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

11 In the Matter of the Accusation Against:

Case No. 917-A

12 **STEVEN DOYLE PRIVETT**
13 **3579 East Foothill Blvd., #440**
14 **Pasadena, CA 91107**

DEFAULT DECISION AND ORDER

15 **Civil Engineer License No. C 32083**

[Gov. Code, §11520]

16 Respondent.

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18 **FINDINGS OF FACT**

19 1. On or about August 4, 2010, Complainant David E. Brown, in his official capacity as
20 then Executive Officer of the Board for Professional Engineers and Land Surveyors, Department
21 of Consumer Affairs, filed Accusation No. 917-A against Steven Doyle Privett (Respondent)
22 before the Board for Professional Engineers, Land Surveyors, and Geologists.¹ (Accusation
23 attached as Exhibit A.)

24 2. On or about August 14, 1980, the Board for Professional Engineers, Land Surveyors,
25 and Geologists (Board) issued Civil Engineer License No. C 32083 to Respondent Steven Doyle
26 Privett. The Civil Engineer License expired on December 31, 2006, and has not been renewed.

27 ¹ Effective January 1, 2011, the name of the Board for Professional Engineers and Land
28 Surveyors was changed to the Board for Professional Engineers, Land Surveyors, and Geologists.

1 3. On or about September 30, 2010, Respondent was served by Certified and First Class
2 Mail copies of the Accusation No. 917-A, Statement to Respondent, Notice of Defense, Request
3 for Discovery, and Discovery Statutes (Government Code sections 11507.5, 11507.6, and
4 11507.7) at Respondent's address of record which, pursuant to Business and Professions Code
5 section 136 and/or agency specific statute or regulation, is required to be reported and maintained
6 with the Board, which was and is:

7 3579 East Foothill Blvd., #440
8 Pasadena, CA 91107.

9 4. Service of the Accusation was effective as a matter of law under the provisions of
10 Government Code section 11505, subdivision (c) and/or Business & Professions Code section
11 124.

12 5. On or about October 13, 2010, the aforementioned documents were returned by the
13 U.S. Postal Service marked "Not Deliverable as Addressed - Unable to Forward."

14 6. Government Code section 11506 states, in pertinent part:

15 (c) The respondent shall be entitled to a hearing on the merits if the respondent
16 files a notice of defense, and the notice shall be deemed a specific denial of all parts
17 of the accusation not expressly admitted. Failure to file a notice of defense shall
18 constitute a waiver of respondent's right to a hearing, but the agency in its discretion
19 may nevertheless grant a hearing.

20 7. Respondent failed to file a Notice of Defense within 15 days after service upon him
21 of the Accusation, and therefore waived his right to a hearing on the merits of Accusation
22 No. 917-A.

23 8. California Government Code section 11520 states, in pertinent part:

24 (a) If the respondent either fails to file a notice of defense or to appear at the
25 hearing, the agency may take action based upon the respondent's express admissions
26 or upon other evidence and affidavits may be used as evidence without any notice to
27 respondent.

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ORDER

IT IS SO ORDERED that Civil Engineer License No. C 32083, heretofore issued to Respondent Steven Doyle Privett, is revoked.

Pursuant to Government Code section 11520, subdivision (c), Respondent may serve a written motion requesting that the Decision be vacated and stating the grounds relied on within seven (7) days after service of the Decision on Respondent. The agency in its discretion may vacate the Decision and grant a hearing on a showing of good cause, as defined in the statute.

This Decision shall become effective on April 29, 2011.

IT IS SO ORDERED March 24, 2011.

Original Signed

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

Attachment:

Exhibit A: Accusation

Exhibit A

Accusation

1 EDMUND G. BROWN JR.
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2 GREGORY J. SALUTE
Supervising Deputy Attorney General
3 ALVARO MEJIA
Deputy Attorney General
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Attorneys for Complainant
7

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

11 In the Matter of the Accusation Against:

Case No. 917-A

12 **STEVEN DOYLE PRIVETT**
13 **3579 East Foothill Blvd., #440**
Pasadena, CA 91107

A C C U S A T I O N

14 **Civil Engineer License No. C 32083**

15 Respondent.
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18 Complainant alleges:

19 **PARTIES**

20 1. David E. Brown ("Complainant") brings this Accusation solely in his official capacity
21 as the Executive Officer of the Board for Professional Engineers and Land Surveyors,

22 Department of Consumer Affairs.

23 2. On or about August 14, 1980, the Board for Professional Engineers and Land
24 Surveyors issued Civil Engineer License Number C 32083 to Steven Doyle Privett
25 ("Respondent"). The Civil Engineer License was in full force and effect at all times relevant to
26 the charges brought herein. The Civil Engineer License expired on December 31, 2006, and has
27 not been renewed.

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1 **JURISDICTION**

2 3. This Accusation is brought before the Board for Professional Engineers and Land
3 Surveyors (“Board”), Department of Consumer Affairs, under the authority of the following laws.
4 All section references are to the Business and Professions Code unless otherwise indicated.

5 **STATUTORY PROVISIONS**

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

10 5. Section 6749, subdivision (a), states, in pertinent part:

11 “A professional engineer shall use a written contract when contracting to provide
12 professional engineering services to a client pursuant to this chapter. The written contract shall be
13 executed by the professional engineer and the client, or his or her representative, prior to the
14 professional engineer commencing work, unless the client knowingly states in writing that work
15 may be commenced before the contract is executed. The written contract shall include, but not be
16 limited to, all of the following:

17 “(1) A description of the services to be provided to the client by the professional engineer.

18 “(2) A description of any basis of compensation applicable to the contract, and the method
19 of payment agreed upon by the parties.

20 “(3) The name, address, and license or certificate number of the professional engineer, and
21 the name and address of the client.

22 “(4) A description of the procedure that the professional engineer and the client will use to
23 accommodate additional services.

24 “(5) A description of the procedure to be used by any party to terminate the contract. . . .”

25 6. Section 6775 states, in pertinent part, that “[T]he board may reprove, suspend for a
26 period not to exceed two years, or revoke the certificate of any professional engineer registered
27 under this chapter:

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1 **SOUTH ARROYO PROJECT**

2 10. On or about March 31, 2006, Respondent contracted with Stephen L. and Lynn R. to
3 perform civil engineering services related to a structural inspection of a property located at 814
4 South Arroyo Boulevard, Pasadena, California (South Arroyo project). On or about March 31,
5 2006, Respondent performed an inspection of the South Arroyo project and Stephen L. wrote a
6 \$400.00 check to Respondent on the same date. Respondent cashed the check on or about April
7 3, 2006. Respondent represented to Stephen L. and Lynn R. that a full written report would be
8 provided to them within a few days of the inspection. At no time prior to providing professional
9 engineering services did Respondent execute a written contract with Stephen L. or Lynn R. To
10 this date, they have not received a copy of the report. To this date, they have not received a
11 refund of \$400.00 charged by Respondent.

12 11. On or about June 29, 2006, Board’s Enforcement Analyst Jacqueline Jenkins sent
13 correspondent via USPS First-Class mail, with delivery confirmation, regarding the South Arroyo
14 project to Respondent’s address of record at 3579 East Foothill, No 440, Pasadena, California
15 91107. The correspondent was returned as “Address Unknown.”

16 **FIRST CAUSE FOR DISCIPLINE**

17 **(Contract Requirement Violations)**

18 12. Respondent is subject to disciplinary action under section 6775, subdivision (h), in
19 conjunction with section 6749, subdivision (a), in that on the South Arroyo Project, he failed to
20 execute a written contract to provide professional engineering services. Complainant refers to
21 and by reference incorporates the allegations set forth in paragraph 10, inclusive, as though set
22 forth fully.

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1 Citation Order 5224-L and failed to pay an administrative fine of \$500.00. To date, Respondent
2 has not complied with Citation Order 5224-L.

3 **PRAYER**

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

- 7 1. Revoking or suspending Civil Engineer License Number C 32083, issued to Steven
8 Doyle Privett;
- 9 2. Ordering Steven Doyle Privett to pay the Board for Professional Engineers and Land
10 Surveyors the reasonable costs of the investigation and enforcement of this case, pursuant to
11 Business and Professions Code section 125.3;
- 12 3. Taking such other and further action as deemed necessary and proper.

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14 DATED: August 4, 2010

Original Signed

15 DAVID E. BROWN
16 Executive Officer
17 Board for Professional Engineers and Land Surveyors
18 Department of Consumer Affairs
19 State of California
20 Complainant

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29 DOJ Matter ID: LA2010600254
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