

**Board for Geologists and Geophysicists**

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Enforcement Action

Sean McGoey

The Board for Geologist and Geophysicists (Board) issued a Citation and Fine of \$2,500 on November 13, 2007 to Mr. Sean McGoey for violation of sections 7872(a) and 7872(h) of the Business and Professions Code (unlicensed professional practice of geology).

Mr. McGoey prepared a letter report entitled “Results of a Limited Subsurface Investigation,” dated December 13, 2001 (Letter Report) signed as “Sean O. McGoey, R.E.A., Senior Project Environmental Geologist,” for Ninyo and Moore. This Letter Report was submitted to the County of San Diego, Department of Environmental Health on April 16, 2007.

The Letter Report signed by Mr. McGoey demonstrates that he practiced geology in the State of California without a California Professional Geologist license. Consequently, Mr. McGoey violated Business and Professions Code section 7872(a) when he engaged in the practice of geology without a license.¹ These violations constitute grounds for disciplinary action under Business and Professions Code section 7872(a) and section 7872(h).

Mr. McGoey demonstrated cooperation with the Board’s goal of public protection by identifying facts during his citation informal conference on January 8, 2008 related to his unlicensed practice of geology identified in the citation issued to him. Mr. McGoey took the lead responsibility for the improper issuance of the Letter Report. Although Mr. McGoey was able to identify areas where he would not make geologic interpretations in the future, documentation and information he submitted during his informal conference systematically supported the findings of the aforementioned citation, consequently Mr. McGoey’s Citation and Fine was not modified.

In accordance with section 125.9(d) of the Business and Professions Code, payment of the fine does not constitute admission of the violation charged and represents satisfactory resolution of the matter. Mr. McGoey paid the fine and the case was closed on January 11, 2008.

¹ The Registered Environmental Assessor (REA) program “Performance Standards” under Title 22 California Code of Regulations, Chapter 52, sections 69200-69214 specifically state: “All engineering and geologic work *shall* be performed by a registered professional in compliance with the requirements of the Professional Engineers Act, Business and Professions Code sections 6700-6799 and the Geologists and Geophysicists Act, Business and Professions Code sections 7800-7887” (italic added).