

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

In the Matter of the Accusation Against:

Case No. 809-A

ZEYAD MOHAMMED FAQIH  
1448 Turquoise Drive  
Corona, CA 91720

Civil Engineer License No. C 57958

Respondent.

**DECISION AND ORDER**

The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the Board for Professional Engineers and Land Surveyors, Department of Consumer Affairs, as its Decision in this matter.

This Decision shall become effective on October 31, 2008.

It is so ORDERED September 25, 2008.

*Original Signed*  
\_\_\_\_\_  
FOR THE BOARD FOR PROFESSIONAL ENGINEERS AND  
LAND SURVEYORS

DEPARTMENT OF CONSUMER AFFAIRS

1 EDMUND G. BROWN JR., Attorney General  
of the State of California  
2 LINDA K. SCHNEIDER  
Supervising Deputy Attorney General  
3 RITA M. LANE, State Bar No. 171352  
Deputy Attorney General  
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5 P.O. Box 85266  
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8 Attorneys for Complainant

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. 809-A

13 ZEYAD MOHAMMED FAQIH  
14 1448 Turquoise Drive  
Corona, CA 91720

**STIPULATED SETTLEMENT AND  
DISCIPLINARY ORDER**

15 Civil Engineer License No. C 57958

16 Respondent.

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

20 PARTIES

21 1. Cindi Christenson, P.E. (Complainant) is the Executive Officer of the  
22 Board for Professional Engineers and Land Surveyors. She brought this action solely in her  
23 official capacity and is represented in this matter by Edmund G. Brown Jr., Attorney General of  
24 the State of California, by Rita M. Lane, Deputy Attorney General.

25 2. Respondent Zeyad Mohammed Faqih is represented in this proceeding by  
26 attorney Robert M. Viefhaus, whose address is 7777 Center Avenue, Suite 250, Huntington  
27 Beach, CA 92647.

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

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

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

15                   6.       **Cost Recovery.** The Respondent is hereby ordered to reimburse the Board  
16 the amount of \$2,291.00 within three (3) years from the effective date of this decision for its  
17 investigative and prosecution costs. Said reimbursement may be paid in installments. Failure to  
18 reimburse the Board's cost of its investigation and prosecution shall constitute a violation of the  
19 probation order.

20                   7.       **Examination.** Within 60 days of the effective date of the decision, the  
21 Respondent shall successfully complete and pass the California Laws and Board Rules  
22 examination, as administered by the Board.

23                   8.       **Ethics Course.** Within three (3) years of the effective date of the  
24 decision, Respondent shall successfully complete and pass the course "Advanced Studies in  
25 Engineering Ethics" (ENGR ETHICS PDH-60) as offered through correspondence by the  
26 Murdough Center for Engineering Professionalism, Texas Tech University. Respondent may  
27 select an equivalent professional ethics course; however, any alternate professional ethics course

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

4 DATED: 8/8/08

5  
6 *Original Signed*  
7 ROBERT M. VIEFHANS  
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: 8-28-08

14 EDMUND G. BROWN JR., Attorney General  
15 of the State of California

16 LINDA K. SCHNEIDER  
17 Supervising Deputy Attorney General

18 *Original Signed*  
19 RITA M. LANE  
20 Deputy Attorney General  
21 Attorneys for Complainant

22 DOJ Matter ID: SD2007801738  
23 Faqih Stip.wpd  
24  
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**Exhibit A**  
**Accusation No. 809-A**

1 EDMUND G. BROWN JR., Attorney General  
of the State of California  
2 JAMES LEDAKIS  
Supervising Deputy Attorney General  
3 RITA M. LANE, State Bar No. 171352  
Deputy Attorney General  
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7 Telephone: (619) 645-2614  
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8 Attorneys for Complainant  
9

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

13 In the Matter of the Accusation Against:  
14 ZEYAD MOHAMMED FAQIH  
a.k.a. Zeyad Mohd Kamel Faqih  
15 a.k.a. Zeyad M. Faqih  
1448 Turquoise Drive  
16 Corona, CA 91720  
17 Civil Engineer License No. C57958  
18 Respondent.

Case No. 809-A

**A C C U S A T I O N**

19  
20 Complainant alleges:

21 PARTIES

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

25 2. On or about February 2, 1998, the Board for Professional Engineers and Land  
26 Surveyors issued Civil Engineer License Number C57958 to Zeyad Mohammed Faqih, a.k.a.  
27 Zeyad Mohd Kamel Faqih, a.k.a. Zeyad M. Faqih (Respondent). The license was in full force

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1 and effect at all times relevant to the charges brought herein and will expire on June 30, 2008,  
2 unless renewed.

3 JURISDICTION

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

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

10 “(a) Who has been convicted of a crime substantially related to the qualifications,  
11 functions and duties of a registered professional engineer, in which case the certified record of  
12 conviction shall be conclusive evidence thereof.

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

15 “. . . .”

16 B. Section 490 also provides that a board can suspend or revoke a license if a  
17 licensee has been convicted of a crime substantially related to the qualifications, functions, or  
18 duties of the professions for which he is license.

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

23 4. This Accusation also refers to the following sections of Title 16, California Code  
24 of Regulations (CCR):

25 A. CCR section 416 states:

26 “For the purpose of denial, suspension, or revocation of the license of a professional  
27 engineer or a land surveyor pursuant to Division 1.5 (commencing with Section 475) of the  
28 Business and Professions Code, a crime or act shall be considered substantially related to the

1 qualifications, functions, and duties of a professional engineer or land surveyor if, to a substantial  
2 degree, it evidences present or potential unfitness of a professional engineer or land surveyor to  
3 perform the functions authorized by his or her license in a manner consistent with the public  
4 health, safety, or welfare. Such crimes or acts shall include, but not be limited to, those  
5 involving the following:

6 (a) For professional engineers, any violations of the provisions of the Professional  
7 Engineers Act or aiding and abetting any person in such a violation;

8 (b) For land surveyors, any violations of the provisions of the Professional Land  
9 Surveyors' Act or aiding and abetting any person in such a violation;

10 (c) A conviction of a crime arising from or in connection with the practice of professional  
11 engineering or land surveying.”

12 B. CCR section 418 states in pertinent part:

13 “. . . .

14 “(b) When considering the suspension or revocation of the certification of an  
15 engineer-in-training or a land surveyor-in-training, or the license of a professional engineer or a  
16 professional land surveyor, or the authority to use the title “structural engineer,” or the authority  
17 to use the title “geotechnical engineer” under Section 490 of the Code, the Board will consider  
18 the following criteria in evaluating the rehabilitation of such person and his or her present  
19 eligibility to retain his or her license:

20 (1) The nature and severity of the act(s) or crime(s) under consideration as grounds for  
21 suspension or revocation.

22 (2) Evidence of any act(s) committed prior to or subsequent to the act(s) or crime(s) under  
23 consideration as grounds for suspension or revocation which could also be considered as grounds  
24 for suspension or revocation under Section 490 of the Code.

25 (3) The time that has elapsed since commission of the act(s) or crime(s) referred to in  
26 subdivision (1) or (2).

27 (4) The extent to which the licensee has complied with any terms of parole, probation,  
28 restitution, or any other sanctions lawfully imposed against the license.

- 1 (5) Any evidence of rehabilitation submitted by the licensee.
- 2 (6) Total criminal record.
- 3 (7) If applicable, evidence of expungement proceedings pursuant to Section 1203.4 of the
- 4 Penal Code.

5 FIRST CAUSE FOR DISCIPLINE

6 (Unprofessional Conduct: Conviction of Substantially Related Crimes )

- 7 5. Respondent is subject to disciplinary action under Code sections 490 and 6775(a)
- 8 for conviction of crimes substantially related to the qualifications, functions, or duties of a civil
- 9 engineer, as more particularly alleged below:
  - 10 A. At all times relevant, Respondent was employed as a civil engineer with Orange
  - 11 County Resources and Development Management Department (RDMD).
  - 12 B. On or about May 7, 2007 in Orange County Superior Court Case No. 07CF0870,
  - 13 *People v. Zeyad Mohd Kamel Faqih*, Respondent pled guilty and was convicted of
  - 14 five felony counts of violating Penal Code section 68(a), receiving a bribe while
  - 15 employed as an official of a county in California.
  - 16 C. Respondent was sentenced to 3 years formal probation; 2 days in jail with credit
  - 17 for 2 days service; 300 hours of community service; to pay various fines and
  - 18 restitution; and was forever disqualified from holding any office, employment or
  - 19 appointment in this state.
  - 20 D. The facts and circumstances surrounding the conviction are that on November 9,
  - 21 2006, November 20, 2006, January 10, 2007, February 1, 2007, and February 21,
  - 22 2007, Respondent, while employed in his capacity as a civil engineer for RDMD,
  - 23 accepted bribes to expedite the issuance of building permits.

24 SECOND CAUSE FOR DISCIPLINE

25 (Unprofessional Conduct: Deceit, Misrepresentation, or Fraud in Professional Practice)

- 26 6. Respondent is subject to disciplinary action under Code section 6775(b) for
- 27 deceit, misrepresentation or fraud in his practice as a civil engineer based on his convictions for

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1 taking bribes in his official capacity, as more particularly alleged above in paragraph 5 and  
2 incorporated herein.

3 PRAYER

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

- 7 1. Revoking or suspending Civil Engineer License Number C57958, issued to Zeyad  
8 Mohammed Faqih, a.k.a. Zeyad Mohd Kamel Faqih, a.k.a. Zeyad M. Faqih;
- 9 2. Ordering Zeyad Mohammed Faqih to pay the Board for Professional Engineers  
10 and Land Surveyors the reasonable costs of the investigation and enforcement of this case,  
11 pursuant to Business and Professions Code section 125.3; and
- 12 3. Taking such other and further action as deemed necessary and proper.

13 DATED: 10/2/07  
14

15 *Original Signed*  
16 CINDI CHRISTENSON, P.E.  
17 Executive Officer  
18 Board for Professional Engineers and Land Surveyors  
19 Department of Consumer Affairs  
20 State of California  
21 Complainant

21 SD2007801738

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