

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

In the Matter of the Accusation against:)

GABRIEL ANTHONY MURILLO)
2153 Palermo Court)
Orange, CA 92867)

Case No. 935-A

Traffic Engineer License No. TR 1843,)
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 October 14, 2011

IT IS SO ORDERED September 8, 2011

Original Signed

~~WV - W~~

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

1 KAMALA D. HARRIS
Attorney General of California
2 KAREN B. CHAPPELLE
Supervising Deputy Attorney General
3 RENE JUDKIEWICZ
Deputy Attorney General
4 State Bar No. 141773
300 So. Spring Street, Suite 1702
5 Los Angeles, CA 90013
Telephone: (213) 897-2537
6 Facsimile: (213) 897-2804
Attorneys for Complainant

7
8 **BEFORE THE**
BOARD FOR PROFESSIONAL ENGINEERS, LAND SURVEYORS, AND
GEOLOGISTS
9 **DEPARTMENT OF CONSUMER AFFAIRS**
10 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

Case No. 935-A

12 **GABRIEL ANTHONY MURILLO**

OAH No. 2010121016

13 **New Address is:**

14 **2153 Palermo Court**
Orange, California 92867

STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER

15 **16335 Santa Bianca Drive**
Hacienda Heights, CA 91745
16 **Traffic Engineer License No. TR 1843**

17 Respondents.

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

21 PARTIES

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

26 2. Respondent Gabriel Anthony Murillo (Respondent) is represented in this proceeding
27 by attorney Mr. Benjamin Fenton, whose address is: Fenton & Nelson, LLP, 11835 W. Olympic
28 Boulevard, Suite 925, Los Angeles, California 90064.

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

4 CONTINGENCY

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

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

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

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

26 DISCIPLINARY ORDER

27 IT IS HEREBY ORDERED that Traffic Engineer License No. TR 1843, issued to
28 Respondent Gabriel Anthony Murillo is revoked. However, the revocation is stayed, and

1 Respondent is placed on probation for a period equal to the remainder of his criminal probation or
2 a period of five (5) years, whichever is greater, on the following terms and conditions.

3 1. **Obey All Laws.** Respondent shall obey all federal, state and local laws and
4 regulations related to the practice of professional engineering.

5 2. **Quarterly Reports.** Within thirty (30) days of the effective date of the decision, and
6 then continuing on a quarterly basis for the remainder of the probationary period, Respondent
7 must submit reports to the Board regarding his progress in settling the money he owes as part of
8 his criminal probation and verifiable proof that he is in compliance with his criminal probation.

9 3. **Special Reports.** Respondent shall submit such special reports as the Board may
10 require.

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

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

22 6. **Cost Recovery.** Within three (3) years of the effective date of the decision,
23 Respondent shall reimburse the Board for its investigative and enforcement costs in this matter in
24 the amount of \$2,335.00. Said reimbursement may be paid in installments.

25 7. **Examination.** Within sixty (60) days of the effective date of the decision,
26 Respondent shall successfully complete and pass the California Laws and Board Rules
27 examination, as administered by the Board.

28 8. **Ethics Course.** Within three (3) years of the effective date of the decision,

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

4 DATED: 8/2/11 Original Signed
5 Mr. Benjamin Fenton
6 Attorney for Respondent

7 ENDORSEMENT

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

11 DATED: 8/3/11 Respectfully submitted,
12
13 KAMALA D. HARRIS
14 Attorney General of California
15 KAREN B. CHAPPELLE
16 Supervising Deputy Attorney General
17
18 Original Signed
19 RENE JUDKIEWICZ
20 Deputy Attorney General
21 *Attorneys for Complainant*

22 LA2010600539
23 50858750.doc
24
25
26
27
28

Exhibit A

Accusation No. 935-A

1 EDMUND G. BROWN JR.
Attorney General of California
2 KAREN B. CHAPPELLE
Supervising Deputy Attorney General
3 RENE JUDKIEWICZ
Deputy Attorney General
4 State Bar No. 141773
300 So. Spring Street, Suite 1702
5 Los Angeles, CA 90013
Telephone: (213) 897-2537
6 Facsimile: (213) 897-2804
Attorneys for Complainant

7
8 **BEFORE THE**
BOARD FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS
9 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

10 In the Matter of the Accusation Against:
11 **GABRIEL ANTHONY MURILLO**
12 16335 Santa Bianca Drive
13 Hacienda Heights, CA 91745
Traffic Engineer License No. TR 1843
14 Respondent.

Case No. 935-A

A C C U S A T I O N

15
16 Complainant alleges:

17 PARTIES

18 1. David E. Brown (Complainant) brings this Accusation solely in his official capacity
19 as the Executive Officer of the Board for Professional Engineers and Land Surveyors (Board),
20 Department of Consumer Affairs.

21 2. On or about March 29, 1996, the Board issued Traffic Engineer License Number TR
22 1843 to Gabriel Anthony Murillo (Respondent). The Traffic Engineer License was in full force
23 and effect at all times relevant to the charges brought herein and will expire on June 30, 2012,
24 unless renewed.

25 JURISDICTION

26 3. This Accusation is brought before the Board under the authority of the following
27 laws. All section references are to the Business and Professions Code unless otherwise indicated.
28

1 a. On or about November 5, 2008, in *People v. Murillo* (Super. Ct. Los Angeles County,
2 2008, No. BA314744), Respondent pleaded guilty to and was convicted of the felony of computer
3 intrusion to alter or destroy data, in violation of Penal Code section 502, subdivision (c)(4). This
4 felony was alleged as count 1 of a six-count criminal complaint. The criminal court sentenced
5 Respondent to informal diversion, requiring Respondent to perform 240 hours of community
6 service and make restitution. The criminal court further ordered that if Respondent complied with
7 the terms in his plea agreement, his sentence may be reduced to a misdemeanor in one year.

8 b. On or about November 30, 2009, in *People v. Murillo* (Super. Ct. Los Angeles
9 County, 2008, No. BA314744), the criminal court ordered count 1 deemed amended to allege a
10 misdemeanor, and convicted Respondent thereof.

11 c. The factual basis for the criminal prosecution was that on or about August 21, 2006,
12 Respondent and a co-worker, traffic engineer Kartik Patel, when employed by the City of Los
13 Angeles Automated Traffic Surveillance Center, accessed the city's computer system and
14 manipulated the traffic signal system in a manner so as to cause significant traffic delays at major
15 intersections.

16 SECOND CAUSE FOR DISCIPLINE

17 (Deceit, Misrepresentation or Fraud)

18 9. Respondent is subject to disciplinary action under section 6775, subdivision (b) of the
19 Code in that Respondent engaged in deceit, misrepresentation or fraud in his practice as a
20 licensed traffic engineer. Complainant refers to and by this reference incorporates the allegations
21 set for in paragraph 8, subparagraphs (a) through (c) inclusive. above, as though set forth fully.

22
23 PRAYER

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

27 1. Revoking or suspending Traffic Engineer License Number TR 1843, issued to
28 Respondent Gabriel Anthony Murillo;

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

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

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

DATED: 6/25/10

Original Signed

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

LA2010600539
60544796.doc