

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

In the Matter of the Petition for Early
Termination of Probation of:

DILIP MULCHAND KHATRI
6440 Sky Pointe Drive, 140-299
Las Vegas, NV 89131

Civil Engineer License No. C 40833,
Structural Engineer License No. S 4391,

Agency No. 964-A

OAH No. 2018030269

DECISION

On June 28, 2018, in San Diego, California, a quorum of the Board for Professional Engineers, Land Surveyors, and Geologists, Department of Consumer Affairs, State of California (Board), heard and decided the Petition for Reinstatement.

Administrative Law Judge Roy W. Hewitt, Office of Administrative Hearings, State of California, presided over the administrative proceeding.

Deputy Attorney General David E. Hausfeld appeared on behalf of the Office of the Attorney General, State of California.

Petitioner Dilip Mulchand Khatri represented himself.

On June 28, 2018, oral and documentary evidence was received, the record was closed, and the matter was submitted and decided in Executive Session.

FACTUAL FINDINGS

Jurisdictional Matters

1. On August 1, 1986, the Board issued to petitioner Civil Engineer License No. C 40833.

2. On February 25, 2000, the Board issued to petitioner Structural Engineer License No. S 4391.

3. On April 21, 2014, a first amended accusation was filed against petitioner. The first amended accusation concerned two projects for which petitioner had performed engineering work. The incidents forming the basis of the allegations against petitioner all occurred in the 2004-2006 time-frame, i.e., 12 - 14 years ago. The allegations were as follows: 1) negligence; 2) acts constituting deceit, misrepresentation or fraud (i.e., failing to explain discrepancies between the information contained in two separate memorandums and claiming in a journal article that a unique project had been completed when that was not the case).

4. Effective January 6, 2017, pursuant to a stipulated settlement, petitioner was placed on probation for two and one-half years under certain terms and conditions including the following: complete and pass the California Laws and Board Rules examination; complete an ethics course; complete two college-level civil/structural engineering courses related to the violations alleged in the first amended accusation; and, pay \$3,100 as restitution.

5. Petitioner filed a petition seeking early termination of probation and the instant hearing ensued.

Summary of Evidence Presented at Hearing

6. Petitioner complied with all of the terms and conditions of probation including those listed in factual finding 4.

7. Petitioner testified that he has learned from his past mistakes and will take great care in the future to better his communication skills and professional practices so that similar incidents will not reoccur.

8. Petitioner submitted documents evidencing he has fully addressed all of the deficiencies that led to his discipline and supplied character reference letters attesting to his integrity, professional knowledge and skills.

9. The Board concluded that on this record, it would not be contrary to the public health, safety or welfare to grant Dilip Mulchand Khatri's petition for early termination of his probation.

LEGAL CONCLUSIONS

1. Petitioner is seeking full reinstatement of his license through his petition for the early termination of probation.

2. In a proceeding for the restoration of a license, the burden at all times rests on petitioner to prove that he has rehabilitated himself and that he is entitled to have his license restored, and not on the board to prove to the contrary. (*Housman v. Board of Medical Examiners* (1948) 84 Cal.App.2d 308, 315; *Flanzer v. Board of Dental Examiners* (1990) 220 Cal.App.3d 1392, 1398.)

3. A person seeking reinstatement must adduce stronger proof of his present honesty and integrity than one seeking admission the first time. He must show by the most clear and convincing evidence that efforts made towards rehabilitation have been successful. (*In re Menna* (1995) 11 Cal.4th 975, 986.)

4. The evidence presented clearly and convincingly established that petitioner's efforts towards rehabilitation have been successful and that public protection does not require petitioner to remain on probation.

ORDER

Dilip Mulchand Khatri's Petition for Early Termination of Probation is granted, petitioner's probation is terminated, and his licenses are fully restored.

This Decision shall become effective on August 22, 2018.

IT IS SO ORDERED June 28, 2018.

Original Signed

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