

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

In the Matter of the Accusation against:	)	
	)	
WILLIAM JOSEPH DELANY, JR.	)	Case No. 1144-A
275 E. Green Street, Apt. 1634	)	
Pasadena, CA 91101	)	
	)	
Nuclear Engineer, License No. NU 2158,	)	
	)	
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 July 30, 2020.

IT IS SO ORDERED June 25, 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 ARMANDO ZAMBRANO  
Supervising Deputy Attorney General  
3 KEVIN J. SCHETTIG  
Deputy Attorney General  
4 State Bar No. 234240  
300 So. Spring Street, Suite 1702  
5 Los Angeles, CA 90013  
Telephone: (213) 269-6272  
6 Facsimile: (916) 731-2126  
*Attorneys for Complainant*  
7

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

12 In the Matter of the Petition to Revoke  
Probation Against:

13 **WILLIAM JOSEPH DELANEY, JR.**  
14 **275 East Green Street, No. 1634**  
15 **Pasadena, CA 91101**

16 **Nuclear Engineer License No. NU 2158**

17 Respondent.  
18

Case No. 1144-A

**STIPULATED SURRENDER OF  
LICENSE AND ORDER**

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  
25 in his official capacity and is represented in this matter by Xavier Becerra, Attorney General of  
26 the State of California, by Kevin J. Schettig, Deputy Attorney General.

27 2. William Joseph Delaney, Jr. ("Respondent") is representing himself in this  
28 proceeding and has chosen not to exercise his right to be represented by counsel.

3. On or about April 12, 1978, the Board issued Nuclear Engineer License No. NU 2158 to William Joseph Delaney, Jr. (“Respondent”). The Nuclear Engineer License was in full force and effect at all times relevant to the charges brought in Petition to Revoke Probation No. 1144-A and will expire on December 31, 2020, unless renewed.

## JURISDICTION

4. Petition to Revoke Probation No. 1144-A was filed before the Board, and is currently pending against Respondent. The Petition to Revoke Probation and all other statutorily required documents were properly served on Respondent on March 6, 2020. Respondent timely filed his Notice of Defense contesting the Petition to Revoke Probation. A copy of Petition to Revoke Probation No. 1144-A is attached as Exhibit A and incorporated by reference.

## ADVISEMENT AND WAIVERS

5. Respondent has carefully read, and understands the charges and allegations in Petition to Revoke Probation No. 1144-A. Respondent also has carefully read, and understands the effects of this Stipulated Surrender of License and Order.

6. Respondent is fully aware of his legal rights in this matter, including the right to a hearing on the charges and allegations in the Petition to Revoke Probation; 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.

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

## CULPABILITY

8. Respondent admits the truth of each and every charge and allegation in Petition to Revoke Probation No. 1144-A, agrees that cause exists for discipline and hereby surrenders his Nuclear Engineer License No. NU 2158 for the Board's formal acceptance.

///

9. Respondent understands that by signing this stipulation he enables the Board to issue an order accepting the surrender of his Nuclear Engineer License without further process.

## CONTINGENCY

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

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

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

13. 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 Order:

## ORDER

IT IS HEREBY ORDERED that Nuclear Engineer License No. NU 2158, issued to Respondent William Joseph Delaney, Jr., is surrendered and accepted by the Board.

1. The surrender of Respondent's Nuclear Engineer License and the acceptance of the surrendered license by the Board shall constitute the imposition of discipline against Respondent.

1 This stipulation constitutes a record of the discipline and shall become a part of Respondent's  
2 license history with the Board.

3 2. Respondent shall lose all rights and privileges as Nuclear Engineer in California as of  
4 the effective date of the Board's Decision and Order.

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

7 4. Respondent agrees not to petition for reinstatement of the surrendered license.  
8 Respondent agrees not to apply for any license issued by the Board for three years from the  
9 effective date of this surrender. Respondent understands and agrees that if he ever applies for any  
10 license issued by the Board, the Board shall treat it as a new application for licensure.  
11 Respondent must comply with all the laws, regulations, and procedures for licensure in effect at  
12 the time the application is filed, including but not limited to, submitting a completed application  
13 and the requisite fee and taking and passing the required examination(s), and all of the charges  
14 and allegations contained in Petition to Revoke Probation No. 1144-A shall be deemed to be true,  
15 correct, and admitted by Respondent when the licensing agency determines whether to grant or  
16 deny the application.

17 **ACCEPTANCE**

18 I have carefully read the Stipulated Surrender of License and Order. I understand the  
19 stipulation and the effect it will have on my Nuclear Engineer License. I enter into this Stipulated  
20 Surrender of License and Order voluntarily, knowingly, and intelligently, and agree to be bound  
21 by the Decision and Order of the Board for Professional Engineers, Land Surveyors, and  
22 Geologists.

23  
24 DATED: 6/8/2020

*Original Signed*

WILLIAM JOSEPH DELANEY, JR.  
*Respondent*

25  
26  
27 ///

28 ///

**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: June 9, 2020

Respectfully submitted,

XAVIER BECERRA  
Attorney General of California  
ARMANDO ZAMBRANO  
Supervising Deputy Attorney General

*Original Signed*

KEVIN J. SCHETTIG  
Deputy Attorney General  
*Attorneys for Complainant*

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**Exhibit A**

**Petition to Revoke Probation No. 1144-A**

1 XAVIER BECERRA  
Attorney General of California  
2 CARL SONNE  
Senior Assistant Attorney General  
3 ARMANDO ZAMBRANO  
Supervising Deputy Attorney General  
4 State Bar No. 225325  
300 So. Spring Street, Suite 1702  
5 Los Angeles, CA 90013  
Telephone: (213) 269-6322  
6 Facsimile: (916) 731-2126  
*Attorneys for Complainant*  
7

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

12 In the Matter of the Petition to Revoke  
13 Probation Against:

14 **WILLIAM JOSEPH DELANEY, JR.**  
15 275 East Green Street, No. 1634  
Pasadena, CA 91101

16 **Nuclear Engineer License No. NU 2158**

17 Respondent.

Case No. 1144-A

**PETITION TO REVOKE PROBATION**

18  
19 **PARTIES**

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

23 2. On or about April 12, 1978, the Board issued Nuclear Engineer License Number NU  
24 2158 to William Joseph Delaney, Jr. (Respondent). The Nuclear Engineer License was in effect  
25 at all times relevant to the charges brought herein and will expire on December 31, 2020, unless  
26 renewed.

27 3. In a disciplinary action titled *In the Matter of the Accusation Against: William Joseph*  
28 *Delaney, Jr.*, Case No. 1144-A, the Board issued a Decision, effective June 30, 2017, in which



1 Respondent's Nuclear Engineer License was revoked. However, the revocation was stayed and  
2 Respondent's Nuclear Engineer License was placed on probation for a period of three (3) years  
3 with certain terms and conditions. A copy of that decision is attached as Exhibit A and is  
4 incorporated by reference.

### 5 JURISDICTION

6 4. This Petition to Revoke Probation is brought before the Board under Probation Term  
7 and Condition No. 4 of the Board's Decision and Order *In the Matter of the Accusation Against:*  
8 *William Joseph Delaney, Jr.*, Case No. 1144-A. Condition 4 states:

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

17 5. Grounds exist to revoke Respondent's probation under the authority of Condition 4 of  
18 the Decision and Order, in that Respondent did not comply with the terms and conditions of his  
19 probation, as set forth below.

### 20 FIRST CAUSE TO REVOKE PROBATION

#### 21 (Failure to Pay Cost Recovery)

22 6. At all times after the effective date of Respondent's probation, Condition 6 stated:

23 **Cost Recovery.** The Respondent is hereby ordered to reimburse the Board the  
24 amount of \$2,605.00 within two and a half years from the effective date of the  
25 decision for its investigative and prosecution costs. Failure to reimburse the Board's  
26 cost of its investigation and prosecution shall constitute a violation of the probation  
27 order, unless the Board agrees in writing to payment by an installment plan because  
28 of financial hardship.

7. Respondent's probation is subject to revocation because he failed to comply with  
Probation Condition 6, referenced above. The facts and circumstances regarding this violation  
are that Respondent failed to reimburse the Board for its costs of investigation and prosecution in  
the amount of \$2,605.00 due by December 30, 2019.

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**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 the probation that was granted by the Board for Professional Engineers, Land Surveyors, and Geologists in Case No. 1144-A and imposing the disciplinary order that was stayed thereby revoking Nuclear Engineer License No. NU 2158 issued to William Joseph Delaney, Jr.;

2. Revoking or suspending Nuclear Engineer License No. NU 2158, issued to William Joseph Delaney, Jr.; and

3. Taking such other and further action as deemed necessary and proper.

DATED: 2/25/2020

*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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# **Exhibit A**

## **Decision and Order**

**Board for Professional Engineers, Land Surveyors, and Geologists Case No. 1144-A**

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

In the Matter of the Accusation against:

WILLIAM JOSEPH DELANEY, JR.  
34972 Newark Boulevard, No. 202  
Newark, CA 94560

Nuclear Engineer License, No. NU 2158

Respondent.

Case No. 1144-A

**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 June 30, 2017.

IT IS SO ORDERED June 1, 2017.

*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 LINDA K. SCHNEIDER  
Senior Assistant Attorney General  
3 DIANN SOKOLOFF  
Supervising Deputy Attorney General  
4 State Bar No. 161082  
1515 Clay Street, 20th Floor  
5 P.O. Box 70550  
Oakland, CA 94612-0550  
6 Telephone: (510) 879-0983  
Facsimile: (510) 622-2270  
7 E-mail: [Diann.Sokoloff@doj.ca.gov](mailto:Diann.Sokoloff@doj.ca.gov)  
*Attorneys for Complainant*

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

12 In the Matter of the Accusation Against:

Case No. 1144-A

13 **WILLIAM JOSEPH DELANEY, JR.**  
14 **34972 Newark Boulevard #202**  
**Newark, CA 94560**

**STIPULATED SETTLEMENT AND**  
**DISCIPLINARY ORDER**

15 **Nuclear Engineer License No. NU 2158**

16 Respondent.  
17

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 Xavier Becerra, Attorney General of the  
25 State of California, by Diann Sokoloff, Supervising Deputy Attorney General.

26 2. Respondent William Joseph Delaney, Jr. (Respondent) is representing himself in this  
27 proceeding and has chosen not to exercise his right to be represented by counsel.

28 ///

3. On or about April 12, 1978, the Board issued Nuclear Engineer License No. NU 2158 to William Joseph Delaney, Jr. (Respondent). The Nuclear Engineer License was in full force and effect at all times relevant to the charges brought in Accusation No. 1144-A, and will expire on December 31, 2018, unless renewed.

## JURISDICTION

4. Accusation No. 1144-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 29, 2017. Respondent timely filed his Notice of Defense contesting the Accusation.

5. A copy of Accusation No. 1144-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. 1144-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.

### CULPABILITY

9. Respondent admits the truth of each and every charge and allegation in Accusation No. 1144-A.

///

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

## CONTINGENCY

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

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

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

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 Nuclear Engineer License No. NU 2158 issued to Respondent William Joseph Delaney, Jr. is revoked. However, the revocation is stayed and



1 Respondent is placed on probation for three (3) years on the following terms and conditions.

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

4 2. **Submit Reports.** The Respondent shall submit the monthly criminal probation  
5 reports that he sends to his criminal probation monitor, to the Board's probation monitor until he  
6 completes his criminal probation.

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

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

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

21 6. **Cost Recovery.** The Respondent is hereby ordered to reimburse the Board the  
22 amount of \$2,605.00 within two and a half years from the effective date of the decision for its  
23 investigative and prosecution costs. Failure to reimburse the Board's cost of its investigation and  
24 prosecution shall constitute a violation of the probation order, unless the Board agrees in writing  
25 to payment by an installment plan because of financial hardship.

26 7. **Take and Pass Examination.** Within 60 days of the effective date of the decision,  
27 the Respondent shall successfully complete and pass the California Laws and Board Rules  
28 examination, as administered by the Board.

1 8. **Ethics Course.** The Respondent shall successfully complete and pass a course in  
2 professional ethics within two and a half years from the effective date of the decision.

3 9. **Notification.** Within 30 days of the effective date of the decision, the Respondent  
4 shall provide the Board with evidence that he has provided all persons or entities with whom he  
5 has a contractual or employment relationship such that the relationship is in the area of practice of  
6 professional engineering and/or professional land surveying in which the violation occurred with  
7 a copy of the decision and order of the Board and shall provide the Board with the name and  
8 business address of each person or entity required to be so notified. During the period of  
9 probation, the Respondent may be required to provide the same notification of each new person  
10 or entity with whom he has a contractual or employment relationship such that the relationship is  
11 in the area of practice of professional engineering and/or land surveying in which the violation  
12 occurred and shall report to the Board the name and address of each person or entity so notified.

13 10. **Proof of Compliance With Criminal Probation or Parole Orders.** Within 30 days  
14 of the effective date of the decision, and then each and every month thereafter, Respondent shall  
15 provide the monthly reports that he sends to his criminal probation officer and include proof of  
16 timely repayment of any restitution or other monetary fines ordered.

17 ACCEPTANCE

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

23  
24 DATED: 30 April 2017

25 *Original Signed*  
WILLIAM JOSEPH DEANEY, JR.  
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:

Respectfully submitted,

XAVIER BECERRA  
Attorney General of California  
LINDA K. SCHNEIDER  
Senior Assistant Attorney General

*Original Signed*

DIANN SOKOLOFF  
Supervising Deputy Attorney General  
*Attorneys for Complainant*

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**Exhibit A**

**Accusation No. 1144-A**

1 XAVIER BECERRA  
Attorney General of California  
2 LINDA K. SCHNEIDER  
Senior Assistant Attorney General  
3 DIANN SOKOLOFF  
Supervising Deputy Attorney General  
4 State Bar No. 161082  
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5 P.O. Box 70550  
Oakland, CA 94612-0550  
6 Telephone: (510) 879-0983  
Facsimile: (510) 622-2270  
7 E-mail: Diann.Sokoloff@doj.ca.gov  
*Attorneys for Complainant*

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

12 In the Matter of the Accusation Against:

Case No. 1144-A

13 **WILLIAM JOSEPH DELANEY, JR.**  
14 **34972 Newark Boulevard #202**  
**Newark, CA 94560**

**A C C U S A T I O N**

15 **Nuclear Engineer License No. NU 2158**

16 Respondent.

17  
18 Complainant alleges:

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 April 12, 1978, the Board for Professional Engineers, Land Surveyors,  
24 and Geologists issued Nuclear Engineer License Number NU 2158 to William Joseph Delaney,  
25 Jr. (Respondent). The Nuclear Engineer License was in full force and effect at all times relevant  
26 to the charges brought in this Accusation and will expire on December 31, 2018, unless renewed.

27 JURISDICTION

28 3. This Accusation is brought before the Board for Professional Engineers, Land



1 Surveyors, and Geologists (Board), Department of Consumer Affairs, under the authority of the  
2 following laws. All section references are to the Business and Professions Code unless otherwise  
3 indicated.

4 4. Section 6775 of the Code states, in pertinent part:

5 "The board may, upon its own initiative or upon the receipt of a complaint, investigate the  
6 actions or any professional engineer licensed under this chapter."

7 5. Section 118, subdivision (b), of the Code provides, in pertinent part:

8 "The suspension, expiration, surrender, or cancellation of a license shall not deprive the  
9 Director of jurisdiction to proceed with a disciplinary action during the period within which the  
10 license may be renewed, restored, reissued or reinstated."

#### 11 STATUTORY PROVISIONS

12 6. Section 490 of the Code states, in pertinent part:

13 "A board may suspend or revoke a license on the ground that the licensee has been  
14 convicted of a crime, if the crime is substantially related to the qualifications, functions, or duties  
15 of the business or profession for which the license was issued. A conviction within the meaning  
16 of this section means a plea or verdict of guilty or a conviction following a plea of nolo  
17 contendere. Any action which a board is permitted to take following the establishment of a  
18 conviction may be taken when the time for appeal has elapsed, or the judgment of conviction has  
19 been affirmed on appeal, or when an order granting probation is made suspending the imposition  
20 of sentence, irrespective of a subsequent order under the provisions of Section 1203.4 of the Penal  
21 Code."

22 7. Section 6775 of the Code states, in pertinent part:

23 "The board may publicly reprove, suspend for a period not to exceed two years, or revoke  
24 the certificate of any professional engineer licensed under this chapter on any of the following  
25 grounds:

26 "(a) Any conviction of a crime substantially related to the qualifications, functions, and  
27 duties of a licensed professional engineer, in which case the certified record of conviction shall be  
28 conclusive evidence thereof.

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

3 8. Section 6770 of the Code states, in pertinent part:

4 “(a) A licensee shall report to the board in writing the occurrence of any of the following  
5 events that occurred on or after January 1, 2008, within 90 days of the date the licensee has  
6 knowledge of the event:

7 (1) The conviction of the licensee of any felony.”

8 9. Section 6787 of the Code states, in pertinent part:

9 “Every person is guilty of a misdemeanor:

10 (e) Who uses an expired, suspended, surrendered, or revoked certificate issued by the  
11 board.”

#### 12 COST RECOVERY

13 10. 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 SUMMARY

20 11. On or about September 11, 2014, in a matter entitled *United States of America v.*  
21 *William Joseph Delaney*, Case No. CR-14-00249-001, in the United States District Court,  
22 Northern District of California, Respondent was convicted of embezzlement from an Employee  
23 Benefit Plan in violation of Title 18, United States Code section 664, a felony. Respondent was  
24 placed on probation for five years with standard and special conditions of supervision and was  
25 ordered to pay assessment fees of \$100.00, a fine of \$3,000.00, and restitution in the amount of  
26 \$27,113.01 to various victims. The crime to which respondent was convicted is substantially related  
27 to the qualifications, functions, and duties of a an engineer.  
28



1       12. After his California nuclear engineer license expired on December 31, 2014,  
2 Respondent continued to advertise as a nuclear engineer.

3                               FIRST CAUSE FOR DISCIPLINE

4                               (Conviction of a Crime)

5                               (Bus. & Prof. Code, §§ 490, 6775 subd. (a))

6       13. Respondent has subjected his license to disciplinary action for being convicted of  
7 embezzling from an Employee Benefit Plan in violation of Business and Professions Code sections  
8 490 and 6775(a). The circumstances are more particularly set forth in paragraph 11, above.

9                               SECOND CAUSE FOR DISCIPLINE

10                              (Failure to Report Criminal Conviction)

11                              (Bus. & Prof. Code, § 6770, subd. (a)(l))

12       14. Respondent has subjected his license to disciplinary action by failing to report his  
13 conviction to the Board in violation of Business and Professions Code section 6770, subdivision  
14 (a)(l). The circumstances are more particularly set forth in paragraph 12, above.

15                              THIRD CAUSE FOR DISCIPLINE

16                              (Use of an Expired License)

17                              (Bus. & Prof. Code §§ 6775, subd. (h), 6787, subd. (e))

18       15. Respondent has subjected his license to disciplinary action in that he continued to  
19 advertise as a nuclear engineer after his license expired in violation of Business and Professions Code  
20 sections 6775, subd. (h), and 6787, subdivision (e). The circumstances are more particularly set  
21 forth in paragraph 12, above.

22                              PRAYER

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

26       1. Revoking or suspending Nuclear Engineer License Number NU 2158, issued to  
27 William Joseph Delaney, Jr.

28       2. Ordering William Joseph Delaney, Jr. 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:

3/7/17

*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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