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

In the Matter of the Accusation against:	)	
	)	
CARO JOLFAIE MINAS	)	Case No. 899-A
4742 San Fernando Road	)	
Glendale, CA 91204	)	
	)	
Civil Engineer License No. C 31970	)	
Geotechnical Engineer License No. GE 601,	)	
	)	
Respondent.	)	
	)	

DECISION

The attached Stipulated Settlement and Disciplinary 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 April 13, 2012.

IT IS SO ORDERED March 8, 2012.

Original Signed

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

KAMALA D. HARRIS
Attorney General of California
GLORIA A. BARRIOS
Supervising Deputy Attorney General
LANGSTON M. EDWARDS
Deputy Attorney General
State Bar No. 237926
300 So. Spring Street, Suite 1702
Los Angeles, CA 90013
Telephone: (213) 620-6343
Facsimile: (213) 897-2804
Attorneys for Complainant

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

In the Matter of the Accusation Against: **CARO JOLFAIE MINAS** **4742 San Fernando Road** **Glendale, CA 91204** **Civil Engineer License No. C 31970** **Geotechnical Engineer License No. GE 601** Respondent.	Case No. 899-A OAH No. L-2011010292 **STIPULATED SETTLEMENT AND DISCIPLINARY ORDER**

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

PARTIES

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

2. Respondent Caro Jolfaie Minas (Respondent) is represented in this proceeding by his attorney Bruce D. Rudman, whose address is: P.O. Box 15458, North Hollywood, CA 91615

3. On or about August 14, 1987, the Board for Professional Engineers, Land Surveyors, and Geologists issued Civil Engineer License No. C 31970 to Caro Jolfaie Minas (Respondent). The Civil Engineer License was in full force and effect at all times relevant to the charges brought in Accusation No. 899-A and will expire on December 31, 2012, unless renewed.

4. On or about September 9, 1987, the Board for Professional Engineers, Land Surveyors, and Geologists issued Geotechnical Engineer License No. GE 601 to Respondent. The Geotechnical Engineer License was in full force and effect at all times relevant to the charges brought in Accusation No. 899-A and will expire on December 31, 2012, unless renewed.

JURISDICTION

5. Accusation No. 899-A was filed before the Board for Professional Engineers, Land Surveyors, and Geologists (Board), Department of Consumer Affairs, and is currently pending against Respondent. The Accusation and all other statutorily required documents were properly served on Respondent on December 8, 2010. Respondent timely filed his Notice of Defense contesting the Accusation.

A copy of Accusation No. 899-A is attached as **Exhibit A** and incorporated herein by reference.

ADVISEMENT AND WAIVERS

6. Respondent has carefully read, fully discussed with counsel, and understands the charges and allegations in Accusation No. 899-A. Respondent has also carefully read, fully discussed with counsel, and understands the effects of this Stipulated Settlement and Disciplinary Order.

7. Respondent is fully aware of his legal rights in this matter, including the right to a hearing on the charges and allegations in the Accusation; the right to be represented by counsel at his own expense; the right to confront and cross-examine the witnesses against him; the right to present evidence and to testify on his own behalf; the right to the issuance of subpoenas to compel the attendance of witnesses and the production of documents; the right to reconsideration and

court review of an adverse decision; and all other rights accorded by the California Administrative Procedure Act and other applicable laws.

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

CULPABILITY

9. Respondent understands and agrees that the charges and allegations in Accusation No. 899-A, if proven at a hearing, constitute cause for imposing discipline upon his Civil Engineer License as well as for his Geotechnical Engineer License.

10. For the purpose of resolving the Accusation without the expense and uncertainty of further proceedings, Respondent agrees that, at a hearing, Complainant could establish a factual basis for the charges in the Accusation, and that Respondent hereby gives up his right to contest those charges.

11. Respondent agrees that his Civil Engineer License is subject to discipline and he agrees to be bound by the Board's probationary terms as set forth in the Disciplinary Order below.

CONTINGENCY

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

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

14. This Stipulated Settlement and Disciplinary Order is intended by the parties to be an integrated writing representing the complete, final, and exclusive embodiment of their agreement. It supersedes any and all prior or contemporaneous agreements, understandings, discussions, negotiations, and commitments (written or oral). This Stipulated Settlement and Disciplinary Order may not be altered, amended, modified, supplemented, or otherwise changed except by a writing executed by an authorized representative of each of the parties.

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

DISCIPLINARY ORDER

IT IS HEREBY ORDERED that Civil Engineer License No. C 31970 and Geotechnical Engineer License No. GE 601 issued to Respondent Caro Jolfaie Minas (Respondent) is revoked. However, the revocation is stayed and Respondent is placed on probation for two (2) years on the following terms and conditions.

1. **Obey All Laws.** The Respondent shall obey all laws and regulations related to the practices of professional engineering and professional land surveying.

2. **Submit Reports.** The Respondent shall submit such special reports as the Board may require.

3. **Tolling of Probation.** The period of probation shall be tolled during the time the Respondent is practicing exclusively outside the state of California. If, during the period of probation, the Respondent practices exclusively outside the state of California, the Respondent shall immediately notify the Board in writing.

4. **Violation of Probation.** If the Respondent violates the probationary conditions in any respect, the Board, after giving the Respondent notice and the opportunity to be heard, may

vacate the stay and reinstate the disciplinary order which was stayed. If, during the period of probation, an accusation or petition to vacate stay is filed against the Respondent, or if the matter has been submitted to the Office of the Attorney General for the filing of such, the Board shall have continuing jurisdiction until all matters are final, and the period of probation shall be extended until all matters are final.

5. **Completion of Probation.** Upon successful completion of all of the probationary conditions and the expiration of the period of probation, the Respondent's license shall be unconditionally restored.

6. **Cost Recovery.** Within eighteen (18) months of the effective date of the decision, the Respondent shall reimburse the Board for its investigative and enforcement costs in this matter in the amount of $5000.00. Failure to reimburse the Board's cost of its investigation and prosecution shall constitute a violation of the probation order. Said reimbursement may be paid in installments.

7. **Examination.** Within eighteen (18) months of the effective date of the decision, the Respondent shall successfully complete and pass the California Laws and Board Rules examination, as administered by the Board.

8. **Ethics Course.** Within eighteen (18) months of the effective date of the decision, the Respondent shall successfully complete and pass a course in professional ethics, approved in advance by the Board or its designee.

9. **Take And Pass Examinations.** Within eighteen (18) months of the effective dated of the decision, the Respondent shall successfully complete and pass, with a grade of "C" or better, one college-level course specifically related to the areas of violation alleged in the Accusation. Said course shall be approved in advance by the Board or its designee. For purposes of this condition, "college-level course" shall mean a course offered by a community college or a four-year university of three semester units or the equivalent; "college-level course" does not include seminars.

//

//

ACCEPTANCE

I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully discussed it with my attorney, Bruce D. Rudman. I understand the stipulation and the effect it will have on my Civil Engineer License, and Geotechnical Engineer License. I enter into this Stipulated Settlement and Disciplinary 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: 11-21-11

Original Signed

CARO JOLFAIE MINAS
Respondent

I have read and fully discussed with Respondent Caro Jolfaie Minas the terms and conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order. I approve its form and content.

DATED: 11/22/11

Original Signed

Bruce D. Rudman
Attorney for Respondent

ENDORSEMENT

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

Dated: 11/22/11

Respectfully submitted,

KAMALA D. HARRIS
Attorney General of California
GLORIA A. BARRIOS
Supervising Deputy Attorney General

Original Signed

LANGSTON M. EDWARDS
Deputy Attorney General
Attorneys for Complainant

LA2010500951
51028625.docx

Exhibit A

Accusation No. 899-A

EDMUND G. BROWN JR.
Attorney General of California
GLORIA A. BARRIOS
Supervising Deputy Attorney General
LANGSTON M. EDWARDS
Deputy Attorney General
State Bar No. 237926
300 So. Spring Street, Suite 1702
Los Angeles, CA 90013
Telephone: (213) 620-6343
Facsimile: (213) 897-2804
Attorneys for Complainant

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

In the Matter of the Accusation Against: **CARO JOLFAIE MINAS** **4742 San Fernando Road** **Glendale, CA 91204** **Civil Engineer License No. C 31970** **Geotechnical Engineer License No. GE 601** Respondent.	Case No. 899-A **ACCUSATION**

Complainant alleges

PARTIES

1. David E. Brown ("Complainant") brings this Accusation solely in his official capacity as the Executive Officer of the Board for Professional Engineers and Land Surveyors.

2. On or about August 14, 1980, the Board for Professional Engineers and Land Surveyors ("Board") issued Civil Engineer License Number C 31970 to Caro Jolfaie Minas ("Respondent"). The Civil Engineer License was in full force and effect at all times relevant to the charges brought herein and will expire on December 31, 2010, unless renewed.

3. On or about September 9, 1987, the Board issued Geotechnical Engineer License Number GE 601 to Respondent. The Geotechnical Engineer License was in full force and effect at all times relevant to the charges brought herein and will expire on December 31, 2010, unless renewed.

JURISDICTION

4. This Accusation is brought before the Board under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.

5. Section 118 of the Code states in pertinent part:

...

"(b) The suspension, expiration, or forfeiture by operation of law of a license issued by a board in the department, or its suspension, forfeiture, or cancellation by order of the board or by order of a court of law, or its surrender without the written consent of the board, shall not, during any period in which it may be renewed, restored, reissued, or reinstated, deprive the board of its authority to institute or continue a disciplinary proceeding against the licensee upon any ground provided by law or to enter an order suspending or revoking the license or otherwise taking disciplinary action against the licensee on any such ground.

(c) As used in this section, 'board' includes an individual who is authorized by any provision of this code to issue, suspend, or revoke a license, and 'license' includes 'certificate,' 'registration,' and 'permit.'"

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

...

(b) Who has been found guilty by the board of any deceit, misrepresentation, or fraud in his or her practice.

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

...

(g) Who in the course of the practice of professsional engineering has been found guilty by the board of having violated a rule or regulation of unprofessional conduct adopted by the board."

//

REGULATIONS

7. California Code of Regulations, Title 16, section 475 states, in pertinent part, "[a] violation of this Code of Professional Conduct in the practice of professional engineering constitutes unprofessional conduct and is grounds for disciplinary action pursuant to Section 6775 of the Code.

...

(c)(11) A licensee shall not misrepresent data and/or its relative significance in any professional engineering report."

8. California Code of Regulations Title 16, Section 419 states that "[f]or violations of Business and Professions Code sections 6775 ... which result in an order issued in accordance with Chapters 4.5 and 5 of Part 1 of Division 3 of Title 2 of the Government Code against a professional engineering and/or a professional land surveying license, the following provisions shall apply to disciplinary orders contained in decisions of the Board:

(a) The minimum disciplinary order shall be reproval. The maximum disciplinary order shall be revocation of the license.

(b) If warranted by extenuating and/or mitigating factors in the matter, the disciplinary order may be stayed by an express condition that the Respondent comply with probationary conditions. The minimum time period in which the respondent shall have to comply with the conditions shall be two years. For purposes of this section, this time period shall be known as the "period of probation."

(c) All decisions containing stayed disciplinary orders as described in subdivision (b) shall include the following probationary conditions:

(1) The respondent shall obey all laws and regulations related to the practices of professional engineering and professional land surveying.

(2) The respondent shall submit such special reports as the Board may require.

(3) The period of probation shall be tolled during the time the respondent is practicing exclusively outside the state of California. If, during the period of probation, the respondent

practices exclusively outside the state of California, the respondent shall immediately notify the Board in writing.

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

(5) Upon successful completion of all of the probationary conditions and the expiration of the period of probation, the respondent's license shall be unconditionally restored.

(d) All decisions containing stayed disciplinary orders as described in subdivision (b) may include one or more of the following probationary conditions:

(1) The respondent's license shall be suspended for a period not to exceed two years. If a suspension of the license is ordered, it shall begin on the effective date of the decision.

(2) Within 60 days of the effective date of the decision, the respondent shall successfully complete and pass the California Laws and Board Rules examination, as administered by the Board.

(3) The respondent shall successfully complete and pass a course in professional ethics, approved in advance by the Board or its designee. The probationary condition shall include a time period in which this course shall be successfully completed which time period shall be at least 60 days less than the time period ordered for the period of probation.

(4) Within 30 days of the effective date of the decision, the respondent shall provide the Board with evidence that he or she has provided all persons or entities with whom he or she has a contractual or employment relationship such that the relationship is in the area of practice of professional engineering and/or professional land surveying in which the violation occurred with a copy of the decision and order of the Board and shall provide the Board with the name and business address of each person or entity required to be so notified. During the period of probation, the respondent may be required to provide the same notification of each new person or

entity with whom he or she has a contractual or employment relationship such that the relationship is in the area of practice of professional engineering and/or land surveying in which the violation occurred and shall report to the Board the name and address of each person or entity so notified.

(5) The respondent shall provide verifiable proof to the Board that restitution has been paid as ordered. The probationary condition shall include a time period in which the verifiable proof shall be provided to the Board which time period shall be at least 60 days less than the time period ordered for the period of probation.

(e) In addition to the conditions as may be ordered pursuant to subdivisions (c) and/or (d), the following conditions shall be included for the following specific violations:

(1) Incompetency in the practice of professional engineering and/or professional land surveying:

(A) The respondent shall successfully complete and pass, with a grade of "C" or better, a minimum of one and a maximum of three college-level courses, approved in advance by the Board or its designee. Such courses shall be specifically related to the area of violation. For purposes of this subdivision, "college-level course" shall mean a course offered by a community college or a four-year university of three semester units or the equivalent; "college-level course" does not include seminars. The probationary condition shall include a time period in which the course(s) shall be successfully completed which time period shall be at least 60 days less than the time period ordered for the period of probation.

(B) The respondent shall take and achieve the passing score as set by the Board for the second division examination (including the seismic principles and engineering surveying examinations for civil engineers), provided that in the event the respondent holds multiple licenses, the Board shall select the examination in the area of practice of professional engineering and/or professional land surveying in which the violation occurred and in the area of professional engineering and/or professional land surveying in which the respondent is licensed. The Board or its designee may select the specific examination questions such that the questions relate to the specific area of violation and comprise an examination of the same duration as that required of an

applicant for licensure. The respondent shall be required to pay the application fee as described in Section 407 and shall be afforded all examination appeal rights as described in Sections 407, 443, and 444. The probationary condition shall include a time period in which the examination(s) shall be successfully completed which time period shall be at least 60 days less than the time period ordered for the period of probation.

(C) During the period of probation, the respondent may practice professional engineering and/or professional land surveying only under the supervision of a professional engineer and/or professional land surveyor licensed in the same branch as the respondent. This person or persons shall be approved in advance by the Board or its designee. Such supervising professional engineer and/or professional land surveyor shall initial every stamped or sealed document in close proximity to the respondent's stamp or seal.

(2) Negligence in the practice of professional engineering and/or professional land surveying:

(A) The respondent shall successfully complete and pass, with a grade of "C" or better, a minimum of one and a maximum of three college-level courses, approved in advance by the Board or its designee. Such courses shall be specifically related to the area of violation. For purposes of this subdivision, "college-level course" shall mean a course offered by a community college or a four-year university of three semester units or the equivalent; "college-level course" does not include seminars. The probationary condition shall include a time period in which the course(s) shall be successfully completed which time period shall be at least 60 days less than the time period ordered for the period of probation.

...

(f) If the respondent is a civil engineer who is legally authorized to practice professional land surveying and the violation involves negligence and/or incompetency in the practice of professional land surveying and if warranted by aggravating factors in the matter, the disciplinary order shall include the following condition:

(1) The existing civil engineer license shall be revoked; a new civil engineer license shall be issued which does not authorize the respondent to practice professional land surveying.

Before being permitted to practice professional land surveying, the respondent shall complete and comply with all of the legal requirements for licensure as a professional land surveyor, including, but not limited to, supplying the appropriate application documents and fees and taking and passing the entire second-division examination in professional land surveying.

In addition to the disciplinary orders described in this section, all decisions shall address recovery of the Board's investigation and enforcement costs, as described in and authorized by Business and Professions Code section 125.3.

Notwithstanding this section, non-conforming terms and conditions may be included as part of the disciplinary order, including such other further or lesser action as the Board deems appropriate, in the interest of protecting the public health, safety, and welfare.

As used in this section, 'license' includes certificate of registration or license as a professional engineer, licensure as a professional land surveyor, and certificates of authority to use the titles 'structural engineer,' 'geotechnical engineer,' 'soil engineer,' 'soils engineer,' or 'consulting engineer.'"

COST RECOVERY

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

FIRST CAUSE FOR DISCIPLINE

(Fraud, Deceit or Misrepresentation in the Practice of Professional Engineering)

10. Respondent is subject to disciplinary action under section 6775 subdivision (b) in that he committed deceit and fraud and made misrepresentations during the course of providing engineering services on property located at 191 Normandy Lane, La Canada-Flintridge, CA 91011 ("Normandy Property"). Respondent did so by providing conclusions in his engineering inspection report that were not supported by data. Respondent also made recommendations

which were "extreme, unconventional and unnecessary" which appeared to have been done in order to reduce the value of the home.

11. The circumstances are that on or about 2004, homeowner husband ("Husband") hired Respondent to perform geological diagnostic investigation on the Normandy Property. Husband requested that Respondent provide "conservative recommendations" in his report pursuant to investigation of the property because Husband was going through a divorce with homeowner wife ("Wife") and Husband sought to "eliminate all equity [in the home] with extensive estimates for repair work." Respondent's final report was submitted on February 2, 2005.

12. Then on or around November 7, 2007, independent Technical Expert, herein referred to as "M.L.", prepared and submitted a report based on Respondent's reports and other documents provided for his review. M.L. concluded that based on his review of the materials, Respondent's report recommended "expensive and extreme" repairs without adequately quantifying the level of existing observable distress. M.L. concluded that Respondent's actions in gathering information in preparing the report constituted incompetence in the practice of civil engineering and that Respondent's representations and recommendations made therein were made in such a way as to benefit Husband for the purposes of dividing of the property asset.

13. M.L. based his ultimate conclusions upon the Respondent's recommendations that the following actions be taken with respect to the Normandy Property:

a. 'The exisiting structures including the residence, gazebo and swimming pool should be underpinned to the underlying bedrock (up to 50 feet below grade according to the report);

b. A manometer survey should be performed prior to the proposed underpinning construction to determine if the structures will require re-leveling prior to underpinning;

c. The upper slope should be re-graded to the code 2:1 slope configuration. To keep the current building pad dimensions, a retaining wall along the top of the slope will be required;

d. Re-grading of the building pad to direct the drainage away from the structure and to recompact any loose fill encountered.'

14. The amount required in order to perform the work recommended by Respondent was estimated to be $578,789.28.

15. Wife then hired her own consultant to visit the property and provide opinions regarding the nature and scope of the work to be performed. Wife's consultant arrived at vastly different conclusion regarding the recommended work and price estimate for the amount required in order to complete the work.

16. M.L. also based his ultimate conclusions upon the Wife's consultant's recommendations that the following actions be taken with respect to the Normandy Property:

a. 'Based on a manometer survey (which Respondent did not perform), the maximum difference in floor elevation is .09 inches and is within reasonable tolerances for new construction. The Normandy Property is not affected by differential settlement.

b. The pool shell has only .3 inches maximum settlement on the slope side, not 2 inches as reported by Respondent (who did not discuss the basis for his measurement).

c. Debris from a small slump, "a small failure", has blocked a terrace drain, and will need repair.'

17. Wife's consultant estimated the amount required to make the recommended repairs to be $900.00.

18. M.L. ultimately determined that Respondent provided a report with the intent of advocating for Husband because Respondent's report recommended deep foundations to underpin a structure that has shown no signs of distress at the time the site was observed and tested; In addition, Respondent recommended underpinning of non-occupancy structures (i.e., gazebo and swimming pool), where there is no potential for loss of life or limb and where the cost of the underpinning the gazebo far exceeds its value.

19. M.L. concluded that Respondent's actions fell below the Standard of Practice for geotechnical engineering in the following ways:

a. Respondent failed to quantify the existing level of observable distress. At a minimum, Respondent should have performed a manometer survey of the structure, as well as the

pool deck. The basis of his measured 2 inches of tilt of the pool shell were not provided or discussed in any of his reports.

b. Respondent provided deep foundation capacities with a minimum embedment of 25 feet into the bedrock. However, the deepest boring at the site is 15 feet below the ground surface. The Standard of Practice requires that a minimum of 5 feet below the deepest boring be explored. Regardless, deep foundations clearly are not an appropriate repair method for this site, especially the gazebo and the swimming pool.

c. Though it appears that the upper 25 feet of the slope does not meet current grading code criteria, Respondent did not provide any slope stability analysis to quantify if the slope is subject to failure. When determining if a slope may have a negative affect on a structure or property, this is a minimum requirement.

20. M.L. concluded that although it appears that the property is mostly affected by poor drainage, such a problem is relatively inexpensive to mitigate and repair. Moreover, there was nothing in the Respondent's report that would indicate that the expensive repairs recommended by Respondent were reasonable or appropriate under the current Standard of Practice.

SECOND CAUSE FOR DISCIPLINE

(Incompetence in the Practice of Professional Engineering)

21. Respondent is subject to disciplinary action under section 6775, subdivision (c), in that he was incompetent during the course of providing engineering services at the Normandy Property. Complainant refers to and incorporates the allegations contained in paragraphs 10-20, as though set forth fully herein.

THIRD CAUSE FOR DISCIPLINE

(Unprofessional Conduct)

22. Respondent is subject to disciplinary action under section 6775, subdivision (g), in conjunction with California Code of Regulations, Title 16, section 475, subdivision (c)(11), in that Respondent misrepresented data and/or its relative significance in preparing his engineering

report during the course of providing engineering services at the Normandy Property, constituting unprofessional conduct. Complainant refers to and incorporates the allegations contained in paragraphs 10-20, as though set forth fully herein.

PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board issue a decision:

1. Revoking or suspending Civil Engineer License Number C 31970, issued to Caro Jolfaie Minas

2. Revoking or suspending Geotechnical Engineer License Number GE 601, issued to Caro Jolfaie Minas

3. Ordering Caro Jolfaie Minas to pay the Board the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3;

4. Taking such other and further action as deemed necessary and proper.

DATED: 11/24/10

Original Signed

DAVID E. BROWN
Executive Officer
Board for Professional Engineers and Land Surveyors
State of California
Complainant

LA2010500951
60571742.docx