

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

In the Matter of the Accusation against:)

MEHDI KARIMI)
800 San Pablo Avenue, Suite D)
Albany, CA 94706)

Civil Engineer License No. C 53844,)

Respondent.)
_____)

Case No. 1027-A

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 January 3, 2014.

IT IS SO ORDERED December 5, 2013.

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 DIANN SOKOLOFF
Supervising Deputy Attorney General
3 SUSANA A. GONZALES
Deputy Attorney General
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7 *Attorneys for Complainant*

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

13 In the Matter of the Accusation Against:

14 **MEHDI KARIMI**
15 **800 San Pablo Avenue, Suite D**
16 **Albany, CA 94706**
17 **Civil Engineer License No. C 53844**

18 Respondent.

19 Case No. 1027-A

20 OAH No. 2013020376

21 **STIPULATED SETTLEMENT AND**
22 **DISCIPLINARY ORDER**

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

25 PARTIES

- 26 1. Richard B. Moore, PLS (Complainant) is the Executive Officer of the Board for
27 Professional Engineers, Land Surveyors, and Geologists. He brought this action solely in his
28 official capacity and is represented in this matter by Kamala D. Harris, Attorney General of the
State of California, by Susana A. Gonzales, Deputy Attorney General.
2. Respondent Mehdi Karimi (Respondent) is represented in this proceeding by attorney
David Stromberg, whose address is: 1350 Treat Boulevard, Suite 420, Walnut Creek, CA 94597.
3. On or about April 28, 1995, the Board for Professional Engineers, Land Surveyors,
and Geologists issued Civil Engineer License No. C 53844 to Mehdi Karimi (Respondent). The

1 Civil Engineer License was in full force and effect at all times relevant to the charges brought in
2 Accusation No. 1027-A and will expire on September 30, 2015, unless renewed.

3 JURISDICTION

4 4. Accusation No. 1027-A was filed before the Board for Professional Engineers, Land
5 Surveyors, and Geologists (Board) , Department of Consumer Affairs, and is currently pending
6 against Respondent. The Accusation and all other statutorily required documents were properly
7 served on Respondent on November 7, 2012. Respondent timely filed his Notice of Defense
8 contesting the Accusation.

9 5. A copy of Accusation No. 1027-A is attached as exhibit A and incorporated herein by
10 reference.

11 ADVISEMENT AND WAIVERS

12 6. Respondent has carefully read, fully discussed with counsel, and understands the
13 charges and allegations in Accusation No. 1027-A. Respondent has also carefully read, fully
14 discussed with counsel, and understands the effects of this Stipulated Settlement and Disciplinary
15 Order.

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

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

25 CULPABILITY

26 9. Respondent understands and agrees that the charges and allegations in Accusation
27 No. 1027-A, if proven at a hearing, constitute cause for imposing discipline upon his Civil
28 Engineer License.

1 the parties, and the Board shall not be disqualified from further action by having considered this
2 matter.

3 16. The parties understand and agree that Portable Document Format (PDF) and facsimile
4 copies of this Stipulated Settlement and Disciplinary Order, including Portable Document Format
5 (PDF) and facsimile signatures thereto, shall have the same force and effect as the originals.

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

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

15 **DISCIPLINARY ORDER**

16 IT IS HEREBY ORDERED that Civil Engineer License No. C 53844 issued to
17 Respondent Mehdi Karimi (Respondent) is revoked. However, the revocation is stayed and
18 Respondent is placed on probation for two (2) years on the following terms and conditions.

19 1. **Obey All Laws.** The respondent shall obey all laws and regulations related to the
20 practices of professional engineering, professional land surveying, professional geology, and
21 professional geophysics.

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

24 3. **Tolling of Probation.** The period of probation shall be tolled during the time that
25 Respondent is practicing exclusively outside of the State of California. If, during the period of
26 probation, the respondent practices outside exclusively outside the State of California, the respondent
27 shall immediately notify the Board in writing.
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1 4. **Violation of Probation.** If the respondent violates the probationary conditions in any
2 respect, the Board, after giving the respondent notice and the opportunity to be heard, may vacate the
3 stay and reinstate the disciplinary order which was stayed. If, during the period of probation, an
4 accusation or petition to vacate stay is filed against the respondent, or if the matter has been submitted
5 to the Office of the Attorney General for the filing of such, the Board shall have continuing
6 jurisdiction until all matters are final, and the period of probation shall be extended until all matters
7 are final.

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

11 6. **California Laws and Board Rules Exam.** Within 60 days of the effective date of the
12 decision, the respondent shall successfully complete and pass the California Laws and Board Rules
13 examination, as administered by the Board.

14 7. **Completion of College-Level Course.** Within one and one-half (1 ½) years from the
15 effective date of the decision, the respondent shall successfully complete and pass, with a grade of
16 "C" or better, one (1) college-level course, approved in advance by the Board or its designee. Such
17 course shall be specifically related to the area of violation. For purposes of this subdivision, "college-
18 level course" shall mean a course offered by a community college or a four-year university of three
19 semester units or the equivalent; "college-level course" does not include seminars.

20 8. **Cost Recovery.** Within one and one-half (1 ½) years from the effective date of the
21 decision, respondent shall reimburse the Board for its investigative and enforcement costs in the
22 amount of \$7,500.00. The period of probation shall be extended until full payment is made. Said
23 reimbursement may be paid in installments.

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ACCEPTANCE

I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully discussed it with my attorney, David Stromberg. 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: 9/27/13 *Original Signed*
MEHDI KARIMI
Respondent

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

Original Signed
DATED: 9/30/13
David Stromberg
Attorney for Respondent

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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: 9/30/13

Respectfully submitted,

KAMALA D. HARRIS
Attorney General of California
DIANN SOKOLOFF
Supervising Deputy Attorney General

 *Original Signed*

SUSANA A. GONZALES
Deputy Attorney General
Attorneys for Complainant

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Exhibit A

Accusation No. 1027-A

1 KAMALA D. HARRIS
Attorney General of California
2 DIANN SOKOLOFF
Supervising Deputy Attorney General
3 SUSANA A. GONZALES
Deputy Attorney General
4 State Bar No. 253027
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13 In the Matter of the Accusation Against:

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14 **MEHDI KARIMI**
15 **800 San Pablo Avenue, Suite D**
16 **Albany, CA 94706**

A C C U S A T I O N

Civil Engineer License No. C 53844

Respondent.

17
18 Complainant alleges:

19 PARTIES

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

23 2. On or about April 28, 1995, the Board for Professional Engineers, Land Surveyors,
24 and Geologists issued Civil Engineer License Number C53844 to Mehdi Karimi (Respondent).
25 The Civil Engineer License was in full force and effect at all times relevant to the charges brought
26 in this Accusation and will expire on September 30, 2013, unless renewed.
27
28

1 COST RECOVERY

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

6 LA LOMA AVENUE PROJECT

7 7. On or about March 3, 2005, Respondent, through his company Struct-Tech Group,
8 entered into a written contract with Mary McNab for basic structural engineering at 1420 La
9 Loma Avenue, Berkeley, California 94708. McNab was the owner of the La Loma Avenue
10 property at the time. The basic structural engineering Respondent was to perform included
11 calculations and drawings for a renovation of the residence, including the complete removal and
12 replacement of the perimeter foundation. In 2006, Martine Kraus purchased the La Loma Avenue
13 property from McNab. McNab later filed for bankruptcy, and on or about September 26, 2008,
14 she assigned all of her legal claims involving the La Loma residence to Kraus.

15 8. On or about October 5, 2010, Kraus filed a complaint with the Board, alleging
16 various structural deficiencies with Respondent's design work at the La Loma Avenue property.

17 FIRST CAUSE FOR DISCIPLINE

18 (Deceit, Misrepresentation, or Fraud in the Practice of Engineering)
19 (Bus. & Prof. Code § 6775, subd. (b))

20 9. Respondent's professional engineering license is subject to discipline under Code
21 section 6775, subdivision (b), in that Respondent made fraudulent statements in his Structural
22 Observation report regarding the La Loma Project. Specifically, on or about March 27, 2006,
23 Respondent stated in his Structural Observation report that he observed the foundation, framing,
24 and holdown work at the residence to be "substantially in conformance with the approved plan
25 and specifications." In fact, the final construction deviated from the approved drawings and
26 violated Uniform Building Code requirements in many instances. Respondent should have
27 observed and reported these deviations and violations, which are as follows:
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- 1 a. Failure to use minimum length studs or solid blocking at cripple wall framing
2 as required by the Uniform Building Code.
- 3 b. Missing joist blocking at support points. Respondent showed this requirement
4 in Detail 11/S1.2, and it is also a Uniform Building Code requirement.
- 5 c. Floor joist was cut short of supports or with inadequate joist splices, or both,
6 which constitutes a Uniform Building Code deficiency.
- 7 d. The temporary post supports were still in place after the completed
8 construction.
- 9 e. The untreated wood was in contact with the Earth or concrete. Respondent
10 documented the requirement for pressure-treated mudsills in Details 3/S2.1 and 4/S2.1, and it is a
11 Uniform Building Code requirement.
- 12 f. There was discontinuous wall sheathing, which constitutes a Uniform Building
13 Code deficiency.
- 14 g. There were four missing PHD6 holdowns. Respondent documented this
15 requirement in Foundation Plan 1/S2.1.
- 16 h. The foundation stem wall was not constructed in conformance with Detail
17 5/S2.1, which was required in the approved plans.

18 SECOND CAUSE FOR DISCIPLINE
19 (Negligence or Incompetence in Practice of Engineering)
20 (Bus. & Prof. Code § 6775, subd. (c))

21 10. Respondent's professional engineering license is subject to discipline under Code
22 section 6775, subdivision (c), in that Respondent was negligent or incompetent in his practice of
23 professional engineering with regard to his work on the La Loma Project as follows:

24 11. Respondent failed to include a detail or other information indicating that solid
25 horizontal blocking is required where wall studs are less than 14 inches in length.

26 12. In that in preparing plans for the above-mentioned La Loma property, Respondent
27 committed certain acts or omissions in his calculations which resulted in various structural
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1 deficiencies with the project. These errors are reflected in the calculation for reinforcing in
2 Respondent's Detail 1/S4.1 as follows:

3 a. For the 11 foot high retaining wall, the #6 vertical rebar at 16 inches on-center
4 are 53% overstressed by the 40 pounds-per-cubic foot required active design pressure.

5 b. For the 11 foot high retaining wall, the #4 rebar at 8.25 inches on-center are
6 required in the footing instead of the specified #4 rebar at 12 inches on-center.

7 c. For the 10 foot high retaining wall, the #5 vertical rebar at 16 inches on-center
8 are 61% overstressed by the 40 pounds-per-cubic foot required active design pressure.

9 d. For the 10 foot high retaining wall, the #4 rebar at 11 inches on-center are
10 required in the footing instead of the specified #4 rebar at 12 inches on-center.

11 e. For the 9 foot high retaining wall, the #5 vertical rebar at 16 inches on-center
12 are 17% overstressed by the 40 pounds-per-cubic foot required active design pressure.

13 f. For the 9 foot high retaining wall, the #5 vertical rebar at 16 inches on-center
14 are 20% overstressed by the 40 pounds-per-cubic foot required active design pressure.

15 13. Respondent made gross errors in his calculation of the required width of the 4 foot
16 concrete slab on grade required to provide a total 1.5 factor of safety against sliding.

17 PRAYER

18 WHEREFORE, Complainant requests that a hearing be held on the matters alleged in this
19 Accusation, and that following the hearing, the Board for Professional Engineers, Land
20 Surveyors, and Geologists issue a decision:

21 1. Revoking or suspending Civil Engineer License Number C 53844, issued to Mehdi
22 Karimi;

23 2. Ordering Mehdi Karimi to pay the Board for Professional Engineers, Land Surveyors,
24 and Geologists the reasonable costs of the investigation and enforcement of this case, pursuant to
25 Business and Professions Code section 125.3;

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

DATED: _____

10/26/12

Original Signed

RICHARD B. MOORE, PLS
Executive Officer
Board for Professional Engineers, Land Surveyors, and
Geologists
Department of Consumer Affairs
State of California
Complainant

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