

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

|   |   |                      |
|---|---|----------------------|
| In the Matter of the Petition to Revoke Probation | ) |                      |
| Against:  | ) |                      |
|   | ) |                      |
| TERRY CHARLES STURGIS                             | ) | Case No. 1120-A      |
| 900 Fitzroy Court                                 | ) |                      |
| Roseville, CA 95647                               | ) | OAH No. 2021080383.1 |
|   | ) |                      |
| Civil Engineer License, No. C 30909,              | ) |                      |
|   | ) |                      |
| Respondent.                                       | ) |                      |
| <hr/>   |   |                      |

**DECISION**

Pursuant to Government Code section 11517, the Board for Professional Engineers, Land Surveyors, and Geologists of the State of California hereby adopts the attached Proposed Decision of the Administrative Law Judge as its Decision in the above-entitled matter.

In adopting this Proposed Decision as its Decision, the Board for Professional Engineers, Land Surveyors, and Geologists has reduced the penalty order pursuant to Government Code section 11517(c)(2)(B) as follows:

The condition in the Order relating to providing a list of engineering projects in progress is removed and shall not be enforced.

This Decision shall become effective on June 2, 2022.

IT IS SO ORDERED May 2, 2022.

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

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

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

**TERRY CHARLES STURGIS, Respondent**

**Agency Case No. 1120-A**

**OAH No. 2021080383.1**

**PROPOSED DECISION**

Jessica Wall, Administrative Law Judge, Office of Administrative Hearings (OAH), State of California, heard this matter by videoconference on March 15, 2022, from Sacramento, California.

Complainant Richard B. Moore, PLS, Executive Officer of the Board for Professional Engineers, Land Surveyors, and Geologists (Board) was represented by Deputy Attorney General Mabel Lew.

Respondent Terry Charles Sturgis was present and represented himself.

Testimony and documentary evidence was received, the record closed, and the matter was submitted for decision on March 15, 2022.

**FACTUAL FINDINGS**

## License History

1. On August 15, 1979, the Board issued Civil Engineer License No. C 30909 (license) to respondent. The license was in effect at all times relevant and expired on March 31, 2022.

## ACCUSATION

2. On October 28, 2015, complainant filed an Accusation, alleging that respondent's license was subject to discipline on the following grounds:

(1) negligence, pursuant to Business and Professions Code<sup>1</sup> section 6775, subdivision (c); and (2) incompetence, pursuant to section 6775, subdivision (c). Specifically, the Accusation alleged that in July 2009, respondent prepared bridge plans that failed to meet the standards required of a licensed civil engineer because of errors and missing components in the analyses and calculations.

3. On June 22, 2016, respondent signed a Stipulated Settlement and Disciplinary Order (Stipulated Settlement) in which respondent acknowledged that complainant could establish a factual basis for the allegations and waived his right to contest those charges. Under the Stipulated Settlement, respondent's license was revoked, the revocation was immediately stayed, and the Board placed respondent on

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<sup>1</sup> All further references will be to the Business and Professions Code unless otherwise indicated.

probation for five years subject to certain terms and conditions. The Board adopted the Stipulated Settlement, effective September 23, 2016.

4. The terms and conditions of respondent's probation include:

[¶] . . . [¶]

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

[¶] . . . [¶]

**6. Engineering Courses.** Within four and one-half (4 ½) years from the effective date of the decision, the respondent shall successfully complete and pass three (3) college-level civil engineering courses, which must be related to the areas of violation alleged in the Accusation. Said courses shall be approved in advance by the Board or its designee. The respondent shall provide the Board with official proof of completion of the requisite courses. For purposes of this

condition, "college-level course" means a course offered by a community college or a four-year university of three semester units or the equivalent; it does not include seminars.

**7. Ethics Course.** Within four and one-half (4 ½) years from the effective date of the decision, the respondent must successfully complete and pass a course in professional ethics, approved in advance by the Board or its designee.

[¶] . . . [¶]

## **Petition to Revoke Probation**

5. On June 9, 2021, complainant, in his official capacity, filed the Petition to Revoke Probation (Petition) based on respondent's failure to comply with Conditions 6 and 7. Respondent did not file a defense or request an administrative hearing. The Board issued a Default Decision and Order on the Petition (Default Decision) on November 9, 2021. Respondent submitted a timely Petition for Reconsideration, which the Board granted on January 11, 2022. The Board set aside the Default Decision and this administrative hearing followed.

## **COMPLIANCE WITH PROBATION**

6. Angela Smith works as an Enforcement Analyst for the Board and has been respondent's probation monitor since September 2016. She testified at hearing about her communications with respondent. On September 27, 2016, Ms. Smith sent respondent a letter detailing each term of probation and setting forth specific dates by which the conditions must be fulfilled. The letter provided that respondent must complete and pass: three college-level courses related to the areas of violation in the

Accusation and one course in professional ethics. All courses need to be pre-approved by the Board. The letter also said, in bold type, that respondent's failure to timely complete approved college-level and professional ethics courses by March 24, 2021, would constitute a violation of probation.

7. On January 30, 2019, Ms. Smith emailed respondent about a Board-approved professional ethics course offered by Texas Tech University via Distance Learning. She informed respondent that he could choose another professional ethics course, but all courses needed to be pre-approved by the Board. The next day, respondent responded that he would pursue the Texas Tech University course for his professional ethics requirement and inquired about whether "there might be an online option" for his college-level civil engineering courses. Ms. Smith clarified that respondent could complete online/correspondence courses from community or four-year colleges, but she could not make any specific recommendations.

8. On June 10, 2019, respondent emailed Ms. Smith that he had registered for two courses at Sierra College, "Introduction to Earth Science" and "Physical Geology," which he believed related to the Accusation's soil stability allegations. Ms. Smith informed respondent that these courses did not meet the requirements of his probation because the three college-level courses needed to be civil engineering courses. Respondent disputed that his probation required civil engineering courses and asked if he could appeal her determination.

9. On March 19, 2021, respondent wrote Ms. Smith about his efforts to complete the college-level courses. He stated that the Board had approved his requested courses at California State University, Sacramento (CSUS) on August 19, 2019, but he subsequently learned those courses would require him to take additional prerequisites. For respondent, "[t]his was inevitably a hill too high to climb with the

intensive 'caregiving' and ultimate passing of [his] wife, during this period." He concluded that "it was [his] burden to carry" and he "accept[ed] that the Board may deem to revoke [his] license."

10. On March 26, 2021, Ms. Smith sent respondent a letter informing him that he had violated his probation by failing to complete his three college-level courses and professional ethics course. The letter also notified respondent that the Board would be submitting the matter to the Office of the Attorney General to pursue further action against his license.

### **Respondent's Evidence**

11. Respondent has practiced as a civil engineer for 43 years. In 1979, he qualified for the professional examination based on his combination of lower division courses and seven years of work experience. Respondent does not have a bachelor's degree. The Accusation is his only license discipline.

12. Respondent contested the facts alleged in the Accusation. He agreed to the Stipulated Settlement because he could not afford the legal cost of contesting it. At the time, his wife was terminally ill, and respondent was her full-time caretaker. Respondent's wife died on September 14, 2017.

13. After the Board approved respondent's August 2019 request to take civil engineering courses at CSUS, he learned the approved courses required prerequisite courses in physics, mathematics, and chemistry. CSUS would not waive these prerequisites. Respondent admitted not looking for any alternative courses to satisfy Condition 6. Similarly, he did not complete the professional ethics course, because he thought it would be "a specious attempt to curry favor" if he completed Condition 7 and

not Condition 6. Thereafter, respondent chose “to run out the clock in the hope that [he] could mount some sort of personal and professional defense” at the hearing.

14. At hearing, respondent shared that he did not attempt any of the prerequisite courses because he feared he would not pass them. If he failed the prerequisites, he would have to retake them, which would prevent him from finishing all the courses before his probation ended. He felt it was overly burdensome to complete 32 units (23 units of prerequisites and 9 units for Condition 6) and that he needed to spend his time on caretaking tasks and work. He hoped the hearing would yield “an equitable solution” to the problem, such as a greater financial payment in lieu of coursework. He agrees that he violated the terms of his probation, and his license could be revoked.

## **Analysis**

15. Respondent was aware he had four and a half years to complete three college-level courses in civil engineering (Condition 6) and one course in professional ethics (Condition 7). There is no dispute that he failed to complete those four courses. Rather than seek alternative courses or an extension of time to complete the courses, respondent chose inaction.

16. Respondent presented little in mitigating circumstances to consider. He could not complete the courses after August 2019 because of the time needed to care for his ill wife; however, his wife had passed away nearly two years before. Similarly, his reasoning for not completing the professional ethics course was misplaced. Completing Condition 7, even without completing Condition 6, would have been seen as a good faith effort towards compliance with his probationary terms.



17. The Board has legitimate concerns about respondent's fitness to practice, given the facts underlying the 2015 Accusation and respondent's failure to follow the terms of his probation. The reasonable time for respondent to meet his probationary requirements has come and gone. Respondent did not seek an extension or modification of the probationary terms. Instead, he asks to pay a fine instead of completing remedial education, which would not address the purpose underlying the requirement. Accordingly, because respondent did not follow his probation's terms and conditions, his license should be revoked.

## **LEGAL CONCLUSIONS**

1. The burden of proof in this matter is on complainant to show by a preponderance of evidence that respondent's license should be revoked. (*Sandarg v. Dental Board of California* (2010) 184 Cal.App.4th 1434, 1441.) A preponderance of the evidence means "more likely than not." (*Sandoval v. Bank of Am.* (2002) 94 Cal.App.4th 1378, 1388.)

2. Pursuant to Condition 4 of the Stipulated Settlement, the Board may vacate the stay and reinstate the stayed disciplinary order if, after notice and an opportunity to be heard, it is determined that respondent has violated any of the Stipulated Settlement's conditions of probation. As provided in Factual Findings 3 through 14, respondent violated Conditions 6 and 7 of his probation. Accordingly, cause exists to vacate the stayed revocation of respondent's license.

3. The matters set forth in Factual Findings, as a whole, have been considered. The evidence established respondent failed to comply with the terms and

conditions of his probation. Under all the facts and circumstances herein, it would be contrary to the public interest to permit respondent to retain his license at this time.

## **ORDER**

The Petition to Revoke Probation is granted, the order staying the revocation of Civil Engineer License No. C 30909 issued to respondent Terry Charles Sturgis is vacated, and Civil Engineer License No. C 30909 is revoked.

Within 30 days of the effective date of this decision, Terry Charles Sturgis shall provide the Board with a list of all engineering projects in progress and the anticipated completion date of each project.

DATE: April 8, 2022

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*Original Signed*

JESSICA WALL

Administrative Law Judge

Office of Administrative Hearings

1 ROB BONTA  
Attorney General of California  
2 DAVID E. BRICE  
Supervising Deputy Attorney General  
3 MABEL LEW  
Deputy Attorney General  
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7 *Attorneys for Complainant*

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

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

14 **TERRY CHARLES STURGIS**  
15 **900 Fitzroy Court**  
16 **Roseville, California 95647**  
17 **Civil Engineer License No. C 30909**

18 Respondent.

Case No. 1120-A

PETITION TO REVOKE PROBATION

19  
20 Complainant alleges:

21 **PARTIES**

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

25 2. On or about August 15, 1979, the Board issued Civil Engineer License  
26 Number C 30909 to Terry Charles Sturgis (Respondent). Respondent's Civil Engineer License  
27 was in effect at all times relevant to the charges brought herein and will expire on March 31,  
28 2022, unless renewed.

1 **PRIOR DISCIPLINE**

2 3. In a disciplinary action titled "In the Matter of the Accusation Against Terry Charles  
3 Sturgis," Case Number 1120-A, the Board issued a decision, effective September 23, 2016, in  
4 which Respondent's Civil Engineer License was revoked. However, the revocation was stayed  
5 and Respondent's Civil Engineer License was placed on probation for a period of five (5) years  
6 with certain terms and conditions. A copy of that decision is attached as Exhibit A and is  
7 incorporated by reference.

8 **JURISDICTION**

9 4. At all times after the effective date of Respondent's probation, Condition 4 stated:

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

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

16 Within four and one-half (4 ½) years from the effective date of the decision, the  
17 respondent shall successfully complete and pass three (3) college-level civil engineering  
18 courses, which must be related to the areas of violation alleged in the Accusation. Said  
19 courses shall be approved in advance by the Board or its designee. The respondent shall  
20 provide the Board with official proof of completion of the requisite courses. For purposes  
of this condition, "college-level course" means a course offered by a community college or  
a four-year university of three semester units or the equivalent; it does not include seminars.

21 6. At all times after the effective date of Respondent's probation, Condition 7 stated:

22 Within four and one-half (4 ½) years from the effective date of the decision, the  
23 respondent must successfully complete and pass a course in professional ethics, approved in  
24 advance by the Board or its designee.

25 7. Grounds exist to revoke Respondent's probation and impose the order of revocation  
26 of his Civil Engineer License, in that Respondent has violated the terms and conditions of his  
27 probation as follows:  
28

1 **FIRST CAUSE TO REVOKE PROBATION**

2 **(Failure to Comply With Probation Condition 6–Take and Pass**  
3 **Three College-Level Civil Engineering Courses)**

4 8. Respondent's probation is subject to revocation because he failed to comply with  
5 Probation Condition 6, referenced above. The facts and circumstances regarding this violation  
6 are as follows:

7 a. Respondent was required to complete and pass, with a grade of “C” or better, three  
8 (3) college-level civil engineering courses related to the areas of violation alleged in the  
9 Accusation by March 24, 2021. Respondent failed to submit coursework for approval and failed  
10 to take and pass three college-level courses related to the area of violation alleged in the  
11 Accusation by March 24, 2021.

12 **SECOND CAUSE TO REVOKE PROBATION**

13 **(Failure to Comply With Probation Condition 7–Professional Ethics Course)**

14 9. Respondent's probation is subject to revocation because he failed to comply with  
15 Probation Condition 7, referenced above. The facts and circumstances regarding this violation  
16 are as follows:

17 a. Respondent was required to complete a professional ethics course by March 24, 2021.  
18 Respondent failed to submit a course for approval and he did not take and pass the ethics course  
19 as required.

20 **PRAYER**

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

24 1. Revoking the probation that was granted by the Board for Professional Engineers,  
25 Land Surveyors, and Geologists in Case Number 1120-A and imposing the disciplinary order that  
26 was stayed thereby revoking Civil Engineer License No. C 30909 issued to Terry Charles Sturgis;

27 2. Revoking or suspending Civil Engineer License No. C 30909, issued to Terry Charles  
28 Sturgis;

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

DATED: 6/9/2021

*Original Signed*

\_\_\_\_\_  
RICHARD B. MOORE, PLS  
Executive Officer  
Board for Professional Engineers, Land  
Surveyors, and Geologists  
Department of Consumer Affairs  
State of California  
*Complainant*

SA2021302130

# **Exhibit A**

**Decision and Order (eff. September 23, 2016)**

**Board for Professional Engineers, Land Surveyors, and Geologists Case No. 1120-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: | ) |                 |
|  | ) |                 |
| TERRY CHARLES STURGIS                    | ) | Case No. 1120-A |
| 900 Fitzroy Court                        | ) |                 |
| Roseville, CA 95647                      | ) |                 |
|  | ) |                 |
| Civil Engineer License, No. C 30909,     | ) |                 |
|  | ) |                 |
| Respondent.                              | ) |                 |
| <hr/>                                    |   |                 |

**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 23, 2016.

IT IS SO ORDERED August 18, 2016.

*Original Signed*

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



1 KAMALA D. HARRIS  
Attorney General of California  
2 KENT D. HARRIS  
Supervising Deputy Attorney General  
3 DAVID E. BRICE  
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7 E-mail: David.Brice@doj.ca.gov  
8 *Attorneys for Complainant*

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. 1120-A

13 **TERRY CHARLES STURGIS**  
14 **900 Fitzroy Court**  
**Roseville, California 95647**

OAH No. 2016030084

15 **Civil Engineer License No. C 30909**

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

16 Respondent.

17  
18 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-  
19 entitled proceedings that the following matters are true:  
20

21 PARTIES

22 1. Richard B. Moore, PLS (Complainant) is the Executive Officer of the Board for  
23 Professional Engineers, Land Surveyors, and Geologists. He brought this action solely in his  
24 official capacity and is represented in this matter by Kamala D. Harris, Attorney General of the  
25 State of California, by David E. Brice, Deputy Attorney General.

26 2. Respondent Terry Charles Sturgis ("Respondent") is represented in this proceeding by  
27 attorney LaDon G. Bader, whose address is: Law Office of LaDon G. Bader, 1124 West Tokay  
28 Street, Lodi, CA 95240.

1 3. On or about August 15, 1979, the Board for Professional Engineers, Land Surveyors,  
2 and Geologists issued Civil Engineer License No. C 30909 to Terry Charles Sturgis  
3 (Respondent). The Civil Engineer License was in full force and effect at all times relevant to the  
4 charges brought in Accusation No. 1120-A, and will expire on March 31, 2018, unless renewed.

5 JURISDICTION

6 4. Accusation No. 1120-A was filed before the Board for Professional Engineers, Land  
7 Surveyors, and Geologists (Board), Department of Consumer Affairs, and is currently pending  
8 against Respondent. The Accusation and all other statutorily required documents were properly  
9 served on Respondent on November 9, 2015. Respondent timely filed his Notice of Defense  
10 contesting the Accusation.

11 5. A copy of Accusation No. 1120-A is attached as exhibit A and incorporated herein by  
12 reference.

13 ADVISEMENT AND WAIVERS

14 6. Respondent has carefully read, fully discussed with counsel, and understands the  
15 charges and allegations in Accusation No. 1120-A. Respondent has also carefully read, fully  
16 discussed with counsel, and understands the effects of this Stipulated Settlement and Disciplinary  
17 Order.

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

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

26 CULPABILITY

27 9. Respondent understands and agrees that the charges and allegations in Accusation  
28 No. 1120-A, if proven at hearing, constitute cause for imposing discipline upon his Civil Engineer

1 License No. C 30909. For the purpose of resolving the entire Accusation without the expense and  
2 uncertainty of further proceedings, Respondent agrees that, at a hearing, Complainant could  
3 establish a factual basis for the allegations in the accusation. Respondent hereby gives up his  
4 right to contest those charges.

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

7 RESERVATION

8 11. The admissions made by Respondent herein are only for the purposes of this  
9 proceeding, or any other proceedings in which the Board for Professional Engineers, Land  
10 Surveyors, and Geologists or other professional licensing agency is involved, and shall not be  
11 admissible in any other criminal or civil proceeding.

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 shall be of  
21 no force or effect, except for this paragraph, it shall be inadmissible in any legal action between  
22 the parties, and the Board shall not be disqualified from further action by having considered this  
23 matter.

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

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

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

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

8 **DISCIPLINARY ORDER**

9 IT IS HEREBY ORDERED that Civil Engineer License No. C 30909 issued to Respondent  
10 Terry Charles Sturgis is revoked. However, the revocation is stayed and Respondent is placed on  
11 probation for five (5) years on the following terms and conditions.

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

14 2. **Submit Reports.** The respondent shall submit such special reports as the Board may  
15 require.

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

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

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1           5.     **Completion of Probation.** Upon successful completion of all of the probationary  
2 conditions and the expiration of the period of probation, the respondent's Civil Engineer License,  
3 No. C 30909, shall be unconditionally restored.

4           6.     **Engineering Courses.** Within four and one-half (4 ½) years from the effective date  
5 of the decision, the respondent shall successfully complete and pass three (3) college-level civil  
6 engineering courses, which must be related to the areas of violation alleged in the Accusation.  
7 Said courses shall be approved in advance by the Board or its designee. The respondent shall  
8 provide the Board with official proof of completion of the requisite courses. For purposes of this  
9 condition, "college-level course" means a course offered by a community college or a four-year  
10 university of three semester units or the equivalent; it does not include seminars.

11          7.     **Ethics Course.** Within four and one-half (4 ½) years from the effective date of the  
12 decision, the respondent must successfully complete and pass a course in professional ethics,  
13 approved in advance by the Board or its designee.

14          8.     **Cost Recovery.** Within four and one-half (4 ½) years from the effective date of the  
15 decision, the respondent shall reimburse the Board for its investigative and enforcement costs in  
16 this matter in the amount of \$7,461.80. Said reimbursement may be paid in installments.

17          9.     **Examination.** Within sixty (60) days from the effective date of the decision, the  
18 respondent shall successfully complete and pass the California Laws and Board Rules  
19 examination, as administered by the Board.

20          10.    **Notification.** Within thirty (30) days from the effective date of the decision, the  
21 respondent shall provide the Board with evidence that he has provided all persons or entities with  
22 whom he has a contractual or employment relationship relating to professional civil engineering  
23 services with a copy of the decision and order of the Board and shall provide the Board with the  
24 name and business address of each person or entity required to be so notified. During the period  
25 of probation, the respondent may be required to provide the same notification to each new person  
26 or entity with whom he has a contractual or employment relationship relating to professional civil  
27 engineering services and shall report to the Board the name and address of each person or entity  
28 so notified.

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ACCEPTANCE

I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully discussed it with my attorney, LaDon G. Bader. 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: June 22, 2016 *Original Signed*  
TERRY CHARLES STURGIS  
Respondent

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

DATED: 6-22-2016 *Original Signed*  
LADON G. BADER  
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: 6/22/2016

Respectfully submitted,  
KAMALA D. HARRIS  
Attorney General of California  
KENT D. HARRIS  
Supervising Deputy Attorney General

*Original Signed*  
DAVID E. BRICE  
Deputy Attorney General  
Attorneys for Complainant

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**Exhibit A**

**Accusation No. 1120-A**

1 KAMALA D. HARRIS  
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2 KENT D. HARRIS  
Supervising Deputy Attorney General  
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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. 1120-A

13 **TERRY CHARLES STURGIS**  
14 **900 Fitzroy Court**  
**Roseville, California 95647**

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

15 **Civil Engineer License No. C 30909**

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 August 15, 1979, the Board for Professional Engineers, Land Surveyors,  
24 and Geologists issued Civil Engineer License Number C 30909 to Terry Charles Sturgis  
25 (Respondent). The Civil Engineer License was in full force and effect at all times relevant to the  
26 charges brought herein and will expire on March 31, 2016, unless renewed.

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1 **FIRST CAUSE FOR DISCIPLINE**

2 (Negligence)

3 7. Respondent is subject to disciplinary action under Code section 6775, subdivision (c)  
4 in that Respondent was negligent in the practice of civil engineering. The circumstances are as  
5 follows:

6 8. On or about July 24, 2009, Respondent provided signed and stamped plans and  
7 calculations for construction of a bridge to G.H., as set forth more fully in paragraph 6 above.  
8 Respondent was negligent in his preparation of the calculations for these plans in the following  
9 ways:

- 10 a. Respondent used an different span measurement in the calculations than the  
11 drawings indicate.
- 12 b. In the analysis of the section properties of the deep section of the bridge,  
13 Respondent indicated a different plate measurement than the drawings indicate.
- 14 c. In the analysis of the sections properties of the deep section of the bridge,  
15 Respondent indicated a different channel measurement than the drawings indicate.
- 16 d. Respondent modeled the bridge as the same structural section throughout but the  
17 drawing of the bridge has lesser depth sections at each end and tapered sections.
- 18 e. Respondent indicated that the analysis was to be done per Caltrans specifications,  
19 but the seismic analysis was done per a different code.
- 20 f. Respondent omitted truck loading information from the drawings.
- 21 g. Respondent omitted a comment that the speed of a truck on the bridge must not  
22 exceed ten miles per hour.
- 23 h. Respondent omitted calculations for the guard rail supporting cantilever beams and  
24 their connection to the existing steel channel.
- 25 i. Respondent omitted calculations for the retaining walls.

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1 **SECOND CAUSE FOR DISCIPLINE**

2 (Incompetence)

3 9. Respondent is subject to disciplinary action under Code section 6775, subdivision (c)  
4 in that Respondent displayed incompetence in the practice of civil engineering. The  
5 circumstances are as follows:

6 10. On or about July 24, 2009, Respondent provided signed and stamped plans and  
7 calculations for construction of a bridge to G.H., as set forth more fully in paragraph 6 above.  
8 Respondent displayed incompetence in his preparation of the calculations for these plans in the  
9 following ways:

- 10 a. Respondent's seismic analysis did not add overturning bearing forces to dead load
- 11 force for checking allowable soil bearing at center pier.
- 12 b. In the design calculations for the anchor bolts regarding lateral forces, Respondent
- 13 listed seismic loads, but not the braking forces.
- 14 c. Respondent did not include a calculation for the lengthening and shortening of the
- 15 bridge due to temperature changes and whether the slot length is adequate at the
- 16 anchor bolts.
- 17 d. Respondent did not indicate the strength of the steel channel.
- 18 e. Respondent did not include an analysis of the field weld call-out for connecting the
- 19 steel channel to the bottom of the existing flatcar structure.

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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 Civil Engineer License Number C 30909, issued to Terry  
6. Charles Sturgis;
7. 2. Ordering Terry Charles Sturgis 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;
10. 3. Taking such other and further action as deemed necessary and proper.

11. DATED: 10/28/15

*Original Signed*

12. RICHARD B. MOORE, PLS  
13. Executive Officer  
14. Board for Professional Engineers, Land Surveyors, and  
15. Geologists  
16. Department of Consumer Affairs  
17. State of California  
18. Complainant

17. SA2015103844  
18. Accusation (W).doc