

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

In the Matter of the First Amended Accusation	)	
against:	)	
	)	
PAUL HENRI DURAND, JR.	)	Case No. 1250-A
611 North G Street	)	
Oxnard, CA 93030	)	
	)	
Civil Engineer License, No. C 58364	)	
Structural Engineer License, No. S 4222	)	
	)	
Respondent.	)	
<hr/>		

**DECISION**

The attached Stipulated Surrender 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 July 28, 2022.

IT IS SO ORDERED June 23, 2022.

*Original Signed*

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

1 ROB BONTA  
Attorney General of California  
2 THOMAS L. RINALDI  
Supervising Deputy Attorney General  
3 CRISTINA FELIX  
Deputy Attorney General  
4 State Bar No. 195663  
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7 *Attorneys for Complainant*

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

12 In the Matter of the Accusation Against:

13 **PAUL HENRI DURAND, JR.**  
14 **611 North G Street**  
**Oxnard, CA 93030**  
15 **Civil Engineer License No. C 58364**  
16 **Structural Engineer License No. S 4222**

17 Respondent.

Case No. 1250-A

OAH No. 2021080302

**STIPULATED SURRENDER OF  
LICENSE AND ORDER**

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

21 **PARTIES**

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

26 2. Paul Henri Durand, Jr. (Respondent) is represented in this proceeding by attorney  
27 Negin Yamini, Esq. whose address is: 5670 Wilshire Blvd., Suite 1837, Los Angeles, CA 90036.  
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1 **ADVISEMENT AND WAIVERS**

2 7. Respondent has carefully read, fully discussed with counsel, and understands the  
3 charges and allegations in Accusation No. 1250-A. Respondent also has carefully read, fully  
4 discussed with counsel, and understands the effects of this Stipulated Surrender of License and  
5 Order.

6 8. Respondent is fully aware of his legal rights in this matter, including the right to a  
7 hearing on the charges and allegations in the Accusation; the right to confront and cross-examine  
8 the witnesses against him; the right to present evidence and to testify on his own behalf; the right  
9 to the issuance of subpoenas to compel the attendance of witnesses and the production of  
10 documents; the right to reconsideration and court review of an adverse decision; and all other  
11 rights accorded by the California Administrative Procedure Act and other applicable laws.

12 9. Respondent voluntarily, knowingly, and intelligently waives and gives up each and  
13 every right set forth above.

14 **CULPABILITY**

15 10. Respondent understands that the charges and allegations in Accusation No. 1250-A, if  
16 proven at a hearing, constitute cause for imposing discipline upon his Civil Engineer License as  
17 well as for his Structural Engineer License.

18 11. For the purpose of resolving the Accusation without the expense and uncertainty of  
19 further proceedings, Respondent agrees that, at a hearing, Complainant could establish a factual  
20 basis for the charges in the Accusation and that those charges constitute cause for discipline.  
21 Respondent hereby gives up his right to contest that cause for discipline exists based on those  
22 charges.

23 12. Respondent understands that by signing this stipulation he enables the Board to issue  
24 an order accepting the surrender of his Civil Engineer License without further process.

25 13. Respondent also understands that by signing this stipulation he enables the Board to  
26 issue an order accepting the surrender of his Structural Engineer License without further process.

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28 ///

**CONTINGENCY**

1  
2           14. This stipulation shall be subject to approval by the Board. Respondent understands  
3 and agrees that counsel for Complainant and the staff of the Board may communicate directly  
4 with the Board regarding this stipulation and surrender, without notice to or participation by  
5 Respondent or his counsel. By signing the stipulation, Respondent understands and agrees that he  
6 may not withdraw his agreement or seek to rescind the stipulation prior to the time the Board  
7 considers and acts upon it. If the Board fails to adopt this stipulation as its Decision and Order,  
8 the Stipulated Surrender and Disciplinary Order shall be of no force or effect, except for this  
9 paragraph, it shall be inadmissible in any legal action between the parties, and the Board shall not  
10 be disqualified from further action by having considered this matter.

11           15. The parties understand and agree that Portable Document Format (PDF) and facsimile  
12 copies of this Stipulated Surrender of License and Order, including PDF and facsimile signatures  
13 thereto, shall have the same force and effect as the originals.

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

20           17. In consideration of the foregoing admissions and stipulations, the parties agree that  
21 the Board may, without further notice or formal proceeding, issue and enter the following Order:

**ORDER**

22  
23           IT IS HEREBY ORDERED that Civil Engineer License No. C 58364 and Structural  
24 Engineer License No. S 4222 issued to Respondent Paul Henri Durand, Jr., is surrendered and  
25 accepted by the Board.

26           1. The surrender of Respondent's Civil Engineer License and Structural Engineer  
27 License and the acceptance of the surrendered licenses by the Board shall constitute the  
28

1 imposition of discipline against Respondent. This stipulation constitutes a record of the discipline  
2 and shall become a part of Respondent's license history with the Board.

3 2. Respondent shall lose all rights and privileges as a Civil Engineer and as a Structural  
4 Engineer in California as of the effective date of the Board's Decision and Order.

5 3. Respondent shall cause to be delivered to the Board his pocket licenses and, if one  
6 was issued, his wall certificates on or before the effective date of the Decision and Order.

7 4. Respondent agrees not to petition for reinstatement of the surrendered licenses. If  
8 respondent ever applies for licensure in the State of California, the Board shall treat it as a new  
9 application for licensure. Respondent agrees not to apply for any license issued by the Board for  
10 two years from the effective date of this surrender. Respondent understands and agrees that if he  
11 ever applies for any license issued by the Board, the Board shall treat it as a new application for  
12 licensure. Respondent must comply with all the laws, regulations, and procedures for licensure in  
13 effect at the time the application is filed, including but not limited to submitting a completed  
14 application and the requisite fee and taking and passing the required examination(s), and all of the  
15 charges and allegations contained in Accusation No. 1250-A shall be deemed to be true, correct,  
16 and admitted by Respondent when the licensing agency determines whether to grant or deny the  
17 application.

18 **ACCEPTANCE**

19 I have carefully read the above Stipulated Surrender of License and Order and have fully  
20 discussed it with my attorney Negin Yamini, Esq. I understand the stipulation and the effect it  
21 will have on my Civil Engineer License, and Structural Engineer License. I enter into this  
22 Stipulated Surrender of License and Order voluntarily, knowingly, and intelligently, and agree to  
23 be bound by the Decision and Order of the Board for Professional Engineers, Land Surveyors,  
24 and Geologists.

25  
26 DATED: 5/6/2022

*Original Signed*

\_\_\_\_\_  
PAUL HENRI DURAND, JR.  
*Respondent*

1 I have read and fully discussed with Respondent Paul Henri Durand, Jr. the terms and  
2 conditions and other matters contained in this Stipulated Surrender of License and Order. I  
3 approve its form and content.

4 DATED: 5/5/2022

*Original Signed*

NEGIN YAMINI, ESQ.  
*Attorney for Respondent*

6  
7 **ENDORSEMENT**

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

11 DATED: 5/6/2022

Respectfully submitted,

12 ROB BONTA  
13 Attorney General of California  
14 THOMAS L. RINALDI  
Supervising Deputy Attorney General

*Original Signed*

15 CRISTINA FELIX  
16 Deputy Attorney General  
17 *Attorneys for Complainant*

18  
19 LA2021600149  
20 64881264

**Exhibit A**

**Accusation No. 1250-A**



1 ROB BONTA  
Attorney General of California  
2 THOMAS L. RINALDI  
Supervising Deputy Attorney General  
3 CRISTINA FELIX  
Deputy Attorney General  
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E-mail: Cristina.Felix@doj.ca.gov  
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**BOARD FOR PROFESSIONAL ENGINEERS, LAND SURVEYORS, AND**  
10 **GEOLOGISTS**  
11 **DEPARTMENT OF CONSUMER AFFAIRS**  
**STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 1250-A

13 **PAUL HENRI DURAND, JR.**  
14 **611 North G Street**  
**Oxnard, CA 9 93030**  
15 **Civil Engineer License No. C 58364**  
16 **Structural Engineer License No. S 4222**

**FIRST AMENDED ACCUSATION**

17 Respondent.

18  
19  
20 **PARTIES**

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

24 2. On or about October 15, 1971, The Board issued civil Engineer License Number C  
25 20920 to Paul Henri Durand, Jr. (Respondent) and, on or about December 14, 1977, the Board  
26 issued Structural Engineer License Number S2136 to Respondent.

27 ///

28 ///

1 3. On May 11, 1998, in a prior disciplinary action titled *In the Matter of the Accusation*  
2 *Against Paul Henri Durand, Jr.* in Case Number 633-A, the Board issued a Decision and Order in  
3 which Respondent's licenses were ordered revoked, and new licenses were then immediately  
4 issued to Respondent<sup>1</sup>. The new licenses, Civil Engineer License No. C 58364 and Structural  
5 Engineer License No. S. 4222, were also immediately revoked, however the revocations were  
6 stayed and Respondent was placed on probation for four years, with certain terms and conditions.  
7 Upon completion of the probationary period, his licenses were fully restored. Those licenses were  
8 in full force and effect at all times relevant to the charges brought herein and will expire on  
9 September 30, 2023, unless renewed.

10 4. On December 24, 2009<sup>2</sup>, in a prior disciplinary action titled *In the Matter of the*  
11 *Accusation Against Paul Henri Durand, Jr.* in Case Number 818-A, the Board issued a Decision  
12 and Order in which Respondent's civil engineer license number C-58364 and structural engineer  
13 license number S-4222 were revoked, revocations were stayed, and licenses were placed on  
14 probation for four years, with certain terms and conditions.

15 **JURISDICTION**

16 5. This First Amended Accusation is brought before the Board, Department of  
17 Consumer Affairs, under the authority of the following laws. All section references are to the  
18 Business and Professions Code (Code) unless otherwise indicated. The California Professional  
19 Engineers Act is found at Code sections 6700 to 6799.

20 6. Section 118, subdivision (b), of the Code provides that the suspension, expiration,  
21 surrender, or cancellation of a license shall not deprive the Board of jurisdiction to proceed with a  
22 disciplinary action during the period within which the license may be renewed, restored, reissued  
23 or reinstated.

24 ///

25 ///

26 \_\_\_\_\_  
27 <sup>1</sup> Those new licenses do not allow Respondent to practice land surveying.

28 <sup>2</sup> On December 28, 2012, in a prior disciplinary action titled *In the Matter of the*  
*Accusation Against Paul Henri Durand, Jr.* in Case Number 818-A, the Petition for Reduction of  
Penalty filed by Respondent was denied by the Board.

**STATUTORY PROVISIONS**

7. Section 6703 of the Code states, in pertinent part, that:

The phrase “responsible charge of work” means the independent control and direction, by the use of initiative, skill, and independent judgment, of the investigation or design of professional engineering work or the direct engineering control of such projects. The phrase does not refer to the concept of financial liability.

8. Section 6735 of the Code states, in pertinent part, that:

(a) All civil (including structural and geotechnical) engineering plans, calculations, specifications, and reports (hereinafter referred to as “documents”) shall be prepared by, or under the responsible charge of, a licensed civil engineer and shall include his or her name and license number. Interim documents shall include a notation as to the intended purpose of the document, such as “preliminary,” “not for construction,” “for plan check only,” or “for review only.” All civil engineering plans and specifications that are permitted or that are to be released for construction shall bear the signature and seal or stamp of the licensee and the date of signing and sealing or stamping. All final civil engineering calculations and reports shall bear the signature and seal or stamp of the licensee, and the date of signing and sealing or stamping. If civil engineering plans are required to be signed and sealed or stamped and have multiple sheets, the signature, seal or stamp, and date of signing and sealing or stamping shall appear on each sheet of the plans. If civil engineering specifications, calculations, and reports are required to be signed and sealed or stamped and have multiple pages, the signature, seal or stamp, and date of signing and sealing or stamping shall appear at a minimum on the title sheet, cover sheet, or signature sheet.

9. Section 6737.1 of the Code states, in pertinent part, that:

(a) This chapter does not prohibit any person from preparing plans, drawings, or specifications for any of the following:

(1) Single-family dwellings of woodframe construction not more than two stories and basement in height.

...

(b) If any portion of any structure exempted by this section deviates from substantial compliance with conventional framing requirements for woodframe construction found in the most recent edition of Title 24 of the California Code of Regulations or tables of limitation for woodframe construction, as defined by the applicable building code duly adopted by the local jurisdiction or the state, the building official having jurisdiction shall require the preparation of plans, drawings, specifications, or calculations for that portion by, or under the responsible charge of, a licensed engineer, or by, or under the responsible control of, an architect licensed pursuant to Chapter 3 (commencing with Section 5500). The documents for that portion shall bear the stamp and signature of the licensee who is responsible for their preparation.

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10. Section 6749 of the Code states, in pertinent part, that:

(a) 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 the client's 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.

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

(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.

(5) A description of the procedure to be used by both parties to terminate the contract.

(b) This section shall not apply to any of the following:

(1) Professional engineering services rendered by a professional engineer for which the client will not pay compensation.

(2) A professional engineer who has a current or prior contractual relationship with the client to provide engineering services, and that client has paid the professional engineer all of the fees that are due under the contract.

(3) If the client knowingly states in writing after full disclosure of this section that a contract which complies with the requirements of this section is not required.

...

(c) "Written contract" as used in this section includes a contract that is in electronic form.

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

[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:

...

(b) Any deceit, misrepresentation, or fraud in his or her practice.

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

///

1 (d) A breach or violation of a contract to provide professional engineering  
2 services.

3 (e) Any fraud, deceit, or misrepresentation in obtaining his or her certificate as  
4 a professional engineer.

5 (f) Aiding or abetting any person in the violation of any provision of this  
6 chapter or any regulation adopted by the board pursuant to this chapter.

7 (g) A violation in the course of the practice of professional engineering of a rule  
8 or regulation of unprofessional conduct adopted by the board.

9 (h) A violation of any provision of this chapter or any other law relating to or  
10 involving the practice of professional engineering.

11 12. Section 6775.2 of the Code states, in pertinent part, that:

12 The failure of, or refusal by, a licensee or a certificate holder to respond to a  
13 written request from a representative of the board in the investigation of a complaint  
14 against that licensee or certificate holder constitutes a cause for disciplinary action  
15 under Section 6775 or 6775.1.

### 16 **REGULATORY PROVISIONS**

17 13. Section 404 of the Title 16, California Code of Regulations states:

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

21 ...

22 (i) "Board" means the Board for Professional Engineers, Land Surveyors, and  
23 Geologists.

24 ...

25 (k) "Civil engineer" refers to a person who holds a valid license in the branch  
26 of civil engineering, as defined in Section 6702 of the Code.

27 (l) "Civil engineering" is that branch of professional engineering as defined in  
28 Section 6731 of the Code.

(m) "Code" means the Business and Professions Code.

...

(u) For the sole purpose of investigating complaints and making findings  
thereon 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 professional obligations as a professional engineer or land surveyor.

///

...

(dd) For the sole purpose of investigating complaints and making findings thereon 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 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.

...

(ii) "Professional engineer" refers to a person engaged in the practice of professional engineering as defined in Section 6701 of the Code.

(jj) "Professional engineering" within the meaning of this chapter comprises the following branches: agricultural engineering, chemical engineering, civil engineering, control system engineering, corrosion engineering, electrical engineering, fire protection engineering, industrial engineering, manufacturing engineering, mechanical engineering, metallurgical engineering, nuclear engineering, petroleum engineering, quality engineering, safety engineering, and traffic engineering.

...

(oo) "structural engineer" refers to a civil engineer who holds a valid authorization to use the title "structural engineer," as provided in Section 6736 of the Code.

(pp) "structural engineering" for the purposes of structural authority is the application of specialized civil engineering knowledge and experience to the design and analysis of buildings (or other structures) which are constructed or rehabilitated to resist forces induced by vertical and horizontal loads of a static and dynamic nature. This specialized knowledge includes familiarity with scientific and mathematical principles, experimental research data and practical construction methods and processes. The design and analysis shall include consideration of stability, deflection, stiffness and other structural phenomena that affect the behavior of the building (or other structure).

...

14. Section 404.2 of title 16, California Code of Regulations states that:

(a) The term "responsible charge" directly relates to the extent of control a licensed land surveyor or civil engineer legally authorized to practice land surveying (hereinafter referred to as "legally authorized civil engineer") is required to maintain while exercising independent control and direction of land surveying work or services and the land surveying decisions which can be made only by a licensed land surveyor or legally authorized civil engineer.

(1) Extent of Control. The extent of control necessary to be in responsible charge shall be such that the land surveyor or legally authorized civil engineer:

(A) Makes or review and approves the land surveying decisions defined and described in subdivision (a)(2) below.

(B) In making or reviewing and approving the land surveying decisions, determines the applicability of survey criteria and technical recommendations provided by others before incorporating such criteria or recommendations.

1 (2) Land Surveying Decisions. The term “responsible charge” relates to land  
surveying decisions within the purview of the Professional Land Surveyors' Act.

2 Land surveying decisions which must be made by and are the responsibility  
3 of the land surveyor or legally authorized civil engineer in responsible charge are  
those decisions concerning permanent or temporary work which could create a hazard  
4 to life, health, property, or public welfare, and may include, but are not limited to:

5 15. Section 411 of title 16, California Code of Regulations states:

6 (a) The seal required by Section 6764 of the Code shall be not less than one and  
7 one-half (1 1/2) inches in diameter and shall contain the following information:

8 . . .

9 (g)(1) All professional engineering plans, specifications, reports, or documents  
(hereinafter referred to as “documents”) shall be signed and sealed in accordance with  
10 the requirements of the Professional Engineers Act and any other laws related to the  
practice of professional engineering and shall be signed and sealed in a manner such  
11 that all work can be clearly attributed to the licensee(s) in responsible charge of the  
work.

12 . . .

13 (h) Each licensee shall include the date of signing and sealing immediately  
14 below or next to the signature and seal.

15 16. Section 419 of title 16, California Code of Regulations states that:

16 For violations of Business and Professions Code sections 6775 and/or 8780  
17 which result in an order issued in accordance with Chapters 4.5 and 5 of Part 1 of  
Division 3 of Title 2 of the Government Code against a professional engineering  
18 and/or a professional land surveying license, the following provisions shall apply to  
disciplinary orders contained in decisions of the Board:

19 (a) The minimum disciplinary order shall be revocation. The maximum  
20 disciplinary order shall be revocation of the license.

21 (b) If warranted by extenuating and/or mitigating factors in the matter, the  
disciplinary order may be stayed by an express condition that the respondent comply  
22 with probationary conditions. The minimum time period in which the respondent  
shall have to comply with the conditions shall be two years. For purposes of this  
23 section, this time period shall be known as the period of probation.

24 (c) All decisions containing stayed disciplinary orders as described in  
subdivision (b) shall include the following probationary conditions:

25 (1) The respondent shall obey all laws and regulations related to the practices of  
26 professional engineering and professional land surveying.

27 (2) The respondent shall submit such special reports as the Board may require.

28 ///

1 (3) The period of probation shall be tolled during the time the respondent is  
2 practicing exclusively outside the state of California. If, during the period of  
3 probation, the respondent practices exclusively outside the state of California, the  
4 respondent shall immediately notify the Board in writing.

5 (4) If the respondent violates the probationary conditions in any respect, the  
6 Board, after giving the respondent notice and the opportunity to be heard, may vacate  
7 the stay and reinstate the disciplinary order which was stayed. If, during the period of  
8 probation, an accusation or petition to vacate stay is filed against the respondent, or if  
9 the matter has been submitted to the Office of the Attorney General for the filing of  
10 such, the Board shall have continuing jurisdiction until all matters are final, and the  
11 period of probation shall be extended until all matters are final.

12 (5) Upon successful completion of all of the probationary conditions and the  
13 expiration of the period of probation, the respondent's license shall be  
14 unconditionally restored.

15 (d) All decisions containing stayed disciplinary orders as described in  
16 subdivision (b) may include one or more of the following probationary conditions:

17 (1) The respondent's license shall be suspended for a period not to exceed two  
18 years. If a suspension of the license is ordered, it shall begin on the effective date of  
19 the decision.

20 . . .

21 (e) In addition to the conditions as may be ordered pursuant to subdivisions (c)  
22 and/or (d), the following conditions shall be included for the following specific  
23 violations:

24 . . .

25 (3) Violation and/or breach of contract in the practice of professional  
26 engineering and/or professional land surveying:

27 (A) The respondent shall successfully complete and pass, with a grade of A or  
28 better, a minimum of one and a maximum of three college-level courses, approved in  
advance by the Board or its designee. Such courses shall be specifically related to the  
area of violation. For purposes of this subdivision, a college-level course shall mean a  
course offered by a community college or a four-year university of three semester  
units or the equivalent; a college-level course does not include seminars. The  
probationary condition shall include a time period in which the course(s) shall be  
successfully completed which time period shall be at least 60 days less than the time  
period ordered for the period of probation.

. . .

In addition to the disciplinary orders described in this section, all decisions shall  
address recovery of the Board's investigation and enforcement costs, as described in  
and authorized by Business and Professions Code section 125.3.

Notwithstanding this section, non-conforming terms and conditions may be  
included as part of the disciplinary order, including such other further or lesser action  
as the Board deems appropriate, in the interest of protecting the public health, safety,  
and welfare.

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1 As used in this section, “license” includes certificate of registration or license as  
2 a professional engineer, licensure as a professional land surveyor, and certificates of  
3 authority to use the titles ‘structural engineer,’ ‘geotechnical engineer,’ ‘soil  
4 engineer,’ ‘soils engineer,’ or ‘consulting engineer.’

4 17. Section 475 of title 16, California Code of Regulations states that:

5 To protect and safeguard the health, safety, welfare, and property of the public, every  
6 person who is licensed by the Board as a professional engineer, including licensees  
7 employed in any manner by a governmental entity or in private practice, shall comply  
8 with this Code of Professional Conduct. A violation of this Code of Professional  
9 Conduct in the practice of professional engineering constitutes unprofessional  
10 conduct and is grounds for disciplinary action pursuant to Section 6775 of the Code.  
11 This Code of Professional Conduct shall be used for the sole purpose of investigating  
12 complaints and making findings thereon under Section 6775 of the Code.

10 (a) Compliance with Laws Applicable to a Project:

11 A licensee shall provide professional services for a project in a manner that is  
12 consistent with the laws, codes, ordinances, rules, and regulations applicable to that  
13 project. A licensee may obtain and rely upon the advice of other professionals (e.g.,  
14 architects, attorneys, professional engineers, professional land surveyors, and other  
15 qualified persons) as to the intent and meaning of such laws, codes, and regulations.  
16 ...

14 (e) Document Submittal:

15 (1) A licensee shall not misrepresent the completeness of the professional documents  
16 he or she submits to a governmental agency.

17 (2) A licensee shall not misrepresent the completeness of the professional documents  
18 he or she prepared to his or her client or to other involved parties.

### 19 **COST RECOVERY**

20 18. Section 125.3 of the Code provides, in pertinent part, that the Board may request the  
21 administrative law judge to direct a licensee found to have committed a violation or violations of  
22 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and  
23 enforcement of the case, with failure of the licensee to comply subjecting the license to not being  
24 renewed or reinstated. If a case settles, recovery of investigation and enforcement costs may be  
25 included in a stipulated settlement.

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1 **FACTUAL ALLEGATIONS- YOLANDA AVENUE PROPERTY**

2 (Complaint Case No. 2019-05-120)

3 19. In or about April 2019, FG<sup>3</sup> entered into a contract with Respondent to provide  
4 professional engineering services for a property located at Yolanda Avenue in Tarzana,  
5 California. FG did not receive a written contract for the scope of work.

6 20. Respondent was paid \$1,500.00 by FG.

7 21. Respondent provided FG a Structural Observation Report Form, dated April 26, 2019.  
8 However, Respondent provided incomplete structural observation services and did not provide a  
9 record of the one in-person structural observation in a format acceptable to the Los Angeles  
10 Department of Building and Safety (LADBS).

11 22. FG was required to hire another engineer to perform the structural observations for  
12 which Respondent was already paid.

13 23. FG filed a complaint with the Board against Respondent.

14 24. On May 30, 2019, a Board investigator sent Respondent a letter advising him of the  
15 allegations and requesting a response by June 18, 2019 and no response was received. On August  
16 15, 2019, the Board investigator sent another letter to Respondent advising him of the allegations  
17 and requesting a response by August 22, 2019. No response was received.

18 **FIRST CAUSE FOR DISCIPLINE**

19 **(Failure to Provide A Written Contract)**

20 25. Respondent is subject to disciplinary action under Code section 6749 in that he failed  
21 to provide a written contract, signed by a licensed engineer, to FG for the scope of work.  
22 Complainant hereby incorporates by reference paragraphs 19 through 24 as though fully set forth  
23 herein.

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28 <sup>3</sup> Initials are being used to protect the individual's identity. Individuals will be identified during the course of discovery.

1 **SECOND CAUSE FOR DISCIPLINE**

2 **(Breach of Contract)**

3 26. Respondent is subject to disciplinary action under Code section 6775, subdivision (d),  
4 in that he failed to provide the professional engineering services he was contracted to fulfill,  
5 including failing to provide structural observation services. Complainant hereby incorporates by  
6 reference paragraphs 19 through 24 as though fully set forth herein.

7 **THIRD CAUSE FOR DISCIPLINE**

8 **(Failure or Refusal to Respond to Investigation)**

9 27. Respondent is subject to disciplinary action under Code section 6775.2, in  
10 conjunction with California Code of Regulations, title 16, section 404.2, in that Respondent failed  
11 to respond to the Board's investigation. Complainant hereby incorporates by reference paragraph  
12 24 as though fully set forth herein.

13 **FACTUAL ALLEGATIONS- SUGARMAN DRIVE PROPERTY**

14 (Complaint Case No. 2019-08-215)

15 28. In or about November of 2018, SC entered into a contract with Respondent who was  
16 to provide "engineering documents" and "engineering calculations." The written contract was  
17 signed by Jackson Durand, an individual not licensed by the Board, and the terms and conditions  
18 of the contract were initialed "JD."

19 29. Jackson Durand presented himself as a structural engineer and owner of Durand  
20 Architectural Engineering (DAE) and identified Respondent as DAE's licensed engineer and  
21 "registered" to DAE to SC.

22 30. Respondent's address of record with the Board is 611 North G. Street, Oxnard  
23 California but address used by DAE was 1854 Wedgewood Place, Chula Vista, CA 91913,  
24 including in the written contract and invoices provided to SC.

25 31. SC received drawings prepared by DAE which were presented by DAE as suitable for  
26 client review. SC was advised by Jackson Durand that the drawings still have to go through the  
27 city for approval. The construction documents did not contain Respondent's stamp, date of  
28 stamping and signature. Nothing on the drawing indicates that it is incomplete or in progress.

1           32. Sheet S-1, Lateral Design coefficients, incorrectly identifies the site location (ZIP  
2 Code) as 91411 (Van Nuys, CA) rather than 92037 (La Jolla, CA) and incorrectly identifies a  
3 single family residence as a Risk Category IV structure rather than II. The spectral ordinates do  
4 not appear to match either site or risk category.

5           33. According to the Payment Schedule in the contract, the homeowner was to have paid  
6 \$3,600 for "measurements & designing" and creating the construction documents for permit. The  
7 homeowner made the required payments via two checks totaling \$3,600. However, the  
8 completed and stamped plans were never provided to the homeowner. Respondent failed to  
9 provide complete and accurate architectural drawings, engineering plans, structural calculations  
10 and energy calculations.

11           34. Further, despite numerous attempts by SC to get Respondent, through Jackson  
12 Durand, to visit the site to review existing conditions and obtain proper measurements,  
13 Respondent failed to do so.

14           35. On October 30, 2019, in response to Board investigator inquiries regarding the  
15 project, Respondent advised that "All final work is reviewed by [him] prior to. . . allowing [his]  
16 electronic seal to be applied" and listed "his son" Jackson Durand as the point of contact for  
17 further inquiries. When attempts were made by the Board investigator to obtain further details, in  
18 early November of 2019, Respondent advised the investigator to "stop harassing" him. In  
19 December of 2019, Jackson Durand advised the Board investigator that he was the principal  
20 owner and representative of DAE and that the licensed engineer was Respondent, his father.

21   **FOURTH CAUSE FOR DISCIPLINE**

22   **(Failure to Exercise Responsible Charge)**

23           36. Respondent is subject to disciplinary action under Code section 6703, in conjunction  
24 with California Code of Regulations, title 16, section 404.2, in that he did not exercise responsible  
25 charge for the structural engineering work reflected on the drawings. Respondent did not visit the  
26 site, did not communicate with SC and the construction documents (drawings) are unstamped,  
27 incomplete, and inaccurate, despite being purportedly ready for submission for plan check.

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1 Complainant hereby incorporates by reference paragraphs 28 through 35 as though fully set forth  
2 herein.

3 **FIFTH CAUSE FOR DISCIPLINE**

4 **(Aid and Abetting Unlicensed Activity)**

5 37. Respondent is subject to disciplinary action under Code section 6749, subdivision (a),  
6 in conjunction with California Code of Regulations, title 16, section 404.2, in that Respondent  
7 aided and abetted Jackson Durand, an unlicensed individual, in the practice of civil engineering  
8 and allowed Jackson Durand to sign a contract offering engineering services. Complainant hereby  
9 incorporates by reference paragraphs 28 through 36 as though fully set forth herein.

10 **SIXTH CAUSE FOR DISCIPLINE**

11 **(Breach of Contract)**

12 38. Respondent is subject to disciplinary action under Code section 6775, subdivision (d),  
13 in that he failed to provide the services he was contracted to fulfill, including providing complete  
14 and accurate architectural drawings, engineering plans, structural calculations and energy  
15 calculations. Further, despite numerous attempts to get Respondent to visit the site to review  
16 existing conditions, he failed to do so. Complainant hereby incorporates by reference paragraphs  
17 28 through 35 as though fully set forth herein.

18 **SEVENTH CAUSE FOR DISCIPLINE**

19 **(Failure to Provide Required Stamp and Identification)**

20 39. Respondent is subject to disciplinary action under Code section 6735 and Board Rule  
21 411, subdivision (g)(1) in that Respondent failed to stamp the engineering plans submitted to the  
22 homeowner such that the engineer in responsible charge of the project was not clearly identified  
23 as required. Complainant hereby incorporates by reference paragraphs 28 through 35 as though  
24 fully set forth herein.

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1 **FACTUAL ALLEGATIONS- EVANGELINE PLACE PROPERTY**

2 (Complaint Case No. 2021-06-180)

3 40. In or about April 2020, LO moved to Oxnard and hired a construction company to  
4 construct an accessory dwelling unit (ADU) in the garage on the property located at Evangeline  
5 Place in Oxnard, California. Her contractor advised that they would need to hire an architectural  
6 engineer and recommended Respondent to her. Accordingly, LO hired Respondent to prepare the  
7 required plans. However, she did not receive a signed, written contract from Respondent for the  
8 scope of work.

9 41. Jackson Durand came to her home to take measurements.

10 42. Respondent provided an invoice, dated April 21, 2020, for \$3,000 to LO. LO sent  
11 three \$500.00 Zelle payments to Respondent in April 2020 and a check for \$1,500.00 to  
12 Respondent in June 2020.

13 43. Plans were submitted to the City of Oxnard for the ADU. Dynamic Designs is  
14 identified as the provider on the initial drawings, dated May 25, 2020<sup>4</sup>. The set consists of three  
15 architectural sheets and five structural sheets, although two of the structural sheets (S-4 and S-5)  
16 relate to County of Los Angeles requirements (the project is in the City of Oxnard and the  
17 Country of Ventura) and energy calculations. Also, the drawings are not stamped by a licensed  
18 engineer or architect.

19 44. Approximately 10 months elapsed between the initial submission of the ADU plans  
20 by Respondent to the City of Oxnard and the last submission of plan check responses on  
21 approximately February 24, 2021.

22 45. From April 2020 until February 2021, LO was advised that the delay was due to  
23 Covid and the courthouse being closed. In February 2021, LO contacted the Mayor of Oxnard and  
24 the supervisor of the permitting department. Within a few hours, LO was advised that Respondent  
25 had submitted incomplete, sloppy and unreadable drawings. They also provided copies of three  
26 written requests for additional information that the city sent to Respondent to which he had not  
27

28 <sup>4</sup> The plans provided to the Board, dated May 25, 2020, are labeled "Plans #1,"

1 responded. LO was also advised that Respondent's son, Jackson Durand, an unlicensed  
2 individual, was Respondent's spokesperson.

3 46. On February 16, 2021, a conference call was scheduled by the city wherein city  
4 personnel, the contactor, LO and LO's son were present. Respondent's son, Jackson Durand  
5 advised them that Respondent was unable to be on the call. However, Respondent appeared on  
6 the call, not realizing he was on camera, and made an obscene gesture. Following the call,  
7 Respondent and his son agreed to refund \$3,000 to LO and complete the drawings.

8 47. Several days later, on approximately February 24, 2021, Jackson Durand submitted  
9 additional incomplete plans to the city. The resubmission did not resolve the plan check  
10 comments and generated plan check comments #5, which indicated multiple unaddressed or  
11 unresolved items.

12 48. In April 9, 2021, LO contacted Respondent and requested a reimbursement of the  
13 \$3,000 she had paid as he had promised on the aforementioned conference call. On April 10,  
14 2021, Respondent responded to LO, via email, by stating "none is due to you."

15 49. On April 19, 2021, the California Architects Board received a consumer complaint  
16 from LO, the California Architects Board then forwarded the complaint to the Board.

17 50. On July 1, 2021, a Board investigator requested documents from Respondent by July  
18 21, 2021, which was extended to August 5, 2021. On August 2, 2021, a letter, dated July 27,  
19 2021, was received from Respondent by the Board investigator, with documents related to the  
20 project. Respondent alleged that he had "made every effort to address his [plan checker's]  
21 concerns."

22 **EIGHTH CAUSE FOR DISCIPLINE**

23 **(Failure to Provide A Written Contract)**

24 51. Respondent is subject to disciplinary action under Code section 6749 in that he failed  
25 to provide a written contract signed by a licensed engineer to LO prior to commencing work.  
26 Complainant hereby incorporates by reference paragraphs 40 through 50 as though fully set forth  
27 herein.

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**NINTH CAUSE FOR DISCIPLINE**

**(Failure to Meet the Standard of Care)**

52. Respondent is subject to disciplinary action under Code section 6775, subdivision (c), as defined by title 16, Code of Regulations, sections 404, subdivisions (u) and (dd) and 475, in that he committed negligence by failing to use the care, experience and knowledge ordinarily exercised in like cases by duly licensed professional engineers in good standing, during the course of providing engineering services to LO. Specifically, the initial plans submitted by Respondent for the purpose of obtaining a building permit generated a long list of plan check comments. The plans contained irrelevant information in lieu of required information appropriate for a project in the City of Oxnard, the plans were incomplete, were inaccurate, and were illegible. The city provided several plan check comments and the comments indicate that Respondent did not address all outstanding plan check comments. There is a lack of progress reflected in resolving issues identified at the beginning of and throughout the plan check. The time taken by Respondent to resolve the plan check comments did not reflect diligent efforts by Respondent as required to exercise his professional responsibilities. Moreover, this was a simple project and, as such, this plan check should have been brought to a successful conclusion in significantly less time, regardless of the pandemic. Complainant hereby incorporates by reference paragraphs 40 through 50 as though fully set forth herein.

**TENTH CAUSE FOR DISCIPLINE**

**(Misrepresentation)**

53. Respondent is subject to disciplinary action under Code section 6775, subdivision (b), as defined by title 16, Code of Regulations section 475, subdivision (e)(1), in that he misrepresented the completeness of initial and subsequent plan submissions. Complainant hereby incorporates by reference paragraphs 40 through 50 and 52 as though fully set forth herein.

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1 **FACTUAL ALLEGATIONS- WEST STEELE LANE PROPERTY**

2 (Complaint Case No. 2021-05-141)

3 54. MO was experiencing possible water drainage and foundational issues with her  
4 property located at West Steele Lane in Santa Rosa, California so she obtained bids from four  
5 foundation contractors to correct the issue.

6 55. Intending on contacting a licensed engineer, on April 10, 2021, MO contacted Marc  
7 Durand, who was not licensed by the Board, to review the bids because of differences in price,  
8 measurements, and scope and method of repair. She advised Marc Durand that “none [of the bids]  
9 are comparable in scope or type of repair so I need your expertise to determine what needs to be  
10 done and how to do it.” MO sought an evaluation of the bids, an engineering assessment of  
11 foundation sinkage, water drainage, and soil consistency in order to determine the appropriate  
12 steps to protect her home from sinkage.

13 56. In or about April 13, 2021, MO received an unsigned proposal from Marc Durand  
14 titled “Foundation Inspection Report,” on the letter head of Paul Durand Engineering, which  
15 included a visual inspection and review of foundation repair proposals as part of the scope of  
16 work, and indicated that a payment of \$750.00 was due at the time of site inspection. Marc  
17 Durand is listed as the “project manager,” with an email address that contained the words “speedy  
18 engineer.” MO signed the proposal on the same date. Respondent, a licensed engineer, did not  
19 sign the proposal. MO was not provided a contract that was signed by a licensed engineer prior to  
20 commencement of the work.

21 57. Marc Durand performed a site inspection at MO’s property. At the inspection, Marc  
22 Durand identified himself as Respondent’s brother, advised MO that he resided in Sebastopol,  
23 and wore a shirt with the company name of “Speedy Engineering.” At the inspection, Marc  
24 Durand used a regular “spirit” level<sup>5</sup> and placed it outside of the house, and inside the home on  
25 the floor and walls. MO had provided copies of the contractor bids to Marc Durand prior to the  
26 site inspection. MO also gave Marc Durand a check payable to Respondent on that same day.

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28 <sup>5</sup> A spirit level is a tool used to indicate how level (horizontal) a surface is relative to the earth. It is a tool used in construction.

1           58. On or about April 19, 2021, MO sent an email to Marc Durand terminating the  
2 contract. She requested the fee be adjusted to delete the cost associated with preparing the report  
3 because the “pending written report discussed by phone today does not meet my understanding  
4 and expectations.” On April 21, 2021, MO cancelled the check she issued to Respondent.

5           59. After she terminated the contract, MO received an Inspection Report, dated April 20,  
6 2021, from Marc Durand prepared on letterhead for Paul Durand Engineering. In the report, Marc  
7 Durand was listed as the project manager and his email contained the words “speedy engineer.”  
8 The report noted the lack of observed damage to the building exterior, evidence of runoff from  
9 the adjacent property that collects “far” from the house or drains to the street, the presence of  
10 some damage to an interior wall, that the kitchen was “slightly out of level,” and that interior  
11 doors operate correctly. There are no numerical results presented in the report. The report  
12 concludes that roof drainage falls near the foundations due to the lack of gutters and recommends  
13 installing gutters and regrading soil away from the house. It also recommends that “structural  
14 supports underneath the home should be reinforced and/or repaired to correct any defects,” after  
15 the drainage issues are addressed. No recommendations were made as to which supports should  
16 be addressed or the manner in which this work should be done. The report recommends against  
17 jacking up the foundation. The report does not discuss the four foundation repair proposals.

18           60. On April 23, 2021, the Board received a complaint from MO against Respondent.

19           61. On September 20, 2021, documents were received by a Board investigator from Marc  
20 Durand, including a response letter from Paul Durand. In his response letter, Paul Durand  
21 explained that Marc Durand operated under his supervision, that Marc Durand performed the site  
22 inspection and that MO was provided verbal recommendations and was advised that the  
23 information would be reviewed by Respondent. Copies of communications were also provided,  
24 including an email, dated April 20, 2021 at 8:38 a.m., from Marc Durand to Respondent  
25 transmitting the Inspection Report which stated “Please review,” and an email sent to MO a few  
26 minutes later, on April 20, 2021, at 9:17 a.m., transmitting the Inspection Report to her.

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1 **ELEVENTH CAUSE FOR DISCIPLINE**

2 **(Failure to Provide A Written Contract)**

3 62. Respondent is subject to disciplinary action under Code section 6749 in that he failed  
4 to provide a written contract to LO that was signed by an engineer prior to commencing work.  
5 Complainant hereby incorporates by reference paragraphs 54 through 61 as though fully set forth  
6 herein.

7 **TWELFTH CAUSE FOR DISCIPLINE**

8 **(Breach of Contract)**

9 63. Respondent is subject to disciplinary action under Code section 6775, subdivision (d),  
10 in that he failed to provide the professional services he was contracted to fulfill for MO. MO  
11 specifically requested an assessment of the contractor proposals, which were provided to  
12 Respondent prior to commencing work. The proposal and contract by Respondent promised to  
13 provide a “report detailing the [foundation] issues and how to fix them.” The report provided to  
14 MO did not contain a discussion of mitigation options. No recommendations were made as to  
15 which supports should be addressed or the manner in which this work should be done. Even if  
16 Respondent ultimately did not recommend modifications to the foundations, and in the absence of  
17 a warning that doing so would be unsafe, which the report did not contain, the choice remained  
18 with MO. A discussion of potential foundation mitigation work and an assessment of the  
19 proposals should have been provided in the report. The report does not discuss the four  
20 foundation repair proposals. Complainant hereby incorporates by reference paragraphs 54 through  
21 61 as though fully set forth herein.

22 **THIRTEENTH CAUSE FOR DISCIPLINE**

23 **(Failure to Meet the Standard of Care)**

24 64. Respondent is subject to disciplinary action under Code section 6775, subdivision (c),  
25 as defined by title 16, Code of Regulations sections 404, subdivision (dd) and 475, in that he  
26 committed negligence during the course of providing engineering services to MO, including as  
27 follows:

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1 (a) Respondent received copies of the leveling survey reports MO received from  
2 contractors which contained differential elevations. Typical differential elevations over a distance  
3 of 30 feet are expected to be in the range of .25 inches to .5 inches. The differential elevations in  
4 MO's residence, adjusting for the shorter distance over which the elevations were obtained, are  
5 from five to six times the expected amount. This represents a significant finding. Even allowing  
6 for construction tolerances that might account for some of the variation, these differential  
7 elevations indicate an unusual condition that warranted review by Respondent and a thorough  
8 discussion in Respondent's report. Instead, the report merely describes the kitchen floor as  
9 "slightly out of level" and notes that the floor "does not feel weak under foot (sic)." Respondent  
10 did not inspect the residence. Marc Durand, who inspected the property, used a regular spirit  
11 level at the inspection. A manometer survey, and not a spirit level, is a more accurate method and  
12 meets the standard of care. There is no evidence that Respondent ordered an independent survey  
13 to address the difference in opinion between the contractors' numerical results and Marc  
14 Durand's subjective, unlicensed, assessment following his inspection of the property. As an  
15 unlicensed individual, Marc Durand does not possess the professional qualifications to determine  
16 the significance of the reported elevation variations or to determine the appropriate methods to  
17 qualitatively determine the elevation variations for the purpose of providing professional  
18 engineering advice to a client.

19 (b) Respondent was supposed to provide an assessment of the contractors' proposals and  
20 detail the foundation issues and advise the homeowner how to fix them but the report did not  
21 contain a discussion of mitigation options.

22 Complainant hereby incorporates by reference paragraphs 54 through 61 as though fully set  
23 forth herein.

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1 **DISCIPLINE CONSIDERATIONS**

2 65. To determine the degree of discipline, if any, to be imposed on Respondent,  
3 Complainant alleges that effective May 11, 1998, in a prior disciplinary action *titled In the Matter*  
4 *of the Accusation Against Paul Henri Durand, Jr.* before the Board for Professional Engineers,  
5 Land Surveyors, and Geologists, in Case Number 633-A, Respondent's licenses were ordered  
6 revoked, and new licenses were then immediately issued to Respondent. Those new licenses,  
7 Civil Engineer License No. C 58364 and Structural Engineer License No. S. 4222, were  
8 immediately revoked, however the revocations were stayed and Respondent was placed on  
9 probation for four years, with certain terms and conditions. Upon completion of the probationary  
10 period, his licenses were fully restored. That decision is now final, and in that decision,  
11 Respondent admitted the following:

12 (a) Respondent admitted to being disciplined by the State Board of Arizona for acts  
13 substantially related to the practice of civil engineering, including an administrative penalty of  
14 \$1,000. The Arizona Board found that Respondent misrepresented himself by certifying on an  
15 American Land Title Association (ALTA) survey that he was an Arizona registered land surveyor  
16 when he was not so registered, that he accepted engagement to perform ALTA surveys which  
17 were outside his category of registration as a civil engineer in Arizona, and that he prepared  
18 drawings which contained conflicting information.

19 (b) Respondent also admitted, regarding the Sonora Plaza Project, that he was guilty of  
20 negligence in the practice of land surveying in that he performed land surveying services and  
21 located only two monuments when additional monuments were easily located, and failed to  
22 locate and show evidence of another easement, a drainage or water ditch.

23 (c) Respondent further admitted, regarding the Pine Street Property, that he was guilty of  
24 negligence in the practice of land surveying in that he failed to correctly record and describe the  
25 monuments found or set on the property, failed to file a record of survey, failed to accept the  
26 positions of monuments set by the original survey, and that in lieu of filing a record of survey  
27 setting forth any material discrepancies, he failed to file a corner record even though all but one  
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1 of the monuments shown on Respondent's plat were different monuments from those shown on  
2 the original plat.

3 (d) Respondent further admitted to being disciplined by the Colorado Board of  
4 Registration for Professional Engineers and Professional Land Surveyors for acts substantially  
5 related to the practice of civil engineering based on the discipline imposed by the State of  
6 Arizona.

7 66. Complainant further alleges that on or about December 24, 2009, in a prior  
8 disciplinary action titled *In the Matter of the Accusation Against Paul Henri Durand, Jr.* before  
9 the Board for Professional Engineers, Land Surveyors, and Geologists, in Case Number 818-A,  
10 Respondent's civil engineer license number C-58364 and structural engineer license number S-  
11 4222 were revoked, revocations were stayed, and licenses were placed on probation for four  
12 years, with certain terms and conditions. That decision is now final. The underlying Accusation  
13 alleged that Respondent committed negligence in the practice of civil and structural engineering  
14 for the Fitzpatrick Lane project, including in that he failed to provide documentation requested by  
15 the County and that during an investigation into unlicensed practice, Respondent admitted that, in  
16 2005, he signed and stamped a geotechnical engineering report for a project located in Riverside  
17 County that had been prepared by an unlicensed individual and that he had signed it without  
18 personally performing or verifying the tests, analysis, or calculations found in the report..  
19 Respondent also admitted to committing fraud and deceit and aiding and abetting unlicensed  
20 practice.

21 **PRAYER**

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

- 25 1. Revoking or suspending Civil Engineer License Number C 58364 issued to Paul  
26 Henri Durand, Jr.;
- 27 2. Revoking or suspending Structural Engineer License Number S 4222, issued to Paul  
28 Henri Durand, Jr.;

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3. Ordering Paul Henri Durand, Jr. to pay the Board for Professional Engineers, Land Surveyors, and Geologists the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3; and,

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

DATED: 3/29/2022

*Original Signed*  
\_\_\_\_\_  
RICHARD B. MOORE, PLS  
Executive Officer  
Board for Professional Engineers, Land Surveyors, and Geologists  
Department of Consumer Affairs  
State of California  
*Complainant*

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