

1
2
3
4
5
6 **BEFORE THE**
7 **BOARD FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS**
8 **DEPARTMENT OF CONSUMER AFFAIRS**
9 **STATE OF CALIFORNIA**

10 In the Matter of the Accusation Against:

Case No. 919-A

11 **JOHN AHN**
12 1777 Borel Place, No. 514
13 San Mateo, CA 94402
14 **Civil Engineer License No. C 50615**

DEFAULT DECISION AND ORDER

[Gov. Code, §11520]

15 Respondent.

16 FINDINGS OF FACT

17 1. On or about October 18, 2010, Complainant David E. Brown, in his official capacity
18 as the Executive Officer of the Board for Professional Engineers and Land Surveyors,
19 Department of Consumer Affairs, filed Accusation No. 919-A against John Ahn (Respondent)
20 before the Board for Professional Engineers and Land Surveyors. (Accusation attached as
21 Exhibit A.)

22 2. On or about July 16, 1993, the Board for Professional Engineers and Land Surveyors
23 (Board) issued Civil Engineer License No. C 50615 to Respondent. The Civil Engineer License
24 will expire on September 30, 2011, unless renewed.

25 3. On or about October 25, 2010, Respondent was served by Certified and First Class
26 Mail copies of the Accusation No. 919-A, Statement to Respondent, Notice of Defense, and
27 Request for Discovery at Respondent's address of record which, pursuant to Business and
28

1 Professions Code section 136 and/or agency specific statute or regulation, is required to be
2 reported and maintained with the Board, which was:

3 1777 Borel Place, No. 514
4 San Mateo, CA 94402.

5 4. On or about February 17, 2011, Respondent was served by Certified and First Class
6 Mail copies of the Accusation No. 919-A, Statement to Respondent, Notice of Defense, and
7 Request for Discovery at Respondent's address of record which, pursuant to Business and
8 Professions Code section 136 and/or agency specific statute or regulation, is required to be
9 reported and maintained with the Board, which was and is:

10 740 South Olive St., #905
11 Los Angeles, CA 90014

12 5. Service of the Accusation was effective as a matter of law under the provisions of
13 Government Code section 11505, subdivision (c) and/or Business & Professions Code section
14 124.

15 6. On or about November 9, 2010, the documents described in paragraph 3, above, were
16 returned by the U.S. Postal Service marked "No forwarding order on file."

17 7. Government Code section 11506 states, in pertinent part:

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

23 8. Respondent failed to file a Notice of Defense within 15 days after service upon him
24 of the Accusation, and therefore waived his right to a hearing on the merits of Accusation No.
25 919-A.

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

27 (a) If the respondent either fails to file a notice of defense or to appear at the
28 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.

10. 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 relevant evidence contained in the Default Decision Investigatory Evidence Packet in this matter, as well as taking official notice of all the investigatory reports, exhibits and statements contained therein on file at the Board's offices regarding the allegations contained in Accusation No. 919-A, finds that the charges and allegations in Accusation No. 919-A, are separately and severally true and correct by clear and convincing evidence.

11. Taking official notice of its own internal records, pursuant to Business and Professions Code section 125.3, and considering the Declaration of Justin R. Surber contained in the Default Decision Investigatory Evidence Packet it is hereby determined that the reasonable costs for Investigation and Enforcement is \$19,803.46 March 17, 2011.

DETERMINATION OF ISSUES

1. Based on the foregoing findings of fact, Respondent John Ahn has subjected his Civil Engineer License No. C 50615 to discipline.

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

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

a. Respondent is subject to disciplinary action under Business and Professions Code sections 6775(h), 6749(a)(3), 6749(a)(4) and 6749(a)(5) in that several of Respondent's contracts failed to include required language. Some of the contracts were not signed by the consumers.

b. Respondent is subject to disciplinary action under Business and Professions Code section 6775(c) in that Respondent committed multiple acts of negligence in preparing structural designs and calculations for multiple projects.

c. Respondent is subject to disciplinary action under section 6775(c) in that respondent committed multiple acts of incompetence in preparing structural designs and calculations for multiple projects.

1 d. Respondent is subject to disciplinary action under section 6775(d) of the code in
2 that Respondent breached an engineering contract.

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 ///

ORDER

IT IS SO ORDERED that Civil Engineer License No. C 50615, heretofore issued to Respondent John Ahn, 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 April 29, 2011.

IT IS SO ORDERED March 24, 2011.

Original Signed

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

Attachment:

Exhibit A: Accusation

Exhibit A

Accusation

1 EDMUND G. BROWN JR.
Attorney General of California
2 FRANK H. PACOE
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**
BOARD FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS
9 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

10 In the Matter of the Accusation Against:

Case No. 919-A

11 **JOHN AHN**
12 1777 Borel Place, No. 514
San Mateo, CA 94402
13 **Civil Engineer License No. C 50615**

A C C U S A T I O N

14 Respondent.

15
16
17 Complainant alleges:

18 **PARTIES**

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

22 2. On or about July 16, 1993, the Board for Professional Engineers and Land Surveyors
23 issued Civil Engineer License Number C 50615 to John Ahn (Respondent). The Civil Engineer
24 License was suspended on April 6, 2009, pursuant to Family Code Section 17520.

25 **JURISDICTION**

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

1
2 4. Section 6775 of the Code states, in pertinent part, that "[T]he board may reprove,
3 suspend for a period not to exceed two years, or revoke the certificate of any professional
4 engineer registered under this chapter:

5 "(a) Who has been convicted of a crime substantially related to the qualifications, functions
6 and duties of a registered professional engineer, in which case the certified record of conviction
7 shall be conclusive evidence thereof.

8 "(b) Who has been found guilty by the board of any deceit, misrepresentation, or fraud in
9 his or her practice.

10 "(c) Who has been found guilty by the board of negligence or incompetence in his or her
11 practice.

12 "(d) Who has been found guilty by the board of any breach or violation of a contract to
13 provide professional engineering services.

14 "(e) Who has been found guilty of any fraud or deceit in obtaining his or her certificate.

15 "(f) Who aids or abets any person in the violation of any provision of this chapter.

16 "(g) Who in the course of the practice of professional engineering has been found guilty by
17 the board of having violated a rule or regulation of unprofessional conduct adopted by the board.

18 "(h) Who violates any provision of this chapter."

19 5. Section 6775 of the Code states:

20 "(a) A professional engineer shall use a written contract when contracting to provide
21 professional engineering services to a client pursuant to this chapter. The written contract shall be
22 executed by the professional engineer and the client, or his or her representative, prior to the
23 professional engineer commencing work, unless the client knowingly states in writing that work
24 may be commenced before the contract is executed. The written contract shall include, but not be
25 limited to, all of the following:

26 (1) A description of the services to be provided to the client by the professional engineer.

27 (2) A description of any basis of compensation applicable to the contract, and the method of
28 payment agreed upon by the parties.

1 (3) The name, address, and license or certificate number of the professional engineer, and
2 the name and address of the client.

3 (4) A description of the procedure that the professional engineer and the client will use to
4 accommodate additional services.

5 (5) A description of the procedure to be used by any party to terminate the contract.”

6 ...”

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

12
13 6. Section 118 of the Code states:

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

21 ...

22 7. Section 125.3 of the Code provides, in pertinent part, that the Board may request the
23 administrative law judge to direct a licentiate 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 **Eaton Ave. Projects**

27 8. On or about May 30, 2002, Respondent entered a written contract with Steve Zmay to
28 provide structural engineering plans and calculations for two residences located at 2501 & 2505

1 Eaton Ave., San Carlos CA 94079.

2 FIRST CAUSE FOR DISCIPLINE

3 (Contract Violations)

4 9. Respondent is subject to disciplinary action under sections 6775(h), 6749(a)(3), and
5 6749(a)(5) in that the contract between Respondent and Mr. Zmay failed to include:

6 a. Respondent's license number;

7 c. A description of the procedure to be used by any party to terminate the contract.

8 SECOND CAUSE FOR DISCIPLINE

9 (Negligence)

10 10. Respondent is subject to disciplinary action under section 6775(c) in that respondent
11 was negligent in preparing the structural design and calculations for the residence located at 2501
12 Eaton Ave., San Carlos CA 94079. The circumstances are as follows:

13 a. Respondent's original structural drawings show the grade beams as eight inch wide
14 by 16.5 inches deep, with one #5 reinforcing bar continuous at the top and bottom. No analysis
15 was performed as to the adequacy of this configuration in the calculations. As part of the plan
16 check comment a request for an analysis to show that adequacy of the grade beams was requested
17 by building official. The revised structural drawings showed a grade beam of the same size with
18 one #6 reinforcing bar continuous at the top and bottom. A brief calculation was performed,
19 included in the calculations for the adjacent property of 2505 Eaton Ave. to determine the
20 required area of reinforcing steel. The equation used by Respondent is not a typical equation used
21 by engineers today, nor is it referenced in the building code. The equation Respondent used
22 appears similar to the working stress design method (although an incorrect use of the working
23 stress design method), which has not been used for concrete design for several decades. The
24 result of Respondent's calculation was an inadequate area of steel. However, Respondent decided
25 to be "conservative" and bump up his steel requirement to a #6 reinforcing bar, which is adequate
26 had the same loads been used using the current ultimate strength design method. Although the
27 final grade beam details appear to be adequate for this particular project, the analysis performed
28 in the calculations does not comply with the current accepted method, and had Respondent's

1 calculation results been used, in lieu of what Respondent considered a "conservative" alternative,
2 the resulting grade beam would have been inadequate.

3 b. Respondent failed to adequately carry the uplift forces at second floor shear
4 walls to the foundation. Respondents failed to correctly analyze overturning at two-story shear
5 walls. At the two story shear walls, Respondent analyzed the uplift forces of the first floor shear
6 walls without including the uplift forces from second floor shear walls directly above. By
7 neglecting to include the uplift forces from the shear wall above in his calculations, the resulting
8 uplift forces at the foundation level are lower than they should be and the holdown device is
9 under-designed.

10 c. Respondent failed to analyze the framing below the discontinuous shear walls.
11 Section 1630.8.2.1 of the 1997 Uniform Building Code ("UBC") requires that any framing that
12 supports a shear wall that is not continuous to the foundation must be designed using an over-
13 strength factor applied to the seismic forces, as well as any vertical dead and live loads. This is to
14 ensure that the framing member has sufficient strength to support the shear wall without failing.
15 Respondent did not include analyses of framing members at locations in the plan where second
16 floor shear walls are supported on beams or cantilevered floor joists and there is no shear wall
17 directly below.

18 THIRD CAUSE FOR DISCIPLINE

19 (Negligence)

20 11. Respondent is subject to disciplinary action under section 6775(c) in that respondent
21 was negligent in preparing the structural design and calculations for the residence located at 2505
22 Eaton Ave., San Carlos CA 94079. The circumstances are as follows:

23 a. The original structural drawings show the grade beams as eight inch wide by 16.5
24 inches deep, with one #5 reinforcing bar continuous at the top and bottom. No analysis was
25 performed as to the adequacy of this configuration in the calculations. As part of the plan check
26 comment a request for an analysis to show that adequacy of the grade beams was requested by the
27 building official. The revised structural drawings showed a grade beam of the same size with one
28 #6 reinforcing bar continuous at the top and bottom. A brief calculation was performed to

determine the required area of reinforcing steel. The equation used by Respondent is not a typical equation used by engineers today, nor is it referenced in the building code. The equation Respondent used appears similar to the working stress design method, which has not been used for concrete design for several decades. In his analysis, Respondent decided to be "conservative" and bump up his steel requirement to a #6 reinforcing bar, which is adequate had the same loads been used using the current ultimate strength design method. Although the final grade beam details appear to be adequate for this particular project, the analysis performed in the calculations does not comply with the current accepted method, and had those results been used, in lieu of what Respondent considered a "conservative" alternative, the resulting grade beam would have been inadequate.

b. Respondent failed to adequately carry the uplift forces at second floor shear walls to the foundation. Respondents failed to correctly analyze overturning at two-story shear walls. At the two story shear walls, Respondent analyzed the uplift forces of the first floor shear walls without including the uplift forces from second floor shear walls directly above. By neglecting to include the uplift forces from the shear wall above in his calculations, the resulting uplift forces at the foundation level are lower than they should be and the holdown device is under designed.

c. Respondent failed to analyze the framing below the discontinuous shear walls. Section 1630.8.2.1 of the 1997 UBC requires that any framing that supports a shear wall that is not continuous to the foundation must be designed using an over-strength factor applied to the seismic forces, as well as any vertical dead and live loads. This is to ensure that the framing member has sufficient strength to support the shear wall without failing. Respondent did not include analyses of framing members at locations in the plan where second floor shear walls are supported on beams or cantilevered floor joists and there is no shear wall directly below.

Sunset Drive Project

12. On or about May 30, 2002, Respondent contracted with Michael Sneider to provide structural engineering plans and calculations for a repair and remodel of a residence located at

1 875 Sunset Dr., San Carlos CA 94070. Mr. Sneper approved the contract by phone but did not
2 sign the written contract.

3 FOURTH CAUSE FOR DISCIPLINE

4 (Contract Violations)

5 13. Respondent is subject to disciplinary action under sections 6775(h), 6749(a),
6 6749(a)(3), and 6749(a)(5) in that the contract between Respondent and Mr. Sneper was not
7 signed by Mr. Sneper and failed to include:

8 a. Respondent's license number;

9 c. A description of the procedure to be used by any party to terminate the contract.

10 FIFTH CAUSE FOR DISCIPLINE

11 (Incompetence)

12 14. Respondent is subject to disciplinary action under section 6775(c) in that respondent was
13 incompetent in preparing the structural design and calculations for the remodel of the residence
14 located at 875 Sunset Dr., San Carlos CA 94070. The circumstances are as follows:

15 There are several locations along the perimeter of the building where retaining walls are
16 required to retain either the adjacent soil or the soil below the building slab. In one set of
17 drawings, Respondent provided a cantilevered retaining wall with a 3'-6" maximum height and a
18 12 inch wide by 12 inch deep footing. The footing is inadequate to support the retaining walls
19 under the lateral design pressure of 60 pcf specified in the geotechnical report and the wall does
20 not address those areas where the required retained height is up to 5'-0" in height. In his analysis,
21 Respondent incorrectly used design loads from the soils report specified for restrained retaining
22 walls, which are typically much higher than those for cantilevered walls. In addition, Respondent
23 did not follow the methods typically used in engineering for determining cantilevered retaining
24 wall stability against overturning, which is a direct comparison of the Overturning Moment with
25 the Resisting Moment. Accordingly, Respondent's final results are inaccurate and do not
26 adequately cover all retaining wall conditions at the site.

27 ///

28 ///

SIXTH CAUSE FOR DISCIPLINE

(Negligence)

15. Respondent is subject to disciplinary action under section 6775(c) in that respondent was negligent in preparing the structural design and calculations for the remodel of the residence located at 875 Sunset Dr., San Carlos CA 94070. The circumstances are as follows:

a. Respondent's design used the existing continuous footing along the rear wall at the lower level of 875 Sunset to support the new loads from the remodel upstairs along with several shear walls and the footing itself is supported by three deep 16" diameter piers. The unsupported clear span of this footing is approximately 16'6". It is typical to analyze the capacity of existing footings any time the loading to that footing will be increased due to changes in the framing above. Additionally, altering the support system of the footing from a continuously supported footing, bearing on the soil, to one with intermediate supports such as piers or caissons, requires an analysis of the existing footing under the new loading and support conditions. Respondent did not perform an analysis of the existing rear footing under the new dead, live and lateral loads. Respondent failed to verify the adequacy of the existing footing with the new deep foundation supports. The existing footing was inadequate to support the structure under the increased loads due to the remodel with the new foundational supports.

b. The three piers supporting the existing footing at the rear of the lower level addition were not analyzed and are not adequate to support the dead, live and lateral loads from the remodeled structure.

The geotechnical engineer of the Sunset Dr. Project specified a lateral earth pressure for the top six feet of soil to be applied to the deep piers. Although the piers appear to be adequate to resist the lateral earth pressures, the analysis of the piers to resist this lateral pressure was incorrectly applied.

c. Respondent failed to perform an analysis of the discontinuous shear walls on the second floor. At the rear of the home new shear walls at the upper level do not sit directly above a shear wall. Instead, they are supported by floor framing and posts. Pursuant to California Building Code Section 1630.8.2.1, framing and posts supporting discontinuous shear walls must

1 be analyzed using the seismic force amplification factor applied to the lateral loads, typically
2 more than doubling the lateral loads. Respondent failed to perform this analysis.

3 d. Respondent failed to adequately carry the uplift forces at second floor shear walls to
4 the foundation. Respondents failed to correctly analyze overturning at two-story shear walls.
5 Holdown connectors were not installed at the end of some of the upper level shear walls.
6 Holdown connectors should have been installed where they are required to transfer the loads to
7 the lower level framing and foundation.

8 e. Respondent failed to correctly perform lateral analysis of two story shear walls. The
9 uplift forces at the upper level were not transferred to the lower level shear wall correctly and the
10 resulting holdown connection at the lower level was inadequate to resist the uplift forces for the
11 two story shear wall.

12 **Northam Ave. Projects**

13 16. On or about July 19, 2002, Respondent entered a written contract with Michael
14 Sneper to provide structural engineering plans and calculations for two residences located at 119
15 and 121 Northam Ave., San Carlos CA 94070.

16 **SEVENTH CAUSE FOR DISCIPLINE**

17 **(Contract Violations)**

18 17. Respondent is subject to disciplinary action under sections 6775(h), 6749(a)(3), and
19 6749(a)(5) in that the contract between Respondent and Mr. Sneper and failed to include:

- 20 a. Respondent's license number;
- 21 c. A description of the procedure to be used by any party to terminate the contract.

22 **EIGHTH CAUSE FOR DISCIPLINE**

23 **(Negligence)**

24 18. Respondent is subject to disciplinary action under section 6775(c) in that respondent
25 was negligent in preparing the structural design and calculations for the residence located at 119
26 Northam Ave., San Carlos CA 94070. The circumstances are as follows:

- 27 a. The pad footings in Respondent's plans, 12" by 12" square, were inadequate to
28 support the dead and live loads from the first floor framing. Respondent provided no analysis of

1 the bearing capacity or applied loads for the pad footings in the calculations. Given the design
2 loads, a pad footing of at least 15" by 15" should have been used.

3 b. The piers supporting the rear deck are specified to be 12" diameter round piers
4 extending 4' minimum into "native firm" soil and are reinforced with a single #6 reinforcing bar.
5 Respondent failed to perform a lateral analysis of the deck. The piers supporting lateral braces
6 should have been, but were not, analyzed for combined vertical and seismic loading. The single
7 #6 reinforcing bar does not comply with the minimum reinforcing requirements for concrete
8 compression members pursuant to the 1997 UBC Section 1910.9.

9 c. The 14' long grade beam, is inadequate to support the forces from the two-story 12'
10 shear wall above. Respondent performed his overturning analysis of the shear wall as a one-story
11 shear wall, assuming the shear load is applied at the second floor level only. Respondent should
12 have applied the respective loads at both the floor and roof levels. Respondent underestimated
13 the overturning forces by approximately 80%. Even applying the lower loads from Respondent's
14 shear wall analysis, the existing grade beam is unstable and inadequately sized and reinforced.

15 d. Respondent failed to perform a lateral analysis in the long direction of the building.
16 The structure does not comply with the conventional construction requirements in Section 2320
17 of the 1997 UBC and a lateral analysis is required.

18 e. Respondent failed to adequately carry the uplift forces at the second floor shear walls
19 to the foundation. Respondent failed to correctly analyze overturning at the two-story shear
20 walls.

21 NINTH CAUSE FOR DISCIPLINE

22 (Negligence)

23 19. Respondent is subject to disciplinary action under section 6775(c) in that Respondent
24 was negligent in preparing the structural design and calculations for the residence located at 121
25 Northam Ave., San Carlos CA 94070. The circumstances are as follows:

26 a. Respondent did not adequately provide drawings and details for areas of the
27 continuous footings that act as retaining walls to the adjacent grade. There are several locations
28 along the perimeter of the building where retaining walls are required to retain the adjacent soil,

1 or soil below the building slab. There are no notes, drawings or details indicating retaining walls
2 should be constructed. Also, there was no retaining wall analysis included in the calculations.
3 The perimeter footing was inadequate to resist the minimum lateral earth pressures where the
4 footing and stem were extended to act as a retaining wall

5 b. Respondent did not adequately analyze the foundation supporting plywood shear
6 walls. The grade beams shown on the plans are inadequate to support the overturning forces of
7 the code required minimum lateral loads. A 22" wide and seven foot tall Simpson Strong Wall is
8 specified on each side of the garage door. However, the grade beam below each strong wall is
9 shown on the plans as only three feet long. These grade beams are inadequately sized, and are
10 unstable for the overturning forces induced by the lateral seismic loads.

11 c. Respondent failed to perform a lateral analysis in the long direction of the building.
12 The structure does not comply with the conventional construction requirements in Section 2320
13 of the 1997 UBC and a lateral analysis is required.

14 d. Respondent failed to adequately carry the uplift forces at the second floor shear walls
15 to the foundation. Respondent failed to correctly analyze overturning at the two-story shear
16 walls. Respondent failed to include the uplift forces from the second story shear walls in his
17 calculations for the foundation. Accordingly Respondent's calculated uplift forces at the
18 foundation are lower than it should be and the holdown device is under-designed.

19 e. Respondent failed to label all the beams in the plans. Framing sizes were not shown
20 for some of the beams in the structural drawings. Respondents calculations fail to include a
21 framing analysis, to determine the required beam sizes, for all of the beams shown on the framing
22 plans.

23 **Blue Ravine Road Project**

24 20. On or about May, 2005, Respondent entered a contract with Jung Suh to provide
25 engineering design and calculations for a laundry facility located at 196 Blue Ravine Road. Mr.
26 Suh approved one of the proposal/contracts but did not sign any written contract.

27 ///

28 ///

1 TENTH CAUSE FOR DISCIPLINE

2 (Contract Violations)

3 21. Respondent is subject to disciplinary action under sections 6775(h), 6749(a),
4 6749(a)(3), 6749(a)(4) and 6749(a)(5) in that the proposal/contract between Respondent and Mr.
5 Suh was not signed by Mr. Suh and failed to include:

6 (a) The license number of the professional engineer;

7 (b) A description of the procedure that the professional engineer and the client will use to
8 accommodate additional services.

9 (c) A description of the procedure to be used by any party to terminate the contract.

10 ELEVENTH CAUSE FOR DISCIPLINE

11 (Negligence)

12 22. Respondent is subject to disciplinary action under section 6775(c) in that Respondent
13 was negligent in preparing the contract for the 196 Blue Ravine Road. The circumstances are as
14 follows: Respondent was negligent in preparing the written proposal/contract. The written
15 proposal Respondent provided to Mr. Suh failed to adequately describe the scope of the project.
16 There was no description of the project explaining what was to be designed by respondent. There
17 was no explanation of what was included and what was excluded from the project. There were no
18 timelines or deadlines in the proposal. Mr. Suh was told the drawings would be completed in four
19 weeks but this was not in the written proposal. The contract failed to state who would pay for
20 administrative costs (copying, etc.), permits, and fees. Also, the contract was not signed and
21 failed to comply with the requirements of section 7649, as described in paragraph 20, above.

22 TWELFTH CAUSE FOR DISCIPLINE

23 (Negligence)

24 23. Respondent is subject to disciplinary action under section 6775(c) in that Respondent
25 was negligent in preparing the engineering design and calculations for a laundry plant located at
26 196 Blue Ravine Road. The circumstances are as follows:

27 a. Respondent failed to perform calculations to ensure the foundation and anchorage
28 bolts could support the laundry equipment that was to be installed at the facility. Respondent

1 used 1/2" anchorage bolts all embedded at the same length throughout the project regardless of
2 the size and weight of the equipment being bolted (weight ranged from 200 lbs to 2120 lbs). This
3 was not only was a waste of money for the client but was also a seismic safety concern.

4 b. Respondent failed to provide code references in his calculations for the "conveyor
5 lateral support." Respondent should have performed these calculations pursuant to the 2001
6 California Building Code section 1632. He did not.

7 c. Respondent failed to perform calculations to see if the roof structure, platform, and
8 anchorage could support the 1,100 lb HVAC system.

9 d. Respondent signed and stamped drawings prepared by others without acknowledging
10 that they were prepared by others and that Respondent only examined the documents for their
11 compliance with the engineering requirements of the project.

12 e. Respondent's drawings failed to include anchorage details for the dry cleaning
13 equipment.

14 f. Respondent's drawings failed to include details for the suspension systems and
15 bracing for the ceiling.

16 g. Respondent's drawings failed to include platform and anchorage details for the
17 HVAC equipment.

18 h. Respondent's drawings failed to include details for openings and lateral support for
19 ductwork and piping.

20 i. Respondent failed to provide design calculations for the plumbing, HVAC, and
21 electrical systems.

22 THIRTEENTH CAUSE FOR DISCIPLINE

23 (Incompetence)

24 24. Respondent is subject to disciplinary action under section 6775(c) in that Respondent was
25 incompetent in negotiating, contracting for, and performing the Blue Ravine Road project. The
26 circumstances are more fully described in paragraphs 19-22, above.

27 ///

28 ///

1 **Newlands Dr. Project**

2 25. On or about January 1, 2007, Respondent entered a written contract with Eric
3 Hashemain and Frank Tawil to provide engineering and design services for an addition and
4 remodel project located at 2800 Newlands Dr., Belmont CA 94002.

5 **FOURTEENTH CAUSE FOR DISCIPLINE**

6 **(Contract Violations)**

7 26. Respondent is subject to disciplinary action under sections 6775(h), 6749(a)(4) and
8 6749(a)(5) in that the contract between Respondent, Eric Hashemain and Frank Tawil failed to
9 include:

10 (a) A description of the procedure that the professional engineer and the client will use to
11 accommodate additional services.

12 (b) A description of the procedure to be used by any party to terminate the contract.

13 **FIFTEENTH CAUSE FOR DISCIPLINE**

14 **(Negligence)**

15 27. Respondent is subject to disciplinary action under section 6775(c) in that Respondent was
16 negligent in preparing the contract for the Newlands Rd. Project. The circumstances are as
17 follows: Respondent was negligent in preparing the written proposal/contract. There were no
18 timelines or deadlines in the proposal. The schedule for payment was unclear as to what work
19 needed to be performed before payment was due. Also, the contract failed to comply with the
20 requirements of section 7649, as described in paragraph 24, above.

21 **SIXTEENTH CAUSE FOR DISCIPLINE**

22 **(Breach of Contract)**

23 28. Respondent is subject to disciplinary action under section 6775(d) of the code in that
24 Respondent breached his contract with Eric Hashemain and Frank Tawil. The \$21,000 contract
25 included six installments: a down payment of \$4,000, a payment of \$4,000 upon completion of
26 each of the 4 items described in the Scope of Work, and a final payment of \$1,000 upon approval
27 of the Building Department. Respondent stopped work on the project after accepting the fourth
28 installment payment of \$4,000 in November 2007 (\$16,000 total). Respondent was supposed to

1 have completed his plans and calculations so they could be submitted for planning review before
2 accepting this payment. However, Respondent failed to complete the plans and calculations or he
3 failed to submit his plans and calculations to the Building Department for planning review despite
4 being paid for this service. After receiving the November 2007 payment, Respondent failed to
5 complete the project. After several unsuccessful requests to complete the plans/calculations and
6 submit them to the city, Eric Hashemain and Frank Tawil terminated their relationship with
7 Respondent on February 11, 2008 due to Respondent's breach of the contract.

8 SEVENTEENTH CAUSE FOR DISCIPLINE

9 (Incompetence)

10 29. Respondent is subject to disciplinary action under section 6775(c) in that Respondent
11 was incompetent in negotiating, contracting for, and performing the Newlands Dr. project. The
12 circumstances are more fully described in paragraphs 24-27, above.

13 PRAYER

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

- 17 1. Revoking or suspending Civil Engineer License Number C 50615, issued to John
18 Ahn.
- 19 2. Ordering John Ahn to pay the Board for Professional Engineers and Land Surveyors
20 the reasonable costs of the investigation and enforcement of this case, pursuant to Business and
21 Professions Code section 125.3;
- 22 3. Taking such other and further action as deemed necessary and proper.

23 DATED: 10/18/10

Original Signed

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