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

11 In the Matter of the Accusation Against:

Case No. 917-A

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

DEFAULT DECISION AND ORDER

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

[Gov. Code, §11520]

16 Respondent.

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18 **FINDINGS OF FACT**

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

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

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

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

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

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

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

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

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

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

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

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

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9. 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, as well as taking official notice of all the investigatory reports, exhibits and statements contained therein on file at the Board's offices regarding the allegations contained in Accusation No. 917-A, finds that the charges and allegations in Accusation No. 917-A, are separately and severally true and correct by clear and convincing evidence.

10. Taking official notice of its own internal records, pursuant to Business and Professions Code section 125.3, it is hereby determined that the reasonable costs for Investigation and Enforcement is \$3,775.00 as of February 3, 2011.

DETERMINATION OF ISSUES

1. Based on the foregoing findings of fact, Respondent Steven Doyle Privett has subjected his Civil Engineer License No. C 32083 to discipline.

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

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

- Contract requirement violations.
- Breach of contract.
- Failure to notify Board of Address Change.
- Failure to comply with Board Citation.

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1 **ORDER**

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

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

8 This Decision shall become effective on April 29, 2011.

9 IT IS SO ORDERED March 24, 2011.

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13 Original Signed

14 FOR THE BOARD FOR PROFESSIONAL
15 ENGINEERS, LAND SURVEYORS, AND
16 GEOLOGISTS
17 Department of Consumer Affairs
18 State of California

18 Attachment:

19 Exhibit A: Accusation
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Exhibit A

Accusation

1 EDMUND G. BROWN JR.
Attorney General of California
2 GREGORY J. SALUTE
Supervising Deputy Attorney General
3 ALVARO MEJIA
Deputy Attorney General
4 State Bar No. 216956
300 So. Spring Street, Suite 1702
5 Los Angeles, CA 90013
Telephone: (213) 897-0083
6 Facsimile: (213) 897-2804
Attorneys for Complainant
7

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

12 In the Matter of the Accusation Against:

Case No. 917-A

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

A C C U S A T I O N

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

15 Respondent.
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18 Complainant alleges:

19 **PARTIES**

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

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

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1 "(d) Who has been found guilty by the board of any breach or violation of a contract to
2 provide professional engineering services.

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

5 **REGULATORY PROVISIONS**

6 7. California Code of Regulation, title 16, section 412 states:

7 "Each person who is an applicant for, or a holder of, a certificate or license issued by the
8 Board under provisions of the Professional Engineers Act or the Professional Land Surveyors'
9 Act shall file his/her address with the Board office. Within thirty (30) days after changing
10 addresses, he/she shall notify the Board office of such change."

11 8. California Code of Regulation, title 16, section 473.3, subdivision (b) states:

12 "Failure of the cited person to abate the violation or to pay the fine within the time allowed
13 is grounds for suspension or revocation of the cited person's license."

14 **COST RECOVERY**

15 9. Section 125.3 of the Code provides, in pertinent part, that the
16 Board/Registrar/Director may request the administrative law judge to direct a licentiate found to
17 have committed a violation or violations of the licensing act to pay a sum not to exceed the
18 reasonable costs of the investigation and enforcement of the case.

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

3 **PRAYER**

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

7 1. Revoking or suspending Civil Engineer License Number C 32083, issued to Steven
8 Doyle Privett;

9 2. Ordering Steven Doyle Privett to pay the Board for Professional Engineers and Land
10 Surveyors the reasonable costs of the investigation and enforcement of this case, pursuant to
11 Business and Professions Code section 125.3;

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

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15 DATED: August 4, 2010

Original Signed

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

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