

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

In the Matter of the Petition for Reinstatement of:

ADEBOWALE OLUJIMI SODIPO, Petitioner

Agency Case No. 1147-A

OAH No. 2024110677

DECISION

On December 19, 2024, in Sacramento, California, a quorum of the Board for Professional Engineers, Land Surveyors, and Geologists, Department of Consumer Affairs, State of California (Board), heard and decided the Petition for Reinstatement. Administrative Law Judge (ALJ) Brian Weisel, Office of Administrative Hearings, State of California, presided over the administrative proceeding.

Deputy Attorney General Amie Flynn appeared on behalf of the Office of the Attorney General, State of California, pursuant to Business and Professions Code section 6780, subdivision (b).

Petitioner Adebowale Olujimi Sodipo appeared and represented himself.

Evidence was received, the record closed, and the matter submitted for decision on December 19, 2024.

FACTUAL FINDINGS

Background and Procedural History

1. On January 27, 1989, the Board issued petitioner Civil Engineer License number C 44198. On February 4, 1994, the Board issued petitioner Structural Engineer License number S 3860 (collectively, "licenses"). The licenses were revoked effective April 11, 2018.

2. On June 20, 2017, Richard B. Moore, PLS, executive officer of the Board, signed and later filed an Accusation against petitioner in Case No. 1147-A. The Accusation sought to discipline petitioner's licenses for breach of contract, practicing engineering without authorization, and refusal to cooperate with a Board investigation. Petitioner entered into a Stipulated Settlement and Disciplinary Order (Stipulated Settlement) with the Board, which took effect on April 11, 2018. Under the Stipulated Settlement, petitioner's licenses were revoked. Petitioner further agreed that should he ever petition to the Board for reinstatement of his license, full costs of prosecution and enforcement in the amount of \$15,000 would be paid prior to issuance of any license.

3. The circumstances underlying petitioner's misconduct occurred between 2007 and 2014. Petitioner allowed his licenses to lapse for failure to pay his biennial Board dues in 2007, 2009, 2011, and 2013. Though he eventually paid his late dues each time, he continued to work as a licensed engineer during several periods of lapsed licensure. Between 2011 and 2014, petitioner entered into contracts and accepted funds from at least five clients for work totaling more than \$50,000. Petitioner failed to complete the projects or return the funds. When the Board sent petitioner inquiries in writing regarding the above, petitioner failed to respond.

4. On January 11, 2018, petitioner signed a Stipulated Settlement and Disciplinary Order. He did not deny the allegations in the Accusation. Petitioner agreed to the revocation of his licenses. The Board's Decision was effective on April 11, 2018.

Petition for Reinstatement

5. On November 15, 2024, petitioner submitted a Petition for Reinstatement of Revoked License to the Board, along with supporting documentation (Petition). This is petitioner's first Petition after the Stipulated Settlement.

Petitioner's Evidence

6. Petitioner testified at hearing in support of the Petition. Petitioner wanted to be a structural engineer since he was a young child. He initially studied engineering in Ife, Nigeria. He received his master's degree in structural engineering from Stanford University in 1984. He later received a doctoral degree in structural engineering from the University of Illinois.

7. Petitioner worked at various firms for his first decade of practice. In 1998, petitioner started his own engineering firm. He was "driven to start a firm to bridge the gap between design and building at the same company." Over the course of his career, he designed over 200 units of affordable housing. Increasing housing options in his community is "one of [petitioner's] passions."

8. Petitioner's firm showed early success, which led to increased referrals. However, that success also increased the "size and complexity" of his business. Starting in 2006, petitioner's firm became "overwhelmed." His business's growth also came with debt. At times, petitioner asked friends for loans to "keep the business afloat."

9. In 2007, financing petitioner's firm became "challenging." Petitioner started to defer several bills to keep the business running. Petitioner failed to pay his license renewal fees for the years 2007, 2009, 2011, and 2013 on time. Petitioner filed plans with the city of South San Francisco when his licenses were expired. He also entered into several contracts while his licenses were expired.

10. During the same time, six different clients lodged complaints with the Board. They had each paid retainers for engineering work to petitioner and did not receive timely work as contracted. Petitioner "used monies for a future job to pay for prior bills" and became stuck in a cycle without a realistic ability to pay all his debts and continue work for all his clients.

11. In 2011 or 2012, someone burglarized petitioner's main office. The burglars took most of the belongings of the business, including all the computers. The computers contained draft plans on their hard drives with no other backups of the data. The effects of the theft were "devastating" for the firm. Petitioner was forced to lay off all of his staff and move the business into his home.

12. Petitioner's business eventually closed. He did not repay several clients with outstanding contracts. Since his license revocation, he "settled up" with some of his prior clients. He attempted to locate the remaining clients. However, some former clients could not be found or no longer existed. He does not have any civil action pending for any remaining unreturned funds.

13. The Board sent petitioner several inquiries regarding his lapsed licenses and unfinished work. Petitioner "stuck [his] head in the sand" and did not reply. When the Board filed its Accusation, petitioner ultimately surrendered his licenses. He was later criminally charged for the same conduct. Petitioner did not know practicing

without renewing his licenses was a criminal offense. He acknowledges that "ignorance of the law is not an excuse" and accepts full responsibility for his actions. In 2018, petitioner pled guilty to one count of filing false documents with a public office. The court sentenced petitioner to three years of probation and 16 days in jail. Petitioner served his jail sentence "picking up trash on the side of the road" where he was "appointed lead trash picker." He successfully completed his criminal probation and believes the conviction is expunged.

14. Since revocation of petitioner's licenses, he mentored several young engineers. Petitioner currently takes on "several side projects" underneath licensed professional engineers. He worked as a manager for Healthy Communities, Inc., a nonprofit in Oakland focused on building affordable housing. He also works part-time as a project manager for the clean-up of toxic waste sites.

15. Petitioner provided certificates for over 100 hours of continuing education since his license revocation. He testified to completing "at least 400 hours" of education including YouTube videos, books, and other materials he reviewed.

16. Petitioner believes his mistakes stem from being overwhelmed and failing to communicate with his staff and his clients. He acknowledges his drive approximately 25 years ago was to start a large firm, which was a mistake. Should his Petition be granted, he would start "a smaller company" to avoid being overwhelmed again. He is also interested in taking business classes so as not to repeat his prior mistakes. His passion remains in affordable housing and building accessory dwelling units (ADUs) to increase available housing for his community.

WITNESS TESTIMONY

Steven Franko

17. Steven Franko is the Chief Executive Officer of Franko Construction Corporation (Franko Construction). He met petitioner approximately 27 years ago. Mr. Franko owned several buildings that required earthquake retrofitting. He contracted with petitioner to complete those designs. After those jobs, Mr. Franko continued to hire petitioner to work on all his properties when needed. He "always had a lot of work" for petitioner. He would recommend him to anyone if they needed an engineer.

18. Mr. Franko is aware of petitioner's license revocation and the prior issues with his business. He does not question petitioner's competency. He calls petitioner an "excellent engineer." However, Mr. Franko believes that petitioner became "overwhelmed" with the volume and size of his business.

19. Mr. Franko also witnessed petitioner's problems with debt and cash flow. When the recession began in 2007 and 2008, Mr. Franko saw petitioner's monthly income drop from "\$200,000 to \$300,000 a month to virtually zero overnight." Mr. Franko loaned petitioner money to help him get through his debt problems multiple times. Franko Construction was one of the businesses harmed in the Board's 2017 Accusation. Petitioner owed money to Franko Construction related to an unfinished project. Mr. Franko reports petitioner has since satisfied any outstanding restitution. When asked if he recommended petitioner for reinstatement of his license, Mr. Franko noted, "the guy's good."

Ernie Olatunji

20. Ernie Olatunji is a project manager working in the Bay Area. He emigrated to the United States in the 1980s. He has a master's degree in computer engineering. When he arrived in America, he "did not know anybody." Mr. Olatunji met some engineers who referred him to petitioner for possible work.

21. After a few phone calls, petitioner met Mr. Olatunji at the Oakland airport and immediately got him a job at Aukland International, Inc., petitioner's previous employer. Petitioner "mentored and counseled" Mr. Olatunji. He bought Mr. Olatunji books and helped him prepare for his engineering exam.

22. Mr. Olatunji characterized petitioner as "humble" with "good business sense." He stated petitioner's "humanity is bigger than [the hearing] room." Mr. Olatunji is aware of petitioner's prior actions that led to his license revocation. According to Mr. Olatunji it "takes nothing away from the high esteem" in which he holds petitioner.

ANALYSIS

23. When considering a petition for reinstatement of a revoked license, the Board evaluates relevant criteria that includes, but is not limited to, the following:

- (1) educational courses, seminars, and continuing professional development courses completed after the effective date of the Board's decision ordering revocation;
- (2) professional engineering work done under the responsible charge of a license holder in good standing or under the responsible charge of a person legally authorized to practice;
- (3) payment of restitution to the consumers by the petitioner;
- (4) actual or potential harm to others caused by the actions that led to revocation or could be caused by the reinstatement of the license;
- (5) any evidence of rehabilitation

submitted by petitioner; (6) petitioner's disciplinary history after the revocation; (7) petitioner's recognition that his own actions or behavior led to the revocation; and (8) petitioner's correction of his actions or behavior that led to the revocation. (Cal. Code Regs., tit. 16, § 418, subd. (e).)

24. Considering the Board's criteria, petitioner attended several educational courses and seminars since his license revocation. He works part-time under licensed engineers and stays updated on developments in his field. He attempted to pay restitution to each of the consumers he harmed and was partially successful. He has no disciplinary history since revocation. He recognized his errors and credibly showed remorse for his actions.

25. Ultimately, petitioner's faults were not in his competency as an engineer, but as a businessman. His firm grew too large too quickly and assumed debt petitioner could not pay without an unsustainable increase in clients. Once outside factors caused business to slow, his entire practice collapsed. Petitioner testified he would like to start a "smaller firm" focused on affordable housing and ADUs. Petitioner is encouraged to remember that promise going forward. Further education including a course in business administration and monitoring would also ensure his success.

26. Considering Boards regulations and the facts as a whole, petitioner provided sufficient evidence of rehabilitation to demonstrate that it would be consistent with the public health, safety, and welfare to grant his Petition and reinstate his licenses, on a probationary basis, with appropriate conditions to protect the public.

LEGAL CONCLUSIONS

1. An engineer whose license has been revoked may petition the Board to reinstate the license after no less than three years has passed since the effective date of revocation. (Bus. & Prof. Code, § 6780, subd. (a)(1).) Petitioner's licenses were revoked effective April 11, 2018. He filed his Petition November 15, 2024. Consequently, the Petition is timely.

2. The Board may grant or deny the Petition or may impose any terms and conditions that it reasonably deems appropriate as a condition of reinstatement. (Bus. & Prof. Code, § 6780, subd. (d).) "The petitioner shall at all times have the burden of proof to establish by clear and convincing evidence that he . . . is entitled to the relief sought in the Petition." (*Id.*, subd. (b).) When all the relevant rehabilitation criteria are considered, petitioner demonstrated that it would be consistent with the public health, safety, and welfare to grant his Petition and reinstate his licenses on a probationary basis, pursuant to the terms and conditions set forth below.

ORDER

The Petition of Adebowale Olujimi Sodipo for Reinstatement of Civil Engineer License number C 44198, and Structural Engineer License number S 3860, is GRANTED. The licenses shall be immediately revoked, the revocation stayed, and the licenses placed on probation for three years on the following terms and conditions:

1. **OBEY ALL LAWS:** Petitioner shall obey all laws and regulations related to the practices of professional engineering and professional land surveying.

2. **SUBMIT REPORTS:** Petitioner shall submit semi-annual (two per calendar year) reports to the Board to include the size of petitioner's current practice, the number of staff, if any, a current list of clients, and any other information as required by the Board or its designee.

3. **RESIDENCY OR PRACTICE OUTSIDE OF STATE:** The period of probation shall be tolled during the time petitioner is practicing exclusively outside the state of California. If, during the period of probation, petitioner practices exclusively outside the state of California, petitioner shall immediately notify the Board in writing.

4. **COST RECOVERY:** Petitioner shall pay to the Board costs associated with its investigation and enforcement pursuant to Business and Professions Code Section 125.3 in the amount of \$15,000. Petitioner shall be permitted to pay these costs in a payment plan approved by the Board, with payments to be completed no later than one year prior to the end of the probation term.

5. **VIOLATION OF PROBATION:** If petitioner violates the probationary conditions in any respect, the Board, after giving petitioner notice and the opportunity to be heard, may vacate the stay and reinstate the disciplinary order which was stayed. If, during the period of probation, an accusation or petition to vacate stay is filed against petitioner, or if the matter has been submitted to the Office of the Attorney General for the filing of such, the Board shall have continuing jurisdiction until all matters are final, and the period of probation shall be extended until all matters are final.

6. **ETHICS COURSE:** Petitioner shall successfully complete and pass a course in professional ethics, approved in advance by the Board or its designee within one year of the effective start date of petitioner's probationary period.

7. **COMPLETE BUSINESS MANAGEMENT COURSE:** Petitioner shall successfully complete and pass, with a grade of "C" or better, one college-level course in business management, approved in advance by the Board or its designee. For purposes of this subdivision, "college-level course" shall mean a course offered by a community college or a four-year university of three semester units or the equivalent; "college-level course" does not include seminars. The business management course shall be successfully completed within two years of the effective start date of petitioner's probationary period.

8. **COMPLETION OF PROBATION:** Upon successful completion of all of the probationary conditions and the expiration of the period of probation, petitioner's license shall be unconditionally restored.

This Decision shall become effective on March 5, 2025.

IT IS SO ORDERED on December 19, 2024.

Original Signed

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

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

In the Matter of the Accusation against:

ADEBOWALE OLUJIMI SODIPO

325 Ginger Court

San Ramon, CA 94583

Civil Engineer License, No. C 44198

Structural Engineer License, No. S 3860,

Respondent.

Case No. 1147-A

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 11, 2018.

IT IS SO ORDERED March 8, 2018.

Original Signed

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

1 XAVIER BECERRA
Attorney General of California
2 JOSHUA A. ROOM
Supervising Deputy Attorney General
3 MICHAEL B. FRANKLIN
Deputy Attorney General
4 State Bar No. 136524
455 Golden Gate Avenue, Suite 11000
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6 Facsimile: (415) 703-5480
Attorneys for Complainant
7

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 Accusation Against:

12 **ADEBOWALE OLUJIMI SODIPO**

13 325 Ginger Court
14 San Ramon, CA 94583

15 **Civil Engineer License No. C 44198**
Structural Engineer License No. S 3860

16 Respondent.
17

Case No. 1147-A

OAH No. 2017090403

STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER

18 In the interest of a prompt and speedy settlement of this matter, consistent with the public
19 interest and the responsibility of the Board for Professional Engineers, Land Surveyors, and
20 Geologists of the Department of Consumer Affairs, the parties hereby agree to the following
21 Stipulated Settlement and Disciplinary Order which will be submitted to the Board for approval
22 and adoption as the final disposition of the Accusation.

23 **PARTIES**

24 1. Richard B. Moore, PLS (Complainant) is the Executive Officer of the Board for
25 Professional Engineers, Land Surveyors, and Geologists (Board). He brought this action solely in
26 his official capacity and is represented in this matter by Xavier Becerra, Attorney General of the
27 State of California, by Michael B. Franklin, Deputy Attorney General.

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2. Respondent Adebowale Olujimi Sodipo (Respondent) is represented in this proceeding by attorney Robert F. Hahn, whose address is: Law Offices of Gould & Hahn, 2550 Ninth Street, Suite 101, Berkeley, CA 94710-2551.

3. On or about January 27, 1989, the Board for Professional Engineers, Land Surveyors, and Geologists issued Civil Engineer License Number C 44198 to Adebowale Olujimi Sodipo (Respondent). This license expired on June 30, 2007 due to non-payment of renewal fees. The renewal fees were paid and the license was renewed on July 11, 2007. This license expired on June 30, 2009 due to non-payment of renewal fees. The renewal fees were paid and the license was renewed on July 20, 2009. This license expired on June 30, 2011 due to non-payment of renewal fees. The renewal fees were paid and the license was renewed on March 31, 2012. This license expired on June 30, 2013 due to non-payment of renewal fees. The renewal fees were paid and the license was renewed on February 4, 2015. This license expired on June 30, 2015 due to non-payment of renewal fees. The renewal fees were paid and the license was renewed on December 21, 2015. This license will expire on June 30, 2019, unless renewed.

4. On or about February 4, 1994, the Board for Professional Engineers, Land Surveyors, and Geologists issued Structural Engineer License Number S 3860 to Respondent. This license expired on June 30, 2007 due to non-payment of renewal fees. The renewal fees were paid and the license was renewed on July 11, 2007. This license expired on June 30, 2009 due to non-payment of renewal fees. The renewal fees were paid and the license was renewed on July 20, 2009. This license expired on June 30, 2011 due to non-payment of renewal fees. The renewal fees were paid and the license was renewed on March 31, 2012. This license expired on June 30, 2013 due to non-payment of renewal fees. The renewal fees were paid and the license was renewed on February 4, 2015. This license expired on June 30, 2015 due to non-payment of renewal fees. The renewal fees were paid and the license was renewed on December 21, 2015. This license will expire on June 30, 2019, unless renewed.

JURISDICTION

5. Accusation No. 1147-A was filed before the Board, and is currently pending against Respondent. The Accusation and all other statutorily required documents were properly served

1 on Respondent on July 7, 2017. Respondent timely filed his Notice of Defense contesting the
2 Accusation.

3 6. A copy of Accusation No. 1147-A is attached as exhibit A and incorporated herein by
4 reference.

5 ADVISEMENT AND WAIVERS

6 7. Respondent has carefully read, fully discussed with counsel, and understands the
7 charges and allegations in Accusation No. 1147-A. Respondent has also carefully read, fully
8 discussed with counsel, and understands the effects of this Stipulated Settlement and Disciplinary
9 Order.

10 8. Respondent is fully aware of his legal rights in this matter, including the right to a
11 hearing on the charges and allegations in the Accusation; the right to confront and cross-examine
12 the witnesses against him; the right to present evidence and to testify on his own behalf; the right
13 to the issuance of subpoenas to compel the attendance of witnesses and the production of
14 documents; the right to reconsideration and court review of an adverse decision; and all other
15 rights accorded by the California Administrative Procedure Act and other applicable laws.

16 9. Respondent voluntarily, knowingly, and intelligently waives and gives up each and
17 every right set forth above.

18 CULPABILITY

19 10. Respondent understands that the charges and allegations in Accusation No. 1147-A, if
20 proven at a hearing, constitute cause for imposing discipline upon his Civil Engineer License as
21 well as for his Structural Engineer License.

22 11. For the purpose of resolving the Accusation without the expense and uncertainty of
23 further proceedings, Respondent agrees that, at a hearing, Complainant could establish a factual
24 basis for the charges in the Accusation and that those charges constitute cause for discipline.
25 Respondent hereby gives up his right to contest that cause for discipline exists based on those
26 charges.

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

13. Respondent agrees that his Structural Engineer License is subject to discipline and he agrees to be bound by the Board's imposition of discipline as set forth in the Disciplinary Order below.

RESERVATION

14. The admissions made by Respondent herein are only for the purposes of this proceeding, or any other proceedings in which the Board for Professional Engineers, Land Surveyors, and Geologists or other professional licensing agency is involved, and shall not be admissible in any other criminal or civil proceeding.

CONTINGENCY

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

16. The parties understand and agree that Portable Document Format (PDF) and facsimile copies of this Stipulated Settlement and Disciplinary Order, including PDF and facsimile signatures thereto, shall have the same force and effect as the originals.

17. This Stipulated Settlement and Disciplinary Order is intended by the parties to be an integrated writing representing the complete, final, and exclusive embodiment of their agreement.

1 It supersedes any and all prior or contemporaneous agreements, understandings, discussions,
2 negotiations, and commitments (written or oral). This Stipulated Settlement and Disciplinary
3 Order may not be altered, amended, modified, supplemented, or otherwise changed except by a
4 writing executed by an authorized representative of each of the parties.

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

8 **DISCIPLINARY ORDER**

9 IT IS HEREBY ORDERED that Civil Engineer License No. C 44198 and Structural
10 Engineer License No. S 3860 issued to Respondent Adebawale Olujimi Sodipo, are revoked.

11 1. Respondent shall lose all rights and privileges as a civil engineer and structural
12 engineer in California as of the effective date of the decision of the Board adopting this
13 stipulation, including the right to use any of the restricted titles associated with his licenses.

14 2. Respondent shall cause to be delivered to the Board the pocket identification card(s)
15 and wall certificates for these licenses on or before the effective date of the decision of the Board
16 adopting this stipulation.

17 3. Respondent fully understands and agrees that if he ever files an application for
18 licensure or a petition for reinstatement in the State of California, he must comply with all the
19 laws, regulations and procedures for reinstatement of a revoked license in effect at the time the
20 petition is filed and all of the charges and allegations contained in Accusation No. 1147-A shall
21 be deemed to be true, correct and admitted by Respondent when the Board determines whether to
22 grant or deny the application or petition.

23 4. Respondent understands and agrees that if he ever petitions for reinstatement of the
24 revoked licenses(s) or applies for any license issued by the Board, the Board's costs of
25 enforcement and prosecution in this case in the amount of \$15,000.00 will be paid in full prior to
26 the issuance of any said license(s).

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28 ///

1 ACCEPTANCE

2 I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully
3 discussed it with my attorney, Robert F. Hahn. I understand the stipulation and the effect it will
4 have on my Civil Engineer License and Structural Engineer License. I enter into this Stipulated
5 Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be
6 bound by the Decision and Order of the Board for Professional Engineers, Land Surveyors, and
7 Geologists.

8 DATED: 01/11/2018

Original Signed

9 ADEBOWALE OLUJIMI SODIPO
Respondent

10 I have read and fully discussed with Respondent Adebowale Olujimi Sodipo the terms and
11 conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order.
12 I approve its form and content.

13 DATED: 1-12-18

Original Signed

14 ROBERT F. HAHN
Attorney for Respondent

15
16 ENDORSEMENT

17 The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully
18 submitted for consideration by the Board for Professional Engineers, Land Surveyors, and
19 Geologists.

20 Dated:

11/12/18

Respectfully submitted,

21 XAVIER BECERRA
22 Attorney General of California
23 JOSHUA A. ROOM
Supervising Deputy Attorney General

24 *Original Signed*

25 MICHAEL B. FRANKLIN
26 Deputy Attorney General
Attorneys for Complainant

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28 41914040.doc

Exhibit A

Accusation No. 1147-A

1 XAVIER BECERRA
Attorney General of California
2 FRANK H. PACOE
Supervising Deputy Attorney General
3 MICHAEL B. FRANKLIN
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Attorneys for Complainant

8 **BEFORE THE**
9 **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. 1147-A

14 **ADEBOWALE OLUJIMI SODIPO**

15 325 Ginger Court
San Ramon, CA 94583

A C C U S A T I O N

16 **Civil Engineer License No. C 44198**
Structural Engineer License No. S 3860

17 Respondent.

18 Complainant alleges:

19 **PARTIES**

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

23 2. On or about January 27, 1989, the Board for Professional Engineers, Land Surveyors,
24 and Geologists issued Civil Engineer License Number C 44198 to Adebawale Olujimi Sodipo
25 (Respondent). This license expired on June 30, 2007 due to non-payment of renewal fees. The
26 renewal fees were paid and the license was renewed on July 11, 2007. This license expired on
27 June 30, 2009 due to non-payment of renewal fees. The renewal fees were paid and the license
28 was renewed on July 20, 2009. This license expired on June 30, 2011 due to non-payment of

1 renewal fees. The renewal fees were paid and the license was renewed on March 31, 2012. This
2 license expired on June 30, 2013 due to non-payment of renewal fees. The renewal fees were
3 paid and the license was renewed on February 4, 2015. This license expired on June 30, 2015 due
4 to non-payment of renewal fees. The renewal fees were paid and the license was renewed on
5 December 21, 2015. This license will expire on June 30, 2017, unless renewed.

6 3. On or about February 4, 1994, the Board for Professional Engineers, Land Surveyors,
7 and Geologists issued Structural Engineer License Number S 3860 to Respondent. This license
8 expired on June 30, 2007 due to non-payment of renewal fees. The renewal fees were paid and
9 the license was renewed on July 11, 2007. This license expired on June 30, 2009 due to non-
10 payment of renewal fees. The renewal fees were paid and the license was renewed on July 20,
11 2009. This license expired on June 30, 2011 due to non-payment of renewal fees. The renewal
12 fees were paid and the license was renewed on March 31, 2012. This license expired on June 30,
13 2013 due to non-payment of renewal fees. The renewal fees were paid and the license was
14 renewed on February 4, 2015. This license expired on June 30, 2015 due to non-payment of
15 renewal fees. The renewal fees were paid and the license was renewed on December 21, 2015.
16 This license will expire on June 30, 2017, unless renewed.

17 JURISDICTION

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

22 5. Section 6733 of the Code states:

23 "It is unlawful for anyone to stamp or seal any plans, specifications, plats, reports, or other
24 documents with the seal after the certificate of the registrant, named thereon, has expired or has
25 been suspended or revoked, unless the certificate has been renewed or reissued."

26 6. Section 6775 of the Code states, in pertinent part, that:

27 ///

28 ///

1 “[T]he board may publicly reprove, suspend for a period not to exceed two years, or revoke
2 the certificate of any professional engineer licensed under this chapter on any of the following
3 grounds:

4 . . .

5 (d) A breach or violation of a contract to provide professional engineering services.

6 . . .

7 (h) A violation of any provision of this chapter or any other law relating to or involving the
8 practice of professional engineering.”

9 7. Section 6775.2 of the Code states, in pertinent part, that:

10 “The failure of, or refusal by, a licensee or a certificate holder to respond to a written
11 request from a representative of the board to cooperate in the investigation of a complaint against
12 that licensee or certificate holder constitutes a cause for disciplinary action under Section 6775 or
13 6775.1.”

14 8. Section 6787 of the Code states, in pertinent part, that:

15 “Every person is guilty of a misdemeanor:

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

19 . . .

20 (e) Who uses an expired, suspended, surrendered, or revoked certificate issued by the board.

21 (f) Who represents himself or herself as, or uses the title of, a licensed or registered civil,
22 electrical, or mechanical engineer, or any other title whereby that person could be considered as
23 practicing or offering to practice civil, electrical, or mechanical engineering in any of its branches,
24 unless he or she is correspondingly qualified by licensure as a civil, electrical, or mechanical
25 engineer under this chapter.

26 (g) Who, unless appropriately licensed, manages, or conducts as manager, proprietor, or
27 agent, any place of business from which civil, electrical, or mechanical engineering work is
28

1 solicited, performed, or practiced, except as authorized pursuant to subdivision (d) of Section
2 6738 and Section 8726.1.

3 (h) Who uses the title, or any combination of that title, of “professional engineer,” “licensed
4 engineer,” “registered engineer,” or the branch titles specified in Section 6732, or the authority
5 titles specified in Sections 6736 and 6736.1, or “engineer-in-training,” or who makes use of any
6 abbreviation of that title that might lead to the belief that he or she is a licensed engineer, is
7 authorized to use the titles specified in Section 6736 or 6736.1, or holds a certificate as an
8 engineer-in-training, without being licensed, authorized, or certified as required by this chapter.
9 ...”

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

14 **BELMONT PROJECT**

15 10. On or about September 10, 2013, Respondent entered into a contract with T.T. to
16 prepare a set of construction documents, including plans and calculations to develop two (2)
17 single family residential buildings in Belmont, California (hereinafter “Belmont project”). The
18 contract price was \$30,000.00 and included submitting the construction documents to the City of
19 Belmont for approval. Respondent received a total of \$22,450.00 for the Belmont project.

20 11. Respondent failed to complete the project, failed to respond to the City of Belmont’s
21 comments on the drawings for the projects and failed to return any monies to T.T.

22 **FIRST CAUSE FOR DISCIPLINE**

23 (Breach of Contract)

24 12. Respondent is subject to disciplinary action under section 6775(d) in that on the
25 Belmont project, Respondent breached the contract as described in paragraphs 10 and 11 above.

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1 **SECOND CAUSE FOR DISCIPLINE**

2 (Practice Engineering Without Authorization)

3 13. Respondent is subject to disciplinary action under section 6775(h), for violation of
4 section 6787(a) and/or (e) in that on the Belmont project, Respondent entered into the contract
5 and performed services at a time when Respondent's licenses were expired.

6 **THIRD CAUSE FOR DISCIPLINE**

7 (Violation of Provisions of Chapter)

8 14. Respondent is subject to disciplinary action under section 6775(h), for violation of
9 section 6775.2, in that when contacted in writing by the Board during the investigation of the
10 Belmont project, Respondent refused to respond and/or cooperate.

11 **HAYWARD PROJECT**

12 15. On or about July 14, 2015, Respondent entered into a contract with D.P and P.L., on
13 behalf of Community First USA, to prepare a set of construction documents, including
14 architectural and landscaping drawings, structural drawings, mechanical, electrical and civil
15 drawings, and Title 24 calculations to develop a new single family residential building in
16 Hayward, California (hereinafter "Hayward project"). The contract price was \$19,850.00 and
17 included reviewing and securing approval from the City of Hayward. Respondent agreed to
18 complete the Hayward project within three (3) months.

19 16. Respondent failed to complete the project, failed to respond to the City of Hayward's
20 comments on the drawings for the projects and failed to return any monies to Community First
21 USA.

22 **FOURTH CAUSE FOR DISCIPLINE**

23 (Breach of Contract)

24 17. Respondent is subject to disciplinary action under section 6775(d) in that on the
25 Hayward project, Respondent breached the contract as described in paragraphs 15 and 16 above.

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1 **FIFTH CAUSE FOR DISCIPLINE**

2 (Practice Engineering Without Authorization)

3 18. Respondent is subject to disciplinary action under section 6775(h), for violation of
4 section 6787(a) and/or (e) in that on the Hayward project, Respondent entered into the contract
5 and performed services at a time when Respondent's licenses were expired.

6 **SIXTH CAUSE FOR DISCIPLINE**

7 (Violation of Provisions of Chapter)

8 19. Respondent is subject to disciplinary action under section 6775(h), for violation of
9 section 6775.2, in that when contacted in writing by the Board during the investigation of the
10 Hayward project, Respondent refused to respond and/or cooperate.

11 **SAN PABLO PROJECT**

12 20. On or about February 25, 2016, Respondent entered into a contract with J.C. for
13 design services of a building addition and a new carport in San Pablo, California (hereinafter "San
14 Pablo project"). The contract price was \$1,500.00. On March 4, 2016, J.C. paid a down payment
15 of \$600.00.

16 21. Respondent failed to perform any work on the San Pablo project, failed to respond to
17 repeated requests from J.C. and failed to return the \$600.00 down payment to J.C.

18 22. In or about July, 2016, after J.C. had filed a complaint with the Board on May 6,
19 2016, Respondent returned the \$600.00 down payment to J.C.

20 **SEVENTH CAUSE FOR DISCIPLINE**

21 (Breach of Contract)

22 23. Respondent is subject to disciplinary action under section 6775(d) in that on the San
23 Pablo project, Respondent breached the contract as described in paragraphs 20-22 above.

24 **EIGHTH CAUSE FOR DISCIPLINE**

25 (Violation of Provisions of Chapter)

26 24. Respondent is subject to disciplinary action under section 6775(h), for violation of
27 section 6775.2, in that when contacted in writing by the Board during the investigation of the San
28 Pablo project, Respondent refused to respond and/or cooperate.

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1 stamped seal which showed Respondent's license expired on June 30, 2015. Respondent's
2 licenses were expired on February 11, 2014.

3 **ELEVENTH CAUSE FOR DISCIPLINE**

4 (Practice Engineering Without Authorization)

5 31. Respondent is subject to disciplinary action under section 6775(h), for violation of
6 section 6787(a) and/or (e) and/or 6733 in that on the South San Francisco project, Respondent
7 submitted documents to the City of South San Francisco that included a seal with an inaccurate
8 expiration date.

9 **PRAYER**

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

13 1. Revoking or suspending Civil Engineer License Number C 44198, issued to
14 Adebowale Olujimi Sodipo.

15 2. Revoking or suspending Structural Engineer License Number S 3860, issued to
16 Adebowale Olujimi Sodipo;

17 3. Ordering Adebowale Olujimi Sodipo to pay the Board for Professional Engineers,
18 Land Surveyors, and Geologists the reasonable costs of the investigation and enforcement of this
19 case, pursuant to Business and Professions Code section 125.3; and,

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

21
22 DATED: 6/20/17

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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