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

In the Matter of the Accusation against:	)	
	)	
SURESH DODDIAH 404 Edgemont Drive Redlands, CA 92373	)))	Case No. 883-A
	)	
Civil Engineer License No. C 36361,	)	
	)	
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 September 2, 2011.

IT IS SO ORDERED July 28, 2011.

Original Signed

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

KAMALA D. HARRIS
Attorney General of California
KAREN B. CHAPPELLE
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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: **SURESH DODDIAH** **404 Edgemont Drive** **Redlands, CA 92373** **Civil Engineer License No. C 36361** Respondent.	Case No. 883-A OAH No. L-2010120061 **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. Joanne Arnold (Complainant) is the Executive Officer of the Board for Professional Engineers, Land Surveyors, and Geologists. She brought this action solely in her official capacity and is represented in this matter by Kamala D. Harris, Attorney General of the State of California, by Geoffrey Ward, Deputy Attorney General.

2. Respondent Suresh Doddiah (Respondent) is represented in this proceeding by attorney Michelle R. Berger, whose address is: 2603 Main Street, 9th Floor Irvine, CA 92614-6232

3. On or about July 22, 1983, the Board for Professional Engineers, Land Surveyors, and Geologists issued Civil Engineer License No. C 36361 to Suresh Doddiah (Respondent). The

Civil Engineer License was in full force and effect at all times relevant to the charges brought in Accusation No. 883-A and will expire on June 30, 2012, unless renewed.

JURISDICTION

4. Accusation No. 883-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 August 30, 2010. Respondent timely filed his Notice of Defense contesting the Accusation. A copy of Accusation No. 883-A is attached as exhibit A and incorporated herein by reference.

ADVISEMENT AND WAIVERS

5. Respondent has carefully read, fully discussed with counsel, and understands the charges and allegations in Accusation No. 883-A. Respondent has also carefully read, fully discussed with counsel, and understands the effects of this Stipulated Settlement and Disciplinary Order.

6. 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.

7. Respondent voluntarily, knowingly, and intelligently waives and gives up each and every right set forth above in an effort to resolve this matter.

CULPABILITY

8. The Board's allegations are set forth in accusation number 883-A. Respondent denies the allegations in the first and second cause of actions; however, he agrees to accept this disciplinary action to avoid the expense, time and uncertainty involved in a formal hearing.

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9. 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.

CIRCUMSTANCES IN MITIGATION

10. Respondent Suresh Doddiah has never been the subject of any disciplinary action.

CONTINGENCY

11. 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.

12. 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.

13. 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.

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14. 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 36361 issued to Respondent Suresh Doddiah (Respondent) is revoked. However, the revocation is stayed and Respondent is placed on probation for 4 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.** The Respondent is hereby ordered to reimburse the Board the amount of $5,000 for its investigative and prosecution costs within three years from the effective date of this decision. Failure to reimburse the Board's cost of its investigation and prosecution

shall constitute a violation of the probation order, unless the Board agrees in writing to payment by an installment plan because of financial hardship.

7. **Examination.** Within 180 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.

8. **Notification.** Within 30 days of the effective date of the decision, the Respondent shall provide the Board with evidence that he has provided all persons or entities with whom he 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.

9. **Take And Pass Coursework on Land Use.** Within 3 years of the effective date of the decision, the Respondent shall successfully complete and pass with a grade of "C" or better, a one college level course relating to land planning or land development or complete 30 hours of professional development or continuing education relating to land planning, land development, and/or the Subdivision Map Act.

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.

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ACCEPTANCE

I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully discussed it with my attorney, Michelle R. Berger. I understand the stipulation and the effect it will have on my Civil 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: July 11, 2011

Original Signed

SURESH DODDIAH
Respondent

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

DATED: July 13, 2011

Original Signed

Michelle R. Berger
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: July 14, 2011

Respectfully submitted,

KAMALA D. HARRIS
Attorney General of California
KAREN B. CHAPPELLE
Supervising Deputy Attorney General

Original Signed

GEOFFREY WARD
Deputy Attorney General
Attorneys for Complainant

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Exhibit A

Accusation No. 883-A

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

In the Matter of the Accusation Against: **SURESH DODDIAH** 404 Edgemont Drive Redlands, CA 92373 Civil Engineer License No. C 36361 Respondent.	Case No. 883-A **A C C U S A T I O N**

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, Department of Consumer Affairs (Board).

2. On or about July 22, 1983, the Board issued Civil Engineer License No. C 36361 to Suresh Doddiah (Respondent). The Civil Engineer License was in full force and effect at all times relevant to the charges brought herein and will expire on June 30, 2012, unless renewed.

JURISDICTION

3. 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.

STATUTORY PROVISIONS

4. Section 118, subdivision (b), provides that the suspension, expiration, surrender or cancellation of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary action during the period within which the license may be renewed, restored, reissued or reinstated.

5. Section 6749, subdivision (a), states, in pertinent part:

"A professional engineer shall use a written contract when contracting to provide professional engineering services to a client pursuant to this chapter. The written contract shall be executed by the professional engineer and the client, or his or her representative, prior to the professional engineer commencing work, unless the client knowingly states in writing that work may be commenced before the contract is executed. The written contract shall include, but not be limited to, all of the following:

"(1) A description of the services to be provided to the client by the professional engineer.

"(3) The name, address, and license or certificate number of the professional engineer, and the name and address of the client.

"(4) A description of the procedure that the professional engineer and the client will use to accommodate additional services. . . ."

6. Section 6775 states, in pertinent part:

"The 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.

"(d) Who has been found guilty by the board of any breach or violation of a contract to provide professional engineering services.

. . . .

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

"(h) Who violates any provision of this chapter."

REGULATORY PROVISIONS

7. California Code of Regulation, title 16, section 404 states, in pertinent part:

"For the purpose of the rules and regulations contained in this chapter, the following terms are defined. No definition contained herein authorizes the practice of professional engineering as defined in the Professional Engineers Act.

. . . .

"(n) For the sole purpose of investigating complaints and making findings thereon under Sections 6775 and 8780 of the Code, "incompetence" as used in Sections 6775 and 8780 of the Code is defined as the lack of knowledge or ability in discharging professional obligations as a professional engineer or land surveyor.

. . . .

"(w) For the sole purpose of investigating complaints and making findings thereon under Sections 6775 and 8780 of the Code, "negligence" as used in Sections 6775 and 8780 of the Code is defined as the failure of a licensee, in the practice of professional engineering or land surveying, to use the care ordinarily exercised in like cases by duly licensed professional engineers and land surveyors in good standing."

COST RECOVERY

8. Section 125.3 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.

COASTAL PROJECT

9. On or about August 13, 2004, Respondent contracted with Andrew Wolf of Coastal Development Group, Inc. to provide Tentative Tract Map (TTM) No. 16749, State Highway 38,

Big Bear, A.P.N. 0314-422-33 and 35, for a development of approximately 80 – 86 single family lots in Big Bear City, County of San Bernardino (Coastal Project). On or about August 13, 2004, Coastal paid Respondent a $10,000 retainer as credit toward Respondent's future monthly billings for services. On or between August 13, 2004 and December 3, 2004, Respondent made application and filed a TTM with the County. On or about May 26, 2005, the County processed Respondent's redesigned TTM for the project with 84 lots, reduced from 86, and requested review and conditions changes. On or about September 7, 2005, Respondent's involvement in the project ended. On or about October 21, 2005, Respondent sent Coastal Development Group, Inc., its first, only, and last billing of $16,012.50 for services on the project. On or about December 5, 2005, Coastal filed a complaint with the Board and a Board investigation was opened. In a letter dated January 23, 2007, Respondent's response for further information to the board states: "The tentative Map as prepared by S.D. Engineering and Associates met the requirements of the County check list and was accepted for processing."

FIRST CAUSE FOR DISCIPLINE

(Negligence and / or Incompetence)

10. Respondent is subject to disciplinary action under section 6775, subdivision (c), in conjunction with California Code of Regulation, title 16, section 404, subdivisions (n) and / or (w), in that on the Coastal Project, Respondent was negligent in his duties and practice as a civil engineer when he failed to meet the standard of care ordinarily exercised by civil engineers in the industry and / or incompetent due to his lack of knowledge or ability in discharging professional obligations as a professional engineer, as follows:

a. Respondent failed to research the latest design standards, specifically the fire department requirements.

b. Respondent failed to include preliminary grading, sewer, water, and storm drain design on the tentative map.

c. Respondent failed to meet site plan approval time limits.

d. Respondent failed to prepare a preliminary drainage study for drainage design or storm drain design.

e. Respondent failed to verify accuracy of prior engineering work on the project.

f. Respondent failed to maintain project progress communications with Coastal.

g. Respondent failed to include time completion parameters in the contract.

h. Respondent failed to determine the development standards that applied to the project.

i. Respondent falsely claimed to the Board that his TTM for the project included all the items on the County's tentative map check list when it failed to include preliminary grading, sewer, water, and storm drain design.

SECOND CAUSE FOR DISCIPLINE

(Contract Requirement Violations)

11. Respondent is subject to disciplinary action under section 6775, subdivision (h), in conjunction with section 6749, subdivision (a), in that on the Coastal Project, Respondent failed to meet written contract requirements as follows:

a. Respondent's contract failed to have an accurate description of services, violating section 6749, subdivision (a)(1);

b. Respondent's contract failed to include his license number, violating section 6749, subdivision (a)(3); and

c. Respondent's contract failed to include provisions on how additional services would be accommodated, violating section 6749, subdivision (a)(4).

THIRD CAUSE FOR DISCIPLINE

(Breach of Contract)

12. Respondent is subject to disciplinary action under section 6775, subdivision (d), in that on the Coastal Project, Respondent breached or was in violation of contract terms when he failed to provide monthly billings. Complainant refers to and by this reference incorporates the allegations set forth above in paragraph 9, inclusive, as though set forth fully.

FOURTH CAUSE FOR DISCIPLINE

(Deceit, Misrepresentation, or Fraud)

13. Respondent is subject to disciplinary action under section 6775, subdivision (b), in that on the Coastal Project, Respondent committed acts of deceit misrepresentation and / or fraud

when he made claims to the Board that his TTM services met the requirements of the County's check list when it did not. Complainant refers to and by this reference incorporates the allegations set forth above in paragraph 9, inclusive, as though set forth fully.

FIFTH CAUSE FOR DISCIPLINE

(Violating Provisions of the Professional Engineers Act)

14. Respondent is subject to disciplinary action under section 6775, subdivision (h), in that on the Coastal Project, Respondent violated provisions of the chapter. Complainant refers to and by this reference incorporates the allegations set forth above in paragraphs 9 – 13, inclusive, as though set forth fully.

SIXTH CAUSE FOR DISCIPLINE

(Unprofessional Conduct)

15. Respondent is subject to disciplinary action under section 6775, subdivision (g), in that on the Coastal Project, Respondent committed acts of unprofessional conduct. Complainant refers to and by this reference incorporates the allegations set forth above in paragraphs 9 – 14, inclusive, as though set forth fully.

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 No. C 36361, issued to Respondent;

2. Ordering Respondent to pay the Board the reasonable costs of the investigation and enforcement of this case, pursuant to section 125.3; and

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

DATED: August 19 2010

Original Signed

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

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