

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

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

In the Matter of the Accusation and Petition to
Revoke Probation Against:

**JOHN ERNEST CAMPBELL
11953 P.O. Box
Jackson, WY 83002**

Civil Engineer License No. C 39442

Respondent.

Case No. 1271-A

DEFAULT DECISION AND ORDER

[Gov. Code, §11520]

FINDINGS OF FACT

1. On or about June 8, 2022, Complainant Richard B. Moore, PLS, in his official capacity as the Executive Officer of the Board for Professional Engineers, Land Surveyors, and Geologists, Department of Consumer Affairs, filed Accusation and Petition to Revoke Probation No. 1271-A against John Ernest Campbell (Respondent) before the Board for Professional Engineers, Land Surveyors, and Geologists. (The Accusation and Petition to Revoke Probation is attached as Exhibit A.)

1 2. On or about August 23, 1985, the Board for Professional Engineers, Land Surveyors,
2 and Geologists (Board) issued Civil Engineer License No. C 39442 to Respondent. The Civil
3 Engineer License will expired on December 31, 2023, unless renewed.

4 3. On or about June 13, 2022, Respondent was served by Certified and First Class Mail
5 copies of the Accusation and Petition to Revoke Probation No. 1271-A, Statement to Respondent,
6 Notice of Defense, Request for Discovery, and Discovery Statutes (Government Code sections
7 11507.5, 11507.6, and 11507.7) at Respondent's address of record which, pursuant to Business
8 and Professions Code section 136, is required to be reported and maintained with the Board.

9 Respondent's address of record was and is:

10 11953 P.O. Box

11 Jackson, WY 83002.

12 4. Service of the Accusation/Petition to Revoke Probation was effective as a matter of
13 law under the provisions of Government Code section 11505(c) and/or Business and Professions
14 Code section 124.

15 5. Government Code section 11506(c) states, in pertinent part:

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

21 6. The Board takes official notice of its records and the fact that Respondent failed to
22 file a Notice of Defense within 15 days after service upon him of the Accusation and Petition to
23 Revoke Probation, and therefore waived his right to a hearing on the merits of Accusation and
24 Petition to Revoke Probation No. 1271-A.

25 7. California Government Code section 11520(a) states, in pertinent part:

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

 8. 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

1 relevant evidence contained in the Default Decision Investigatory Evidence Packet in this matter,
2 finds that the charges and allegations in Accusation and Petition to Revoke Probation No. 1271-
3 A, are separately and severally, found to be true and correct by clear and convincing evidence.

4 9. The Board finds that the actual costs for Investigation and Enforcement are \$9,025.00
5 as of August 1, 2022.

6 **DETERMINATION OF ISSUES**

7 1. Based on the foregoing findings of fact, Respondent John Ernest Campbell has
8 subjected his Civil Engineer License No. C 39442 to discipline.

9 2. The agency has jurisdiction to adjudicate this case by default.

10 3. The Board for Professional Engineers, Land Surveyors, and Geologists is authorized
11 to revoke Respondent's Civil Engineer License based upon the following violations alleged in the
12 Accusation/Petition to Revoke Probation which are supported by the evidence contained in the
13 Default Decision Investigatory Evidence Packet in this case:

14 a. Respondent is subject to disciplinary action under Code section 6775, subdivision (c),
15 in that Respondent committed negligence in his engineering practice. Respondent was negligent
16 in performing and preparing a geotechnical report dated April 20, 2018.

17 b. Respondent is subject to disciplinary action under Code section 6775, subdivision (c),
18 in that Respondent committed negligence in his engineering practice. Respondent was negligent
19 in performing and preparing two geotechnical reports, dated June 14, 2019 and February 11,
20 2020.

21 c. Respondent is subject to disciplinary action under Code section 6775, subdivision (c),
22 in that Respondent committed negligence in his engineering practice. Respondent was negligent
23 in performing and preparing a geotechnical report, dated March 12, 2020.

24 d. Respondent is subject to disciplinary action under Code section 6775, subdivision (c),
25 in that Respondent committed negligence in his engineering practice. Respondent was negligent
26 in performing and preparing a geotechnical report, dated June 16, 2021.

27 e. Respondent is subject to disciplinary action under Code section 6775, subdivision (b),
28 in that Respondent made misrepresentations in his engineering practice. Respondent mislabeled

1 each of his reports as “geotechnical investigations.” These reports were not complete
2 geotechnical investigations as is known within the industry and the Building Code. The scope of
3 work and investigation Respondent performed failed to meet the level required to call the reports
4 “geotechnical investigations.”

5 f. Respondent's probation is subject to revocation because he failed to comply with
6 Probation Condition One, Obey all Laws. Respondent violated Code section 6777.

7 g. Respondent's probation is subject to revocation because he failed to comply with
8 Probation Condition Eight, Ethics Course. Respondent failed to complete and pass an approved
9 ethics course within one year of the effective date of the decision.

10 **ORDER**

11 IT IS SO ORDERED that Civil Engineer License No. C 39442, issued to Respondent John
12 Ernest Campbell, is revoked.

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

17 This Decision shall become effective on September 22, 2022.

18 It is so ORDERED August 22, 2022

19
20 *Original Signed*

21 _____
22 FOR THE BOARD FOR PROFESSIONAL
23 ENGINEERS, LAND SURVEYORS, AND
24 GEOLOGISTS
25 DEPARTMENT OF CONSUMER AFFAIRS

24 43304797.DOCX
25 DOJ Matter ID:SF2022400202

26 Attachment:
27 Exhibit A: Accusation/Petition to Revoke Probation
28

Exhibit A

Accusation and Petition to Revoke Probation

(JOHN ERNEST CAMPBELL)

1 ROB BONTA
Attorney General of California
2 CHAR SACHSON
Supervising Deputy Attorney General
3 JUSTIN R. SURBER
Deputy Attorney General
4 State Bar No. 226937
455 Golden Gate Avenue, Suite 11000
5 San Francisco, CA 94102-7004
Telephone: (415) 355-5437
6 Facsimile: (415) 703-5480
Attorneys for Complainant
7

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 and Petition to
14 Revoke Probation Against:

15 **JOHN ERNEST CAMPBELL**
16 **P.O. Box 11953**
Jackson, WY 83002
Civil Engineer License No. C 39442

17 Respondent.

Case No. 1271-A

**ACCUSATION AND PETITION TO
REVOKE PROBATION**

18
19 **PARTIES**

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

23 2. On or about August 23, 1985, the Board for Professional Engineers, Land Surveyors,
24 and Geologists issued Civil Engineer License Number C 39442 to John Ernest Campbell
25 (Respondent). The Civil Engineer License will expire on December 31, 2023, unless renewed.

26 3. In a disciplinary action titled "In the Matter of the Accusation Against John
27 Campbell," Case No. 1214-A, the Board for Professional Engineers, Land Surveyors, and
28 Geologists issued a Decision and Order effective September 24, 2020, in which Respondent's

1 Civil Engineer License was revoked. However, the revocation was stayed and Respondent's Civil
2 Engineer License was placed on probation for three (3) years with certain terms and conditions.
3 A copy of that Decision and Order is attached as Exhibit A and is incorporated by reference.

4 **JURISDICTION PROVISIONS FOR ACCUSATION**

5 4. This Accusation is brought before the Board for Professional Engineers, Land
6 Surveyors, and Geologists (Board), Department of Consumer Affairs, under the authority of the
7 following laws. All section references are to the Business and Professions Code ("Code") unless
8 otherwise indicated.

9 5. Section 118 of the Code states:

10 (a) The withdrawal of an application for a license after it has been filed with a board
11 in the department shall not, unless the board has consented in writing to such
12 withdrawal, deprive the board of its authority to institute or continue a proceeding
13 against the applicant for the denial of the license upon any ground provided by law or
14 to enter an order denying the license upon any such ground.

15 (b) The suspension, expiration, or forfeiture by operation of law of a license issued by
16 a board in the department, or its suspension, forfeiture, or cancellation by order of the
17 board or by order of a court of law, or its surrender without the written consent of the
18 board, shall not, during any period in which it may be renewed, restored, reissued, or
19 reinstated, deprive the board of its authority to institute or continue a disciplinary
20 proceeding against the licensee upon any ground provided by law or to enter an order
21 suspending or revoking the license or otherwise taking disciplinary action against the
22 licensee on any such ground.

23 (c) As used in this section, "board" includes an individual who is authorized by any
24 provision of this code to issue, suspend, or revoke a license, and "license" includes
25 "certificate," "registration," and "permit."

26 **STATUTORY PROVISIONS FOR ACCUSATION**

27 6. Section 6775 of the Code states, in pertinent part, that:

28 [T]he board may publicly reprove, suspend for a period not to exceed two years, or
revoke the certificate of any professional engineer licensed under this chapter on any
of the following grounds:

...

(c) Any negligence or incompetence in his or her practice.

...

///

///

1 **REGULATORY PROVISIONS FOR ACCUSATION**

2 7. Section 404 of the Title 16, California Code of Regulations states:

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

6 . . .

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

12 **COST RECOVERY FOR ACCUSATION**

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

17 **FIRST CAUSE FOR DISCIPLINE**

18 (Negligence)

19 9. Respondent is subject to disciplinary action under Code section 6775, subdivision
20 (c), in that Respondent committed negligence in his engineering practice. Respondent was
21 negligent in performing and preparing a geotechnical report dated April 20, 2018, for a property
22 on Gardenview Place in Santa Rosa, California as follows:

23 a. Respondent failed to consult the appropriate California Geology Survey Maps for
24 Landslide and Seismic Hazards. Respondent mischaracterized the site as not being within an
25 earthquake fault investigation zone.

26 b. Respondent failed to mention minimum foundation setbacks when building on or near
27 slopes. Respondent failed to address the stability of the existing slopes on the property.

28 c. Respondent failed to perform appropriate laboratory tests to evaluate the soil strength,
expansion potential, sulfate exposure or other tests associated with the design of slab on grade
floor slabs.

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

SECOND CAUSE FOR DISCIPLINE

(Negligence)

10. Respondent is subject to disciplinary action under Code section 6775, subdivision (c), in that Respondent committed negligence in his engineering practice. Respondent was negligent in performing and preparing two geotechnical reports, dated June 14, 2019 and February 11, 2020, for a property on Maple St. in Oakland California as follows:

a. Respondent failed to consult the appropriate California Geology Survey Maps for Landslide and Seismic Hazards.

b. Respondent’s procedure for evaluating landslide hazards for the property was inadequate and not credible.

c. Respondent failed to note that the proposed plan required vertical excavations in order to execute the plan. Respondent failed to conduct a stability analysis or even recommend shoring, bracing or laying back excavations to increase stability.

d. Respondent failed to mention minimum foundation setbacks when building on or near slopes.

e. Respondent failed to perform the appropriate laboratory tests to evaluate the soil strength, expansion potential, sulfate exposure or other tests associated with the design of slab on grade floor slabs.

THIRD CAUSE FOR DISCIPLINE

(Negligence)

11. Respondent is subject to disciplinary action under Code section 6775, subdivision (c), in that Respondent committed negligence in his engineering practice. Respondent was negligent in performing and preparing a geotechnical report, dated March 12, 2020, for a property on Santa Rosa Ave in Santa Rosa California as follows:

a. Respondent failed to consult the appropriate California Geology Survey Maps.

b. Respondent failed to sufficiently address possible groundwater concerns. Respondent failed to provide sufficient research to support his groundwater conclusions.

1 c. Respondent failed to adequately discuss the actual construction being proposed at the
2 site. Respondent failed to recommend minimum depth for new foundations, processing of
3 disturbed soil, and failed to make other project-specific considerations.

4 d. Respondent failed to properly investigate the site with subsurface exploration to
5 establish actual soil conditions.

6 e. Respondent failed to perform the appropriate laboratory tests to evaluate the soil
7 strength, expansion potential, sulfate exposure or other tests associated with the design of slab on
8 grade floor slabs.

9 **FOURTH CAUSE FOR DISCIPLINE**

10 (Negligence)

11 12. Respondent is subject to disciplinary action under Code section 6775, subdivision (c),
12 in that Respondent committed negligence in his engineering practice. Respondent was negligent
13 in performing and preparing a geotechnical report, dated June 16, 2021, for a property on Sonoma
14 Highway in Kenwood California as follows:

15 a. Respondent failed to consult the appropriate California Geology Survey Maps for
16 seismic hazards.

17 b. Respondent failed to sufficiently address possible groundwater concerns. Respondent
18 failed to provide sufficient research to support his groundwater conclusions.

19 c. Respondent failed to adequately discuss the actual construction being proposed at the
20 site. Respondent failed to recommend minimum depth for new foundations and processing of
21 disturbed soil, and failed to make other project-specific considerations.

22 d. Respondent failed to properly investigate the site with subsurface exploration to
23 establish actual soil conditions.

24 e. Respondent failed to perform the appropriate laboratory tests to evaluate the soil
25 strength, expansion potential, sulfate exposure or other tests associated with the design of slab on
26 grade floor slabs.

27 ///

28 ///

1 **FIFTH CAUSE FOR DISCIPLINE**

2 (Misrepresentation)

3 13. Respondent is subject to disciplinary action under Code section 6775, subdivision (b),
4 in that Respondent made misrepresentations in his engineering practice. Respondent mislabeled
5 each of his reports, in the first four causes for discipline, as “geotechnical investigations.” These
6 reports were not complete geotechnical investigations as is known within the industry and the
7 Building Code. The scope of work and investigation Respondent performed failed to meet the
8 level required to call the reports “geotechnical investigations.”

9 **JURISDICTION FOR PETITION TO REVOKE PROBATION**

10 14. This Petition to Revoke Probation is brought before the Board for Professional
11 Engineers, Land Surveyors, and Geologists (Board), Department of Consumer Affairs under
12 Probation Term and Condition Number 4 of the Decision and Order In the Matter of the
13 Accusation Against John Campbell, Case No. 1214-A. That term and condition states:

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

19 **FIRST CAUSE TO REVOKE PROBATION**

20 (Obey All Laws)

21 15. At all times after the effective date of Respondent's probation, Condition One stated:
22 “The Respondent shall obey all laws and regulations related to the practices of professional
23 engineering and professional land surveying.”

24 16. Respondent's probation is subject to revocation because he failed to comply with
25 Probation Condition One, referenced above. Respondent violated Code section 6777 as described
26 in the Fourth and Fifth Causes for Discipline contained in paragraphs 12 and 13, above.

27 ///

28 ///

1 **SECOND CAUSE TO REVOKE PROBATION**

2 (Failure to Complete Ethics Course)

3 17. At all times after the effective date of Respondent's probation, Condition Eight stated:

4 **Ethics Course.** Within one (1) year from the effective date of the decision, the
5 respondent must successfully complete and pass a course in professional ethics,
6 approved in advance by the Board or its designee.

7 18. Respondent's probation is subject to revocation because he failed to comply with
8 Probation Condition Eight, referenced above. Respondent failed to complete and pass an
9 approved ethics course within one year of the effective date of the decision.

10 **PRAYER**

11 WHEREFORE, Complainant requests that a hearing be held on the matters alleged in this
12 Accusation and Petition to Revoke Probation, and that following the hearing, the Board for
13 Professional Engineers, Land Surveyors, and Geologists issue a decision:

14 1. Revoking the probation that was granted by the Board for Professional Engineers,
15 Land Surveyors, and Geologists in Case No. 1214-A and imposing the disciplinary order that was
16 stayed thereby revoking Civil Engineer License No. C 39442 issued to John Ernest Campbell;

17 2. Revoking or suspending Civil Engineer License No. C 39442, issued to John Ernest
18 Campbell;

19 3. Ordering John Ernest Campbell to pay the Board for Professional Engineers, Land
20 Surveyors, and Geologists the reasonable costs of the investigation and enforcement of this case,
21 pursuant to Business and Professions Code section 125.3; and

22 4. Taking such other and further action as deemed necessary and proper.

23 DATED: 6/8/22

24 *Original Signed*
25 _____
26 RICHARD B. MOORE, PLS
27 Executive Officer
28 Board for Professional Engineers, Land
Surveyors, and Geologists
Department of Consumer Affairs
State of California
Complainant

Exhibit A

Decision and Order

Board for Professional Engineers, Land Surveyors, and Geologists Case No. 1214-A

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

In the Matter of the Accusation against:)
)
JOHN ERNEST CAMPBELL) Case No. 1214-A
P.O. Box 11953)
Jackson, WY 83002)
)
Civil Engineer License, No. C 39442,)
)
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 September 24, 2020.

IT IS SO ORDERED August 20, 2020.

Original Signed

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

1 XAVIER BECERRA
Attorney General of California
2 CHAR SACHSON
Supervising Deputy Attorney General
3 JUSTIN R. SURBER
Deputy Attorney General
4 State Bar No. 226937
455 Golden Gate Avenue, Suite 11000
5 San Francisco, CA 94102-7004
Telephone: (415) 355-5437
6 Facsimile: (415) 703-5480
Attorneys for Complainant
7

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:

Case No. 1214-A

14 **JOHN CAMPBELL**
15 **11953 P.O. Box**
Jackson, WY 83002

STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER

16 **Civil Engineer License No. C39442**

17 Respondent.

18
19 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-entitled
20 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 Xavier Becerra, Attorney General of the
25 State of California, by Justin R. Surber, Deputy Attorney General.

26 2. Respondent John Campbell (Respondent) is represented in this proceeding by
27 attorney Robert Hahn.
28

1 voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the
2 Board for Professional Engineers, Land Surveyors, and Geologists.

3 DATED: 7/27/2020 *Original Signed*
4 _____
JOHN CAMPBELL
Respondent

5 I have read and fully discussed with Respondent John Campbell the terms and conditions
6 and other matters contained in the above Stipulated Settlement and Disciplinary Order. I approve
7 its form and content.

8 DATED: 7/28/2020 *Original Signed*
9 _____
ROBERT HAHN
Attorney for Respondent

10
11 **ENDORSEMENT**

12 The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully
13 submitted for consideration by the Board for Professional Engineers, Land Surveyors, and
14 Geologists.

15 DATED: 7/30/20
16 _____
17 Respectfully submitted,
18 XAVIER BECERRA
Attorney General of California
19 CHAR SACHSON
Supervising Deputy Attorney General
20 *Original Signed*
21 _____
JUSTIN R. SURBER
Deputy Attorney General
22 Attorneys for Complainant

25 SF2019201508
26 42260749.docx

Exhibit A

Accusation No. 1214-A

1 XAVIER BECERRA
Attorney General of California
2 CHAR SACHSON
Supervising Deputy Attorney General
3 JUSTIN R. SURBER
Deputy Attorney General
4 State Bar No. 226937
455 Golden Gate Avenue, Suite 11000
5 San Francisco, CA 94102-7004
Telephone: (415) 355-5437
6 Facsimile: (415) 703-5480
Attorneys for Complainant
7

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:

Case No. 1214-A

14 **JOHN CAMPBELL**
15 **P.O. Box 11953**
16 **Jackson, WY 83002**

ACCUSATION

17 **Civil Engineer License No. C39442**

Respondent.

18
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 August 23, 1985, the Board for Professional Engineers, Land Surveyors,
24 and Geologists issued Civil Engineer License Number C39442 to John Campbell (Respondent).
25 The Civil Engineer License was in full force and effect at all times relevant to the charges brought
26 herein and will expire on December 31, 2019, unless renewed.
27
28

1 **JURISDICTION**

2 3. This Accusation is brought before the Board for Professional Engineers, Land
3 Surveyors, and Geologists (Board), Department of Consumer Affairs, under the authority of the
4 following laws. All section references are to the Business and Professions Code (Code) unless
5 otherwise indicated.

6 **STATUTORY PROVISIONS**

7 4. Section 6775 of the Code states, in pertinent part, that:

8 “[T]he board may publicly reprove, suspend for a period not to exceed two years, or
9 revoke the certificate of any professional engineer licensed under this chapter on any
of the following grounds:

10 . . .

11 “(c) Any negligence or incompetence in his or her practice.

12 . . .”

13 **REGULATORY PROVISIONS**

14 5. Section 404 of the Title 16, California Code of Regulations states:

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

17 . . .

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

21 . . .

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

25 . . .

26 **COST RECOVERY**

27 6. Section 125.3 of the Code provides, in pertinent part, that the Board may request the
28 administrative law judge to direct a licentiate found to have committed a violation or violations of

1 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
2 enforcement of the case, with failure of the licentiate to comply subjecting the license to not being
3 renewed or reinstated. If a case settles, recovery of investigation and enforcement costs may be
4 included in a stipulated settlement.

5 **FIRST CAUSE FOR DISCIPLINE**

6 (Negligence)

7 7. Respondent is subject to disciplinary action under Code section 6775, subdivision (c),
8 in that Respondent committed negligence in his engineering practice. Respondent was negligent
9 in performing engineering reports for four projects in Sonoma County as follows:

10 a. Lovall Valley Road Project

11 i. Respondent should have provided more detailed description of the subsurface
12 conditions (in his first submittal) to serve as a basis for his foundation recommendations.

13 ii. Respondent conducted two "borings," but did not indicate what type of hammer was
14 used. A reviewer would be unable to see if the blow counts were relatable to shear strength and
15 bearing capacity. The boring logs changed between submittals three and four.

16 iii. Respondent refers to the site location as the "East Bay" when in fact the project was
17 in the North Bay.

18 iv. In his first and second submittals, Respondent assumed the Site Class was "A" (hard
19 Rock) for seismic design. He changed this assumption to Site Class C (soft rock or very dense
20 soil) in submittals three through five. Respondent provided Seismic Parameters based on the Site
21 Class A and Site Class C. The seismic design parameters for both Site Class A and C were
22 incorrect in all five submittals.

23 v. Respondent referenced the Hayward Fault in his first four submittals when he should
24 have referenced the Rodgers Creek Fault.

25 vi. Respondent refers to a slope above the residence in all five submittals. In their
26 letters dated February 8, 2016 and February 23, 2016, Sonoma County officials indicated there is
27 no slope above the building pad. The discrepancy is confusing and misleading.

28 b. Covey Run Project

1 i. Respondent should have provided more detailed description of the subsurface
2 conditions (in first submittal) to serve as a basis for his foundation recommendations.

3 ii. Respondent conducted one "boring" but did not record blow counts which would be
4 relatable to shear strength and bearing capacity. The boring logs changed between submittals
5 three and four.

6 iii. Respondent assumed the site was a level, undeveloped lot. However, Sonoma
7 County and AndyHill Creative's plan sheet A1.1 indicate that the site was sloping with existing
8 buildings on it. The discrepancy creates confusion.

9 iv. Respondent incorrectly assumed he showed the boring in the building footprint,
10 when in fact Respondent showed the boring to be in the middle of an existing swimming pool.

11 v. Respondent refers to the site location as the "East Bay" when in fact the project was
12 in the North Bay.

13 vi. In his first and second submittals, Respondent assumed the site class was "A" (hard
14 rock) for seismic design. Respondent changed this assumption to Site Class C (soft rock or very
15 dense soil) in the third submittal. Respondent provided Seismic Parameters based on the Site
16 Class A and Site Class C. Respondent changed the seismic design parameters in the third
17 Submittal from Class A to Class C. Respondent's seismic design parameters for Site Class A site
18 were incorrect in his first two submittals.

19 c. Mark West Springs Rd. Project

20 i. Respondent should have provided more detailed description of the subsurface
21 conditions (in first submittal) to serve as a basis for his foundation recommendations.

22 ii. Respondent conducted one "boring" at Sonoma County's insistence. This boring was
23 too shallow and missing the lower blow counts and groundwater location.

24 iii. In his first submittal, Respondent indicates that the San Andreas Fault is nine miles
25 west of the site - he does not mention other faults. The San Andreas Fault is about 22 miles
26 southwest of the site, the Rodgers Creek Fault is about 1.4 miles southwest of the site, and the
27 Maacama Fault is about 2.8 miles northeast of the site.

28

1 iv. In his first submittal, Respondent uses a Site Class D (stiff soil) to provide seismic
2 design parameters. In his second and third submittals he changes to a Site Class C (soft rock and
3 very dense soil). Respondent's seismic design parameters in the third submittal are incorrect.

4 v. In his third and final submittal (dated the same as his second submittal), Respondent
5 recommended Spread Footing Foundations for a residence and a Concrete Mat Slab Design.
6 However, the report is for a water tank replacement.

7 vi. In his third and final submittal, Respondent's Concrete Mat Slab Design
8 recommendations (page 6) gave a design "guide" bearing pressure of 4,000 psf. Respondent
9 failed to give a basis for the 4,000 psf bearing capacity. Respondent failed to indicate that the
10 foundation should penetrate into the underlying siltstone and failed to discuss the impact of
11 founding the mat on expansive clay. Respondent failed to include discussion of subgrade
12 modulus and settlement.

13 vii. In his third submittal, on page six, Respondent includes a section on Concrete Slabs
14 on Grade. This is misleading in a water tank report.

15 viii. In his third submittal, on page five, Respondent includes a section on Spread Footing
16 Foundations, where he discusses footings for residences and "stiff clays at the base of lifts." This
17 is misleading for a water tank report.

18 ix. Respondent prepared a "Geotechnical Plan Review" letter dated February 15,
19 2018, where he states that the plans are in accordance with the geotechnical report dated February
20 7, 2018. None of the reports he submitted have that date. Respondent cites the address as "5831
21 Mark West," which is the wrong address.

22 d. Sonoma Mountain Road - Project

23 i. Respondent initially indicated that he did not believe a subsurface investigation was
24 needed, because he observed "stiff soil and bedrock" at the surface near where he assumed the
25 foundations would be placed (page four, third paragraph of his first and second submittals).
26 However, on page five of his first submittal, Respondent also indicates that he performed six
27 borings - two in the new residence area, two in the new pond area, and two in the new barn area
28 (not mentioned in his second submittal). Respondent also indicated that previous test pits in the

1 area confirm the test boring results. Respondent also included nine boring logs in the first report
2 and eight boring logs in the second report. The borings do not indicate the hammer weight or drop
3 or any information about the drill rig. The information in the reports is confusing and
4 contradictory.

5 ii. In Respondent's first submittal, he indicates that there is a slope north of the
6 residence. In his second submittal, he says nothing about a slope above the residence.

7 **SECOND CAUSE FOR DISCIPLINE**

8 (Incompetence)

9 8. Respondent is subject to disciplinary action under Code section 6775, subdivision (d),
10 in that respondent committed incompetence in his engineering practice by consistently using
11 incorrect seismic design parameters as described in paragraph 7, above.

12 **PRAYER**

13 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
14 and that following the hearing, the Board for Professional Engineers, Land Surveyors, and
15 Geologists issue a decision:

16 1. Revoking or suspending Civil Engineer License Number C39442, issued to John
17 Campbell;

18 2. Ordering John Campbell to pay the Board for Professional Engineers, Land
19 Surveyors, and Geologists the reasonable costs of the investigation and enforcement of this case,
20 pursuant to Business and Professions Code section 125.3; and,

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

22 DATED: 10/14/19

Original Signed

23 RICHARD B. MOORE, PLS
24 Executive Officer
25 Board for Professional Engineers, Land
26 Surveyors, and Geologists
27 Department of Consumer Affairs
28 State of California
Complainant