

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

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

**DECISION**

The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the Board for Professional Engineers, Land Surveyors, and Geologists as its Decision in the above-entitled matter.

This Decision shall become effective on April 13, 2012.

IT IS SO ORDERED March 8, 2012.

Original Signed  
\_\_\_\_\_  
BOARD FOR PROFESSIONAL ENGINEERS,  
LAND SURVEYORS, AND GEOLOGISTS  
Department of Consumer Affairs  
State of California

1 KAMALA D. HARRIS  
Attorney General of California  
2 JANICE LACHMAN  
Supervising Deputy Attorney General  
3 LORRIE M. YOST  
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7 *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**

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

Case No. 845-A

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

**STIPULATED SETTLEMENT AND  
DISCIPLINARY ORDER**

15 Civil Engineer License No. C 45670

16 Respondent.

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

20 PARTIES

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

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1           2.     Respondent Steven Leroy Fallon (Respondent) is represented in this proceeding by  
2 attorney Strowbridge B. Richardson, whose address is:

3                                 Strowbridge B. Richardson  
4                                 Attorney at Law  
5                                 P.O. Box 1066  
6                                 Newcastle, CA 95658

7           3.     On or about August 27, 1990, the Board for Professional Engineers, Land Surveyors,  
8 and Geologists issued Civil Engineer License No. C 45670 to Steven Leroy Fallon (Respondent).  
9 The Civil Engineer License was in full force and effect at all times relevant to the charges brought  
10 in the First Amended Accusation and Third Petition to Revoke Probation No. 845-A (hereinafter  
11 referred to as "Accusation/Petition") and will expire on December 31, 2012, unless renewed.

12                                 JURISDICTION

13           4.     Accusation/Petition No. 845-A was filed before the Board for Professional Engineers,  
14 Land Surveyors, and Geologists (Board), Department of Consumer Affairs, and is currently  
15 pending against Respondent. The Accusation/Petition No. 845-A and all other statutorily  
16 required documents were properly served on Respondent on October 21, 2010. (The original  
17 Accusation and Third Petition to Revoke Probation and all other statutorily required documents  
18 were properly served on Respondent on May 6, 2009.) Respondent timely filed his Notice of  
19 Defense contesting the Accusation and Petition to Revoke Probation. A copy of  
20 Accusation/Petition No. 845-A is attached as Exhibit A and incorporated herein by reference.

21                                 ADVISEMENT AND WAIVERS

22           5.     Respondent has carefully read, fully discussed with counsel, and understands the  
23 charges and allegations in Accusation/Petition No. 845-A. Respondent has also carefully read,  
24 fully discussed with counsel, and understands the effects of this Stipulated Settlement and  
25 Disciplinary Order.

26           6.     Respondent is fully aware of his legal rights in this matter, including the right to a  
27 hearing on the charges and allegations in the Accusation/Petition; the right to be represented by  
28 counsel at his own expense; the right to confront and cross-examine the witnesses against him;  
the right to present evidence and to testify on his own behalf; the right to the issuance of

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

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

6 CULPABILITY

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

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

11 CONTINGENCY

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

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

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



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

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

7 **DISCIPLINARY ORDER**

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

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

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

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

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

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

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

3       **6. Notification.** Within 30 days of the effective date of the decision, the Respondent  
4 shall provide the Board with evidence that he has provided all persons or entities with whom he  
5 has a contractual or employment relationship such that the relationship is in the area of practice of  
6 professional engineering and/or professional land surveying in which the violation occurred with  
7 a copy of the decision and order of the Board and shall provide the Board with the name and  
8 business address of each person or entity required to be so notified. During the period of  
9 probation, the Respondent may be required to provide the same notification of each new person  
10 or entity with whom he has a contractual or employment relationship such that the relationship is  
11 in the area of practice of professional engineering and/or land surveying in which the violation  
12 occurred and shall report to the Board the name and address of each person or entity so notified.

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

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

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

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

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

12 ACCEPTANCE

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

18  
19 DATED: 1/4/12

original signed  
STEVEN LEROY FALLON  
Respondent

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

26 DATED: 1/4/2012

original signed  
Strowbridge B. Richardson  
Attorney for Respondent

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ENDORSEMENT

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

Dated:

Respectfully submitted,

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

*Original Signed*  
DORIE M. YOST  
Deputy Attorney General  
*Attorneys for Complainant*

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**Exhibit A**

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

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1 EDMUND G. BROWN JR.  
Attorney General of California  
2 JANICE LACHMAN  
Supervising Deputy Attorney General  
3 LORRIE YOST  
Deputy Attorney General  
4 State Bar No. 119088  
1300 I Street, Suite 125  
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Facsimile: (916) 327-8643  
7 *Attorneys for Complainant*

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

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

Case No. 845-A

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

OAH No. 2009080437

14 Civil Engineer License No. C 45670

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

15 Respondent.

16  
17 Complainant alleges:

18 **PARTIES**

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

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

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## JURISDICTION

3. This Accusation is brought before the Board for Professional Engineers and Land Surveyors (Board), Department of Consumer Affairs, under the authority of the following laws.

All section references are to the Business and Professions Code unless otherwise indicated.

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

....

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

.....

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

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

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

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

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

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

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

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

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

10           ....

11           (e) Document Submittal:

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

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

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

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

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

3 **ARTALE RESIDENCE**

4 **THIRD CAUSE FOR DISCIPLINE**

5 (Negligence or Incompetence)

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

24 **DEAN RESIDENCE**

25 **FOURTH CAUSE FOR DISCIPLINE**

26 (Negligence)

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

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

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

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

#### 16 FIFTH CAUSE FOR DISCIPLINE

17 (Violation of Professional Engineers Act)

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

#### 24 SIXTH CAUSE FOR DISCIPLINE

25 (Violation of Regulations)

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

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

### 3 DISCIPLINE CONSIDERATIONS

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

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

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

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

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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 and Land Surveyors issue a decision:

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

DATED: 10/19/10

*Original Signed*

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

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**Exhibit A**

**Stipulation in Settlement & Decision**

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

Attorneys for Complainant

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

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

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

Professional Engineers and Land )  
Surveyors No. 45670 )

Respondent.)

STIPULATION IN  
SETTLEMENT AND DECISION

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

The parties stipulate the following is true:

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

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

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

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

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



1           5. Respondent admits the following:

2           Respondent is subject to disciplinary action because he  
3 engaged in unprofessional conduct in violation of Business and  
4 Professions Code section 6775(b) as is more specifically set forth  
5 below:

6                               I.

7                               M.A. STEINER, INC. PROJECT

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

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

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

19                   (2) In calculations dated March 2, 1992, the load on the  
20 steel studs, based on studs at 16" centers was calculated as  
21 2,733 pounds. In earlier calculations dated September 17,  
22 1991, the studs were identified as columns. The spacing of  
23 the columns was noted as 5' 0". The load on the exterior  
24 column was noted as 5,000 pounds and the load on the interior  
25 column was noted as 10,000 pounds. The column section was  
26 identified as Cee 8" x 3 1/2". The adequacy of the column  
27 section was not checked to determine whether it can carry the

1 imposed load.

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

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

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

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

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

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

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

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

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

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

16 (12) The calculations are not complete.

17 (13) The drawings are not complete.

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

19 II.

20 PEATMAN PROJECT

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

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

1           Respondent's Peatman project soils report is a photocopy  
2 of a report prepared for another project and by a different  
3 author (Paragon Office Building, 12405 Locksley Lane, Auburn,  
4 California, by Youngdahl & Associates, Inc., dated June 7,  
5 1998). Respondent's plagiarism of the report was accomplished  
6 by photocopying the Paragon project soils report and simply  
7 changing the name of the project and its author.

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

### 12                           III.

#### 13                           LYNOTT SURVEY

14           (a) On or about April, 1996, respondent was hired by  
15 Christopher Lynott and Pamela Lynott to survey real property which  
16 they own in the County of Placer. Respondent signed declarations,  
17 under penalty of perjury, dated May 10, 1996 and July 17, 1996,  
18 which describes the survey. A map, dated April, 1996, stamped and  
19 signed by respondent was attached to the declaration, dated May 10,  
20 1996, reflects the results of respondent's survey.

21           (b) Respondent has violated Business and Professions Code  
22 section 6775(e) by performing land surveying without a license to  
23 practice under section 8708 or an exemption under sections 6731 and  
24 8731 for civil engineers registered before January 1, 1982, as  
25 follows:

26                   (1) Respondent violated section 8726(i) by procuring  
27 land surveying work for himself in being hired to perform a

1 survey for the Lynotts.

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

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

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

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

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

1 this paragraph, is withdrawn and shall be of no evidentiary value  
2 and shall not be relied upon or introduced in any disciplinary  
3 action by either party hereto. Respondent agrees that should the  
4 Board reject this Stipulation and if this case proceeds to hearing,  
5 respondent will assert no claim that the Board was prejudiced by  
6 its review and discussion of this Stipulation or of any records  
7 related hereto.

8           8. The parties agree that facsimile copies of this  
9 Stipulation, including facsimile signatures of the parties, may be  
10 used in lieu of original documents and signatures. The facsimile  
11 copies will have the same force and effect as originals.

12           9. In consideration of the foregoing admissions and  
13 findings, the parties agree that the Board may, without further  
14 notice of formal proceeding, issue and enter an Order as follows:

15                           **DISCIPLINARY ORDER**

16           IT IS HEREBY ORDERED that the registration (No. 45670),  
17 issued to respondent Steven Leroy Fallon is hereby revoked;  
18 however, said revocation is stayed and the registration is placed  
19 on probation for five (5) years under the following terms and  
20 conditions:

21                           **SUSPENSION**

22           1. Actual suspension of the registration for 90 days  
23 commencing on the effective date of the decision.

24                           **REIMBURSEMENT OF COSTS**

25           2. Pursuant to Business and Professions Code section  
26 125.3, respondent shall pay the sum of \$22,877.50 (TWENTY-TWO-  
27 THOUSAND, EIGHT-HUNDRED-SEVENTY-SEVEN DOLLARS and 50 CENTS) to the

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

15 4. PROFESSIONAL ETHICS COURSE

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

22 5. OBEY ALL LAWS

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

26 6. CONTINUING EDUCATION COURSE(S)

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



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

8           7.    NOTIFICATION OF DISCIPLINARY ACTION

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

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

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

25           9.    COMPLETION OF PROBATION

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



1 will be restored.

2 10. VIOLATION OF PROBATION

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

12 11. REPORTS

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

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

24 ///

25 ///

26 ///

27 ///

ENDORSEMENT

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

DATED: 5-29-1998

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

Original Signed

Patrick M. Kenady  
Deputy Attorney General

Attorneys for Complainant

APPROVED AS TO FORM:

DATED: 5/29/98

Original Signed

RICHARD D. MARTLAND

Attorney for Respondent

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

Original Signed

STEVEN LEROY FALLON  
Respondent  
License No. 45670

1 DECISION AND ORDER  
2 OF THE BOARD

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

7 Made this 31<sup>st</sup> day of July, 1998.  
8  
9

10 Original Signed  
11 [Signature]  
12 FOR THE BOARD OF REGISTRATION  
13 FOR PROFESSIONAL ENGINEERS AND  
14 LAND SURVEYORS  
15  
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23  
24  
25  
26  
27

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

6 Attorneys for Complainant  
7

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

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

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

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

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

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

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

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

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

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

11 I.

12 M.A. STEINER, INC. PROJECT

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

19 (12) The calculations are not complete.

20 (13) The drawings are not complete.

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

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

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

28 / / / /

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

3 II.

4 PEATMAN PROJECT

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

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

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

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

26 / / / /

27 / / / /

28 / / / /



5. Respondent is subject to disciplinary action because he engaged in unprofessional conduct in violation of Business and Professions Code section 6775(e) as is more specifically set forth below:

### III.

## LYNOTT SURVEY

(a) On or about April, 1996, respondent was hired by Christopher Lynott and Pamela Lynott to survey real property which they own in the County of Placer. Respondent signed declarations, under penalty of perjury, dated May 10, 1996 and July 17, 1996, which describes the survey. A map, dated April, 1996, stamped and signed by respondent was attached to the declaration, dated May 10, 1996, reflects the results of respondent's survey.

(b) Respondent has violated Business and Professions Code section 6775(e) by performing land surveying without a license to practice under section 8708 or an exemption under sections 6731 and 8731 for civil engineers registered before January 1, 1982, as follows:

(1) Respondent violated section 8726(i) by procuring land surveying work for himself in being hired to perform a survey for the Lynotts.

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

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

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

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

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

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

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

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

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

27          / / / /

28          / / / /

4. Taking such other and further action as may be deemed proper and appropriate.

DATED: October 9, 1997

Original Signed

CINDI CHRISTENSON, Executive Officer  
Board of Registration for  
Professional Engineers and Land  
Surveyors

Complainant

**Exhibit B**

**Decision**

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

In the Matter of the Petition to Revoke the  
Probation of:

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

License No. C 45670,

Respondent.

Case No. 578A

OAH No. N-2002070537

DECISION

Pursuant to Government Code section 11517, the Board for Professional Engineers and Land Surveyors of the State of California hereby adopts the attached Proposed Decision of the Administrative Law Judge as its Decision in the above-entitled matter.

In adopting this Proposed Decision as its Decision, the Board for Professional Engineers and Land Surveyors has made the following technical or other minor changes pursuant to Government Code section 11517(c)(2)(C):

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

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

This Decision shall become effective on July 25, 2003.

IT IS SO ORDERED this 26<sup>th</sup> day of June, 2003.

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

By Original Signed

Exhibit ~~B~~ C

**Decision & Order**

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

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

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

Civil Engineer License No. C 45670

Respondent.

Case No. 578A

OAH No. N-2005070931

DECISION AND ORDER

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

This Decision shall become effective on April 14, 2006.

It is so ORDERED March 17, 2006.

*Original Signed*

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

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

6 Attorneys for Complainant

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

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

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

14 Civil Engineer No. C 45670

15 Respondent.

Case No. 578A

OAH No. N-2005070931

**STIPULATED SETTLEMENT AND  
DISCIPLINARY ORDER**

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

19 PARTIES

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

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

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



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

#### 4 JURISDICTION

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

#### 14 ADVISEMENT AND WAIVERS

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

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

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

1 CULPABILITY

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

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

7 CONTINGENCY

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

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

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

25 DISCIPLINARY ORDER

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

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

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

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

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

11 4. **Notification.** If the Respondent violates the probationary conditions in  
12 any respect, the Board, after giving the Respondent notice and the opportunity to be heard, may  
13 vacate the stay and reinstate the disciplinary order which was stayed. If, during the period of  
14 probation, an accusation or petition to vacate stay is filed against the Respondent, or if the matter  
15 has been submitted to the Office of the Attorney General for the filing of such, the Board shall  
16 have continuing jurisdiction until all matters are final, and the period of probation shall be  
17 extended until all matters are final.

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

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

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

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

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

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

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

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DEPARTMENT OF JUSTICE

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ACCEPTANCE

I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully discussed it with my attorney, Steven L. Simas, Esq. I understand the stipulation and the effect it will have on my Civil Engineer. I enter into this Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Board for Professional Engineers and Land Surveyors.

DATED: 01/18/06*Original Signed*STEVEN LEROY FALLON (Respondent)  
Respondent

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

DATED: \_\_\_\_\_

STEVEN L. SIMAS, ESQ.  
Attorney for Respondent

ACCEPTANCE

I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully discussed it with my attorney, Steven L. Simas, Esq. I understand the stipulation and the effect it will have on my Civil Engineer. I enter into this Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Board for Professional Engineers and Land Surveyors.

DATED: \_\_\_\_\_

STEVEN LEROY FALLON (Respondent)  
Respondent

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

DATED: 11/18/06

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

ENDORSEMENT

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

DATED: 1-18-06

BILL LOCKYER, Attorney General  
of the State of California

Original Signed

LORRIE M. YOST  
Deputy Attorney General

Attorneys for Complainant

DOJ Matter ID: SA2005102040  
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