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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:

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

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

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

19 Respondent.

Case No. 1293-A

OAH No. 2023060608

STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER

20
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 Rob Bonta, Attorney General of the State
27 of California, by Susana A. Gonzales, Deputy Attorney General.

1 **CULPABILITY**

2 9. Respondent understands and agrees that the charges and allegations in Accusation
3 No. 1293-A, if proven at a hearing, constitute cause for imposing discipline upon his Civil
4 Engineer License.

5 10. For the purpose of resolving the Accusation without the expense and uncertainty of
6 further proceedings, Respondent agrees that, at a hearing, Complainant could establish a factual
7 basis for the charges in the Accusation, and that Respondent hereby gives up his right to contest
8 those charges.

9 11. Respondent agrees that his Civil Engineer License is subject to discipline and he
10 agrees to be bound by the Disciplinary Order below.

11 **CONTINGENCY**

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

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

26 14. This Stipulated Settlement and Disciplinary Order is intended by the parties to be an
27 integrated writing representing the complete, final, and exclusive embodiment of their agreement.
28 It supersedes any and all prior or contemporaneous agreements, understandings, discussions,

1 negotiations, and commitments (written or oral). This Stipulated Settlement and Disciplinary
2 Order may not be altered, amended, modified, supplemented, or otherwise changed except by a
3 writing executed by an authorized representative of each of the parties.

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

7 **DISCIPLINARY ORDER**

8 IT IS HEREBY ORDERED that Civil Engineer License No. C 88083 issued to Respondent
9 Manouchehr Hakhamaneshi is revoked. However, the revocation is stayed and Respondent is
10 placed on probation thirty-five (35) months on the following terms and conditions:

11 1. **Take and Pass Course(s).** Within two and one-half (2 ½) years from the effective
12 date of the decision, the respondent shall successfully complete and pass, with a grade of “C” or
13 better, one (1) college-level civil engineering courses, which must be related to the areas of
14 violation alleged in the Accusation. Said course shall be approved in advance by the Board or its
15 designee. The respondent shall provide the Board with official proof of completion of the
16 requisite course. For purposes of this condition, “college-level course” means a course offered by
17 a community college or a four-year university of three semester units or the equivalent; it does
18 not include seminars.

19 2. **Ethics Course.** Within one (1) year from the effective date of the decision, the
20 respondent must successfully complete and pass a course in professional ethics, approved in
21 advance by the Board or its designee.

22 3. **Cost Recovery.** Within two (2) years from the effective date of the decision, the
23 respondent shall reimburse the Board for its investigative and enforcement costs in this matter in
24 the amount \$7,500.00. Said reimbursement may be paid in installments.

25 4. **Examination.** Within sixty (60) days from the effective date of the decision, the
26 respondent shall successfully complete and pass the California Laws and Board Rules
27 examination, as administered by the Board.

28 ///

1 5. **Notification.** Within thirty (30) days from the effective date of the decision, the
2 respondent shall provide the Board with evidence that he has provided all persons or entities with
3 whom he has a contractual or employment relationship relating to professional civil engineering
4 services with a copy of the decision and order of the Board and shall provide the Board with the
5 name and business address of each person or entity required to be so notified. During the period
6 of probation, the respondent may be required to provide the same notification to each new person
7 or entity with whom he has a contractual or employment relationship relating to professional civil
8 engineering services and shall report to the Board the name and address of each person or entity
9 so notified.

10 6. **Obey All Laws.** The respondent shall obey all federal, state, and local laws and
11 regulations related to the practices of professional engineering and land surveying.

12 7. **Submit Reports.** The respondent shall submit such special reports as the Board may
13 require.

14 8. **Tolling of Probation.** The period of probation shall be tolled during the time the
15 respondent is practicing exclusively outside the state of California. If, during the period of
16 probation, the respondent practices exclusively outside the state of California, the respondent
17 shall immediately notify the Board in writing.

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

25 10. **Completion of Probation.** Upon successful completion of all of the probationary
26 conditions and the expiration of the period of probation, the respondent's Civil Engineer License
27 shall be unconditionally restored.

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ACCEPTANCE

I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully discussed it with my attorney, Nicole Valentine. 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: 12/12/23 *Original Signed*
MANOUCHEHR HAKHAMANESHI
Respondent

I have read and fully discussed with Respondent Manouchehr Hakhamaneshi the terms and conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order. I approve its form and content.

DATED: 12/12/23 *Original Signed*
NICOLE VALENTINE
Attorney for 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: 12/12/23 Respectfully submitted,
ROB BONTA
Attorney General of California
DIANN SOKOLOFF
Supervising Deputy Attorney General
Original Signed
SUSANA A. GONZALES
Deputy Attorney General
Attorneys for Complainant

OK2022900353

Exhibit A

Accusation No. 1293-A

1 ROB BONTA
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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
3 is solicited, performed, or practiced, except as authorized pursuant to Section 8726.1.

4 ...

5 **REGULATORY PROVISIONS**

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

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

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

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

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

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

24 (u) For the sole purpose of investigating complaints and making findings
25 thereon under Sections 6775 and 8780 of the Code, 'incompetence' as used in
26 Sections 6775 and 8780 of the Code is defined as the lack of knowledge or ability in
27 discharging professional obligations as a professional engineer or land surveyor.

28 ...

(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.

9 **COST RECOVERY**

10 9. Section 125.3 of the Code provides, in pertinent part, that the Board may request the
11 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: 4/10/2023

Original Signed

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

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27 accusation.docx