

State Water Resources Control Board

June 1, 2018

Mr. Austin E. Farsai
[REDACTED]
[REDACTED]

**Proposed Action
Accepted**

(Via email and Certified Mail)

CERTIFIED MAIL
NO. 7017 2680 0000 6289 9652

SUBJECT: PROPOSED DISCIPLINARY ACTION

Dear Mr. Farsai:

1. EXAMINATION DISHONEST CONDUCT

During the October 14, 2017 wastewater operator examination held in Concord, California, you violated section 3701.1 of the Wastewater Operator Certification Program's (WWOCP) Regulations¹ by possessing a cellular telephone inside the examination session. Further, during this same examination session, you failed to return two missing pages of your Grade III wastewater examination booklet (pages 23-24) despite having initialed your exam booklet cover verifying all pages. You also signed your exam booklet stating you understood removal of any examination material from the examination room could result in revocation of your existing operator certificate and/or criminal prosecution (see **Attachment 1 – Signed Examination Booklet Cover Dated 10/14/2017**).

As a result of your dishonest conduct, in accordance with section 3701.1 of WWOCP regulations, your examination was not graded and WWOCP disqualified you from taking the next scheduled wastewater examination on April 14, 2018 (see Attachment 2 – **Wastewater Operator Examination Disqualification Notification**).

2. STATUTORY AUTHORITY AND LIABILITY

The State Water Resources Control Board (State Water Board) may refuse to grant, suspend, or revoke an operator, provisional operator, or operator-in-training certificate or may reprimand or place on probation an operator, provisional operator, or operator-in-training upon any reasonable ground, including performing, or allowing or causing another to perform, any of the following acts as stated in the California Code of Regulations, title 23, section 3710 (Grounds for Disciplinary Action), section (a) as follows:

(4) Engaging in dishonest conduct during an examination, or violating confidentiality of examination questions.

¹ The State Water Board's regulations concerning the WWTP Operator Certification Program are codified at California Code of Regulations, title 23, division 3, chapter 26, section 3670 et seq. All references to the "WWOCP's Regulations" are to the applicable sections of title 23 of the California Code of Regulations.

3. ALLEGATION

The Office of Enforcement (OE) has determined you violated the California Code of Regulations, title 23, section 3710(a)(4), by engaging in dishonest conduct during the October 14, 2017 Wastewater Operator Examination in Concord, California.

4. PROPOSED DISCIPLINARY ACTION

OE completed its investigation in consideration of the above facts and evidence and proposes the following appropriate disciplinary action:

- 1) **SUSPENSION OF YOUR CURRENT OPERATOR CERTIFICATE** (Grade II, No. 42510) for thirty (30) days with the following conditions:
 - a) Within 45 days of the receipt of this proposed disciplinary action, you must surrender your current original Grade II wastewater operator certificate to WWOCP via certified mail;
 - b) Upon receipt of your Grade II wastewater operator certificate, WWOCP will then begin your thirty (30) day suspension period; and,
 - c) During or after the (30) day suspension period, you may contact WWOCP at (916) 341-5819 to determine the next steps of acquiring your operator certificate.
- 2) **TWO-YEAR PROBATION until June 1, 2020.** Additional violation(s) of the Operator Regulations (California Code of Regulations, title 23, section 3710 et. seq.) could result in penalties and/or revocation of your wastewater operator certificate.
- 3) **ETHICS TRAINING:** Completion of ethics training of not less than 1 hour during your suspension with proof of completion to be submitted to WWOCP. Your certificate will not be returned unless and until you have satisfied the ethics training requirement.
- 4) **EMPLOYER NOTIFICATION:** Your current employer will be mailed a copy of this letter to inform them of the suspension of your Grade II wastewater operator certificate since you will not be permitted to work as a certified wastewater operator during the suspension period.

This letter constitutes a proposed disciplinary action under California Code of Regulations, title 23, section 3712, and is considered final and conclusive, unless you request that the Director of OE reconsider this proposed disciplinary action. You have 45 days from receipt of this letter to appeal this decision, as specified in the California Code of Regulations, title 23, section 3712. A request for reconsideration shall contain:

1. The name, address, telephone number, and email address (if available) of the requestor;
2. A copy of the proposed disciplinary action letter;
3. A full and complete statement of the reasons why the proposed disciplinary action letter is erroneous, inappropriate, or improper; and,
4. The specific action that the requestor seeks from the Director of OE.

Appeals should be addressed to:

Mr. Christian Carrigan, Director
Office of Enforcement
State Water Resources Control Board
801 K Street, Suite 2300
Sacramento, California 95814

Your appeal must contain all documents above and any evidence you wish to be considered by Mr. Carrigan during his review.

Any future misconduct, including examination cheating, may subject you to additional disciplinary action(s) pursuant to California Code of Regulations, title 23, section 3710 (Grounds for Disciplinary Action), which could include penalties and/or permanent revocation of your wastewater operator certificate.

If you have any questions, please contact me by telephone at (916) 341-5891, or by email at matthew.buffleben@waterboards.ca.gov.

Sincerely,



Dr. Matthew Buffleben, PE
Supervising Water Resource Control Engineer
Office of Enforcement

Enclosures: Attachment 1 – Signed Examination Booklet Cover Dated 10/14/2017
Attachment 2 – Wastewater Operator Examination Disqualification Notification

cc: *(via certified mail, w/o attachments)*

Mr. Armando G. Lopez
Chief Plant Operator
Alvarado Wastewater Treatment Facility
Union Sanitary District
5072 Benson Road
PO Box 5050
Union City, CA 94587-2508

**CERTIFIED MAIL
NO. 7017 2680 0000 6289 9669**

(via email only, w/o attachments)

Mr. Christian Carrigan, Director
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