

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

In the Matter of the First Amended Accusation)	
and Third Petition to Revoke Probation against:)	
)	
STEVEN LEROY FALLON)	Case No. 845-A
P. O. Box 693)	
Newcastle, CA 95658)	
)	
Civil Engineer License No. C 45670,)	
)	
Respondent.)	
_____)	

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 April 13, 2012.

IT IS SO ORDERED March 8, 2012.

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 JANICE LACHMAN
Supervising Deputy Attorney General
3 LORRIE M. YOST
Deputy Attorney General
4 State Bar No. 119088
1300 I Street, Suite 125
5 P.O. Box 944255
Sacramento, CA 94244-2550
6 Telephone: (916) 445-2271
Facsimile: (916) 327-8643
7 *Attorneys for Complainant*

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

11 In the Matter of the First Amended Accusation
and Third Petition to Revoke Probation
12 Against:

Case No. 845-A

13 **STEVEN LEROY FALLON**
P.O. Box 693
14 Newcastle, CA 95658

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

15 Civil Engineer License No. C 45670

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 PARTIES

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

25 ///

26 ///

27 ///

28 ///

1 subpoenas to compel the attendance of witnesses and the production of documents; the right to
2 reconsideration and court review of an adverse decision; and all other rights accorded by the
3 California Administrative Procedure Act and other applicable laws.

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

6 CULPABILITY

7 8. Respondent admits the truth of each and every charge and allegation in
8 Accusation/Petition No. 845-A.

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

11 CONTINGENCY

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

23 11. The parties understand and agree that facsimile copies of this Stipulated Settlement
24 and Disciplinary Order, including facsimile signatures thereto, shall have the same force and
25 effect as the originals.

26 12. This Stipulated Settlement and Disciplinary Order is intended by the parties to be an
27 integrated writing representing the complete, final, and exclusive embodiment of their agreement.
28 It supersedes any and all prior or contemporaneous agreements, understandings, discussions,

1 negotiations, and commitments (written or oral). This Stipulated Settlement and Disciplinary
2 Order may not be altered, amended, modified, supplemented, or otherwise changed except by a
3 writing executed by an authorized representative of each of the parties.

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

7 **DISCIPLINARY ORDER**

8 IT IS HEREBY ORDERED that Civil Engineer License No. C 45670 issued to Respondent
9 Steven Leroy Fallon (Respondent) is revoked. However, the revocation is stayed and Respondent
10 is placed on probation for three (3) years on the following terms and conditions.

11 1. **Actual Suspension.** Civil Engineer License No. C 45670 issued to Steven Leroy
12 Fallon is suspended for 90 days.

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

15 3. **Submit Reports.** The Respondent shall submit such special reports as the Board may
16 require.

17 4. **Quarterly Reports.** In addition to the special reports which may be required
18 pursuant to Condition (3), the respondent shall submit on a quarterly basis a report to the Board
19 listing all engineering work engaged in or contracted for. The report shall include all of the
20 following information: the name, address, and telephone number of the client; the name, address,
21 and telephone number of the property owner, if different than the client; the location of the
22 project site; and the type of engineering work provided. The respondent shall permit the Board or
23 its designee to inspect all documents relating to the engineering work at any stage of the project.
24 The first report shall be due to the Board within thirty (30) days of the effective date of the
25 decision.

26 5. **Health and Fitness to Practice Report.** Within thirty (30) days of the effective date
27 of the decision, and on a quarterly basis thereafter for the remainder of the probationary period,
28 the Respondent shall provide the Board with a statement from his health care provider that his

1 mental and physical health conditions are such that he may continue to practice civil engineering
2 without posing a threat to the public health, safety and welfare.

3 **6. 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 **7. Cost Recovery.** The Respondent is hereby ordered to reimburse the Board the
14 amount of \$1,650.00 within two and one-half (2 1/2) years from the effective date of this decision
15 for its investigative and prosecution costs relating to the Accusation/Petition in this matter. Said
16 reimbursement may be paid in installments. Failure to reimburse the Board's costs shall
17 constitute a violation of the probation order.

18 **8. Tolling of Probation.** The period of probation shall be tolled during the time the
19 Respondent is practicing exclusively outside the state of California. If, during the period of
20 probation, the Respondent practices exclusively outside the state of California, the Respondent
21 shall immediately notify the Board in writing.

22 **9. Violation of Probation.** If the respondent fails to timely comply with the terms and
23 conditions ordered, the Board may suspend the respondent's license without notice or further
24 opportunity to be heard. The Board shall notify the respondent in writing immediately upon any
25 such suspension. The suspension of the respondent's license shall remain in effect until such time
26 as the Board receives written, verifiable proof of the respondent's compliance with the terms and
27 conditions of probation. The period of probation shall be extended by the same number of days
28 as any suspensions imposed pursuant to this condition.

1 In addition to the suspension of the respondent's license which may be imposed pursuant to
2 Condition (9), if the respondent violates the probationary conditions in any respect, the Board,
3 after giving the respondent notice and the opportunity to be heard, may vacate the stay of
4 revocation of the respondent's license and reinstate the disciplinary order which was stayed. If,
5 during the period of probation, an accusation or petition to vacate stay is filed against the
6 respondent, or if the matter has been submitted to the Office of the Attorney General for the filing
7 of such, the Board shall have continuing jurisdiction until all matters are final, and the period of
8 probation shall be extended until all matters are final.

9 10. **Completion of Probation.** Upon successful completion of all of the probationary
10 conditions and the expiration of the period of probation, the Respondent's license shall be
11 unconditionally restored.

12 ACCEPTANCE

13 I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully
14 discussed it with my attorney, Strowbridge B. Richardson. I understand the stipulation and the
15 effect it will have on my Civil Engineer License. I enter into this Stipulated Settlement and
16 Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the
17 Decision and Order of the Board for Professional Engineers, Land Surveyors, and Geologists.

18
19 DATED: 1/4/12

original signed

STEVEN LEROY FALLON
Respondent

20
21
22
23 I have read and fully discussed with Respondent Steven Leroy Fallon the terms and
24 conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order.
25 I approve its form and content.

26 DATED: 1/4/2012

original signed

Strowbridge B. Richardson
Attorney for Respondent

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

ENDORSEMENT

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

Dated:

Respectfully submitted,

KAMALA D. HARRIS
Attorney General of California
JANICE LACHMAN
Supervising Deputy Attorney General

Original Signed
DORRIE M. YOST
Deputy Attorney General
Attorneys for Complainant

SA2008305656
10796398.doc

Exhibit A

First Amended Accusation and Third Petition to Revoke Probation No. 845-A

1 EDMUND G. BROWN JR.
Attorney General of California
2 JANICE LACHMAN
Supervising Deputy Attorney General
3 LORRIE YOST
Deputy Attorney General
4 State Bar No. 119088
1300 I Street, Suite 125
5 P.O. Box 944255
Sacramento, CA 94244-2550
6 Telephone: (916) 445-2271
Facsimile: (916) 327-8643
7 *Attorneys for Complainant*

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 and Third
Petition to Revoke Probation Against:

Case No. 845-A

12 **STEVEN LEROY FALLON**
P.O. Box 693
13 Newcastle, CA 95658

OAH No. 2009080437

14 Civil Engineer License No. C 45670

**FIRST AMENDED ACCUSATION
AND THIRD PETITION TO REVOKE
PROBATION**

15 Respondent.

16
17 Complainant alleges:

18 **PARTIES**

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

22 2. On or about August 27, 1990, the Board for Professional Engineers and Land
23 Surveyors issued Civil Engineer License Number C 45670 to Steven Leroy Fallon (Respondent).
24 The Civil Engineer License was in full force and effect at all times relevant to the charges brought
25 herein and will expire on December 31, 2010, unless renewed.

26 ///

27 ///

28 ///

JURISDICTION

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

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

....

"(c) Who has been found guilty by the board of negligence or incompetence in his or her practice.

.....

"(g) Who in the course of the practice of professional engineering has been found guilty by the board of having violated a rule or regulation of unprofessional conduct adopted by the board.

"(h) Who violates any provision of this chapter."

5. Section 6749 of the Code states, in pertinent part, that "A professional engineer shall use a written contract when contracting to provide professional engineering services to a client pursuant to this chapter. The written contract shall be executed by the professional engineer and the client, or his or her representative, prior to the professional engineer commencing work, unless the client knowingly states in writing that work may be commenced before the contract is executed. The written contract shall include, but not be limited to, all of the following:

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

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

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

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

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

1 6. Section 475 of Title 16 of the California Code of Regulation states, in pertinent part,
2 that “To protect and safeguard the health, safety, welfare, and property of the public, every person
3 who is licensed by the Board as a professional engineer, including licensees employed in any
4 manner by a governmental entity or in private practice, shall comply with this Code of
5 Professional Conduct. A violation of this Code of Professional Conduct in the practice of
6 professional engineering constitutes unprofessional conduct and is grounds for disciplinary action
7 pursuant to Section 6775 of the Code. This Code of Professional Conduct shall be used for the
8 sole purpose of investigating complaints and making findings thereon under Section 6775 of the
9 Code.

10

11 (e) Document Submittal:

12 (1) A licensee shall not misrepresent the completeness of the professional documents he or
13 she submits to a governmental agency.

14 (2) A licensee shall not misrepresent the completeness of the professional documents he or
15 she prepared to his or her client or to other involved parties.”

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

20 8. Section 125.3 of the Code provides, in pertinent part, that the Board may request the
21 administrative law judge to direct a licentiate found to have committed a violation or violations of
22 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
23 enforcement of the case.

24 ///

25 ///

26 ///

27 ///

28 ///

1 11, 2003 to provide his client Ron Chand with professional engineering services but failing to
2 provide his client with a written contract reflecting the services he had agreed to provide to him.

3 **ARTALE RESIDENCE**

4 **THIRD CAUSE FOR DISCIPLINE**

5 (Negligence or Incompetence)

6 12. Respondent is subject to disciplinary action under section 6775 subsection (c) of
7 the Code, in that Respondent was negligent and/or incompetent in the practice of civil
8 engineering, in that from February through April of 1997, he planned and approved an inadequate
9 repair on a home owned by Norm Vanderlaag. The facts and circumstances are that in 1994,
10 Respondent provided plans for a home for Norm Vanderlaag. In January of 1997 David Artale,
11 examining the house prior to purchase, noticed a sag in the roof over the front entry. The
12 homeowner Vanderlaag referred the problem to Respondent who on February 28, 1997 issued
13 "structural calculations" and a "letter/written report" to homeowner Vanderlaag detailing a repair
14 of the roof. The repairs were made and Respondent certified the repairs on April 8, 1997.
15 Reassured, Artale purchased the home. In 2001, Artale becomes aware that the sag in the roof
16 was much more serious than he had been led to believe. Artale contacted Respondent who came
17 out and made an inspection of the roof on March 5, 2001. During the inspection, Respondent
18 noted that the purlin braces exceeded the unbraced length that 2x braces should maintain, as well
19 as other problems with the construction and/or repair of the roof. This and subsequent inspections
20 revealed that the repair work that had been approved by Respondent was inadequate in both
21 planning and execution, that Respondent had failed to make all of the necessary roof framing
22 calculations and then failed to properly inspect and report upon the state of the repairs after they
23 were completed.

24 **DEAN RESIDENCE**

25 **FOURTH CAUSE FOR DISCIPLINE**

26 (Negligence)

27 13. Respondent is subject to disciplinary action under section 6775(c) of the Code, in
28 that Respondent was negligent and/or incompetent in the practice of civil engineering as follows.

1 On or about January 21, 2009, Respondent invoiced LeRoy and Patricia Dean for plans that he
2 had prepared for their Kitchen & Dining Room And Upstairs Bedroom Remodel project. These
3 plans were to augment existing structural plans for a remodel of the Dean home. The plans that
4 Respondent provided failed to meet the standard of practice in that:

5 a) The loadings applied to the design of the beam have been manipulated and mis-
6 entered into the Enercal program. The Live Loading for the member has been incorrectly entered
7 in the program as a Roof Live Load which is subject to different Load Duration Factors in its
8 stress check than a Floor Live Load. The magnitude of the Live Loading value has been
9 reduced, with a corresponding increase in the Dead Loading to maintain correct Total Loading
10 and Correction values. The Total Load Deflection Ratio for the member does not meet the
11 minimum requirements of 2007 CBC Table 1604.3.

12 b) Respondent failed to use proper care in preparation of plans that were to be
13 submitted to and approved by the City of Davis. The plans were significantly incomplete, lacked
14 detail and were repeatedly rejected by the Yolo County Planning Department, making it
15 necessary for the Deans to hire another civil engineer to prepare the plans instead.

16 FIFTH CAUSE FOR DISCIPLINE

17 (Violation of Professional Engineers Act)

18 14. Respondent is subject to disciplinary action under 6775 subsection (h) of the Code,
19 in that Respondent violated section 6749 subsection (a) by agreeing on or about January 12, 2009
20 to provide professional engineering services but failing to provide his client with a properly
21 written contract with all the necessary elements including descriptions of the services he had
22 agreed to provide to him, of the procedure that the he and the client were to use to accommodate
23 additional services, etc.

24 SIXTH CAUSE FOR DISCIPLINE

25 (Violation of Regulations)

26 15. Respondent is subject to disciplinary action under 6775 subsection (g) of the Code,
27 in that Respondent violated CCR Title 16 section 475 subsections (e) (1) and (e) (2) by
28 submitting the plan documents to the clients so that they could submit them in turn to the City of

1 Davis Community Redevelopment Department for Plan Check Review when the plans were not
2 yet substantially complete as described in Paragraph 13(b), above.

3 DISCIPLINE CONSIDERATIONS

4 16. To determine the degree of discipline, if any, to be imposed on Respondent,
5 Complainant alleges that:

6 a. In a disciplinary action entitled "In the Matter of Accusation Against Steven Leroy
7 Fallon," Case No. 578A, the Board for Professional Engineers and Land Surveyors accused
8 Respondent of engaging in unprofessional conduct. Respondent admitted the violations. The
9 Board issued a decision, effective August 31, 1998, wherein Respondent's civil engineer license
10 was revoked. The revocation, however, was stayed and Respondent's license was placed on
11 probation for a period of five (5) years with certain terms and conditions. A copy of the decision
12 in this matter is attached as Exhibit A and is incorporated by reference.

13 b. In a disciplinary action entitled "In the Matter of Accusation Against Steven
14 Leroy Fallon," Case No. 578A, the Board for Professional Engineers and Land Surveyors
15 Respondent was found to have violated the terms of his probation. As a result, the Board issued a
16 decision, effective July 25, 2003, in which the probationary period of Respondent's civil engineer
17 license was extended for an additional three (3) years with certain terms and conditions. A copy
18 of that decision is attached as Exhibit B and is incorporated by reference.

19 c. In a disciplinary action entitled "In the Matter of the First Amended Accusation
20 and Petition to Revoke Probation Against Steven Leroy Fallon" Case No. 578A, the Board for
21 Professional Engineers and Land Surveyors accused Respondent of violating the terms of his
22 probation, negligence and breach of contract. Respondent admitted the violations. The Board
23 issued a decision, effective April 14, 2006, in which the probationary period of Respondent's civil
24 engineer license was extended for a period of an additional three (3) years with certain terms and
25 conditions. A copy of that decision is attached as Exhibit C and is incorporated by reference.

26 ///

27 ///

28 ///

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

PRAYER

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

1. Revoking or suspending Civil Engineer License Number C 45670, issued to Steven Leroy Fallon
2. Ordering Steven Leroy Fallon to pay the Board for Professional Engineers and Land Surveyors the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3;
3. Taking such other and further action as deemed necessary and proper.

DATED: 10/19/10

Original Signed

DAVID E. BROWN
Executive Officer
Board for Professional Engineers and Land Surveyors
Department of Consumer Affairs
State of California
Complainant

SA2008305656
10614806.doc

Exhibit A

Stipulation in Settlement & Decision

1 DANIEL E. LUNGREN, Attorney General
of the State of California
2 PATRICK M. KENADY,
Deputy Attorney General, State Bar No. 50882
3 Department of Justice
1300 I Street, Suite 125
4 Post Office Box 944255
Sacramento, California 94244-2550
5 Telephone: (916) 324-5377

6 Attorneys for Complainant

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

11 In the Matter of the Accusation) NO. 578A
12 Against:)

13 STEVEN LEROY FALLON)
2890 Richardson Drive)
14 Auburn, CA 95603)

STIPULATION IN
SETTLEMENT AND DECISION

15 Professional Engineers and Land)
Surveyors No. 45670)

16)
17 Respondent.)

18 In the interest of a prompt and speedy settlement of this
19 matter, consistent with the public interest and the responsibility
20 of the Board of Registration for Professional Engineers and Land
21 Surveyors, Department of Consumer Affairs, ("Board") the parties
22 submit this Stipulation and Decision to the Board for its approval
23 and adoption as the final disposition of the Accusation.

24 The parties stipulate the following is true:

25 1. An Accusation, No. 578A, is currently pending against
26 Steven Leroy Fallon ("Respondent"), before the Board. The
27 Accusation filed by complainant Cindi Christenson (Complainant),

1 together with all other statutorily required documents, was duly
2 served on the respondent on or about October 29, 1997, and
3 respondent filed his Notice of Defense (contesting the Accusation)
4 on or about November 12, 1997. A copy of Accusation No. 578A is
5 attached as Attachment "A" and incorporated by reference as if
6 fully set forth.

7 2. At all times relevant herein, respondent has been
8 licensed by the Board under Professional Engineers and Land
9 Surveyors No. 45670.

10 3. Respondent is represented by counsel Richard D.
11 Martland, Esq. of the firm of Neilsen, Merksamer, Parrinello,
12 Mueller & Naylor, in this matter. Respondent has fully and
13 completely discussed with his counsel the effects of this
14 stipulation.

15 4. Respondent understands the nature of the charges
16 alleged in the Accusation and that the charges and allegations
17 constitute cause for imposing discipline upon his license to
18 practice engineering. Respondent is fully aware of his right to a
19 hearing on the charges and allegations contained in said
20 Accusation, his right to reconsideration, appeal and all other
21 rights accorded pursuant to the California Business and Professions
22 Code and Government Code and freely and voluntarily waives such
23 rights. This agreement is made for the purpose of settling the
24 accusation. It is only for the purpose of this proceeding and any
25 other subsequent proceeding between the Board and the respondent,
26 and any action by or before any governmental body responsible for
27 licensing or registration of engineers.

1 imposed load.

2 (3) The structure was analyzed for a wind load of 15
3 pounds per square foot of exposed elevation and a seismic load
4 based on seismic zone 3 of Uniform Building Code. According
5 to the calculations, wind load governs the roof level and
6 seismic governs the second floor level. The calculations
7 should show complete analysis for wind and seismic in both
8 directions. This is not shown in the calculations.

9 (4) Roof truss calculations and roof truss detail on
10 sheet 9 of the drawings do not agree.

11 (5) The 8" x 3 1/2" Cee columns at 5' 0" on centers
12 stated in the calculations are not shown in the drawings.

13 (6) The construction drawings do not include details of
14 the interior walls.

15 (7) The calculations for lateral load were based on the
16 assumption that 1/2" gypsum board cladding screwed to the
17 studs at 7" on centers. This detail is not shown in the wall
18 details sheet.

19 (8) On sheet 5 of the drawings roof construction is
20 noted as 26 gage HR metal roof with #12 sheet metal screws at
21 6" on centers. On the exterior wall detail on Sheet 9 of the
22 drawings the roof construction is identified as 5/8" CDX ply
23 with #12 by 1 1/2" TEK screws. Edge nailing is 8" and field
24 nailing is 12" on centers. The trusses are at 2' 0" on
25 centers. On the calculation sheets it is noted that the roof
26 is 1/2" CDX plywood screwed at 6" on centers at sheet edges
27 and 12" in the field with #10 x 1 1/2" TEK screws. The

1 details of roof construction are not clear because of the
2 different sets of notes in the two sheets, Sheet 5 and Sheet
3 9.

4 (9) On Sheet 5 of the construction drawings 26 gage HR
5 metal deck spans between 18 gage Z strips at 5' 10" on
6 centers. There are no calculations to identify the size or
7 load carrying capacity of the Z strips. Calculations do not
8 include the justification for using 26 gage HR metal deck to
9 span 5' 10" between Z strips. The construction drawings do
10 not show the size or connection details of the Z strip.

11 (10) The 5 1/2" metal deck with concrete fill designed
12 for 125 psf. live load cannot be supported by the 8" x 20 ga
13 metal studs at 24" o.c. specified in sheet nine.

14 (11) The construction drawings do not include sufficient
15 details to prepare shop drawings.

16 (12) The calculations are not complete.

17 (13) The drawings are not complete.

18 (14) The calculations and drawings are not coordinated.

19 II.

20 PEATMAN PROJECT

21 (a) In or about December, 1995, respondent stamped and signed
22 a report entitled "SOILS REPORT FOR PEATMAN PROJECT PLACER CO.
23 CALIF." concerning the Peatman Project, Meadow Vista, California.
24 The respondent's report was submitted to the Placer County
25 Department of Public Works on or about December 18, 1995.

26 (b) Respondent's report constitutes negligence, incompetence,
27 deceit and misrepresentation as follows:

1 survey for the Lynotts.

2 (2) Respondent practiced land surveying as defined by
3 section 8726(c) in stating in his declaration of May 10, 1996,
4 p. 2, lines 26-27, and p. 3, lines 1-2, that "The surveyor's
5 stakes that are supposed to mark the common boundary line
6 between lots 16 and 25 are not where they should be, having
7 been moved approximately 11 feet to the south since the last
8 survey in 1981."

9 (3) Respondent practiced land surveying as defined in
10 section 8726(e) by making statements as described in paragraph
11 (2) above.

12 (4) Respondent practiced land surveying as defined in
13 section 8726(g) by preparing a map, which he signed and
14 sealed, which shows the boundary and easements relating to his
15 survey.

16 6. The parties agree that the Stipulation recited herein
17 shall be null and void and not binding upon the parties unless
18 approved by the Board, except for this paragraph, which shall
19 remain in effect.

20 7. The respondent understands and agrees that in
21 deciding whether or not to adopt this Stipulation the Board may
22 receive oral and written communications from its staff and the
23 Attorney General's office. Communications pursuant to this
24 paragraph shall not disqualify the Board or other persons from
25 future participation in this or any other matter affecting
26 respondent. In the event the Board in its discretion does not
27 approve this settlement, this Stipulation, with the exception of

1 Board as reimbursement for the costs of the investigation and
2 enforcement of the case. Said sum shall be payable in equal
3 monthly installments. Respondent's first payment shall be due and
4 owing on the first day of the month following the effective date of
5 the Decision. The final payment is due and owing 30-days prior to
6 the end of probation. All payments shall be due and owing on the
7 first business day of each successive month until all payments have
8 been made. Should Respondent fail to make a payment that is due
9 and owing by the tenth day of the month in which the payment is due
10 and owing, the entire remaining balance shall become immediately
11 due and owing. The Board shall not reinstate the registration if
12 the respondent has failed to pay all of the costs as ordered,
13 except as provided for in Business and Professions Code section
14 125.3 (g) (2).

15 4. PROFESSIONAL ETHICS COURSE

16 Within two years of the effective date of the decision,
17 the respondent shall successfully complete and pass a course in
18 professional ethics approved in advance by the Board or its
19 designee. Respondent shall provide the Board with an official
20 transcript as proof of successful completion within 60 days of the
21 completion date of the course.

22 5. OBEY ALL LAWS

23 Respondent shall obey all federal, state and local laws
24 and rules governing the practice of professional engineering and
25 land surveying in California.

26 6. CONTINUING EDUCATION COURSE(S)

27 Within three years of the effective date of the decision,

1 the respondent shall successfully complete and pass, with a grade
2 of "C" or better, college-level courses approved in advance by the
3 Board or its designee, two of which shall specifically relate to
4 the area of violation of the Steiner project and two relating to
5 the Peatman project. Respondent shall provide the Board with an
6 official transcript as proof of successful completion within 60
7 days of the completion date of the course.

8 7. NOTIFICATION OF DISCIPLINARY ACTION

9 Respondent shall provide the Board not later than 30 days
10 after the decision becomes effective with evidence that he has
11 notified all clients and employers with whom he has a current or
12 continuing contractual or employment relationship of the offense,
13 findings and discipline imposed and shall provide the Board with
14 the name and business address of each person required to be so
15 notified. This notification requirement shall be a continuing
16 obligation during the period of probation unless otherwise modified
17 by the Board.

18 8. TOLLING FOR OUT-OF-STATE PRACTICE OR RESIDENCE

19 The period of probation shall not run during the time
20 respondent is residing or practicing outside the jurisdiction of
21 California. If during probation, respondent moves out of the
22 jurisdiction of California to reside or practice elsewhere,
23 respondent is required to immediately notify the Board in writing
24 of the date of departure, and the date of return, if any.

25 9. COMPLETION OF PROBATION

26 Upon successful completion of probation, including the
27 fulfillment of all conditions, respondent's license/registration

1 will be restored.

2 10. VIOLATION OF PROBATION

3 If respondent violates probation in any respect, the
4 Board, after giving respondent notice and the opportunity to be
5 heard, may revoke his or her probation and reinstate the
6 disciplinary order that was stayed. If an accusation or petition
7 to revoke probation is filed against respondent, or if the matter
8 has been submitted to the Office of the Attorney General for the
9 filing of such, during probation the Board shall have continuing
10 jurisdiction until all matters are final, and the period of
11 probation shall be extended until all matters are final.

12 11. REPORTS

13 Respondent shall submit and/or cause to be submitted on
14 a quarterly basis a report to the Board listing all engineering
15 work engaged in or contracted for, including the name, address and
16 phone number of the client, the location of the site, and the type
17 of engineering work. Respondent shall permit the Board or its
18 designee reasonable access to inspect the document relating to work
19 at any stage at the respondent's office.

20 12. The within Stipulation shall be subject to the
21 approval of the Board. If the Board fails to adopt this
22 Stipulation as its Order, the Stipulation shall be of no force or
23 effect for either party.

24 ///

25 ///

26 ///

27 ///

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

ENDORSEMENT

The above Stipulation is respectfully submitted for the consideration of the Board.

DATED: 5-29-1998

DANIEL R. LUNGREN, Attorney General
of the State of California

Original Signed

Patrick M. Kenady
Deputy Attorney General

Attorneys for Complainant

APPROVED AS TO FORM:

DATED: 5/29/98

Original Signed

RICHARD D. MARTLAND

Attorney for Respondent

I have carefully read and fully understand the Stipulation and Order set forth above. I have discussed the terms and conditions set forth in the Stipulation and Order with my attorney, Esq. I understand that in signing this Stipulation I am waiving my right to a hearing on the charges set forth in the Accusation on file in this matter. I further understand that in signing this Stipulation the may enter the foregoing order placing certain requirements, restrictions and limitations on my right to practice engineering in the State of California. I agree that a facsimile copy of this Stipulation, including a facsimile copy of my signature may be used with the same force and effect as the originals.

Original Signed

STEVEN LEROY FALLON
Respondent
License No. 45670

1 DECISION AND ORDER
2 OF THE BOARD

3 The foregoing Stipulation and Order, No. 578A, is hereby
4 adopted as the Order of the Board of Registration for Professional
5 Engineers and Land Surveyors. An effective date of August 31,
6 1998, has been assigned to this Decision and Order.

7 Made this 31st day of July, 1998.
8
9

10 Original Signed
11 [Signature]
12 FOR THE BOARD OF REGISTRATION
13 FOR PROFESSIONAL ENGINEERS AND
14 LAND SURVEYORS
15
16
17
18
19
20
21
22
23
24
25
26
27

1 DANIEL E. LUNGREN, Attorney General
of the State of California
2 JOEL S. PRIMES, State Bar No. 42568
Supervising Deputy Attorney General
3 PATRICK M. KENADY, State Bar No. 50882
Deputy Attorney General
4 1300 I Street, Suite 125
P. O. Box 944255
5 Sacramento, California 94244-2550
Telephone: (916) 324-5377

6 Attorneys for Complainant
7

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

11 In the Matter of the Accusation) No. 578A
Against:)
12) ACCUSATION
STEVEN LEROY FALLON)
13 2890 Richardson Drive)
Auburn, CA 95603)
14 Civil Engineer Registration)
No. 45670)
15)
Respondent.)
16)

17 Cindi Christenson, P.E., as cause for disciplinary action,
18 alleges as follows:

19 1. Complainant Cindi Christenson, makes and files this
20 accusation in her official capacity as Executive Officer, Board of
21 Registration for Professional Engineers and Land Surveyors,
22 Department of Consumer Affairs.

23 2. On August 27, 1990, the Board of Registration for the
24 Professional Engineers and Land Surveyors issued Civil Engineer
25 Registration No. C 45670 to Steven Leroy Fallon. Said registration
26 expires on December 31, 1998, unless renewed.

27 3. Under Business and Professions Code section 6775 the
28 Board of Registration for Professional Engineers and Land Surveyors

1 may reprove, privately or publicly, or may suspend or revoke the
2 certificate of any professional engineer hereunder:

3 (b) Who has been found guilty by the Board of any deceit,
4 misrepresentation, violation of contract, fraud,
5 negligence or incompetency in his practice. . .

6 (e) Who violates any provision of this chapter.

7 4. Respondent is subject to disciplinary action because he
8 engaged in unprofessional conduct in violation of Business and
9 Professions Code section 6775(b) as is more specifically set forth
10 below:

11 I.

12 M.A. STEINER, INC. PROJECT

13 (a) In or about January, 1992, Respondent prepared, signed
14 and sealed drawings and prepared structural calculations for a
15 mini-storage building for M.A. Steiner Development, Inc., to be
16 located at 4051 Taylor Street, Sacramento, California. The
17 respondent's drawings and calculations were submitted to the City
18 of Sacramento Building Inspection Division on or about May 5, 1992.

19 (b) Respondent's plans and calculations for Taylor Street
20 Mini-Storage Building are negligent and incompetent as follows:

21 (1) The original calculations were based on roof trusses
22 at 2' 0" on centers. The forces in the members were
23 proportional to 10' 0" on centers.

24 (2) In calculations dated March 2, 1992, the load on the
25 steel studs, based on studs at 16" centers was calculated as
26 2,733 pounds. In earlier calculations dated September 17,
27 1991, the studs were identified as columns. The spacing of
28 the columns was noted as 5' 0". The load on the exterior

1 column was noted as 5,000 pounds and the load on the interior
2 column was noted as 10,000 pounds. The column section was
3 identified as Cee 8" x 3 1/2". The adequacy of the column
4 section was not checked to determine whether it can carry the
5 imposed load.

6 (3) The structure was analyzed for a wind load of 15
7 pounds per square foot of exposed elevation and a seismic load
8 based on seismic zone 3 of Uniform Building Code. According
9 to the calculations, wind load governs the roof level and
10 seismic governs the second floor level. The calculations
11 should show complete analysis for wind and seismic in both
12 directions. This is not shown in the calculations.

13 (4) Roof truss calculations and roof truss detail on
14 sheet 9 of the drawings do not agree.

15 (5) The 8" x 3 1/2" Cee columns at 5' 0" on centers
16 stated in the calculations are not shown in the drawings.

17 (6) The construction drawings do not include details of
18 the interior walls.

19 (7) The calculations for lateral load were based on the
20 assumption that 1/2" gypsum board cladding screwed to the
21 studs at 7" on centers. This detail is not shown in the wall
22 details sheet.

23 (8) On sheet 5 of the drawings roof construction is
24 noted as 26 gage HR metal roof with #12 sheet metal screws at
25 6" on centers. On the exterior wall detail on Sheet 9 of the
26 drawings the roof construction is identified as 5/8" CDX ply
27 with #12 by 1 1/2" TEK screws. Edge nailing is 8" and field
28 nailing is 12" on centers. The trusses are at 2' 0" on

1 centers. On the calculation sheets it is noted that the roof
2 is 1/2" CDX plywood screwed at 6" on centers at sheet edges
3 and 12" in the field with #10 x 1 1/2" TEK screws. The
4 details of roof construction are not clear because of the
5 different sets of notes in the two sheets, Sheet 5 and Sheet
6 9.

7 (9) On Sheet 5 of the construction drawings 26 gage HR
8 metal deck spans between 18 gage Z strips at 5' 10" on
9 centers. There are no calculations to identify the size or
10 load carrying capacity of the Z strips. Calculations do not
11 include the justification for using 26 gage HR metal deck to
12 span 5' 10" between Z strips. The construction drawings do
13 not show the size or connection details of the Z strip.

14 (10) The 5 1/2" metal deck with concrete fill designed
15 for 125 psf. live load cannot be supported by the 8" x 20 ga
16 metal studs at 24" o.c. specified in sheet nine.

17 (11) The construction drawings do not include sufficient
18 details to prepare shop drawings.

19 (12) The calculations are not complete.

20 (13) The drawings are not complete.

21 (14) The calculations and drawings are not coordinated.

22 c. Respondent in or about July, 1992, was negligent and
23 incompetent when he visited the site to view the buckling of the
24 eight (8) inch by twenty (20) gauge metal studs in that he:

25 (1) Failed to advise the owner that the buckling could
26 lead to potential health and safety hazards to the workers and
27 recommend a stop work order at the time of his inspection.

28 / / / /

1 (2) Recommended to the owner the use of sheetrock as a
2 bracing method to remedy the buckling of the metal studs.

3 II.

4 PEATMAN PROJECT

5 (a) In or about December, 1995, respondent stamped and signed
6 a report entitled "SOILS REPORT FOR PEATMAN PROJECT PLACER CO.
7 CALIF." concerning the Peatman Project, Meadow Vista, California.
8 The respondent's report was submitted to the Placer County
9 Department of Public Works on or about December 18, 1995.

10 (b) Respondent's report constitutes negligence, incompetence,
11 deceit and misrepresentation as follows:

12 (1) Respondent's Peatman project soils report is a
13 photocopy of a report prepared for another project and by a
14 different author (Paragon Office Building, 12405 Locksley
15 Lane, Auburn, California, by Youngdahl & Associates, Inc.,
16 dated June 7, 1998). Respondent's plagiarism of the report
17 was accomplished by photocopying the Paragon project soils
18 report and simply changing the name of the project and its
19 author.

20 (2) Respondent did not do the excavating at six separate
21 locations at the Peatman project to determine the type and
22 depth of the soil. Respondent "dry-labbed" the soil report
23 from the Paragon project report as the soil profiles and depth
24 of the drill holes are identical to the Peatman project
25 report.

26 / / / /

27 / / / /

28 / / / /

1 (3) Respondent practiced land surveying as defined in
2 section 8726(e) by making statements as described in paragraph
3 (2) above.

4 (4) Respondent practiced land surveying as defined in
5 section 8726(g) by preparing a map, which he signed and
6 sealed, which shows the boundary and easements relating to his
7 survey.

8 6. Under Government Code section 11519(d), the Board may
9 require restitution of damages suffered as a condition of probation
10 in the event probation is ordered.

11 7. Under Business and Professions Code section 125.3, the
12 Board may request the administrative law judge to direct a
13 licentiate found to have committed a violation or violations of the
14 licensing act to pay a sum not to exceed the reasonable costs of
15 the investigation and enforcement of the case.

16 WHEREFORE, complainant requests that a hearing be held and
17 that a decision be issued:

18 1. Revoking or suspending Civil Engineer Registration No. C
19 45670 issued to Steven Leroy Fallon;

20 2. Ordering restitution of all damages according to proof
21 suffered by M.A. Steiner Development, Inc., as a condition of
22 probation in the event probation is ordered.

23 3. Ordering respondent to pay to the Board its costs and
24 charges in investigating and enforcing the case according to proof
25 at the hearing pursuant to Business and Professions Code section
26 125.3.

27 / / / /

28 / / / /

Exhibit B

Decision

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

In the Matter of the Petition to Revoke the)
Probation of:)
)
STEVEN LEROY FALLON)
11899 Edgewood Road, Suite P)
Auburn, CA 95603)
)
License No. C 45670,)
)
Respondent.)
_____)

Case No. 578A
OAH No. N-2002070537

DECISION

Pursuant to Government Code section 11517, the Board for Professional Engineers and Land Surveyors 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 and Land Surveyors has made the following technical or other minor changes pursuant to Government Code section 11517(c)(2)(C):

Condition 4 of the Order is corrected to read as follows:

4. Should respondent have medical problems which prevent his compliance with his order of probation, he shall submit a letter from his treating health provider documenting any relevant issues. The Board, or its designee, shall then determine whether the Board shall give respondent additional time to comply with the particular condition, temporarily inactivate his license (with his consent), or take such further action it deems appropriate.

This Decision shall become effective on July 25, 2003.

IT IS SO ORDERED this 26th day of June, 2003.

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

By Original Signed

Exhibit ~~B~~ C

Decision & Order

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

In the Matter of the First Amended Accusation
and Petition to Revoke Probation Against:

STEVEN LEROY FALLON
11899 Edgewood Road, Suite P
Auburn, CA 95603

Civil Engineer License No. C 45670

Respondent.

Case No. 578A

OAH No. N-2005070931

DECISION AND ORDER

The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the Board for Professional Engineers and Land Surveyors, Department of Consumer Affairs, as its Decision in this matter.

This Decision shall become effective on April 14, 2006.

It is so ORDERED March 17, 2006.

Original Signed

FOR THE BOARD FOR PROFESSIONAL ENGINEERS AND LAND
SURVEYORS
DEPARTMENT OF CONSUMER AFFAIRS

1 BILL LOCKYER, Attorney General
of the State of California
2 LORRIE M. YOST, State Bar No. 119088
Deputy Attorney General
3 California Department of Justice
1300 I Street, Suite 125
4 P.O. Box 944255
Sacramento, CA 94244-2550
5 Telephone: (916) 445-2271
Facsimile: (916) 327-8643

6 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 First Amended Accusation
and Petition to Revoke Probation Against:

12 STEVEN LEROY FALLON
13 11899 Edgewood Road, Suite P
Auburn, CA 95603

14 Civil Engineer No. C 45670

15 Respondent.

Case No. 578A

OAH No. N-2005070931

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

16
17 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the
18 above-entitled proceedings that the following matters are true:

19 PARTIES

20 1. Cindi Christenson, P.E. (Complainant) is the Executive Officer of the
21 Board for Professional Engineers and Land Surveyors. She brought this action solely in her
22 official capacity and is represented in this matter by Bill Lockyer, Attorney General of the State
23 of California, by Lorrie M. Yost, Deputy Attorney General.

24 2. Respondent Steven Leroy Fallon (Respondent) is represented in this
25 proceeding by attorney Steven L. Simas, Esq., whose address is 1201 K Street, Suite 1950
26 Sacramento, CA 95814

27 3. On or about August 27, 1990, the Board for Professional Engineers and
28 Land Surveyors issued Civil Engineer License No. C 45670 to Steven Leroy Fallon

1 (Respondent). The license was in full force and effect at all times relevant to the charges brought
2 in First Amended Accusation and Petition to Revoke Probation No. 578A and will expire on
3 December 31, 2006, unless renewed.

4 JURISDICTION

5 4. The First Amended Accusation and Petition to Revoke Probation No.
6 578A was filed before the Board for Professional Engineers and Land Surveyors (Board),
7 Department of Consumer Affairs, and is currently pending against Respondent. The Accusation
8 and Petition to Revoke Probation and all other statutorily required documents were properly
9 served on Respondent on May 11, 2005. Respondent timely filed his Notice of Defense
10 contesting the Accusation and Petition to Revoke Probation. The First Amended Accusation and
11 Petition to Revoke Probation was properly served on Respondent on August 16, 2005. A copy of
12 the First Amended Accusation and Petition to Revoke Probation No. 578A is attached as Exhibit
13 A and incorporated herein by reference.

14 ADVISEMENT AND WAIVERS

15 5. Respondent has carefully read, fully discussed with counsel, and
16 understands the charges and allegations in the First Amended Accusation and Petition to Revoke
17 Probation No. 578A. Respondent has also carefully read, fully discussed with counsel, and
18 understands the effects of this Stipulated Settlement and Disciplinary Order.

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

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

1 CULPABILITY

2 8. Respondent admits the truth of each and every charge and allegation in
3 First Amended Accusation and Petition to Revoke Probation No. 578A.

4 9. Respondent agrees that his civil engineer licence is subject to discipline
5 and he agrees to be bound by the Board for Professional Engineers and Land Surveyors (Board) 's
6 imposition of discipline as set forth in the Disciplinary Order below.

7 CONTINGENCY

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

19 11. The parties understand and agree that facsimile copies of this Stipulated
20 Settlement and Disciplinary Order, including facsimile signatures thereto, shall have the same
21 force and effect as the originals.

22 12. In consideration of the foregoing admissions and stipulations, the parties
23 agree that the Board may, without further notice or formal proceeding, issue and enter the
24 following Disciplinary Order:

25 DISCIPLINARY ORDER

26 IT IS HEREBY ORDERED that the previously ordered stay of revocation of Civil
27 Engineer License No. C 45670 issued to Respondent Steven Leroy Fallon is continued, with
28 probation extended for an additional three (3) years to August 31, 2009, with the following terms

1 and conditions, which replace and supersede all previously orders terms and conditions:
2 is revoked.

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

5 2. **Special Reports.** The Respondent shall submit such special reports as the
6 Board may require.

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

11 4. **Notification.** 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. **Restitution.** The respondent shall provide verifiable proof to the Board
19 that he has paid restitution in the amount of \$1,609.00 to the Bucks within ninety (90) days of the
20 effective date of the decision.

21 6. **Ethics Course.** Within two (2) years of the effective date of the decision,
22 the respondent shall successfully complete and pass a course the course "Engineering Ethics by
23 Correspondence - Advanced Studies in Engineering Ethics" (ENGR ETHICS PDH-60) as
24 offered by the Murdough Center for Engineering Professionalism, Texas Tech University. The
25 respondent shall provide the Board with official proof of completion of the requisite course.

26 7. **Cost Recovery.** Within two and one-half (2 ½) years of the effective date
27 of the decision, the respondent shall reimburse the Board for its investigative and enforcement
28 costs in this matter in the amount of \$8,914.00. Said reimbursement may be paid in installments.

1 8. **Quarterly Reports.** In addition to the special reports which may be
2 required pursuant to Condition (2), the respondent shall submit on a quarterly basis a report to
3 the Board listing all engineering work engaged in or contracted for. The report shall include all
4 of the following information: the name, address, and telephone number of the client; the name,
5 address, and telephone number of the property owner, if different than the client; the location of
6 the project site; and the type of engineering work provided. The respondent shall permit the
7 Board or its designee to inspect all documents relating to the engineering work at any stage of the
8 project.

9 9. **Failure to Comply.** If the respondent fails to timely comply with any of
10 the terms and conditions ordered, the Board may suspend the respondent's license without notice
11 or further opportunity to be heard. The Board shall notify the respondent in writing immediately
12 upon any such suspension. The suspension of the respondent's license shall remain in effective
13 until such time as the Board receives written, verifiable proof of the respondent's compliance
14 with the terms and conditions of probation. The period of probation shall be extended by the
15 same number of days as any suspensions imposed pursuant to this condition.

16 10. **Violation of Probation.** In addition to the suspension of the respondent's
17 license which may be imposed pursuant to Condition (9), if the respondent violates the
18 probationary conditions in any respect, the Board, after giving the respondent notice and the
19 opportunity to be heard, may vacate the stay of revocation of the respondent's license and
20 reinstate the disciplinary order which was stayed. If, during the period of probation, an
21 accusation or petition to vacate stay is filed against the respondent, or if the matter has been
22 submitted to the Office of the Attorney General for the filing of such, the Board shall have
23 continuing jurisdiction until all matters are final, and the period of probation shall be extended
24 until all matters are final

25 11. **Completion of Probation.** Upon successful completion of all of the
26 probationary conditions and the expiration of the period of probation, the Respondent's license
27 shall be unconditionally restored.

28 ///

01/18/2006 15:29
Kuykendall Simas

FALLON ENGINEERING
(FRK)

PAGE 02
P 008/011

01/18/2006 15:00 FAX

DEPARTMENT OF JUSTICE

007

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

ACCEPTANCE

I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully discussed it with my attorney, Steven L. Simas, Esq. I understand the stipulation and the effect it will have on my Civil Engineer. 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 and Land Surveyors.

DATED: 01/18/06

Original Signed

STEVEN LEROY FALLON (Respondent)
Respondent

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

DATED: _____

STEVEN L. SIMAS, ESQ.
Attorney for Respondent

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

ACCEPTANCE

I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully discussed it with my attorney, Steven L. Simas, Esq. I understand the stipulation and the effect it will have on my Civil Engineer. 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 and Land Surveyors.

DATED: _____

STEVEN LEROY FALLON (Respondent)
Respondent

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

DATED: 1/18/06

Original Signed
STEVEN L. SIMAS, ESQ.
Attorney for Respondent

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

ENDORSEMENT

The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully submitted for consideration by the Board for Professional Engineers and Land Surveyors of the Department of Consumer Affairs.

DATED: 1-18-06

BILL LOCKYER, Attorney General
of the State of California

Original Signed

LORRIE M. YOST
Deputy Attorney General
Attorneys for Complainant

DOJ Matter ID: SA2005102040
10215986.wpd