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

In the Matter of the Statement of Issues and Accusation against:	)	
JOSE LUIS GARCIA a.k.a JOSE LUIS GARCIA, JR. 1938 South Lang Avenue West Covina, CA 91790	)	Case No. 815-S OAH No. 2009101380
Engineer-in-Training Certificate No. EIT 108785,	)	
Respondent.	)	

DECISION

The attached Proposed Decision of the Administrative Law Judge is hereby adopted by the Board for Professional Engineers and Land Surveyors as its Decision in the above-entitled matter.

This Decision shall become effective on June 10, 2010.

IT IS SO ORDERED May 5, 2010.

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

By Original Signed

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

In the Matter of the Statement of Issues and Accusation Against:	**Case No. 815-S**
JOSE LUIS GARCIA, aka JOSE LUIS GARCIA, JR.,	**OAH No. 2009101380**
Respondent.	

PROPOSED DECISION

Administrative Law Judge Susan L. Formaker of the Office of Administrative Hearings heard this matter on February 26, 2010, in Los Angeles, California.

Brian Walsh, Deputy Attorney General with the California Department of Justice, represented David E. Brown, Executive Officer of the Board for Professional Engineers and Land Surveyors, Department of Consumer Affairs (Complainant).

Jose Luis Garcia, a.k.a. Jose Luis Garcia, Jr. (Respondent) represented himself.

Oral and documentary evidence having been received, and the matter having been deemed submitted as of February 26, 2010, the Administrative Law Judge makes the following Factual Findings, Legal Conclusions, and Order:

FACTUAL FINDINGS

1. Complainant filed the Statement of Issues and Accusation in his official capacity.

2. On February 4, 2000, Respondent was granted Certificate Number XE 108785 (Certificate) as an Engineer-in-Training by the Board for Professional Engineers and Land Surveyors (Board). The Certificate does not authorize Respondent to practice or offer to practice professional engineering or land surveying. The Certificate remains valid until the issuance of a professional engineer license or a professional land surveyor license.

3. On July 17, 2002, Respondent submitted his Application for License as a Professional Engineer (Application, part of Exhibit 3), to the Board. Although Respondent

thereafter passed a portion of the exam required for a professional engineer license, he has not passed all portions of the exam. The Board has not issued Respondent a license as a professional engineer or professional land surveyor.

4. By letter dated April 1, 2008 (part of Exhibit 3), the Board notified Respondent that his Application was being denied based on his having practiced civil engineering without authorization, managed a company from which professional engineering services were offered and performed in violation of law, and used the seal and forged the signature of a licensed professional engineer on a remodeling project located at 418 12th Street in Santa Monica, CA (the Project). The Board also denied Respondent the opportunity to take the National Council Principles and Practices of Civil Engineering and the California Special Civil Seismic Principles Examination in April of 2008. Through the Statement of Issues and Accusation, the Board further seeks to suspend or revoke Respondent's Certificate and to recoup its investigative and enforcement costs. Respondent appeals the Board's denial of his Application, and he seeks to retain his Certificate and be allowed to take the required examinations for issuance of a license as a professional engineer.

5. Respondent stipulated to the facts set forth in the Final Report (Exhibit 4) prepared by Senior Investigator Broughton O'Keefe (O'Keefe) for the Board on February 14, 2008. That Final Report summarizes an investigation carried out in response to a complaint the Board received on or about October 17, 2005, from Christian T. Williamson (Williamson) of CTW Engineers, Inc. (CTW). The salient details from the Final Report are set forth below.

6. As part of his investigation, O'Keefe contacted Robert S. Rees (Rees) of Robert S. Rees Studio. Rees is an architect. Another architect recommended Respondent to him. Rees bid out the Project to Respondent to provide structural calculations on the remodel, which involved the addition of an atrium at a private residence. He assumed Respondent was a licensed engineer, but he never asked Respondent if he was licensed. They transacted business solely via mail, telephone, and electronic mail.

7. Respondent provided the structural calculations and drawings for the Project. When Rees received the calculations, he noticed they were stamped with Williamson's engineering stamp. Rees was surprised to see this because he had bid out the Project to Williamson as well but had chosen to use Respondent.

8. Rees contacted Williamson to ask him about the existence of Williamson's engineering stamp on the Project calculations, thus alerting Williamson to Respondent's use of his engineering stamp and leading to Williamson's complaint about Respondent to the Board. When Rees confronted Respondent about the engineering stamp, he sought to excuse his behavior.

9. In speaking to O'Keefe, Williamson confirmed he had not stamped or signed the Project drawings and structural calculations submitted by Respondent to Rees. He also confirmed he had not given Respondent permission to use his stamp or sign on his behalf and that Respondent had not worked on the Project for him. Williamson stated he and Respondent

had worked together at the same employer before Williamson became licensed and opened his own business. Respondent had later performed services as an engineer on an "on-call basis" for Williamson. In those instances, Williamson had Respondent complete engineering drawings and structural calculations, which Williamson would then review, stamp, and sign as the responsible engineer. During O'Keefe's interview of Williamson, he stated he had confronted Respondent in July or August of 2005 about the situation. Respondent had "hemmed and hawed" but did not deny forging Williamson's stamp and signature.

10. When O'Keefe attempted to contact Respondent by letter in January of 2008, Respondent failed to respond. Only when O'Keefe visited Respondent's last known address and left his business card with an unidentified adult there did O'Keefe finally hear back from Respondent in February of 2008. When O'Keefe interviewed him, Respondent initially denied knowing who stamped the calculations he had prepared for the Project. He contended he and Williamson had a "falling out" when Respondent bid on a project Williamson had also bid on because Williamson "thought [he] was trying to steal [Williamson's] clients." Respondent contended he could do "type 5" plans without a license. Upon further questioning, Respondent admitted having stamped the structural drawings and calculations with Williamson's stamp and having forged Williamson's signature over the stamp. He also admitted having used a cover sheet he received from Williamson from another project; Respondent changed the name and address of the project and added the information for his own company, JLG Engineering (JLG), to it. Respondent told O'Keefe he intended to have Williamson review and approve the calculations but was "in a rush" to complete the job. He admitted to poor judgment and stated this was the only time he had ever used Williamson's stamp.

11. During the hearing of this matter, Respondent admitted cutting and pasting Williamson's engineering stamp onto the Project drawings and calculations and forging Williamson's signature over the stamp. He stated he did not think about the potential liability to Williamson from having done so but admitted he knew his acts were wrong at the time. Respondent expressed remorse for his improper behavior, which was the primary method by which he sought to show his rehabilitation.

12. Respondent's remorse was belied by his dissembling and inconsistent testimony. As he had with O'Keefe, Respondent first stated he intended to have Williamson stamp and sign the Project drawings and calculations but that he "jump[ed] the gun" through his acts in a rush to get the final project to Rees. Respondent later contended he intended to have Lisa and Ramon Larios of LLR Engineering, Inc. (LLR), stamp and sign the drawings and calculations, as he was in a transition between working for Williamson and working for LLR when he prepared them. Notably, Respondent dated the forged signature on the stamp as of May 11, 2005; a letter submitted by Lisa Larios in support of Respondent (Exhibit B) states he "joined our group in January of 2005," reflecting that any transition period would have been complete by the time of Respondent's wrongful acts. The evidence thus

suggests Respondent fully intended to perform unlicensed work, and never to have a licensed engineer review it, in connection with the Project. Moreover, Respondent denied ever having accepted a contract in the name of JLG but then admitted having done so with respect to the Project. While he denied having affirmatively misrepresented his license status, his drawings and calculations for the Project show JLG's business was identified as "Consulting Structural Engineering," implying he was licensed. (See Exhibit 4.) He admitted he did not disclose he was unlicensed when he solicited business for JLG. In an apparent attempt to avoid the appearance of competing with Williamson, Respondent denied Williamson ever said Respondent was trying to take his business, instead contending he stopped working for Williamson to gain greater responsibility. Finally, Respondent initially contended that an unlicensed person may accept projects under the "building and design authority" for "type 5" additions. On cross-examination, Respondent testified he understood he could not perform work as an unlicensed engineer.

13. Respondent submitted letters in support of his character from Lisa Larios of LLR and Richard Garcia, a Structural Engineering Associate II with the City of Los Angeles Plan Check. (Exhibits B and C, respectively.) Both letters indicated the writers were familiar with the charges against Respondent. Larios and Garcia each attested to Respondent's honesty and integrity, dedication to his work, and engineering abilities. The letters suggested Respondent's wrongdoing must have resulted from a momentary lapse of judgment. The statements set forth in these unsworn letters were insufficient to overcome Respondent's inability to take full responsibility for his actions, as demonstrated by his contradictory testimony.[1] Moreover, the evidence reflected that Respondent's misleading behavior extended over a lengthy period of time. Respondent admitted he continued to do business under the JLG Engineering name, including co-signing contracts with LLR for clients, until 2007 or 2008, without making clear to the clients that he was unlicensed.

14. Respondent worked for LLR from January of 2005 until approximately mid- to late-2008. He was laid off from LLR because of the economic downturn. Since then, he has done occasional work for contractors, providing estimates of the quantities of materials needed for a job. He is typically paid $18 to $25 per hour for this work. Respondent has been unable to find a position with a licensed engineer. Over the year prior to the hearing, Respondent's income was only between $8,000 and $10,000. Respondent produced loan and credit union records (Exhibits D and E)

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[1] Both Respondent through his testimony and Richard Garcia through his letter recounted the fact that Respondent resigned from a position at the building department after three weeks in 2003 because of his discomfort with reviewing the work of licensed engineers. Respondent's uneasiness arose from his being unlicensed himself. (He apparently was not required to be licensed.) Respondent and Richard Garcia indicated this showed his dedication to the profession. In view of the fact that Respondent's wrongful acts occurred after he resigned from the building department, his prior resignation failed to establish his rehabilitation.

reflecting that Respondent is past due on payments towards his educational loans and that he has almost no assets. His credit union records also reflected Respondent had multiple charges associated with overdrafts. Respondent acknowledged that he is "in the hole."

15. Respondent did not submit evidence of any volunteer or community activities to bolster his claim of rehabilitation.

16. Complainant submitted a certification regarding its investigative and enforcement costs stating that, not including charges from the Office of the Attorney General, a total of $4,672.50 had been incurred through February 23, 2010. (Exhibit 5.) There was no evidence presented showing how many hours were spent to support this amount, how many people worked on the matter, or at what hourly rate work was billed. O'Keefe's Final Report, discussed at Findings 5 through 10, shows that O'Keefe interviewed Rees and Williamson over the phone, wrote a short letter to Respondent, went to Respondent's last known address, and met with Respondent at a field office. O'Keefe also prepared the Final Report, which is approximately five and one-half pages in length. Without more evidence of the time spent on the investigation and enforcement, the amount incurred appears to be excessive.[2] The investigative and enforcement costs should be reduced to $3,400 (20 hours at $170 per hour, the highest hourly rate billed by the attorneys from the California Department of Justice in this matter[3]).

17. Complainant also submitted a Certification of Prosecution Costs: Declaration of Brian G. Walsh, indicating that the Department of Justice billed the Board $6,027.75 for the time spent working on this matter through February 23, 2010. The billing summary attached to the certification as Exhibit A reflected that 21.75 hours of attorney time billed at $158 per hour, 14.50 hours of attorney time billed at $170 per hour, and 1.25 hours of paralegal time billed at $101 per hour, were spent analyzing this matter, preparing pleadings, conversing with Respondent and client representatives, and preparing the matter for hearing. Complainant's prosecution costs of $6,027.75 are reasonable and justified.

LEGAL CONCLUSIONS

1. The purpose of an administrative proceeding concerning licensure is not to punish the Respondent, but rather is "to protect the public from dishonest, immoral,

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[2] Section 125.3, subdivision (c), provides that a "certified copy of the actual costs," signed by a designated representative of the entity bringing the proceeding, shall be prima facie evidence of the reasonable costs of investigation and prosecution. It is unclear whether the summary certification of costs submitted here would constitute such a "certified copy."

[3] The hourly rate charged by the attorneys on this matter is used in the absence of information as to any other hourly rate at which investigative costs were billed.

disreputable or incompetent practitioners [citations]." *(Ettinger v. Board of Medical Quality Assurance* (1982) 135 Cal.App.3d 853, 856.)

2. Business and Professions Code sections 475, subdivision (a)(3), and 480, subdivision (a)(2)[4], together provide that an application may be denied if an applicant has committed any act involving dishonesty, fraud or deceit with the intent to substantially benefit himself. By virtue of Findings 5 through 11, cause exists to deny Respondent's Application under sections 475, subdivision (a)(3) and 480, subdivision (a)(2), based upon his fraudulent use of Williamson's stamp and his forging Williamson's signature on the drawings and calculations for the Project.

3. Sections 475, subdivision (a)(4), and 480, subdivision (a)(3), in conjunction with section 6775, subdivision (h), provide that an application may be denied based on a violation of section 6787, subdivision (a), for practicing civil engineering without legal authorization, which would be grounds for suspension or revocation of a license if done by a licensee. By virtue of Findings 5 through 13, cause exists to deny Respondent's Application under sections 475, subdivision (a)(4), and 480, subdivision (a)(3), in conjunction with section 6775, subdivision (h), based on Respondent's practicing civil engineering without legal authorization in violation of section 6787, subdivision (a).

4. Sections 475, subdivision (a)(4), and 480, subdivision (a)(3), in conjunction with section 6775, subdivision (h), provide that an application may be denied based on a violation of section 6787, subdivision (d), for using the seal of a licensed professional engineer without authorization, an act which would be grounds for suspension or revocation of a license if done by a licensee. By virtue of Findings 5 through 11, cause exists to deny Respondent's Application under sections 475, subdivision (a)(4), and 480, subdivision (a)(3), in conjunction with section 6775, subdivision (h), based on Respondent's use of Williamson's stamp without his authorization in violation of section 6787, subdivision (d).

5. Sections 475, subdivision (a)(4), and 480, subdivision (a)(3), in conjunction with section 6775, subdivision (h), provide that an application may be denied based on a violation of section 6787, subdivision (g), by performing unauthorized civil engineering services, an act which would be grounds for suspension or revocation of a license if done by a licensee. By virtue of Findings 5 through 13, cause exists to deny Respondent's Application under sections 475, subdivision (a)(4), and 480, subdivision (a)(3), in conjunction with section 6775, subdivision (h), based on Respondent's performing unauthorized civil engineering services, including bidding on the Project in the name of JLG, in violation of section 6787, subdivision (g).

6. Section 6775.1, subdivision (b), in conjunction with section 480, subdivision (a)(2), provides that Respondent's Certificate may be subject to revocation based on the commission of dishonest acts that would be grounds for denial of an applicant's license. Legal Conclusion 2 establishes that cause exists to revoke Respondent's Certificate based

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[4] All citations are to the Business and Professions Code unless otherwise indicated.

upon his fraudulent use of Williamson's stamp and his forging Williamson's signature on the stamp for the Project.

7. Section 6775.1, subdivision (f), in conjunction with section 6787, subdivisions (a), (d), and (g), provide that Respondent's Certificate may be revoked based on his commission of acts that qualify as misdemeanors, which are specifically prohibited by the Code, as set forth in Legal Conclusions 3 through 5. Cause therefore exists to revoke Respondent's Certificate pursuant to section 6775.1, subdivision (f), in conjunction with section 6787, subdivisions (a), (d), and (g), based on Respondent's practicing civil engineering without legal authorization, use of Williamson's stamp without his authorization, and performing unauthorized civil engineering services, including bidding on the Project in the name of JLG, respectively.

8. Section 6775.1, subdivision (g), provides that Respondent's Certificate may be revoked based on his violations of the Code set forth in Legal Conclusions 6 and 7. Legal Conclusions 6 and 7 establish that cause therefore exists for the revocation of Respondent's Certificate pursuant to section 6775.1, subdivision (g).

9. The criteria for assessing rehabilitation from wrongful acts or crimes are set forth in California Code of Regulations, title 16, section 418, subdivisions (a) (with respect to the consideration of the denial of an application) and (b) (with respect to the consideration of the suspension or revocation of a certification of an engineer-in-training). As relevant here, the factors to be considered include the nature and severity of the acts, evidence of any other acts committed prior to or subsequent to the acts under consideration which could also be grounds for denial or discipline, the time elapsed since the acts in question, and any evidence of rehabilitation.

10. Applying the criteria set forth in Legal Conclusion 9 to Findings 5 through 15, Respondent has failed to establish sufficient rehabilitation from his wrongful acts to justify the granting of his Application or to avoid the revocation of his Certificate. The acts upon which this matter is based were serious, reflecting upon Respondent's credibility as a certificate holder and potential licensee. Without a licensed engineer reviewing Respondent's work, the public was placed at risk. Respondent's lack of complete candor in the instant proceedings was particularly problematic from a rehabilitation standpoint. Rehabilitation is a "state of mind," and "the law looks with favor upon rewarding with the opportunity to serve, one who has achieved 'reformation and regeneration.'" (*Pacheco v. State Bar* (1987) 43 Cal.3d 1041, 1058.) Fully acknowledging the wrongfulness of past actions is an essential step towards rehabilitation. (*Seide v. Committee of Bar Examiners* (1989) 49 Cal.3d 933, 940.) Respondent's expressing remorse is not enough; he must demonstrate his rehabilitation through a realistic assessment of his past motivations and behavior and through sustained exemplary conduct.

11. Cause exists to order Respondent to pay the costs claimed under section 125.3, as set forth in Findings 16 and 17. Section 125.3 provides that the Board may request the

Administrative Law Judge to direct a licentiate[5] found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case. Where, as here, the Board has made such a request, the Administrative Law Judge is to make a proposed finding of the reasonable costs of investigation and prosecution of the case. (§ 125.3, subd. (d).) As explained in Findings 16 and 17, the Board's reasonable costs of investigation and enforcement are $9,427.75 ($3,400 plus $6,027.75).

12. Under *Zuckerman v. State Board of Chiropractic Examiners* (2002) 29 Cal.4th 32, 45, the Board must exercise its discretion to reduce or eliminate cost awards in a manner which will ensure that the cost award statutes do not deter licensees with potentially meritorious claims or defenses from exercising their right to a hearing. "Thus the Board may not assess the full costs of investigation and prosecution when to do so will unfairly penalize a [licensee] who has committed some misconduct, but who has used the hearing process to obtain dismissal of other charges or a reduction in the severity of the discipline imposed." (*Ibid.*) The Board, in imposing costs in such situations, must consider the licensee's subjective good faith belief in the merits of his or her position and whether or not the licensee has raised a colorable defense. The Board must also consider the licensee's ability to make payment.

13. Considering all of the *Zuckerman* factors, there is little reason to reduce the award of Complainant's reasonable costs of $9,427.75, except for Respondent's economic circumstances, as noted in Finding 14. Respondent's financial status reflects that it would be unduly punitive to require Respondent to pay all the costs. Accordingly, a 75 percent reduction is appropriate in these circumstances. The reasonable costs of investigation and prosecution are, therefore, $2,356.94.

ORDER

WHEREFORE, THE FOLLOWING ORDER is hereby made:

1. Respondent Jose Luis Garcia's, aka Jose Luis Garcia, Jr.'s Application for License as a Professional Engineer is denied.

2. Respondent's Certificate Number XE 108785 as an Engineer-in-Training is revoked.

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[5] Section 23.8 defines "licentiate" to include any person authorized by a certificate to engage in a business or profession regulated by the Code. Respondent's Certificate makes him liable under section 125.3 for the reasonable costs of investigation and enforcement with respect to the Accusation. While the Board is not entitled to recover the reasonable costs of investigation and enforcement involved with the Statement of Issues, those costs are inextricably intertwined with the costs incurred in connection with the Accusation.

3. Respondent is directed to pay $2,356.94 to the Board for Professional Engineers and Land Surveyors for its reasonable costs of investigation and prosecution.

DATED: March 29, 2010

Original Signed

SUSAN L. FORMAKER
Administrative Law Judge
Office of Administrative Hearings

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

In the Matter of the Statement of Issues Against: JOSE LUIS GARCIA aka JOSE LUIS GARCIA, Jr. 1938 South Lang Avenue West Covina, California 91790 Respondent.	Case No. 815-S **STATEMENT OF ISSUES and ACCUSATION**

Complainant alleges:

PARTIES

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

2. On or about July 29, 2002, the Board for Professional Engineers and Land Surveyors (Board) received an Application for License as a Professional Engineer from Jose Luis Garcia aka Jose Luis Garcia, Jr. (Respondent). On or about July 19, 2002, Jose Luis Garcia certified under penalty of perjury to the truthfulness of all statements, answers, and representations in the application, as well as all documents submitted in support of the application. The Board denied the application on or about April 1, 2008.

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3. Respondent was granted Certificate No. XE 108785 as an Engineer-in-Training on February 4, 2000. The certificate does not expire. Unless revoked, Certificate No. XE 108785 will remain valid until Respondent is issued a professional engineer license or a professional land surveyor license.

JURISDICTION

4. The Statement of Issues and Accusation are brought before the Board under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.

5. Section 475 states, in pertinent part:

"(a) Notwithstanding any other provisions of this code, the provisions of this division shall govern the denial of licenses on the grounds of:

. . . .

"(3) Commission of any act involving dishonesty, fraud or deceit with the intent to substantially benefit himself or another, or substantially injure another.

"(4) Commission of any act which, if done by a licentiate of the business or profession in question, would be grounds for suspension or revocation of license."

6. Section 480 states, in pertinent part:

"(a) A board may deny a license regulated by this code on the grounds that the applicant has one of the following:

. . . .

"(2) Done any act involving dishonesty, fraud or deceit with the intent to substantially benefit himself or another, or substantially injure another; or

"(3) Done any act which if done by a licentiate of the business or profession in question, would be grounds for suspension or revocation of license."

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7. Section 6775 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:

. . . .

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

8. Section 6775.1 states, in pertinent part:

"The board may receive and investigate complaints against engineers-in-training and make findings thereon.

"By a majority vote, the board may revoke the certificate of any engineer-in-training:

. . . .

"(b) Who has committed any act that would be grounds for denial pursuant to Section 480 or 496.

. . . .

"(f) Who commits any act described in section 6787.

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

9. Section 6787 states, in pertinent part:

"Every person is guilty of a misdemeanor:

"(a) Who, unless he or she is exempt from licensure under this chapter, practices or offers to practice civil, electrical, or mechanical engineering in this state according to the provisions of this chapter without legal authorization.

. . . .

"(d) Who impersonates or uses the seal of a licensed professional engineer.

. . . .

"(g) Who, unless appropriately licensed, manages, or conducts as manager, proprietor, or agent, any place of business from which civil, electrical, or mechanical engineering work is solicited, performed, or practiced, except as authorized pursuant to subdivision (d) of Section 6738 and Section 8726.1."

STATEMENT OF ISSUES

FIRST CAUSE FOR DENIAL OF APPLICATION

(Dishonest Acts)

10. Respondent's application is subject to denial under section 475, subdivision (a)(3), and section 480, subdivision (a)(2), in that Respondent committed dishonest acts when he practiced civil engineering without a license and fraudulently used the signature and seal of a licensed engineer in that unlicensed practice. Respondent represented himself as an engineer and successfully bid on a project at 418 12th Street in Santa Monica, California (the 12th Street Project). In bidding for the 12th Street Project, Respondent submitted his structural calculations on paperwork that contained a fraudulent image of the stamp of licensed engineer Christian T. Williamson, as well as the forged signature of Christian T. Williamson. On or about February 11, 2008, Respondent admitted to a senior investigator with the Department of Consumer Affairs that he had used the Christian T. Williamson stamp without permission, and forged the signature on the structural calculations page.

SECOND CAUSE FOR DENIAL OF APPLICATION

(Committing Acts That Would Result in License Suspension or Revocation)

11. Respondent's application is subject to denial under section 475, subdivision (a)(4), and section 480, subdivision (a)(3), in conjunction with section 6775, subdivision (h), for violating section 6787, subdivision (a), by practicing civil engineering without legal authorization, which would result in the suspension or revocation of a license if done by a licensee. Complainant refers to and incorporates all the allegations contained in paragraph 10, as though set forth fully.

12. Respondent's application is subject to denial under section 475, subdivision (a)(4), and section 480, subdivision (a)(3), in conjunction with section 6775, subdivision (h), for violating section 6787, subdivision (d), by using the seal of a licensed professional engineer without authorization, an act that would result in the suspension or

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revocation of a license if it had been done by a licensee. Complainant refers to and incorporates all the allegations contained in paragraph 10, as though set forth fully.

13. Respondent's application is subject to denial under section 475, subdivision (a)(4), and section 480, subdivision (a)(3), in conjunction with section 6775, subdivision (h), for violating section 6787, subdivision (g), by performing unauthorized civil engineering services, including bidding for the 12th Street Project, as JLG Engineering of West Covina, California. These acts would result in the suspension or revocation of a license if done by a licensee. Complainant refers to and incorporates all the allegations contained in paragraph 10, as though set forth fully.

ACCUSATION

FIRST CAUSE FOR DISCIPLINE

(Committing Acts That Would Be Grounds for License Denial)

14. Respondent is subject to disciplinary action under section 6775.1, subdivision (b), in conjunction with section 480, subdivision (a)(2), in that Respondent committed acts that would be grounds for the denial of an applicant's license when he committed dishonest acts. Specifically, Respondent practiced civil engineering without a license and fraudulently used the signature and seal of a licensed engineer in that unlicensed practice. Complainant refers to and incorporates all the allegations contained in paragraph 10, as though set forth fully.

SECOND CAUSE FOR DISCIPLINE

(Committing Specifically Prohibited Acts)

15. Respondent is subject to disciplinary action under section 6775.1, subdivision (f), in conjunction with section 6787, subdivisions (a), (d), and (g), in that Respondent committed acts that qualify as misdemeanors, and which are specifically prohibited by the Business and Professions Code, as follows:

a. Respondent is subject to disciplinary action under section 6775.1, subdivision (f), in conjunction with section 6787, subdivision (a), for practicing civil engineering

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without legal authorization. Complainant refers to and incorporates all the allegations contained in paragraph 10, as though set forth fully.

b. Respondent is subject to disciplinary action under section 6775.1, subdivision (f), in conjunction with section 6787, subdivision (d), for using the seal of a licensed professional engineer without authorization. Complainant refers to and incorporates all the allegations contained in paragraph 10, as though set forth fully.

c. Respondent is subject to disciplinary action under section 6775.1, subdivision (f), in conjunction with section 6787, subdivision (g), for performing unauthorized civil engineering services as JLG Engineering of West Covina, California,. Complainant refers to and incorporates all the allegations contained in paragraph 10, as though set forth fully.

THIRD CAUSE FOR DISCIPLINE

(Violating Provisions of the Business and Professions Code)

16. Respondent is subject to disciplinary action under section 6775.1, subdivision (g), for violating numerous provisions of the Business and Professions Code. Complainant refers to and incorporates all the allegations contained in paragraphs 14 and 15, including all subparagraphs, as though set forth fully.

PRAYER

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

1. Denying Respondent's Application for License as a Professional Engineer;

2. Revoking or suspending Engineer-in-Training Certificate No. XE 108785, issued to Respondent;

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3. Ordering Respondent to pay the Board the reasonable costs of the investigation and enforcement of this case, pursuant to section 125.3; and

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

DATED: July 13, 2009

Original Signed

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

LA2008601192

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