

1 ROB BONTA  
Attorney General of California  
2 DIANN SOKOLOFF  
Supervising Deputy Attorney General  
3 SUSANA A. GONZALES  
Deputy Attorney General  
4 State Bar No. 253027  
1515 Clay Street, 20th Floor  
5 P.O. Box 70550  
Oakland, CA 94612-0550  
6 Telephone: (510) 879-0266  
Facsimile: (510) 622-2270  
7 *Attorneys for Complainant*

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

13 In the Matter of the Accusation Against:

Case No. 1293-A

14 **MANUCHEHR HAKHAMANESHI**  
15 **P.O. Box 1435**

**ACCUSATION**

16 **12935 Alcosta Blvd.**  
17 **San Ramon, California, 94583**

18 **Civil Engineer License No. C 88083**

Respondent.

19  
20 **PARTIES**

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

24 2. On or about December 19, 2017, the Board for Professional Engineers, Land  
25 Surveyors, and Geologists issued Civil Engineer License Number C 88083 to Manouchehr  
26 Hakhamaneshi (Respondent). The Civil Engineer License was in full force and effect at all times  
27  
28

1 relevant to the charges brought in this Accusation and will expire on March 31, 2024, unless  
2 renewed.

3 **JURISDICTION**

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

8 4. Section 118, subdivision (b), of the Code provides that the  
9 suspension/expiration/surrender/cancellation of a license shall not deprive the  
10 Board/Registrar/Director of jurisdiction to proceed with a disciplinary action during the period  
11 within which the license may be renewed, restored, reissued or reinstated.

12 **STATUTORY PROVISIONS**

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

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

16 ...

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

18 ...

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

21 ...

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

23 6. Section 6787 of the Code states, in pertinent part, that:

24 A person who does any of the following is guilty of a misdemeanor:

25 (a) Unless the person is exempt from licensure under this chapter, practices or  
26 offers to practice civil, electrical, or mechanical engineering in this state according to this  
chapter without legal authorization.

27 ...

1 (g) Unless appropriately licensed, manages, or conducts as manager, proprietor, or  
2 agent, any place of business from which civil, electrical, or mechanical engineering work  
is solicited, performed, or practiced, except as authorized pursuant to Section 8726.1.

3 ...

4 **REGULATORY PROVISIONS**

5 7. Section 419 of the Title 16, California Code of Regulations states, in pertinent part  
6 that:

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

10 (a) The minimum disciplinary order shall be reproof. The maximum  
disciplinary order shall be revocation of the license.

11 (b) If warranted by extenuating and/or mitigating factors in the matter, the  
12 disciplinary order may be stayed by an express condition that the respondent comply  
13 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  
14 section, this time period shall be known as the period of probation.

15 8. Section 404 of the Title 16, California Code of Regulations states:

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

19 (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  
20 discharging professional obligations as a professional engineer or land surveyor.

21 ...

22 (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  
23 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.

24 **COST RECOVERY**

25 9. Section 125.3 of the Code provides, in pertinent part, that the Board may request the  
26 administrative law judge to direct a licensee found to have committed a violation or violations of

1 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and  
2 enforcement of the case.

### 3 **FACTUAL ALLEGATIONS**

4 10. DG owned D.G. Engineering Services, Inc. (DGES), a company that offered  
5 engineering services through a freelance consulting website. DG operated DGES from an office  
6 located in Valley Village, California. DG is not a licensed professional engineer in California.

7 11. Respondent owns A&J Engineering Corp. DG hired Respondent as a supervising  
8 engineer and an officer for DGES for projects they agreed upon. Respondent operated from his  
9 office located in San Ramon, California.

10 12. JP owned a house located in La Habra Heights, California. JP wanted to construct a  
11 detached workshop on his property (The Project). The site was steeply sloped, which required  
12 significant amounts of earthwork design and structural design for the workshop. In April 2020,  
13 JP posted a request for engineering services on a freelancing platform known as “Upwork.” DG  
14 responded to JP’s post, and JP eventually hired DGES to perform the structural and civil  
15 engineering services for The Project, as well as plan check coordination with the City of La Habra  
16 Heights (La Habra) to obtain the necessary permits.

17 13. DGES performed the engineering and design, and JP submitted all of the plans to the  
18 City in June 2020. These submissions included the site work, earthwork, and structural design.  
19 Respondent’s signature and seal were affixed to these submissions, making Respondent the  
20 engineer of record on The Project.

21 14. In August 2020, DG and Respondent entered into a “Service Agreement” in which  
22 Respondent agreed to serve as the “Supervising Engineer” and “Officer” of DGES for specified  
23 projects. According to the Service Agreement, the role of the Supervising Engineer was to assist  
24 DGES with the production of plans and calculations.

25 15. In January of 2021, La Habra returned the plans originally submitted in June of 2020,  
26 with several comments and revisions. JP advised DG of the comments, and then later resubmitted  
27 revised plans to the City. The City again returned the plans in March of 2021, with several more  
28 comments and revisions. After consulting with DG again, JP resubmitted the project plans to La

1 Habra in May of 2021. Each set of engineering plans and calculations submitted to La Habra  
2 between June of 2020 and May of 2021, included Respondent's signature and professional seal.

3 16. After concerns arose regarding DG's ability to complete the project, DG resigned  
4 from the project and refunded JP \$2,300.00, in engineering fees. Because Respondent was the  
5 engineer of record on The Project, after DG resigned, JP began reaching out to Respondent for  
6 assistance with The Project design and engineering. After Respondent failed to take  
7 responsibility for The Project and assist JP, JP filed a complaint with the Board against  
8 Respondent.

9 **FIRST CAUSE FOR DISCIPLINE**

10 (Incompetence)

11 17. Respondent has subjected his Civil Engineer License to disciplinary action under  
12 Code section 6775, subdivision (c), in that he engaged in conduct constituting incompetence.  
13 Specifically, the drawings and calculations for The Project were incomplete, poorly organized,  
14 difficult to interpret, and amateurish in appearance. Furthermore, there is no evidence that  
15 Respondent performed any field reconnaissance at The Project prior to preparing the calculations  
16 and drawings. In addition, Respondent did not consider or omitted important aspects of his  
17 structural design from his drawings and calculations. Finally, Respondent did not adequately  
18 supervise DG and did not coordinate with La Habra or reconcile La Habra's design review  
19 comments. The circumstances are set forth in further detail in paragraphs 10 through 16, above.

20 **SECOND CAUSE FOR DISCIPLINE**

21 (Aiding and Abetting in the Violation of this Chapter)

22 18. Respondent has subjected his Civil Engineer License to disciplinary action under  
23 Code section 6775, subdivision (f), in that he aided and abetted and unlicensed engineer, DG, in  
24 the practice of civil engineering and management of a place of business from which civil  
25 engineering work was solicited, performed, or practiced, in violation of Code section 6787,  
26 subdivisions (a) and (g). The circumstances are set forth in further detail in paragraphs 10  
27 through 16, above.

28

1 **DISCIPLINARY CONSIDERATIONS**

2 19. On June 10, 2022, the Board issued Citation Order 11023-L against Respondent's  
3 Civil Engineer License based upon contract deficiencies and aiding and abetting unlicensed  
4 practice. The Citation included an Order of Abatement ordering Respondent to cease and desist  
5 from violating Code sections 6749, subdivisions (a)(3) and (a)(4), and 6775, subdivisions (c) and  
6 (f), and ordered Respondent to pay an administrative fine of \$2,000.00. Respondent complied  
7 with the citation and it is now final.

8 **PRAYER**

9 WHEREFORE, Complainant requests that a hearing be held on the matters alleged in this  
10 Accusation, and that following the hearing, the Board for Professional Engineers, Land  
11 Surveyors, and Geologists issue a decision:

- 12 1. Revoking or suspending Civil Engineer License Number C 88083, issued to  
13 Manouchehr Hakhamaneshi;
- 14 2. Ordering Manouchehr Hakhamaneshi to pay the Board for Professional Engineers,  
15 Land Surveyors, and Geologists the reasonable costs of the investigation and enforcement of this  
16 case, pursuant to Business and Professions Code section 125.3; and,
- 17 3. Taking such other and further action as deemed necessary and proper.
- 18  
19

20 DATED: 4/10/23

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

26 OK2022900353  
27 accusation.docx