

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

In the Matter of the Accusation against:)	
)	
JOHN ARTHUR ABEID)	Case No. 1253-A
163 Garrett Avenue)	
Chula Vista, CA 91910)	
)	
Professional Geologist, License, No. 9688,)	
)	
Respondent.)	
_____)	

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 April 7, 2022.

IT IS SO ORDERED March 7, 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
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10 **BEFORE THE**
BOARD FOR PROFESSIONAL ENGINEERS, LAND SURVEYORS, AND
GEOLOGISTS
11 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA
12

13 In the Matter of the Accusation Against:

14 **JOHN ARTHUR ABEID**
163 Garrett Avenue
15 Chula Vista, CA 91910

16 **Professional Geologist License No. 9688**

17 Respondent.

Case No. 1253-A

OAH No. 2021070590

**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 Phillip L. Arthur, Deputy Attorney General.

26 2. John Arthur Abeid (Respondent) is represented in this proceeding by attorney Negin
27 Yamini, whose address is: 5670 Wilshire Blvd., Suite 1837, Los Angeles, CA 90036.

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1 3. On or about January 18, 2019, the Board issued Professional Geologist License No.
2 9688 to John Arthur Abeid (Respondent). The Professional Geologist License was in full force
3 and effect at all times relevant to the charges brought in Accusation No. 1253-A and will expire
4 on October 31, 2023, unless renewed.

5 **JURISDICTION**

6 4. Accusation No. 1253-A was filed before the Board, and is currently pending against
7 Respondent. The Accusation and all other statutorily required documents were properly served
8 on Respondent on June 2, 2021. Respondent timely filed his Notice of Defense contesting the
9 Accusation. A copy of Accusation No. 1253-A is attached as Exhibit A and incorporated by
10 reference.

11 **ADVISEMENT AND WAIVERS**

12 5. Respondent has carefully read, fully discussed with counsel, and understands the
13 charges and allegations in Accusation No. 1253-A. Respondent also has carefully read, fully
14 discussed with counsel, and understands the effects of this Stipulated Surrender of License and
15 Order.

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

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

24 **CULPABILITY**

25 8. Respondent understands that the charges and allegations in Accusation No. 1253-A, if
26 proven at a hearing, constitute cause for imposing discipline upon his Professional Geologist
27 License.

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1 9. For the purpose of resolving the Accusation without the expense and uncertainty of
2 further proceedings, Respondent agrees that, at a hearing, Complainant could establish a prima
3 facie case for the charges in the Accusation and that those charges may constitute cause for
4 discipline. Respondent hereby gives up his right to contest that cause for discipline may exist
5 based on those charges.

6 10. Respondent understands that by signing this stipulation he enables the Board to issue
7 an order accepting the surrender of his Professional Geologist License without further process.

8 CONTINGENCY

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

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

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

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

ORDER

IT IS HEREBY ORDERED that Professional Geologist License No. 9688, issued to Respondent John Arthur Abeid, is surrendered and accepted by the Board.

1. The surrender of Respondent's Professional Geologist License and the acceptance of the surrendered license by the Board shall constitute the imposition of discipline against Respondent. This stipulation constitutes a record of the discipline and shall become a part of Respondent's license history with the Board.

2. Respondent shall lose all rights and privileges as a Professional Geologist in California as of the effective date of the Board's Decision and Order.

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

4. Respondent agrees not to petition for reinstatement of the surrendered license. Respondent agrees not to apply for any license issued by the Board for three years from the effective date of this surrender. Respondent understands and agrees that if he ever applies for any license issued by the Board, the Board shall treat it as a new application for licensure. Respondent must comply with all the laws, regulations, and procedures for licensure in effect at the time the application is filed, including but not limited to submitting a completed application and the requisite fee and taking and passing the required examination(s), and all of the charges and allegations contained in the Accusation shall be deemed to be true, correct, and admitted by Respondent when the licensing agency determines whether to grant or deny the application.

5. Respondent shall pay the agency its costs of investigation and enforcement in the amount of \$22,532.75 prior to issuance of a new license

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ACCEPTANCE

I have carefully read the above Stipulated Surrender of License and Order and have fully discussed it with my attorney Negin Yamini. I understand the stipulation and the effect it will have on my Professional Geologist License. I enter into this Stipulated Surrender of License and 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: 2/11/2022 *Original Signed*
JOHN ARTHUR ABEID
Respondent

I have read and fully discussed with Respondent John Arthur Abeid the terms and conditions and other matters contained in this Stipulated Surrender of License and Order. I approve its form and content.

DATED: 2/10/2022 *Original Signed*
NEGIN YAMINI
Attorney for Respondent

ENDORSEMENT

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

DATED: 2/14/22 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

SA2021300206

Exhibit A

Accusation No. 1253-A

1 MATTHEW RODRIQUEZ
Acting Attorney General of California
2 KAREN R. DENVER
Supervising Deputy Attorney General
3 JOSHUA B. EISENBERG
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Attorneys for Complainant
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10 **BEFORE THE**
BOARD FOR PROFESSIONAL ENGINEERS, LAND SURVEYORS, AND
GEOLOGISTS
11 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA
12

13 In the Matter of the Accusation Against:

Case No. 1253-A

14 **JOHN ARTHUR ABEID**
15 **163 Garrett Avenue**
Chula Vista, CA 91910
16
17 **Geologist License No. 9688**

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 9688 to John Arthur Abeid (Respondent). The
26 Geologist License was in full force and effect at all times relevant to the charges brought herein
27 and will expire on October 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
26 not to exceed two years, or may revoke the certificate of any geologist or geophysicist
27 registered under this chapter, for unprofessional conduct. Unprofessional conduct
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.

13 **COST RECOVERY**

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

20 **FACTUAL ALLEGATIONS**

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

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

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1 12. Respondent also provided to J.O., a prospective licensee, multiple documents via
2 email that contained questions and answers from the California and national geology exams. The
3 emails showed that Respondent had received the information from Gallardo.

4 13. The Executive Director of the National Association of State Boards of Geology
5 (ASBOG) conducted a review of the materials that Respondent exchanged with Gallardo and
6 provided to J.O. This review revealed that Respondent had shared at least five items that closely
7 resembled questions on ASBOG's national examination from 2018. As a result of this discovery,
8 the five compromised questions, which had an estimated value between \$10,000-\$15,000 per
9 question, were removed from the examination item bank so they would no longer be used on
10 future examinations.

11 14. The Board's review of the materials that Respondent exchanged with Gallardo and
12 provided to J.O. revealed that 49 of the 95 questions on the Board's October, 2018 examination
13 had been compromised by Respondent and Gallardo, which required the removal of the
14 compromised questions, at a substantial cost to the Board.

15 **FIRST CAUSE FOR DISCIPLINE**

16 (Subversion of Licensing Exam)

17 15. Respondent is subject to disciplinary action under Code section 496, in that
18 Respondent subverted the geology licensing examination by writing down questions from the
19 state and national geology examinations for use on future examinations, and sharing this
20 information with others, as more particularly set forth above in paragraphs 10 through 14, and
21 incorporated as though set forth fully herein.

22 **SECOND CAUSE FOR DISCIPLINE**

23 (Unprofessional Conduct)

24 16. Respondent is subject to disciplinary action under Code section 7860, subdivision (c)
25 (2), in conjunction with Code section 123, subdivision (a) and CCR, title 16, section 3035,
26 subdivision (a)(4), in that Respondent subverted a licensing examination by writing down and
27 sharing examinations questions, as more particularly set forth above in paragraphs 10-14, and
28 incorporated as though set forth fully herein.

PRAYER

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

- 1. Revoking or suspending Geologist License Number 9688, issued to John Arthur Abeid;
- 2. Ordering John Arthur Abeid 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,
- 3. Taking such other and further action as deemed necessary and proper.

DATED: 5/6/21

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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