

BEFORE THE
BOARD FOR PROFESSIONAL ENGINEERS, LAND SURVEYORS, AND GEOLOGISTS
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Petition to Revoke)
Probation against:)
)
LARRY JAMES FAST)
43563 John Warner Road)
Temecula, CA 92592)
)
Civil Engineer License No. C 29150,)
)
Respondent.)
_____)

Case No. 794-A

DECISION

The attached Stipulated Surrender of License and Order is hereby adopted by the Board for Professional Engineers, Land Surveyors, and Geologists as its Decision in the above-entitled matter.

This Decision shall become effective on October 14, 2011.

IT IS SO ORDERED September 8, 2011.

Original Signed.

BOARD FOR PROFESSIONAL ENGINEERS,
LAND SURVEYORS, AND GEOLOGISTS
Department of Consumer Affairs
State of California

1 KAMALA D. HARRIS
Attorney General of California
2 JAMES M. LEDAKIS
Supervising Deputy Attorney General
3 DIANE DE KERVOR
Deputy Attorney General
4 State Bar No. 174721
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Attorneys for Complainant

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

12 In the Matter of the Petition to Revoke
13 Probation Against:

Case No. 794-A

14 **LARRY JAMES FAST**
15 **43563 John Warner Road**
16 **Temecula, CA 92592**

**STIPULATED SURRENDER OF
LICENSE AND ORDER**

Civil Engineer License No. C 29150

17 Respondent.

18
19 IT IS HEREBY STIPULATED AND AGREED by and between the parties in this
20 proceeding that the following matters are true:

21 PARTIES

22 1. Richard B. Moore, PLS (Complainant) is the Executive Officer of the Board for
23 Professional Engineers, Land Surveyors, and Geologists. He brought this action solely in his
24 official capacity and is represented in this matter by Kamala D. Harris, Attorney General of the
25 State of California, by Diane de Kervor, Deputy Attorney General.

26 2. Larry James Fast (Respondent) is representing himself in this proceeding and has
27 chosen not to exercise his right to be represented by counsel.
28

1 CULPABILITY

2 9. Respondent understands that the charges and allegations in Petition to Revoke
3 Probation No. 794-A, if proven at a hearing, constitute cause for imposing discipline upon his
4 Civil Engineer License.

5 10. For the purpose of resolving the Petition to Revoke Probation without the expense
6 and uncertainty of further proceedings, Respondent agrees that, at a hearing, Complainant could
7 establish a factual basis for the charges in the Petition to Revoke Probation and that those charges
8 constitute cause for discipline. Respondent hereby gives up his right to contest that cause for
9 discipline exists based on those charges.

10 11. Respondent understands that by signing this stipulation he enables the Board to issue
11 an order accepting the surrender of his Civil Engineer License without further process.

12 CONTINGENCY

13 12. This stipulation shall be subject to approval by the Board for Professional Engineers,
14 Land Surveyors, and Geologists. Respondent understands and agrees that counsel for
15 Complainant and the staff of the Board for Professional Engineers, Land Surveyors, and
16 Geologists may communicate directly with the Board regarding this stipulation and surrender,
17 without notice to or participation by Respondent. By signing the stipulation, Respondent
18 understands and agrees that he may not withdraw his agreement or seek to rescind the stipulation
19 prior to the time the Board considers and acts upon it. If the Board fails to adopt this stipulation
20 as its Decision and Order, the Stipulated Surrender and Disciplinary Order shall be of no force or
21 effect, except for this paragraph, it shall be inadmissible in any legal action between the parties,
22 and the Board shall not be disqualified from further action by having considered this matter.

23 13. The parties understand and agree that facsimile copies of this Stipulated Surrender of
24 License and Order, including facsimile signatures thereto, shall have the same force and effect as
25 the originals.

26 14. This Stipulated Surrender of License and Order is intended by the parties to be an
27 integrated writing representing the complete, final, and exclusive embodiment of their agreement.
28 It supersedes any and all prior or contemporaneous agreements, understandings, discussions,

1 negotiations, and commitments (written or oral). This Stipulated Surrender of License and Order
2 may not be altered, amended, modified, supplemented, or otherwise changed except by a writing
3 executed by an authorized representative of each of the parties.

4 15. In consideration of the foregoing admissions and stipulations, the parties agree that
5 the Board may, without further notice or formal proceeding, issue and enter the following Order:

6 **ORDER**

7 IT IS HEREBY ORDERED that Civil Engineer License No. C 29150, issued to
8 Respondent Larry James Fast, is surrendered and accepted by the Board for Professional
9 Engineers, Land Surveyors, and Geologists.

10 1. Respondent hereby freely and voluntarily surrenders his Civil Engineer License, No.
11 C 29150. This voluntary surrender shall be deemed a disciplinary action which shall become part
12 of respondent's license history with the Board.

13 2. Respondent shall lose all rights and privileges as a civil engineer in California as of
14 the effective date of the decision of the Board adopting this stipulation, including the right to use
15 any of the restricted titles associated with his license.

16 3. Respondent shall cause to be delivered to the Board the pocket identification cards
17 and wall certificate for this license on or before the effective date of the decision of the Board
18 adopting this stipulation.

19 4. Respondent agrees not to petition for reinstatement of the surrendered license.
20 Respondent agrees not to apply for any license issued by the Board for three years from the
21 effective date of this surrender. Respondent understands and agrees that if he ever applies for any
22 license issued by the Board, the Board shall treat it as a new application for licensure.

23 Respondent must comply with all the laws, regulations, and procedures for licensure in effect at
24 the time the application is filed, including but not limited to submitting a completed application
25 and the requisite fee and taking and passing the required examination(s), and all of the charges
26 and allegations contained in the Accusation shall be deemed to be true, correct, and admitted by
27 Respondent when the licensing agency determines whether to grant or deny the application.

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ACCEPTANCE

I have carefully read the Stipulated Surrender of License and Order. I understand the stipulation and the effect it will have on my Civil Engineer License. I enter into this Stipulated Surrender of License and Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Board for Professional Engineers, Land Surveyors, and Geologists.

DATED: 8-11-11 *original signed*
LARRY JAMES FAST
Respondent

ENDORSEMENT

The foregoing Stipulated Surrender of License and Order is hereby respectfully submitted for consideration by the Board for Professional Engineers, Land Surveyors, and Geologists of the Department of Consumer Affairs.

Dated: August 12, 2011

Respectfully submitted,
KAMALA D. HARRIS
Attorney General of California
JAMES M. LEDAKIS
Supervising Deputy Attorney General

original signed
DIANE DE KERVOR
Deputy Attorney General
Attorneys for Complainant

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80534905.doc

Exhibit A

Petition to Revoke Probation No. 794-A

1 KAMALA D. HARRIS
Attorney General of California
2 JAMES M. LEDAKIS
Supervising Deputy Attorney General
3 DIANE DE KERVOR
Deputy Attorney General
4 State Bar No. 174721
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7 Facsimile: (619) 645-2061
Attorneys for Complainant

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

12 In the Matter of the Petition to Revoke
13 Probation Against,

14 **LARRY JAMES FAST**
15 **43563 John Warner Road**
16 **Temecula, CA 92592**

17 **Civil Engineer License No. C 29150**

Respondent.

Case No. 794-A

PETITION TO REVOKE PROBATION

18 Complainant alleges:

19 **PARTIES**

20 1. Richard B. Moore, PLS (Complainant) brings this Petition to Revoke Probation solely
21 in his official capacity as the Executive Officer of the Board for Professional Engineers, Land
22 Surveyors, and Geologists, Department of Consumer Affairs.

23 2. On or about July 12, 1978, the Board for Professional Engineers, Land Surveyors,
24 and Geologists issued Civil Engineer License Number C 29150 to Larry James Fast
25 (Respondent). The Civil Engineer License will expire on March 31, 2013, unless renewed.

26 3. In a disciplinary action entitled "In the Matter of Accusation Against Larry James
27 Fast," Case No. 794-A, the Board for Professional Engineers, Land Surveyors, and Geologists,
28 issued a decision, effective July 21, 2006, in which Respondent's Civil Engineer License was

1 revoked. However, the revocation was stayed and Respondent's Civil Engineer License was
2 placed on probation for a period of five (5) years with certain terms and conditions. A copy of
3 that decision is attached as Exhibit A and is incorporated by reference.

4 JURISDICTION

5 4. This Petition to Revoke Probation is brought before the Board for Professional
6 Engineers, Land Surveyors, and Geologists (Board), Department of Consumer Affairs, under the
7 authority of the following laws. All section references are to the Business and Professions Code
8 unless otherwise indicated.

9 5. Section 6775 provides that the Board may discipline a licensee for, among other
10 things, negligence or incompetence in his practice and violating or aiding and abetting a violation
11 of any provision of this chapter.

12 6. Section 419 of the Title 16, California Code of Regulations provides, in relevant part,
13 that discipline of a license may include placing a license on probation, with certain terms and
14 conditions and that the Board may vacate the stay and reinstate the disciplinary order which was
15 stayed if the Respondent fails to comply with the terms of probation.

16 FACTS SUPPORTING CAUSES FOR REVOCATION OF PROBATION

17 7. On or about June 22, 2006, the Board adopted the stipulated settlement and
18 disciplinary order as its Decision in Accusation No. 794-A, placing Respondent's license on
19 probation effective July 21, 2006. The Order contained Probation Condition 12, Violation of
20 probation, which provides as follows:

21 "If the Respondent violates the probationary conditions in any respect, the Board, after
22 giving the Respondent notice and the opportunity to be heard, may vacate the stay and reinstate
23 the disciplinary order which was stayed. If, during the period of probation, an accusation or
24 petition to vacate stay is filed against the Respondent, or if the matter has been submitted to the
25 Office of the Attorney General for the filing of such, the Board shall have continuing jurisdiction
26 until all matters are final, and the period of probation shall be extended until all matter are final."

27 ///

1 8. On June 23, 2006, a copy of the Decision was served on Respondent at is address of
2 record. The return receipt reflected that the Decision was received at that address on June 26,
3 2006.

4 9. On August 2, 2006, The Board sent a letter to Respondent with information regarding
5 the terms and conditions of his probation and the dates by which he must comply with those
6 terms.

7 10. With respect to Probation Condition 2 (Second Division Examination), Respondent
8 was notified that: "Failure to successfully take and pass the requisite examinations by January 21,
9 2011, will constitute a violation of probation."

10 11. With respect to Probation Condition 4 (Civil Engineering Courses), Respondent was
11 notified that: "Failure to successfully complete the requisite college-level courses by January 21,
12 2011, will constitute a violation of probation.

13 12. With respect to Probation Condition 5 (Ethics Course), Respondent was notified that:
14 "Failure to successfully complete a Board-approved professional ethics course by July 21, 2009,
15 will constitute a violation of probation."

16 13. With respect to Probation Condition 8 (Reimburse Board Costs), Respondent was
17 notified that: "Failure to pay the full amount by July 21, 2010, will constitute a violation of
18 probation."

19 14. On April 6, 2011, the Board sent a letter to Respondent informing him that the
20 Board had not received proof of his completion of several of the probationary conditions. In
21 particular, he was informed that he had failed to demonstrate compliance with Conditions 2
22 (Second Division Examination), 4 (Civil Engineering Courses), 5 (Ethics Course), and 8
23 (Reimburse Board Costs). Respondent was also notified that the matter was being submitted to
24 the Office of the Attorney General for the filing of a Petition to Revoke Probation.

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1 Respondent shall provide the Board with official transcripts as verifiable proof of successful
2 completion of the required courses.”

3 18. Respondent’s probation is subject to revocation because he failed to comply with
4 Probation Condition 4, referenced above. The facts and circumstances regarding this violation
5 are provided in paragraphs 7 to 14 above and are incorporated herein by reference.

6 **THIRD CAUSE TO REVOKE PROBATION**

7 **(Failure to Comply with the Terms of Probation – Ethics Course)**

8 19. At all times after the effective date of Respondent’s probation, Condition 5 stated:
9 “Within three (3) years of the effective date of the Decision, the Respondent shall
10 successfully complete and pass the professional ethics course “Advanced Studies in Engineering
11 Ethics” (ENGR ETHICS PDH-60) as offered through correspondence by the Murdough Center
12 for Engineering Professionalism of Texas Tech University. The Respondent may submit an
13 alternate equivalent professional ethics course for review and approval by the Board or its
14 designee if he so chooses; said alternate course must be submitted for review and approval prior
15 to the respondent’s completion of said course. The Respondent shall provide the Board with
16 verifiable proof that he has completed a Board-approved professional ethics course.

17 20. Respondent’s probation is subject to revocation because he failed to comply with
18 Probation Condition 5, referenced above. The facts and circumstances regarding this violation
19 are provided in paragraphs 7 to 14 above and are incorporated herein by reference.

20 **FOURTH CAUSE TO REVOKE PROBATION**

21 **(Failure to Comply with the Terms of Probation – Reimburse Board Costs)**

22 21. At all times after the effective date of Respondent’s probation, Condition 8 stated:
23 “Within four (4) years of the effective date of the Decision, the Respondent shall reimburse
24 the Board for its investigation and enforcement costs in the amount of \$4,241.00. Said amount
25 may be paid in installments.”

26 22. Respondent’s probation is subject to revocation because he failed to comply with
27 Probation Condition 8, referenced above. The facts and circumstances regarding this violation
28 are provided in paragraphs 7 to 14 above and are incorporated herein by reference.

1 **FIFTH CAUSE TO REVOKE PROBATION**

2 **(Failure to Comply with the Terms of Probation – Violation of Probation Conditions)**

3 23. At all times after the effective date of Respondent's probation, Condition 12 stated:

4 "If the respondent violates the probationary conditions in any respect, the Board, after
5 giving the respondent notice and the opportunity to be heard, may vacate the stay and reinstate the
6 disciplinary order which was stayed. If, during the period of probation, an accusation or petition
7 to vacate stay or Revoke Probation is filed against the respondent, or if the matter has been
8 submitted to the Office of the Attorney General for the filing of such, the Board shall have
9 continuing jurisdiction until all matters are final, and the period of probation shall be extended
10 until all matters are final."

11 24. Respondent's probation is subject to revocation because he failed to comply with
12 Probation Condition 12, referenced above. The facts and circumstances regarding this violation
13 are provided in paragraphs 7 to 14 above and are incorporated herein by reference.

14 **PRAYER**

15 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
16 and that following the hearing, the Board for Professional Engineers, Land Surveyors, and
17 Geologists issue a decision:

18 1. Revoking the probation that was granted by the Board for Professional Engineers and
19 Land Surveyors in Case No. 794-A and imposing the disciplinary order that was stayed thereby
20 revoking Civil Engineer License No. C 29150 issued to Larry James Fast;

21 2. Revoking or suspending Civil Engineer License No. C 29150, issued to Larry James
22 Fast;

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

24 DATED: 7/01/11

Original Signed

25 _____
26 Richard B. Moore, PLS
27 Executive Officer
28 Board for Professional Engineers, Land Surveyors,
and Geologists
Department of Consumer Affairs
State of California
Complainant

SD2011800299;80512239.docx

Exhibit A

**Decision and Order
Board for Professional Engineers, Land Surveyors, and Geologists Case No. 794-A**

BEFORE THE
BOARD FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation against:)

LARRY JAMES FAST)
43563 John Warner Road)
Temecula, CA 92592)

Civil Engineer License No. C 29150,)

Respondent.)
_____)

Case No. 794-A

DECISION

The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the Board for Professional Engineers and Land Surveyors as its Decision in the above-entitled matter.

This Decision shall become effective on July 21, 2006.

IT IS SO ORDERED June 22, 2006.

BOARD FOR PROFESSIONAL ENGINEERS
AND LAND SURVEYORS
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

BY Original Signed

1 BILL LOCKYER, Attorney General
of the State of California
2 SUSAN FITZGERALD, State Bar No. 112278
Deputy Attorney General
3 California Department of Justice
110 West "A" Street, Suite 1100
4 San Diego, CA 92101

5 P.O. Box 85266
San Diego, CA 92186-5266
6 Telephone: (619) 645-2066
7 Facsimile: (619) 645-2061

8 Attorneys for Complainant

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

11 In the Matter of the Accusation Against:

Case No. 794-A

12 LARRY JAMES FAST
13 43563 John Warner Rd
14 Temecula, CA 92592

OAH No. L2005121050

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

15 Civil Engineer License No. C 29150

16 Respondent.

17 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-
18 entitled proceedings that the following matters are true:

19 PARTIES

20 1. Cindi Christenson, P.E. (Complainant) is the Executive Officer of the Board for
21 Professional Engineers and Land Surveyors. She brought this action solely in her official
22 capacity and is represented in this matter by Bill Lockyer, Attorney General of the State of
23 California, by Susan Fitzgerald, Deputy Attorney General.

24 2. Respondent Larry James Fast (Respondent) is represented in this proceeding by
25 attorney Raymond W. Johnson, whose address is 26785 Camino Seco, Temecula, CA 92590.

26 3. On or about July 12, 1978, the Board for Professional Engineers and Land
27 Surveyors issued Civil Engineer License No. C 29150 to Larry James Fast (Respondent). The
28 was in full force and effect at all times relevant to the charges brought in Accusation No. 794-A

1 and will expire on March 31, 2007, unless renewed.

2 JURISDICTION

3 4. Accusation No. 794-A was filed before the Board for Professional Engineers and
4 Land Surveyors (Board), Department of Consumer Affairs, and is currently pending against
5 Respondent. The Accusation and all other statutorily required documents were properly served
6 on Respondent on October 13, 2005. Respondent timely filed his Notice of Defense contesting
7 the Accusation. A copy of Accusation No. 794-A is attached as exhibit A and incorporated
8 herein by reference.

9 ADVISEMENT AND WAIVERS

10 5. Respondent has carefully read, fully discussed with counsel, and understands the
11 charges and allegations in Accusation No. 794-A. Respondent has also carefully read, fully
12 discussed with counsel, and understands the effects of this Stipulated Settlement and Disciplinary
13 Order.

14 6. Respondent is fully aware of his legal rights in this matter, including the right to a
15 hearing on the charges and allegations in the Accusation; the right to be represented by counsel at
16 his own expense; the right to confront and cross-examine the witnesses against him; the right to
17 present evidence and to testify on his own behalf; the right to the issuance of subpoenas to
18 compel the attendance of witnesses and the production of documents; the right to reconsideration
19 and court review of an adverse decision; and all other rights accorded by the California
20 Administrative Procedure Act and other applicable laws.

21 7. Respondent voluntarily, knowingly, and intelligently waives and gives up each
22 and every right set forth above.

23 CULPABILITY

24 8. Respondent admits the truth of paragraphs 5 through 10 of Accusation No. 794-A
25 and that they constitute cause for discipline of his license under Cause for Discipline #2, aiding
26 and abetting unlicensed practice.

27 9. Respondent agrees that his Civil Engineer License is subject to discipline and he
28 agrees to be bound by the Board's imposition of discipline as set forth in the Disciplinary Order

1 below.

2 CONTINGENCY

3 10. This stipulation shall be subject to approval by the Board for Professional
4 Engineers and Land Surveyors. Respondent understands and agrees that counsel for
5 Complainant and the staff of the Board for Professional Engineers and Land Surveyors may
6 communicate directly with the Board regarding this stipulation and settlement, without notice to
7 or participation by Respondent or his counsel. By signing the stipulation, Respondent
8 understands and agrees that he may not withdraw his agreement or seek to rescind the stipulation
9 prior to the time the Board considers and acts upon it. If the Board fails to adopt this stipulation
10 as its Decision and Order, the Stipulated Settlement and Disciplinary Order shall be of no force
11 or effect, except for this paragraph, it shall be inadmissible in any legal action between the
12 parties, and the Board shall not be disqualified from further action by having considered this
13 matter.

14 OTHER MATTERS

15 11. The parties understand and agree that facsimile copies of this Stipulated
16 Settlement and Disciplinary Order, including facsimile signatures thereto, shall have the same
17 force and effect as the originals.

18 12. Costs of investigation and enforcement of this case total to \$4,241.00 through
19 February 15, 2006.

20 13. In consideration of the foregoing admissions and stipulations, the parties agree
21 that the Board may, without further notice or formal proceeding, issue and enter the following
22 Disciplinary Order:

23 DISCIPLINARY ORDER

24 IT IS HEREBY ORDERED that Civil Engineer License No. C 29150 issued to
25 Respondent Larry James Fast is revoked. However, the revocation is stayed and Respondent is
26 placed on probation for five (5) years on the following terms and conditions.

27 1. Civil Engineer License No.C 29150 issued to Respondent Larry James Fast shall
28 be suspended for ninety (90) consecutive days beginning on the effective date of the Decision.

1 2. Within four and one-half (4 ½) years of the effective date of the Decision, the
2 Respondent shall take and pass the entire second division examination for civil engineers,
3 consisting of the National Council of Examiners for Engineering and Surveying (NCEES) 8-hour
4 Principles and Practice of Civil Engineering examination, the California Special Civil Seismic
5 Principles examination, and the California Special Civil Engineering Surveying examination.
6 The Board or its designee may select the specific depth module that must be taken and passed on
7 the NCEES 8-hour examination such that the depth module relates to the specific area of
8 violation. The Respondent shall be required to pay the application fee as described in Section
9 407 and shall be afforded all examination appeal rights as described in Sections 407, 443, and
10 444. The time period for completion of this condition may be extended to allow the Board
11 sufficient time to approve and release the examination results; said extension shall not exceed the
12 five-year period of probation.

13 3. Within sixty (60) days of the effective date of the Decision, the Respondent shall
14 successfully complete and pass the California Laws and Board Rules for Professional Engineers
15 examination.

16 4. Within four and one-half (4 ½) years of the effective date of the Decision, the Respondent
17 shall successfully complete and pass, with a grade of "C" or better, three college-level courses,
18 approved in advance by the Board or its designee. Such courses shall be specifically related to
19 the area of violation. For purposes of this subdivision, "college-level course" shall mean a course
20 offered by a community college or a four year university of three semester units or the
21 equivalent; "college-level course" does not include seminars. The Respondent shall provide the
22 Board with official transcripts as verifiable proof of successful completion of the required
23 courses.

24 5. Within three (3) years of the effective date of the Decision, the Respondent shall
25 successfully complete and pass the professional ethics course "Advanced Studies in Engineering
26 Ethics" (ENGR ETHICS PDH-60) as offered through correspondence by the Murdough Center
27 for Engineering Professionalism of Texas Tech University. The Respondent may submit an
28 alternate equivalent professional ethics course for review and approval by the Board or its

1 designee if he so chooses; said alternate course must be submitted for review and approval prior
2 to the respondent's completion of said course. The Respondent shall provide the Board with
3 verifiable proof that he has completed a Board-approved professional ethics course.

4 6. After the completion of the 90-day suspension ordered by Condition 1, and until
5 completion of the examinations required by Conditions 2 and 3 and the courses required by
6 Conditions 4 and 5, the Respondent may practice geotechnical engineering only under the review
7 and monitoring of a professional civil engineer who specializes in geotechnical engineering or a
8 professional geotechnical engineer. The reviewing licensee(s) shall be approved in advance by
9 the Board or its designee. The reviewing licensee(s) shall initial every geotechnical engineering
10 document prepared by the Respondent in close proximity to the Respondent's signature and seal.
11 The Board or its designee may request that the reviewing licensee(s) submit written reports
12 regarding his or her review of the respondent's engineering work.

13 7. Within 30 days of the effective date of the Decision, the Respondent shall provide the
14 Board with evidence that he has provided all persons or entities with whom he has a contractual
15 or employment relationship in the area of practice of professional engineering and/or professional
16 land surveying with a copy of the decision and order of the Board and shall provide the Board
17 with the name and business address of each person or entity required to be so notified. During
18 the period of probation, the Respondent may be required to provide the same notification to each
19 new person or entity with whom he has a contractual or employment relationship in the area of
20 practice of professional engineering and/or land surveying and shall report to the Board the name
21 and address of each person or entity so notified.

22 8. Within four (4) years of the effective date of the Decision, the Respondent shall
23 reimbursement the Board for its investigation and enforcement costs in the amount of \$4,241.00.
24 Said amount may be paid in installments.

25 9. The Respondent shall obey all laws and regulations related to the practices of professional
26 engineering and professional land surveying, including, but not limited to, not allowing other
27 individuals to use his professional engineer stamp.

28 ///

1 10. The Respondent shall submit such special reports as the Board or its designee may
2 require. Such special reports may include, but are not limited to, review of the Respondent's
3 engineering work by the Board or its designee.

4 11. The period of probation shall be tolled during the time the Respondent is practicing
5 exclusively outside the state of California. If, during the period of probation, the Respondent
6 practices exclusively outside the state of California, the respondent shall immediately notify the
7 Board in writing.

8 12. If the Respondent violates the probationary conditions in any respect, the Board, after
9 giving the Respondent notice and the opportunity to be heard, may vacate the stay and reinstate
10 the disciplinary order which was stayed. If, during the period of probation, an Accusation or
11 Petition to Vacate Stay or Revoke Probation is filed against the Respondent, or if the matter has
12 been submitted to the Office of the Attorney General for the filing of such, the Board shall have
13 continuing jurisdiction until all matters are final, and the period of probation shall be extended
14 until all matters are final.

15 13. Upon successful completion of all of the probationary conditions and the expiration of the
16 period of probation, the Respondent's license shall be unconditionally restored.

17 ACCEPTANCE

18 I have carefully read the above Stipulated Settlement and Disciplinary Order and have
19 fully discussed it with my attorney, Raymond W. Johnson. I understand the stipulation and the
20 effect it will have on my Civil Engineer License. I enter into this Stipulated Settlement and
21 Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the
22 Decision and Order of the Board for Professional Engineers and Land Surveyors.

23 DATED: May 5, 2006.

24
25 *Original Signed*
26 LARRY JAMES FAST
27 Respondent

27 ///

28 ///

1 I have read and fully discussed with Respondent Larry James Fast the terms and
2 conditions and other matters contained in the above Stipulated Settlement and Disciplinary
3 Order. I approve its form and content.

4 DATED: May 5, 2006.

5
6 *Original Signed*
7 RAYMOND W. JOHNSON
8 Attorney for Respondent

9 ENDORSEMENT

10 The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully
11 submitted for consideration by the Board for Professional Engineers and Land Surveyors of the
12 Department of Consumer Affairs.

13 DATED: May 8, 2006.

14
15 BILL LOCKYER, Attorney General
16 of the State of California

17 *Original Signed*
18 SUSAN FITZGERALD
19 Deputy Attorney General

20 Attorneys for Complainant
21
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27
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Exhibit A
Accusation No. 794-A

1 BILL LOCKYER, Attorney General
of the State of California
2 SUSAN FITZGERALD, State Bar No. 112278
Deputy Attorney General
3 California Department of Justice
110 West "A" Street, Suite 1100
4 San Diego, CA 92101

5 P.O. Box 85266
San Diego, CA 92186-5266
6 Telephone: (619) 645-2066
Facsimile: (619) 645-2061

7 Attorneys for Complainant
8

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

12 In the Matter of the Accusation Against:

Case No. 794-A

13 LARRY JAMES FAST
43563 John Warner Rd
14 Temecula, CA 92592

A C C U S A T I O N

15 Civil Engineer License No. C 29150

16 Respondent.

17
18 Complainant alleges:

19 **PARTIES**

20 1. Cindi Christenson, P.E. (Complainant) brings this Accusation solely in her official
21 capacity as the Executive Officer of the Board for Professional Engineers and Land Surveyors,
22 Department of Consumer Affairs.

23 2. On or about July 12, 1978, the Board for Professional Engineers and Land
24 Surveyors issued Civil Engineer License Number C 29150 to Larry James Fast (Respondent).
25 The civil engineer license was in full force and effect at all times relevant to the charges brought
26 herein and will expire on March 31, 2007, unless renewed.

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1 **JURISDICTION**

2 3. This Accusation is brought before the Board for Professional Engineers and Land
3 Surveyors (Board), Department of Consumer Affairs, under the authority of the following
4 sections of the Business and Professions Code:

5 A. Section 6731 states:

6 " Civil engineering embraces the following studies or activities in connection with fixed
7 works for irrigation, drainage, waterpower, water supply, flood control, inland waterways,
8 harbors, municipal improvements, railroads, highways, tunnels, airports and airways, purification
9 of water, sewerage, refuse disposal, foundations, grading framed and homogeneous structures,
10 buildings, or bridges:

11 (a) The economics of, the use and design of, materials of construction and the
12 determination of their physical properties.

13 (b) The supervision of the construction of engineering structures.

14 (c) The investigation of the laws, phenomena and forces of nature.

15 (d) Appraisals and valuations.

16 (e) The preparation or submission of designs, plans and specifications and engineering
17 reports.

18 (f) Coordination of the work of professional, technical, or special consultants.

19 (g) Creation, preparation, or modification of electronic or computerized data in the
20 performance of the activities described in subdivisions (a) through (f).

21 "Civil engineering also includes city and regional planning insofar as any of the above
22 features are concerned therein.

23 "Civil engineers registered prior to January 1, 1982 shall be authorized to practice all land
24 surveying as defined in Chapter 15 (commencing with Section 8700) of Division 3."

25 B. Section 6731.1 states:

26 "Civil engineering also includes the practice or offer to practice, either in a public or
27 private capacity, all of the following:

28 (a) Locates, relocates, establishes, reestablishes, or retraces the alignment or elevations

1 for any of the fixed works embraced with the practice of civil engineering, as described in
2 Section 6731.

3 (b) Determines the configuration or contour of the earth's surface or the position of fixed
4 objects thereon or related thereto, by means of measuring lines and angles, and applying the
5 principles of trigonometry or photogrammetry.

6 (c) Creates, prepares, or modifies electronic or computerized data in the performance of
7 the activities described in subdivisions (a) and (b)."

8 C. Section 6775 states, in pertinent part, that "[T]he board may reprove, suspend for
9 a period not to exceed two years, or revoke the certificate of any professional engineer registered
10 under this chapter:

11 ".....

12 "(c) Who has been found guilty by the board of negligence or incompetence in his or her
13 practice.

14 "(f) Who aids or abets any person in the violation of any provision of this chapter.

15 "....."

16 D. Section 125.3 provides, in pertinent part, that the Board may request the
17 administrative law judge to direct a licentiate found to have committed a violation or violations
18 of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
19 enforcement of the case.

20 4. This Accusation also refers to California Code of Regulation, title 16, section
21 404.1 which defines "responsible charge" for professional engineers.

22 CHARGES AND ALLEGATIONS

23 5. On or about May 15, 2000, Respondent signed and stamped a "Preliminary
24 Geotechnical Investigation" for Michael and Deborah Homan of Upland, California re "Single
25 Lot, Residential Development, Parcel 1, P.M. 14490 Via de Oro, Glen Oaks, Riverside County,
26 California - Project No. 20186-02" ("Homan Investigation").

27 6. The Homan Investigation was also signed by Warren Sherling ("Sherling"),
28 listed as the "Director of Geotechnical Services." Sherling was a registered geologist (license #

1 3777) and certified engineering geologist (license # 1182), until these licenses were revoked
2 outright, effective February 7, 2000, per Accusation and Decision of the Board of Geologists &
3 Geophysicists No.01-98-02. Sherling's company was called "Earth Technics," with an address of
4 P. O. Box 891989, Temecula, CA 92589.

5 7. Respondent's Homan Investigation was on the letterhead of "Earth Technics," P.
6 O. Box 891989, Temecula, California.

7 8. In January, 2000, Michael Homan contacted Sherling and was quoted a price for a
8 "perk" test. Thereafter and after April 28, 2000, Homan contracted for services with Sherling for
9 a "perk" test, soil stability test, and a preliminary geotechnical investigation. Respondent signed
10 and stamped the Homan Investigation. Homan hired an engineering firm, Temecula Engineering
11 Consultants (TEC) to provide a grading plan. Respondent was not associated with TEC; Stanley
12 Heaton was the licensed professional engineer at TEC responsible for the grading plans.

13 9. The County of Riverside rejected the Homan Investigation initially because the
14 project required a licensed geologist's stamp.

15 10. Thereafter, the Homan's project was revamped so that less earth would be moved,
16 thus removing the need for a geologist to sign off on the project. Sherling added a soils analysis
17 so that the Homan Investigation would pass Riverside County's requirements.

18 11. Respondent was incompetent in his slope stability analysis for the subject site.

19 12. Respondent was incompetent in his failure to accurately model the slope and
20 retaining wall in the cross-section attached to the investigation.

21 13. Respondent was incompetent in that his analysis failed to consider the worse case
22 Factor of Safety for static analysis, which resulted in a Lower Factor of Safety.

23 14. Respondent was incompetent in that he did not follow County Guidelines and
24 analyze the slope for seismic conditions.

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1 **FIRST CAUSE FOR DISCIPLINE**

2 **(Unprofessional Conduct: Incompetence)**

3 15 Respondent is subject to disciplinary action under section 6775(c) for
4 incompetence with regard to the Homan Investigation of May 15, 2000, as more particularly
5 alleged below:

6 A. Paragraphs 5 through 14 above are incorporated herein by reference.

7 B. If Respondent took responsible charge of the Homan Investigation, then he was
8 incompetent for all of the reasons above listed.

9 **SECOND CAUSE FOR DISCIPLINE**

10 **(Unprofessional Conduct: Aiding & Abetting Unlicensed Practice)**

11 16. Alternatively, if Respondent did not perform the analyses above-referenced
12 and/or did not develop or form the Soils Engineering conclusions and recommendations in the
13 Homan Investigation and/or was not in responsible charge of the Homan Investigation, then he is
14 subject to disciplinary action under section 6775(f) for aiding and abetting Warren Sherling to
15 practice civil (soils) engineering without a license.

16 **PRAYER**

17 WHEREFORE, Complainant requests that a hearing be held on the matters herein
18 alleged, and that following the hearing, the Board for Professional Engineers and Land Surveyors
19 issue a decision:

20 1. Revoking or suspending Civil Engineer License Number C 29150, issued to
21 Larry James Fast;

22 2. Ordering Larry James Fast to pay the Board for Professional Engineers and Land
23 Surveyors the reasonable costs of the investigation and enforcement of this case, pursuant to
24 Business and Professions Code section 125.3;

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

2 DATED: 10/3/05

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Original Signed
CINDI CHRISTENSON, P.E.
Executive Officer
Board for Professional Engineers and Land Surveyors
Department of Consumer Affairs
State of California
Complainant