

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

In the Matter of the Accusation against:)	
)	
ROBERT SEAN GALLARDO)	Case No. 1254-A
304 Belle Court)	
El Dorado Hills, CA 95762)	
)	
Professional Geologist License, No. 9658)	
)	
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 September 22, 2022.

IT IS SO ORDERED August 22, 2022.

Original Signed

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

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Attorney General of California
2 DAVID E. BRICE
Supervising Deputy Attorney General
3 PHILLIP L. ARTHUR
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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 **ROBERT SEAN GALLARDO**
15 **304 Belle Ct.**
16 **El Dorado Hills, CA 95762**
17 **Geologist License No. 9658**

18 Respondent.

Case No. 1254-A

OAH No. 2022020203

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER FOR PUBLIC
REPROVAL**

[Bus. & Prof. Code § 495]

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

22 **PARTIES**

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

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1 **CULPABILITY**

2 9. Respondent understands and agrees that the charges and allegations in Accusation
3 No. 1254-A, if proven at a hearing, constitute cause for imposing discipline upon his Geologist
4 License.

5 10. For the purpose of resolving the Accusation without the expense and uncertainty of
6 further proceedings, Respondent hereby gives up his right to contest that cause for discipline
7 exists based on the charges in Accusation No. 1254-A. Respondent further agrees that in any
8 future proceedings before the Board all of the allegations set forth in Accusation No. 1254-A,
9 shall be deemed admitted.

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

12 **CONTINGENCY**

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

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

27 14. This Stipulated Settlement and Disciplinary Order for Public Repeval is intended by
28 the parties to be an integrated writing representing the complete, final, and exclusive embodiment

1 of their agreement. It supersedes any and all prior or contemporaneous agreements,
2 understandings, discussions, negotiations, and commitments (written or oral). This Stipulated
3 Settlement and Disciplinary Order for Public Repeval may not be altered, amended, modified,
4 supplemented, or otherwise changed except by a writing executed by an authorized representative
5 of each of the parties.

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

9 **DISCIPLINARY ORDER**

10 IT IS HEREBY ORDERED that Geologist License No. 9658 issued to Respondent Robert
11 Sean Gallardo (Respondent) shall be publicly reprovved by the Board for Professional Engineers,
12 Land Surveyors, and Geologists under Business and Professions Code section 495 in resolution of
13 Accusation No. 1254-A, attached as Exhibit A.

14 **Ethics Course.** Respondent shall successfully complete and pass a course in professional
15 ethics, approved in advance by the Board or its designee, within one year from the effective date
16 of this Decision.

17 **Cost Recovery.** No later than one year from the effective date of the Decision, Respondent
18 shall pay \$20,000.00 to the Board for its costs associated with the investigation and enforcement
19 of this matter pursuant to Business and Professions Code section 125.3. If Respondent fails to
20 pay the Board costs as ordered, Respondent shall not be allowed to renew his Geologist License
21 until Respondent pays costs in full. In addition, the Board may enforce this order for payment of
22 its costs in any appropriate court, in addition to any other rights the Board may have.

23 **Full Compliance.** As a resolution of the charges in Accusation No. 1254-A, this stipulated
24 settlement is contingent upon Respondent's full compliance with all conditions of this Order. If
25 Respondent fails to satisfy any of these conditions, such failure to comply constitutes cause for
26 discipline, including outright revocation, of Respondent's Geologist License No. 9658.

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ACCEPTANCE

I have carefully read the above Stipulated Settlement and Disciplinary Order for Public Repeval and have fully discussed it with my attorney, Herbert L. Terreri. I understand the stipulation and the effect it will have on my Geologist License. I enter into this Stipulated Settlement and Disciplinary Order for Public Repeval 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: 6/14/22 Original Signed
ROBERT SEAN GALLARDO
Respondent

I have read and fully discussed with Respondent Robert Sean Gallardo the terms and conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order for Public Repeval. I approve its form and content.

DATED: 6/15/22 Original Signed
HERBERT L. TERRERI
Attorney for Respondent

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ENDORSEMENT

The foregoing Stipulated Settlement and Disciplinary Order for Public Reapproval is hereby respectfully submitted for consideration by the Board for Professional Engineers, Land Surveyors, and Geologists of the Department of Consumer Affairs.

DATED: June 16, 2022

Respectfully submitted,
ROB BONTA
Attorney General of California
DAVID E. BRICE
Supervising Deputy Attorney General

Original Signed

PHILLIP L. ARTHUR
Deputy Attorney General
Attorneys for Complainant

SA2021300355

Exhibit A

Accusation No. 1254-A

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

14 In the Matter of the Accusation Against:

Case No. 1254-A

15 **ROBERT SEAN GALLARDO**
16 **304 Belle Ct.**
El Dorado Hills, CA 95762
17 **Geologist License No. 9658**

ACCUSATION

Respondent.

18
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 (Board).

24 2. On or about January 18, 2019, the Board for Professional Engineers, Land Surveyors,
25 and Geologists issued Geologist License Number 9658 to Robert Sean Gallardo (Respondent).
26 The Geologist License was in full force and effect at all times relevant to the charges brought
27 herein and will expire on May 31, 2021, unless renewed.

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1 **JURISDICTION**

2 3. This Accusation is brought before the Board under the authority of the following
3 laws. All section references are to the Business and Professions Code (Code) unless otherwise
4 indicated.

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

9 **STATUTORY PROVISIONS**

10 5. Section 123 of the Code states, in pertinent part:

11 It is a misdemeanor for any person to engage in any conduct which subverts or
12 attempts to subvert any licensing examination or the administration of an examination,
including, but not limited to:

13 (a) Conduct which violates the security of the examination materials; removing
14 from the examination room any examination materials without authorization; the
15 unauthorized reproduction by any means of any portion of the actual licensing
16 examination; aiding by any means the unauthorized reproduction of any portion of the
17 actual licensing examination; paying or using professional or paid examination-takers
18 for the purpose of reconstructing any portion of the licensing examination; obtaining
19 examination questions or other examination material, except by specific authorization
either before, during, or after an examination; or using or purporting to use any
examination questions or materials which were improperly removed or taken from
any examination for the purpose of instructing or preparing any applicant for
examination; or selling, distributing, buying, receiving, or having unauthorized
possession of any portion of a future, current, or previously administered licensing
examination.

20 6. Section 496 of the Code states: “A board may deny, suspend, revoke, or otherwise
21 restrict a license on the ground that an applicant or licensee has violated Section 123 pertaining to
22 the subversion of licensing examinations.”

23 7. Section 7860 of the Code states, in pertinent part:

24 . . .

25 (c) By a majority vote, the board may publicly reprove, suspend for a period not
26 to exceed two years, or may revoke the certificate of any geologist or geophysicist
27 registered under this chapter, for unprofessional conduct. Unprofessional conduct
28 includes, but is not limited to, any of the following:

1 (2) Violating this chapter or any regulation adopted by the board pursuant to
2 this chapter.

3 ...

4 **REGULATORY PROVISIONS**

5 8. California Code of Regulations (CCR), title 16, section 3035 states, in pertinent part:

6 (a) Examination subversion is the use of any means to alter the results of an
7 examination to cause the results to inaccurately represent the competency of an examinee.
8 Examination subversion includes, but is not limited to:

9 ...

10 (4) Obtaining, using, buying, selling, distributing, having possession of, or having
11 unauthorized access to secured examination questions or other secured examination
12 material prior to, during, or after the administration of the examination.

12 **COST RECOVERY**

13 9. Section 125.3 of the Code provides, in pertinent part, that the Board may request the
14 administrative law judge to direct a licentiate found to have committed a violation or violations of
15 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
16 enforcement of the case, with failure of the licentiate to comply subjecting the license to not being
17 renewed or reinstated. If a case settles, recovery of investigation and enforcement costs may be
18 included in a stipulated settlement.

19 **FACTUAL ALLEGATIONS**

20 10. To become a licensed geologist with the Board, a prospective licensee is required to
21 successfully pass three examinations in California: 1) Fundamentals of Geology; 2) a California
22 Specific Geology Examination; and 3) the National Professional Geology Examination.

23 11. Respondent and another licensed geologist, John Abeid (Abeid) wrote down
24 questions and answers from multiple prior state and national geology licensing examinations for
25 use on future examinations. Respondent and Abeid shared this information with each other via
26 email and discussed the examinations over the phone.

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1 **PRAYER**

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

- 5 1. Revoking or suspending Geologist License Number 9658, issued to Robert Sean
6 Gallardo;
- 7 2. Ordering Robert Sean Gallardo to pay the Board for Professional Engineers, Land
8 Surveyors, and Geologists the reasonable costs of the investigation and enforcement of this case,
9 pursuant to Business and Professions Code section 125.3; and,
- 10 3. Taking such other and further action as deemed necessary and proper.

11
12 DATED: 5/6/21

13 *Original Signed*
14 _____
15 RICHARD B. MOORE, PLS
16 Executive Officer
17 Board for Professional Engineers, Land
18 Surveyors, and Geologists
19 Department of Consumer Affairs
20 State of California
21 *Complainant*

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