but the owners had learned years earlier that the actual boundary was to the south. They wanted to reach an agreement with the neighbor, perhaps making the fence line the new boundary between the properties. Wilke set at least 10 monuments at the top of the fence posts along the fence line. The fence had old, wood fence posts, some held up by the wire fencing. Monuments were not set in or near the ground.

According to Wilke, it is a common practice in Amador County to place monuments on wood fence posts. Business and Professions Code section 8771 (a) requires that "Monuments set shall be sufficient in number and durability . . . so as not to be readily disturbed, to assure . . . the perpetuation of any point or line of the survey." Wilke set the monuments on old fence posts, at least some of which were not stable. He offered no explanation for not setting more durable monuments. Modified Citation Number 5104-L, which ordered Wilke to obey all laws relating to the practice of land surveying and to pay an administrative fine of \$250, was affirmed. The fine has been paid.





BOARD FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS

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ADDRESS CHANGE AFFIDAVIT

I, _____, declare under penalty of perjury that
 (Name)
 the following information is true and correct:

I have changed my address of record for all intents and purposes **from:**

 (Street) (City) (State) (Zip)

to the following new address of record:

 (Street) (City) (State) (Zip)

Date change is effective: _____

Please enter the applicant ID number and branch of application or the number(s) and expiration date(s) for each license/certificate that you hold:

Applicant ID Number:			Branch of Application:		
Branch of Licensure or Certification	Number	Expiration Date	Field of License or Registration	Number	Expiration Date
EIT/LSIT		-----n/a-----	Land Surveyor		
Agricultural			Manufacturing		
Chemical			Mechanical		
Civil			Metallurgical		
Control Systems			Nuclear		
Corrosion			Petroleum		
Electrical			Quality		
Fire Protection			Safety		
Geotechnical			Structural		
Industrial			Traffic		

E-mail Address (Optional) _____ Daytime Phone Number (Optional) _____

 (Signature) (Date Signed) Social Security Number

NOTE: Filing an Organization Record does not relieve an individual from the responsibility of filing this form. Title 16, California Code of Regulations section 412 requires: "Within thirty (30) days after changing addresses, he/she shall notify the board office of such change."

Brief History of the Board *... Continued from page 1*

the practice of those branches so that what had been a title registration became a license to practice. In the late 1960s and early '70s, the PE Act was also amended to give the Board the right to accept additional branches of engineering into the registration program. The additional categories were for the purpose of regulating the use of the titles of those engineering branches. Between 1972 and 1975, the Board expanded the registration program to include nine additional branches of engineering under its jurisdiction. In 1986, at the Board's request, the authority to create new title registration categories was removed from the Professional Engineers Act.

There are currently 87,182 current, active Professional Engineer licenses and 3,912 current, active Professional Land Surveyor licenses. ♦

California Board for Professional Engineers and Land Surveyors

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