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

In the Matter of the Petition to Revoke Probation Against: **WALID A. HNEITI** **P.O. Box 2925** **Amman 11821, Jordan** **Electrical Engineer License No. E 15048** Respondent.	Case No. 680-A **DEFAULT DECISION AND ORDER** [Gov. Code, §11520]

FINDINGS OF FACT

1. On or about March 17, 2010, Complainant David E. Brown, in his official capacity as the Executive Officer of the Board for Professional Engineers and Land Surveyors, Department of Consumer Affairs, filed Petition to Revoke Probation No. 680-A against Walid A. Hneiti (Respondent) before the Board for Professional Engineers and Land Surveyors.

2. On or about June 9, 1995, the Board for Professional Engineers and Land Surveyors (Board) issued Electrical Engineer License No. E 15048 to Respondent. The Electrical Engineer License was in full force and effect at all times relevant to the charges brought herein and will expired on December 31, 2009, and has not been renewed.

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3. On or about April 5, 2010, Sylvia Reyes, an employee of the Department of Justice, served by Certified and First Class Mail a copy of the Petition to Revoke Probation No. 680-A, Statement to Respondent, Notice of Defense, Request for Discovery, and Government Code sections 11507.5, 11507.6, and 11507.7 to Respondent's address of record with the Board, which was and is:

P.O. Box 2925
Amman 11821, Jordan.

A copy of the Petition to Revoke Probation is attached as exhibit A, and is incorporated herein by reference.

4. Service of the Petition to Revoke Probation was effective as a matter of law under the provisions of Government Code section 11505, subdivision (c).

5. On or about July 27, 2010, the aforementioned documents were returned by the U.S. Postal Service marked "Unclaimed."

6. Government Code section 11506 states, in pertinent part:

> (c) The respondent shall be entitled to a hearing on the merits if the respondent files a notice of defense, and the notice shall be deemed a specific denial of all parts of the accusation not expressly admitted. Failure to file a notice of defense shall constitute a waiver of respondent's right to a hearing, but the agency in its discretion may nevertheless grant a hearing.

7. .Respondent failed to file a Notice of Defense within 15 days after service upon him of the Petition to Revoke Probation, and therefore waived his right to a hearing on the merits of Petition to Revoke Probation No. 680-A.

8. California Government Code section 11520 states, in pertinent part:

> (a) If the respondent either fails to file a notice of defense or to appear at the hearing, the agency may take action based upon the respondent's express admissions or upon other evidence and affidavits may be used as evidence without any notice to respondent.

9. Pursuant to its authority under Government Code section 11520, the Board finds Respondent is in default. The Board will take action without further hearing and, based on the evidence on file herein, finds that the allegations in Petition to Revoke Probation No. 680-A are true.

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10. The total cost for investigation and enforcement in connection with the Petition to Revoke Probation are one thousand eight hundred seventy-five dollars and no cents ($1,875.00).

DETERMINATION OF ISSUES

1. Based on the foregoing findings of fact, Respondent Walid A. Hneiti has subjected his Electrical Engineer License No. E 15048 to discipline.

2. A copy of the Petition to Revoke Probation is attached.

3. The agency has jurisdiction to adjudicate this case by default.

4. The Board for Professional Engineers and Land Surveyors is authorized to revoke Respondent's Electrical Engineer License based upon the following violations alleged in the Petition to Revoke Probation:

a. Respondent's probation is subject to revocation because he violated a probationary condition by failing to comply with Probation Condition 1, giving the Board the right to vacate the stay and reinstate the disciplinary order that was stayed pursuant to Probation Condition 6. Specifically, Respondent failed to comply with the Board's probation terms and regulations related to the practices of professional engineering and land surveying.

b. Respondent's probation is subject to revocation because he violated a probationary condition by failing to comply with Probation Condition 5, giving the Board the right to vacate the stay and reinstate the disciplinary order that was stayed pursuant to Probation Condition 6. Specifically, Respondent failed to complete and pass a course in professional ethics within the required time period.

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ORDER

IT IS SO ORDERED that Electrical Engineer License No. E 15048, heretofore issued to Respondent Walid A. Hneiti, is revoked.

Pursuant to Government Code section 11520, subdivision (c), Respondent may serve a written motion requesting that the Decision be vacated and stating the grounds relied on within seven (7) days after service of the Decision on Respondent. The agency in its discretion may vacate the Decision and grant a hearing on a showing of good cause, as defined in the statute.

This Decision shall become effective on December 24, 2010.

It is so ORDERED November 17, 2010

Original Signed

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

50713599.DOC
DOJ docket number:LA2009604498

Attachment:

Exhibit A: Petition to Revoke Probation No.680-A

Exhibit A
Petition to Revoke Probation No. 680-A

EDMUND G. BROWN JR.
Attorney General of California
MARC D. GREENBAUM
Supervising Deputy Attorney General
KIMBERLEY J. BAKER-GUILLEMET
Deputy Attorney General
State Bar No. 242920
300 So. Spring Street, Suite 1702
Los Angeles, CA 90013
Telephone: (213) 897-2533
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 Petition to Revoke Probation Against, **WALID A. HNEITI** P.O. Box 2925 Amman 11821, Jordan Electrical Engineer License No. E-15048 Respondent.	Case No. 680-A **PETITION TO REVOKE PROBATION**

Complainant alleges:

PARTIES

1. David E. Brown (Complainant) brings this Petition to Revoke Probation 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 June 9, 1995, the Board issued Electrical Engineer License No. E-15048 to Walid A. Hneiti (Respondent). Effective August 23, 1999, through September 27, 2007, the license was revoked. Effective September 28, 2007, the license was reinstated, immediately revoked, revocation stayed, and Respondent placed on probation for a period of two (2) years pursuant to certain terms and conditions. The license expired on December 31, 2009, and has not been renewed.

3. In a disciplinary action entitled "In the Matter of the Accusation Against: Walid A. Hneiti," Case No. 680-A, the Board issued a Default Decision and Order, effective August 23, 1999, in which Respondent's Electrical Engineer License was revoked. A copy of that decision is attached as Exhibit A and incorporated by reference.

4. In a disciplinary action entitled "In the Matter of the Petition for Reinstatement of Revoked License of: Walid A. Hneiti," Case No. 680-A, OAH No. N2007060346, the Board issued a Decision, effective September 28, 2007, in which Respondent's Electrical Engineer License was revoked. However, the revocation was stayed and Respondent was placed on probation for a period of two (2) years with certain terms and conditions. A copy of that decision is attached as Exhibit B and incorporated by reference.

JURISDICTION

5. This Petition to Revoke Probation 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

6. 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.

7. Section 6775 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. . ."

PROBATION TERMS

8. Among the terms and conditions imposed by the Board Case No. 680-A, OAH No. N2007060346, are:

> 1. Petitioner shall obey all laws and regulations related to the practices of professional engineering and land surveying.
>
> 5. Petitioner shall successfully complete and pass a course in professional ethics. No later than 60 days before the end of the probationary period, petitioner shall

successfully complete and pass the 40-hour course, "Intermediate Studies in Engineering Ethics" (ENG ETHICS PDH-40), offered by the Murdough Center for Engineering Professionalism, College of Engineering, Texas Tech University.

6. If petitioner violates the probationary conditions in any respect, the board, after giving petitioner notice and the opportunity to be heard, may vacate the stay and reinstate the disciplinary order that was stayed. If during the period of probation an accusation or petition to vacate stay is filed against petitioner, 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.

9. In a letter to the Attorney General's Office dated September 24, 2009, the Board requested that the Attorney General prepare a Petition to Revoke Probation against Respondent.

FIRST CAUSE TO REVOKE PROBATION

(Failure to Comply with Probation)

10. Respondent's probation is subject to revocation because he violated a probationary condition by failing to comply with Probation Condition 1, giving the Board the right to vacate the stay and reinstate the disciplinary order that was stayed pursuant to Probation Condition 6. Specifically, Respondent failed to comply with the Board's probation terms and regulations related to the practices of professional engineering and land surveying, as set forth below.

SECOND CAUSE TO REVOKE PROBATION

(Failure to Complete Ethics Course)

11. Respondent's probation is subject to revocation because he violated a probationary condition by failing to comply with Probation Condition 5, giving the Board the right to vacate the stay and reinstate the disciplinary order that was stayed pursuant to Probation Condition 6. Specifically, Respondent failed to complete and pass a course in professional ethics within the required time period.

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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 the probation that was granted by the Board in Case No 680-A, OAH No. N2007060346, and imposing the disciplinary order that was stayed thereby revoking Electrical Engineer License No. E 15048 issued to Respondent;

2. Revoking or suspending Electrical Engineer License No. E 15048 issued to Respondent; and

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

DATED: 3/17/10

Original Signed

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

LA2009604498
pet revoke prob.rtf

Exhibit A

Default Decision and Order, effective August 23, 1999

Board for Professional Engineers and Land Surveyors Case No. 680-A

BILL LOCKYER, Attorney General
of the State of California
STEPHEN S. HANDIN,
Deputy Attorney General, State Bar No. 71100
300 S. Spring Street, Suite 500
Los Angeles, California 90013
Telephone: (213)897-2538

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:	No. 680-A
WALID A. HNEITI 715 N. Conlon Avenue West Covina, CA 91791	DEFAULT DECISION AND ORDER
Electrical Engineer License No. E-15048 Respondent.	[Gov. Code §11520]

On April 27, 1999, Accusation number 680-A was filed by Cindi Christenson, P.E., Executive Officer (hereinafter "Complainant") before the Board for Professional Engineers and Land Surveyors (hereinafter the "Board"), of the State of California, against Walid A. Hneiti (hereinafter "Respondent"), holder of Electrical Engineer License No. E-15048.

On May 11, 1999, the Accusation, along with the Statement to Respondent, Government Code sections 11507.5, 11507.6, and 11507.7, Notice of Defense, and Request for Discovery (hereinafter the "Accusation package") was served on

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Respondent by certified mail and regular mail addressed to Respondent's current mailing address on file with the Board.

Pursuant to Title 16, California Code of Regulations, Section 412, as a holder of a license from the Board, Respondent is required to notify the Board of his change of address, within 30 days of change. Respondent's current mailing address with the Board is 715 N. Conlon Avenue, West Covina, California 91791.

Respondent was served with the Accusation package on May 11, 1999, in a manner authorized by Government Code section 11505(c) and Code of Civil Procedure section 11. Respondent has failed to file a Notice of Defense as permitted by Government Code section 11506(a), and has otherwise failed to request a hearing, object or otherwise contest the Accusation. Respondent waived his right to a hearing on the Accusation and is in default. Because of Respondent's waiver and pursuant to Government Code section 11520(a), the Board takes action on the Accusation without a hearing, based upon the Accusation, and makes the following findings of fact and determination of issues.

FINDINGS OF FACT

1. Complainant, Cindi Christenson, P.E., Executive Officer of the Board for Professional Engineers and Land Surveyors, made and filed Accusation No. 680-A solely in her official capacity.

2. On June 9, 1995, the Board issued Electrical Engineer License Number E-15048 to Walid A. Hneiti (hereinafter "Respondent"). The License was in full force and effect at all

times pertinent herein. Said license will expire on September 30, 1999, unless renewed.

3. On or about December 9, 1997, Respondent was convicted by the court on a plea of guilty, to one count of violating section 424 of the Penal Code (embezzlement by a public officer), a felony, in the Superior Court of California, County of Los Angeles, Case Number BA109578, entitled, The People of the State of California v. Walid A. Hneiti.

4. The circumstances surrounding the conviction are that in or about early September 1997, Respondent, while employed as an electrical engineer by the California Department of Transportation, received, kept, transferred, and distributed public monies without authority of the law and used a portion for personal use and the use of another.

5. The crime of which Respondent was convicted, is substantially related to the qualifications, functions and duties of a Registered Professional Engineer.

6. Respondent's commission of the crime involved deceit, misrepresentation and fraud.

7. The reasonable costs of investigating and prosecuting this matter is $726.25.

DETERMINATION OF ISSUES

1. Cause for discipline against Respondent exists pursuant to Business and Professions Code section 6775(a) by reason of Findings of Fact 3 and 5.

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2. Cause for discipline exists pursuant to Business and Professions Code section 6775(b) by reason of Findings of Fact paragraphs 4 and 6.

DISCIPLINARY ORDER

WHEREFORE, IT IS ORDERED:

Electrical Engineer License No. E-15048 issued to Walid A. Hneiti, is hereby revoked for each Determination of Issues hereinabove.

This Default Decision shall become effective on August 23, 1999.

DATED: July 22, 1999.

Original Signed

President
Board for Professional
Engineers and Land Surveyors
Department of Consumer Affairs
State of California

BILL LOCKYER, Attorney General
of the State of California
STEPHEN S. HANDIN,
Deputy Attorney General, State Bar No. 71100
300 S. Spring Street, Suite 500
Los Angeles, California 90013
Telephone: (213)897-2538

Attorney 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:	No. 680-A
WALID A. HNEITI 715 N. Conlon Avenue West Covina, CA 91791 Electrical Engineer License No. E-15048 Respondent.	ACCUSATION

Cindi Christenson, P.E., as cause for discipline, alleges:

1. Complainant Cindi Christenson, P.E. is the Executive Officer of the Board for Professional Engineers and Land Surveyors of the State of California (hereinafter the "Board") and makes and files this Accusation solely in her official capacity.

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LICENSE HISTORY

2. On June 9, 1995, the Board issued Electrical Engineer License Number E-15048 to Walid A. Hneiti (hereinafter "Respondent"). The License was in full force and effect at all times pertinent herein. Said license will expire on September 30, 1999, unless renewed.

STATUTES ^ND REGULATIONS

3. Pursuant to Business and Professions Code section 6775, the Board may impose discipline against any registered professional engineer whom it finds to be guilty of the following:

(a) Conviction of a crime substantially related to the qualifications, functions and duties of a registered professional engineer, in which case the certified record of conviction shall be conclusive evidence thereof.

(b) Any deceit, misrepresentation, violation of contract, fraud, negligence or incompetency in his practice.

4. Pursuant to Business and Professions Code section 125.3, the Board may request the administrative law judge to direct a licentiate found to have committed a violation or violations under the Business and Professions Code to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case. A certified copy of the actual costs, or a good faith estimate of costs are prima facie evidence of reasonable costs of investigation and prosecution.

5. Respondent has subjected his license to discipline pursuant to Business and Professions Code section 6775(a) and 6775(b), in that on or about December 9, 1997, Respondent was convicted by the court on a plea of guilty, to one count of violating section 424 of the Penal Code (embezzlement by a public officer), a felony, in the Superior Court of California, County of Los Angeles, case Number BA109578, entitled, The People of the State of California v. Walid A. Hneiti.

The circumstances surrounding the conviction are that in or about early September 1997, Respondent, while employed as an electrical engineer by the California Department of Transportation, received, kept, transferred, and distributed public monies without authority of the law and used a portion for personal use and the use of another.

WHEREFORE, Complainant prays that a hearing be held and that following said hearing, a decision issue:

1. Revoking or suspending Electrical Engineer License Number E-15048 issued to Walid A. Hneiti.

2. Ordering the Respondent to reimburse the Board for the reasonable costs of its investigation, enforcement, and prosecution of this matter, up to the day of hearing.

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3. Taking such other and further action as is appropriate and consistent with Title 16, California Code of Regulations, section 419.

DATED: 4/27/99

Original Signed

CINDI CHRISTENSON, P.E.
Executive Officer
Board of Professional Engineers and Land Surveyors
State of California

Complainant

Exhibit B

Decision, effective September 28, 2007

Board for Professional Engineers and Land Surveyors Case No. 680-A,

OAH No. N2007060346

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

In the Matter of the Petition for Reinstatement of Revoked License of: WALID A. HNEITI P. O. Box 2925 Amman 11821, Jordan Electrical Engineer License No. E 15045, Petitioner.	OAH No. N2007060346

DECISION

The attached Decision in the Matter of the Petition for Reinstatement of Revoked License of Walid A. Hneiti shall become effective on September 28, 2007.

IT IS SO ORDERED July 26, 2007.

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

BY Original Signed

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

In the Matter of the Petition for Reinstatement of Revoked License of: WALID A. HNEITI, Petitioner.	OAH No. N2007060346

DECISION

This matter was heard before the Board for Professional Engineers and Land Surveyors in Oakland, California, on July 26, 2007. The board members present were Richard Lyons, President; Patrick Tami, Vice President; Kim Blackseth; Dr. Gregg Brandow; Arthur Duffy; James Foley; Robert L. Jones; Mike Modugno; and Ray Satorre. Michael C. Cohn, Administrative Law Judge, State of California, Office of Administrative Hearings, presided.

Rita Lane, Deputy Attorney General, represented the Department of Justice, Office of the Attorney General.

Petitioner represented himself.

FACTUAL FINDINGS

1. Petitioner Walid A. Hnieti was issued electrical engineer license number E-15048 on June 9, 1995. Effective August 23, 1999, petitioner's license was revoked in a default decision and order issued by the board upon findings that petitioner had been convicted of a felony violation of Penal Code section 424 (embezzlement by a public officer), a crime involving deceit, misrepresentation and fraud.

2. On April 16, 2007, petitioner filed this petition for reinstatement of his revoked license.

3. Following his criminal conviction in 1997, petitioner was placed on three years' criminal probation. As part of that probation he completed a one-year rehabilitation and counseling program at Gateways Hospital and Mental Health Center in Los Angeles. After completing that program, petitioner, who has been a licensed electrical engineer in

Jordan since 1992, returned to that nation. He was permitted to serve the balance of his criminal probation in Jordan. Petitioner subsequently successfully completed that probation.

4. Since March 1999, petitioner has been employed as a senior electrical engineer at the Central Bank of Jordan. His duties include the development, operation, and maintenance of low current security projects: CCTV, intrusion detection, access control, turnstile security doors, and addressable fire alarm systems. This position requires petitioner to have a top security clearance in Jordan. He concedes, however, that he did not advise his employers of his conviction in California when he applied for his position and received his security clearance.

5. In February 2007, petitioner completed a Ph.D. program in computer science at Amman Arab University for Graduate Studies, achieving a 3.9 grade point average. Petitioner has also successfully completed a number of computer-related seminars and technical training programs, and in July 2007 received a Cisco certification.

6. Petitioner has no current plans to return to California to practice as a professional engineer. However, he might change his plans in the future, and he would like to have his license reinstated partly for that reason and partly because he is troubled by the fact he has a revoked license in a state and country he loves.

7. Petitioner exhibited remorse for his criminal conduct, he demonstrated that he has turned his life around since that conviction, and he showed that he takes his license seriously enough to have undertaken rehabilitative efforts to prepare for this petition. However, the one area in which petitioner's rehabilitation has some deficiencies is in the area of ethics; the board has some concern over petitioner's failure to reveal his conviction when he sought employment in Jordan.

LEGAL CONCLUSIONS

Petitioner has established to the satisfaction of the board that cause exists for reinstatement of his revoked license upon probationary conditions. Those conditions must include successful completion of both a 40-hour course in ethics and the board's "take-home exam" on engineering laws and rules. Because petitioner is residing in Jordan and has no immediate plans to return to California, the standard condition tolling probation while practicing outside California is not imposed. However, should he return to California to practice as a professional engineer during his period of probation, petitioner shall be required to immediately notify the board.

ORDER

The petition of Walid A. Hnieti for reinstatement of his revoked license is granted. Electrical engineer license number E-15048 is reinstated. The license shall be immediately revoked, the order of revocation stayed, and petitioner placed on probation for two years on the following conditions:

1. Petitioner shall obey all laws and regulations related to the practices of professional engineering and land surveying.

2. Petitioner shall submit such special reports as the board may require.

3. If petitioner returns to practice professional engineering in California during the probationary period, he shall immediately (within 15 days) notify the board in writing.

4. Within 60 days of the effective date of this decision, petitioner shall successfully complete and pass the California Laws and Board Rules examination, as administered by the board.

5. Petitioner shall successfully complete and pass a course in professional ethics. No later than 60 days before the end of the probationary period, petitioner shall successfully complete and pass the 40-hour course, "Intermediate Studies in Engineering Ethics" (ENGR ETHICS PDH-40), offered by the Murdough Center for Engineering Professionalism, College of Engineering, Texas Tech University.

6. If petitioner violates the probationary conditions in any respect, the board, after giving petitioner notice and the opportunity to be heard, may vacate the stay and reinstate the disciplinary order that was stayed. If during the period of probation an accusation or petition to vacate stay is filed against petitioner, 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.

7. Upon successful completion of all the probationary conditions and the expiration of the probationary period, petitioner's license shall be unconditionally restored.

DATED: July 26, 2007

Original Signed

RICHARD LYONS, P.E.
President
Board for Professional Engineers and Land Surveyors
Department of Consumer Affairs