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

In the Matter of the Accusation Against:

BRANDON LEE SKALSKY
2707 W. Oro Avenue
Mesa, AZ 85202

Civil Engineer License No. C 87965

Respondent.

Case No. 1287-A

DEFAULT DECISION AND ORDER

[Gov. Code, §11520]

FINDINGS OF FACT

1. On or about August 16, 2022, Complainant Richard B. Moore, PLS, in his official capacity as the Executive Officer of the Board for Professional Engineers, Land Surveyors, and Geologists, Department of Consumer Affairs, filed Accusation No. 1287-A against Brandon Lee Skalsky (Respondent) before the Board for Professional Engineers, Land Surveyors, and Geologists. (Accusation attached as Exhibit A.)

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1 2. On or about August 16, 2017, the Board for Professional Engineers, Land Surveyors,
2 and Geologists (Board) issued Civil Engineer License No. C 87965 to Respondent. The Civil
3 Engineer License was in full force and effect at all times relevant to the charges brought in
4 Accusation No. 1287-A and will expire on December 31, 2023, unless renewed.

5 3. On or about August 17, 2022, Respondent was served by Certified and First Class
6 Mail copies of the Accusation No. 1287-A, Statement to Respondent, Notice of Defense, Request
7 for Discovery, Discovery Statutes (Government Code sections 11507.5, 11507.6, and 11507.7),
8 and Notice of Assigned Hearing Date at Respondent's address of record which, pursuant to
9 California Code of Regulations, title 16, section 412, is required to be reported and maintained
10 with the Board. Respondent's address of record was and is: 2707 W. Oro Avenue, Mesa, AZ
11 85202.

12 4. Service of the Accusation was effective as a matter of law under the provisions of
13 Government Code section 11505(c) and/or Business and Professions Code section 124.

14 5. Government Code section 11506(c) 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
17 parts of the accusation . . . not expressly admitted. Failure to file a notice of defense
18 . . . shall constitute a waiver of respondent's right to a hearing, but the agency in its
19 discretion may nevertheless grant a hearing.

20 6. The Board takes official notice of its records and the fact that Respondent failed to
21 file a Notice of Defense within 15 days after service upon him of the Accusation, and therefore
22 waived his right to a hearing on the merits of Accusation No. 1287-A.

23 7. California Government Code section 11520(a) states, in pertinent part:

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

28 8. Pursuant to its authority under Government Code section 11520, the Board finds
Respondent is in default. The Board will take action without further hearing and, based on the
relevant evidence contained in the Default Decision Investigatory Evidence Packet in this matter,

1 finds that the charges and allegations in Accusation No. 1287-A, are separately and severally,
2 found to be true and correct by clear and convincing evidence.

3 9. The Board finds that the actual costs for Investigation and Enforcement are \$1,913.75
4 as of September 14, 2022.

5 **DETERMINATION OF ISSUES**

6 1. Based on the foregoing findings of fact, Respondent Brandon Lee Skalsky has
7 subjected his Civil Engineer License No. C 87965 to discipline.

8 2. The agency has jurisdiction to adjudicate this case by default.

9 3. The Board for Professional Engineers, Land Surveyors, and Geologists is authorized
10 to revoke Respondent's Civil Engineer License based upon the following violations alleged in the
11 Accusation which are supported by the evidence contained in the Default Decision Investigatory
12 Evidence Packet in this case:

13 a. Respondent has subjected his license to disciplinary action under sections 490 and
14 6775, subdivision (a) of the Code;

15 b. Respondent has subjected his license to disciplinary action under section 6770,
16 subdivisions (a)(1) and (a)(2) of the Code.

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ORDER

IT IS SO ORDERED that Civil Engineer License No. C 87965, issued to Respondent Brandon Lee Skalsky, 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 November 23, 2022.

It is so ORDERED October 20, 2022

Original Signed

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

36549455 DOCX
DOJ Matter ID:SA2022303107

Attachment:
Exhibit A: Accusation

Exhibit A

Accusation

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2 KAREN R. DENVER
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7 *Attorneys for Complainant*

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

13 In the Matter of the Accusation Against:

Case No. 1287-A

14 **BRANDON LEE SKALSKY**
15 **2707 W. Oro Avenue**
Mesa, AZ 85202

ACCUSATION

16 **Civil Engineer License No. C 87965**

17 Respondent.

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19
20 **PARTIES**

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

24 2. On or about August 16, 2017, the Board for Professional Engineers, Land Surveyors,
25 and Geologists issued Civil Engineer License Number C 87965 to Brandon Lee Skalsky
26 (Respondent). The Civil Engineer License was in full force and effect at all times relevant to the
27 charges brought herein and will expire on December 31, 2023, unless renewed.

28 ///

1 **JURISDICTION**

2 3. This Accusation is brought before the Board under the authority of the following
3 laws. All section references are to the Business and Professions Code (Code) unless otherwise
4 indicated.

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

9 **STATUTORY PROVISIONS**

10 5. Section 482 of the Code states, in pertinent part:

11 Each board under the provisions of his code shall develop criteria to evaluate the
12 rehabilitation of a person when:

13 . . .

14 (b) Considering suspension or revocation of a license under Section 490.

15 Each board shall take into account all competent evidence of rehabilitation
16 furnished by the applicant or licensee.

17 6. Section 490 of the Code provides that a board may suspend or revoke a license on the
18 ground that the licensee has been convicted of a crime substantially related to the qualifications,
19 functions, or duties of the business or profession for which the license was issued.

20 7. Section 493 of the Code states:

21 Notwithstanding any other provision of law, in a proceeding conducted by a
22 board within the department pursuant to law to deny an application for a license or to
23 suspend or revoke a license or otherwise take disciplinary action against a person who
24 holds a license, upon the ground that the applicant or the licensee has been convicted
25 of a crime substantially related to the qualifications, functions, and duties of the
26 licensee in question, the record of conviction of the crime shall be conclusive evidence
27 of the fact that the conviction occurred, but only of that fact, and the board may inquire
28 into the circumstances surrounding the commission of the crime in order to fix the
degree of discipline or to determine if the conviction is substantially related to the
qualifications, functions, and duties of the licensee in question.

As used in this section, "license" includes "certificate," "permit," "authority,"
and "registration."

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

(a) A licensee shall report to the board in writing the occurrence of any of the

1 following events that occurred on or after January 1, 2008, within 90 days of the date
2 the licensee has knowledge of the event:

3 (1) The conviction of the licensee of any felony.

4 (2) The conviction of the licensee of any other crime that is substantially
5 related to the qualifications, functions, and duties of a licensed professional
6 engineer.

7 . . .

8 (e) Failure of a licensee to report to the board in the time and manner required by
9 this section shall be grounds for disciplinary action.

10

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

12 The board may, upon its own initiative or upon the receipt of a complaint,
13 investigate the actions of any professional engineer licensed under this chapter and
14 make findings thereon.

15 By a majority vote, the board may publicly reprove, suspend for a period not to
16 exceed two years, or revoke the certificate of any professional engineer licensed under
17 this chapter on any of the following grounds:

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

21

22 10. Section 6779 of the Code states:

23 A plea or verdict of guilty or a conviction following a plea of nolo contendere
24 made to a charge substantially related to the qualifications, functions and duties of a
25 registered professional engineer is deemed to be a conviction within the meaning of
26 this article. The board may order the certificate suspended or revoked, or may decline
27 to issue a certificate, when the time for appeal has elapsed, or the judgment of
28 conviction has been affirmed on appeal or when an order granting probation is made
suspending the imposition of sentence, irrespective of a subsequent order under the
provisions of Section 1203.4 of the Penal Code allowing such person to withdraw his
plea of guilty and to enter a plea of not guilty, or setting aside the verdict of guilty, or
dismissing the accusation, information or indictment.

REGULATORY PROVISIONS

11. California Code of Regulations, title 16, section 416, states, in pertinent part:

For the purpose of denial, suspension, or revocation of the license of a
professional engineer or a land surveyor pursuant to Division 1.5 (commencing with
Section 475) of the Business and Professions Code, a crime or act shall be considered
substantially related to the qualifications, functions, and duties of a professional
engineer or land surveyor if, to a substantial degree, it evidences present or potential
unfitness of a professional engineer or land surveyor to perform the functions
authorized by his or her license in a manner consistent with the public health, safety,

1 or welfare. Such crimes or acts shall include, but not be limited to, those involving the
2 following:

3 (a) For professional engineers, any violations of the provisions of the
4 Professional Engineers Act or aiding and abetting any person in such a violation;

5

6 12. California Code of Regulations, title 16, section 418 states, in pertinent part:

7 . . .

8 (b) When considering the suspension or revocation of the certification of an
9 engineer-in-training or a land surveyor-in-training, or the license of a professional
10 engineer or a professional land surveyor, or the authority to use the title "structural
11 engineer," or the authority to use the title "geotechnical engineer" under Section 490 of
12 the Code, the Board will consider the following criteria in evaluating the rehabilitation
13 of such person and his or her present eligibility to retain his or her license:

14 (1) The nature and severity of the act(s) or crime(s) under consideration as
15 grounds for suspension or revocation.

16 (2) Evidence of any act(s) committed prior to or subsequent to the act(s) or
17 crime(s) under consideration as grounds for suspension or revocation which
18 could also be considered as grounds for suspension or revocation under Section
19 490 of the Code.

20 (3) The time that has elapsed since commission of the act(s) or crime(s) referred
21 to in subdivision (1) or (2).

22 (4) The extent to which the licensee has complied with any terms of parole,
23 probation, restitution, or any other sanctions lawfully imposed against the
24 license.

25 (5) Any evidence of rehabilitation submitted by the licensee.

26 (6) Total criminal record.

27 (7) If applicable, evidence of expungement proceedings pursuant to Section
28 1203.4 of the Penal Code.

29 **COSTS**

30 13. Section 125.3 of the Code provides that the Board may request the administrative law
31 judge to direct a licentiate found to have committed a violation or violations of the licensing act to
32 pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

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1 **FIRST CAUSE FOR DISCIPLINE**

2 **(Criminal Convictions)**

3 14. Respondent has subjected his license to disciplinary action under sections 490 and
4 6775, subdivision (a) of the Code, in that he was convicted of a crime that is substantially related
5 to the qualifications, duties, and functions of a civil engineer. The circumstances are as follows:

6 a. On or about November 13, 2019, in a criminal proceeding entitled *People of the*
7 *State of Arizona v. Brandon Lee Skalsky*, in the Superior Court of Arizona, County of Maricopa,
8 case number CR2018-134438-001, Respondent was convicted on his guilty plea of attempting to
9 commit the luring of a minor for sexual exploitation, in violation of Arizona Revised Statute
10 (A.R.S) sections 13-3551, 13-3554, 13-3821, 13-90(E), 13-805, 12-116.04, 12-269, 13-610, 13-
11 701, 13-702, 13-801, and 13-1001, a class four felony. Respondent was also convicted on his
12 guilty pleas of two counts of aggravated luring of a minor for sexual exploitation in violation of
13 A.R.S. sections 13-3560, 13-2301, 13-4801, 13-3501, 13-3821, 13-902(E), 13-805, 12-116.04,
14 12-269, 13-610, 13-701, 13-702, and 13-801, both class two felonies. Respondent was ordered to
15 serve sixty (60) days in the Maricopa County Jail, and placed on a period of probation for life
16 beginning on January 15, 2020. A requirement of Respondent’s probation is that he is must
17 register as a sex offender, and comply with special conditions regarding his computer/internet
18 usage.

19 **SECOND CAUSE FOR DISCIPLINE**

20 **(Failure to Report Criminal Convictions)**

21 15. Respondent has subjected his license to disciplinary action under section 6770,
22 subdivisions (a)(1) and (a)(2) of the Code, in that he failed to report his criminal convictions that
23 occurred on November 13, 2019, to the Board within 90 days. On or around February 22, 2022,
24 Respondent sent a letter to the Board informing them of his convictions. The circumstances
25 surrounding the conviction are described in paragraph 14, which is incorporated here by
26 reference.

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PRAYER

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

- 1. Revoking or suspending Civil Engineer License Number C 87965, issued to Brandon Lee Skalsky;
- 2. Ordering Brandon Lee Skalsky to pay the Board for Professional Engineers, Land Surveyors, and Geologists the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3; and,
- 3. Taking such other and further action as deemed necessary and proper.

DATED: 8/16/22

Original Signed

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

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