

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.

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) Case No. 883-A
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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

1 KAMALA D. HARRIS
Attorney General of California
2 KAREN B. CHAPPELLE
Supervising Deputy Attorney General
3 GEOFFREY WARD
Deputy Attorney General
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Attorneys for Complainant

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

11 In the Matter of the Accusation Against:

12 **SURESH DODDIAH**
13 **404 Edgemont Drive**
Redlands, CA 92373
14 **Civil Engineer License No. C 36361**

15 Respondent.

Case No. 883-A
OAH No. L-2010120061

STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER

16
17 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-
18 entitled proceedings that the following matters are true:

19 PARTIES

20 1. Joanne Arnold (Complainant) is the Executive Officer of the Board for Professional
21 Engineers, Land Surveyors, and Geologists. She brought this action solely in her official capacity
22 and is represented in this matter by Kamala D. Harris, Attorney General of the State of California,
23 by Geoffrey Ward, Deputy Attorney General.

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

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

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

3 JURISDICTION

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

10 ADVISEMENT AND WAIVERS

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

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

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

24 CULPABILITY

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

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1 9. Respondent agrees that his Civil 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 CIRCUMSTANCES IN MITIGATION

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

6 CONTINGENCY

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

18 12. The parties understand and agree that facsimile copies of this Stipulated Settlement
19 and Disciplinary Order, including facsimile signatures thereto, shall have the same force and
20 effect as the originals.

21 13. This Stipulated Settlement and Disciplinary Order is intended by the parties to be an
22 integrated writing representing the complete, final, and exclusive embodiment of their agreement.
23 It supersedes any and all prior or contemporaneous agreements, understandings, discussions,
24 negotiations, and commitments (written or oral). This Stipulated Settlement and Disciplinary
25 Order may not be altered, amended, modified, supplemented, or otherwise changed except by a
26 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

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

3 7. **Examination.** Within 180 days of the effective date of the decision, the Respondent
4 shall successfully complete and pass the California Laws and Board Rules examination, as
5 administered by the Board.

6 8. **Notification.** Within 30 days of the effective date of the decision, the Respondent
7 shall provide the Board with evidence that he has provided all persons or entities with whom he
8 has a contractual or employment relationship such that the relationship is in the area of practice of
9 professional engineering and/or professional land surveying in which the violation occurred with
10 a copy of the decision and order of the Board and shall provide the Board with the name and
11 business address of each person or entity required to be so notified.

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

17 For purposes of this subdivision, "college-level course" shall mean a course offered by a
18 community college or a four-year university of three semester units or the equivalent;
19 "college-level course" does not include seminars.

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1 ACCEPTANCE

2 I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully
3 discussed it with my attorney, Michelle R. Berger. I understand the stipulation and the effect it
4 will have on my Civil Engineer License. I enter into this Stipulated Settlement and Disciplinary
5 Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order
6 of the Board for Professional Engineers, Land Surveyors, and Geologists.

7
8 DATED: July 11, 2011 Original Signed
9 SURESH DODDIAH
Respondent

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

13 DATED: July 13, 2011 Original Signed
14 Michelle R. Berger
Attorney for Respondent

15
16 ENDORSEMENT

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

20 Dated: July 14, 2011

Respectfully submitted,

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

24 Original Signed
25 GEOFFREY WARD
26 Deputy Attorney General
Attorneys for Complainant

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Exhibit A

Accusation No. 883-A

1 EDMUND G. BROWN JR.
Attorney General of California
2 ALFREDO TERRAZAS
Senior Assistant Attorney General
3 MARC D. GREENBAUM
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Attorneys for Complainant
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8 **BEFORE THE**
BOARD FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS
9 **DEPARTMENT OF CONSUMER AFFAIRS**
10 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

Case No. 883-A

12 **SURESH DODDIAH**
404 Edgemont Drive
13 Redlands, CA 92373

A C C U S A T I O N

14 Civil Engineer License No. C 36361

15 Respondent.
16

17
18 Complainant alleges:

19 **PARTIES**

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

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

26 **JURISDICTION**

27 3. This Accusation is brought before the Board under the authority of the following
28 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.

. . . .

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

4 “(h) Who violates any provision of this chapter.”

5 **REGULATORY PROVISIONS**

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

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

10

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

15

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

21 **COST RECOVERY**

22 8. Section 125.3 provides, in pertinent part, that the Board may request the
23 administrative law judge to direct a licensee found to have committed a violation or violations of
24 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
25 enforcement of the case.

26 **COASTAL PROJECT**

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

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

14 **FIRST CAUSE FOR DISCIPLINE**

15 **(Negligence and / or Incompetence)**

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

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

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

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

27 d. Respondent failed to prepare a preliminary drainage study for drainage design or
28 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

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

4 **FIFTH CAUSE FOR DISCIPLINE**

5 **(Violating Provisions of the Professional Engineers Act)**

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

10 **SIXTH CAUSE FOR DISCIPLINE**

11 **(Unprofessional Conduct)**

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

16 **PRAYER**

17 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
18 and that following the hearing, the Board issue a decision:

- 19 1. Revoking or suspending Civil Engineer License No. C 36361, issued to Respondent;
20 2. Ordering Respondent to pay the Board the reasonable costs of the investigation and
21 enforcement of this case, pursuant to section 125.3; and
22 3. Taking such other and further action as deemed necessary and proper.

23 DATED: *August 19 2010*

Original Signed

24 DAVID E. BROWN

25 Executive Officer

26 Board for Professional Engineers and Land Surveyors

Department of Consumer Affairs

State of California

Complainant

27 LA2010600459

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