

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

In the Matter of the Accusation against:)	
)	
BRANDON DONG LE)	Case No. 1227-A
3185 Stanley Blvd)	
Oakland, CA 94607)	
)	
Civil Engineer License, No. C 64685,)	
)	
Respondent.)	
_____)	

DECISION

The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the Board for Professional Engineers, Land Surveyors, and Geologists as its Decision in the above-entitled matter.

This Decision shall become effective on January 14, 2021.

IT IS SO ORDERED December 10, 2020.

Original Signed

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

1 XAVIER BECERRA
Attorney General of California
2 JOSHUA A. ROOM
Supervising Deputy Attorney General
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9 **BEFORE THE**
BOARD FOR PROFESSIONAL ENGINEERS, LAND SURVEYORS, AND
10 **GEOLOGISTS**
DEPARTMENT OF CONSUMER AFFAIRS
11 **STATE OF CALIFORNIA**
12

13 In the Matter of the Accusation Against:

14 **BRANDON DONG LE**
15 **211 Tenth Street, Suite 268**
Oakland, CA 94607

16 **3185 Stanley Blvd**
17 **Lafayette, CA 94549**

18 **Civil Engineer License No. C 64685**

19 Respondent.
20

Case No. 1227-A

OAH No. 2020080188

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

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

23 **PARTIES**

24 1. Richard B. Moore, PLS (Complainant) is the Executive Officer of the Board for
25 Professional Engineers, Land Surveyors, and Geologists (Board). He brought this action solely in
26 his official capacity and is represented in this matter by Xavier Becerra, Attorney General of the
27 State of California, by Carter Ott, Deputy Attorney General.

28 *////*

2. Respondent Brandon Dong Le (Respondent) is representing himself in this proceeding and has chosen not to exercise his right to be represented by counsel.

3. On or about January 23, 2003, the Board for Professional Engineers, Land Surveyors, and Geologists (Board) issued Civil Engineer License No. C 64685 to Brandon Dong Le(Respondent). The Civil Engineer License expired on June 30, 2019, and has not been renewed.

JURISDICTION

4. Accusation No. 1227-A was filed before the Board, and is currently pending against Respondent. The Accusation and all other statutorily required documents were properly served on Respondent on March 10, 2020. Respondent timely filed his Notice of Defense contesting the Accusation.

5. A copy of Accusation No. 1227-A is attached as Exhibit A and incorporated herein by reference.

ADVISEMENT AND WAIVERS

6. Respondent has carefully read, and understands the charges and allegations in Accusation No. 1227-A. Respondent has also carefully read, and understands the effects of this Stipulated Settlement and Disciplinary Order.

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

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

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1 **CULPABILITY**

2 9. Respondent admits the truth of each and every charge and allegation in Accusation
3 No. 1227-A.

4 10. Respondent agrees that his Civil Engineer License is subject to discipline and he
5 agrees to be bound by the Board's probationary terms as set forth in the Disciplinary Order below.

6 **CONTINGENCY**

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

17 12. The parties understand and agree that Portable Document Format (PDF) and facsimile
18 copies of this Stipulated Settlement and Disciplinary Order, including PDF and facsimile
19 signatures thereto, shall have the same force and effect as the originals.

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

26 /////

27 /////

28 /////

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

DISCIPLINARY ORDER

IT IS HEREBY ORDERED that Civil Engineer License No. C 64685 issued to Respondent Brandon Dong Le is revoked. However, the revocation is stayed and Respondent is placed on probation for two (2) years on the following terms and conditions:

1. **Obey All Laws.** The Respondent shall obey all laws and regulations related to the practices of professional engineering and professional land surveying.

2. **Comply with Citation.** Within thirty days of the effective date of this decision, Respondent shall comply with Citation Order No. 10715-L, issued on or about November 27, 2018, including but not limited to, within thirty day of the effective date of this decision, submit a written response to the Board's Enforcement Unit's inquiries regarding the complaint filed against Respondent (Case No. 2018-04-094) and pay the administrative fine of \$500.00.

3. **Submit Reports.** The Respondent shall submit such special reports as the Board may require.

4. **Tolling of Probation.** The period of probation shall be tolled during the time the Respondent is practicing exclusively outside the state of California. If, during the period of probation, the Respondent practices exclusively outside the state of California, the Respondent shall immediately notify the Board in writing.

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

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6. **Completion of Probation.** Upon successful completion of all of the probationary conditions and the expiration of the period of probation, the Respondent's license shall be unconditionally restored.

7. **Cost Recovery.** Respondent is hereby ordered to reimburse the Board the amount of \$1,500.00 within one year from the effective date of this decision for its investigative and prosecution costs. Failure to reimburse the Board's cost of its investigation and prosecution shall constitute a violation of the probation order, unless the Board agrees in writing to payment by an installment plan because of financial hardship.

8. **Examination.** Within 60 days of the effective date of the decision, the Respondent shall successfully complete and pass the California Laws and Board Rules examination, as administered by the Board.

ACCEPTANCE

I have carefully read the Stipulated Settlement and Disciplinary Order. I understand the stipulation and the effect it will have on my Civil Engineer License. I enter into this Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Board for Professional Engineers, Land Surveyors, and Geologists.

DATED: 11/5/2020

Original Signed

BRANDON DONG LE
Respondent

ENDORSEMENT

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

DATED: ____11/6/20____

Respectfully submitted,

XAVIER BECERRA
Attorney General of California
JOSHUA A. ROOM
Supervising Deputy Attorney General

Original Signed

CARTER OTT
Deputy Attorney General
Attorneys for Complainant

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Exhibit A

Accusation No. 1227-A

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7 *Attorneys for Complainant*

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9 **BEFORE THE**
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10 **GEOLOGISTS**
DEPARTMENT OF CONSUMER AFFAIRS
11 **STATE OF CALIFORNIA**

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13 In the Matter of the Accusation Against:

Case No. 1227-A

14 **BRANDON DONG LE**
211 Tenth Street, Suite 268
15 **Oakland, CA 94607**

ACCUSATION

16 **Civil Engineer License No. C 64685**

17 Respondent.

18
19 **PARTIES**

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

23 2. On or about January 23, 2003, the Board for Professional Engineers, Land Surveyors,
24 and Geologists issued Civil Engineer License Number C 64685 to Brandon Dong Le
25 (Respondent). The Civil Engineer License expired on June 30, 2019, and has not been renewed.

26 **JURISDICTION**

27 3. This Accusation is brought before the Board for Professional Engineers, Land
28 Surveyors, and Geologists (Board), Department of Consumer Affairs, under the authority of the

1 following laws. All section references are to the Business and Professions Code unless otherwise
2 indicated

3 4. Section 118, subdivision (b) states:

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

11 5. Section 6796 states:

12 “Except as otherwise provided in this article, certificates of registration as a professional
13 engineer and certificates of authority may be renewed at any time within five years after
14 expiration on filing of application for renewal on a form prescribed by the board and payment of
15 all accrued and unpaid renewal fees. If the certificate is renewed more than 60 days after its
16 expiration, the certificate holder, as a condition precedent to renewal, shall also pay the
17 delinquency fee prescribed by this chapter. Renewal under this section shall be effective on the
18 date on which the application is filed, on the date on which the renewal fee is paid, or on the date
19 on which the delinquency fee, if any, is paid, whichever last occurs.

20 “The expiration date of a certificate renewed pursuant to this section shall be determined
21 pursuant to Section 6795.”

22 **STATUTORY AND REGULATORY PROVISIONS**

23 6. Section 125.9 states, in part:

24 “(a) Except with respect to persons regulated under Chapter 11 (commencing with Section
25 7500), any board, bureau, or commission within the department, the State Board of Chiropractic
26 Examiners, and the Osteopathic Medical Board of California, may establish, by regulation, a
27 system for the issuance to a licensee of a citation which may contain an order of abatement or an
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1 order to pay an administrative fine assessed by the board, bureau, or commission where the
2 licensee is in violation of the applicable licensing act or any regulation adopted pursuant thereto.

3 “(b) The system shall contain the following provisions:

4 . . .

5 “(5) Failure of a licensee to pay a fine within 30 days of the date of assessment, unless the
6 citation is being appealed, may result in disciplinary action being taken by the board, bureau, or
7 commission. Where a citation is not contested and a fine is not paid, the full amount of the
8 assessed fine shall be added to the fee for renewal of the license. A license shall not be renewed
9 without payment of the renewal fee and fine.

10”

11 7. Section 6775, subdivision (h) states:

12 “The board may, upon its own initiative or upon the receipt of a complaint, investigate the
13 actions of any professional engineer licensed under this chapter and make findings thereon.

14 “By a majority vote, the board may publicly reprove, suspend for a period not to exceed
15 two years, or revoke the certificate of any professional engineer licensed under this chapter on
16 any of the following grounds:

17 . . .

18 “(h) A violation of any provision of this chapter or any other law relating to or involving
19 the practice of professional engineering.”

20 8. California Code of Regulations, title 16, section 473.3, subdivision (b) states:

21 “(b) Failure of the cited person to abate the violation or to pay all of the assessed fine within
22 the time allowed is grounds for suspension or revocation of the cited person's license.”

23 **COST RECOVERY**

24 9. Business and Professions Code section 125.3 provides, in part, that the Board may
25 request the administrative law judge to direct a licentiate found to have committed a violation or
26 violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation
27 and enforcement of the case, with failure of the licentiate to comply subjecting the license to not
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1 being renewed or reinstated. If a case settles, recovery of investigation and enforcement costs
2 may be included in a stipulated settlement.

3
4 **CAUSE FOR DISCIPLINE**
(Failure to Comply with Citation)

5 10. Respondent subjected his Civil Engineer License to disciplinary action for failing to
6 timely abate a violation or pay an assessed fine. (Bus. & Prof. Code § 6775, subd. (h) and Cal.
7 Code Regs., title 16, § 473.3, subd. (b).) In particular, on or about November 27, 2018, the Board
8 issued Respondent Citation Order 10715-L. Respondent did not appeal that citation and, as a
9 result, it became final on or about December 27, 2018. Respondent failed to comply with the
10 following citation orders:

11 a. A citation order directing Respondent, within thirty days of the date the citation
12 became final, to pay the Board an administrative fine in the amount of \$500.00.

13 b. A citation order directing Respondent, within thirty days of the date the citation
14 became final, to submit a written response to inquiries the Board's Enforcement Unit had
15 previously sent to Respondent regarding a complaint the Board had received regarding
16 Respondent.

17 **DISCIPLINARY CONSIDERATIONS**

18 11. To determine the degree of discipline, if any, to be imposed on Respondent,
19 Complainant alleges that on or about November 27, 2018, in a prior action, the Board issued
20 Respondent Citation Order No. 10715-L. Respondent did not contest this citation and, as
21 described above, failed to comply with the terms of the citation.

22 **PRAYER**

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

26 1. Revoking or suspending Civil Engineer License Number C 64685, issued to Brandon
27 Dong Le;
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1 2. Ordering Brandon Dong Le to pay the Board for Professional Engineers, Land
2 Surveyors, and Geologists the reasonable costs of the investigation and enforcement of this case,
3 pursuant to Business and Professions Code section 125.3; and

4 3. Taking such other and further action as deemed necessary and proper.
5
6
7

8 DATED: 3/3/2020

Original Signed

9 RICHARD B. MOORE, PLS
10 Executive Officer
11 Board for Professional Engineers, Land
12 Surveyors, and Geologists
13 Department of Consumer Affairs
14 State of California
15 Complainant

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