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

In the Matter of the Accusation against:	)
DENNIS CRAIG FINN 3298 South Espana Circle Aurora, CO 80013	) Case No. 866-A
Civil Engineer License No. C 47278,	
Respondent.	)
DEC	CISION
The attached Stipulated Surrend	er of License and Order is hereby adopted by the
Board for Professional Engineers and Land Sur-	vevors as its Decision in the above entitled matter

IT IS SO ORDERED May 5,2010

Original Signed

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

1	EDMUND G. BROWN JR.
2	Attorney General of California FRANK H. PACOE
3	Supervising Deputy Attorney General JUSTIN R. SURBER
4	Deputy Attorney General State Bar No. 226937
5	455 Golden Gate Avenue, Suite 11000 San Francisco, CA 94102-7004
6	Telephone: (415) 355-5437 Facsimile: (415) 703-5480
7	Attorneys for Complainant
8	BEFORE THE BOARD FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS DEPARTMENT OF CONSUMER AFFAIRS
9	STATE OF CALIFORNIA
10	In the Matter of the Accusation Against: Case No. 866-A
12	DENNIS CRAIG FINN 3298 South Espana Circle
13	Aurora, CO 80013  Civil Engineer License No. C 47278  STIPULATED SURRENDER OF LICENSE AND ORDER
14	Respondent.
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16	IT IS HEREBY STIPULATED AND AGREED by and between the parties in this proceeding
17	that the following matters are true:
18	PARTIES
19	1. David E. Brown (Complainant) is the Executive Officer of the Board for Professional
20	Engineers and Land Surveyors. He brought this action solely in his official capacity and is
21	represented in this matter by Edmund G. Brown Jr., Attorney General of the State of California,
22	by Justin R. Surber, Deputy Attorney General.
23	2. Dennis Craig Finn (Respondent) is representing himself in this proceeding and has
24	chosen not to exercise his right to be represented by counsel.
25	3. On or about August 2, 1991, the Board for Professional Engineers and Land
26	Surveyors issued Civil Engineer License No. C 47278 to Dennis Craig Finn (Respondent). The
27	license expired on December 31, 1999, and has not been renewed.
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#### JURISDICTION

4. Accusation No. 866-A was filed before the Board for Professional Engineers and Land Surveyors (Board), Department of Consumer Affairs, and is currently pending against Respondent. The Accusation and all other statutorily required documents were properly served on Respondent on January 5, 2010. Respondent timely filed his Notice of Defense contesting the Accusation. A copy of Accusation No. 866-A is attached as exhibit A and incorporated herein by reference.

#### ADVISEMENT AND WAIVERS

- Respondent has carefully read, and understands the charges and allegations in Accusation No. 866-A. Respondent also has carefully read, and understands the effects of this Stipulated Surrender of License and Order.
- 6. Respondent is fully aware of his legal rights in this matter, including the right to a hearing on the charges and allegations in the Accusation; the right to be represented by 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 subpoenas to compel the attendance of witnesses and the production of documents; the right to reconsideration and court review of an adverse decision; and all other rights accorded by the California Administrative Procedure Act and other applicable laws.
- 7. Respondent voluntarily, knowingly, and intelligently waives and gives up each and every right set forth above.

#### **CULPABILITY**

- 8. Respondent admits the truth of each and every charge and allegation in Accusation No. 866-A, agrees that cause exists for discipline and hereby surrenders his Civil Engineer License No. C 47278 for the Board's formal acceptance.
- 9. Respondent understands that by signing this stipulation he enables the Board to issue an order accepting the surrender of his Civil Engineer License without further process.

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#### CONTINGENCY

- 10. This stipulation shall be subject to approval by the Board for Professional Engineers and Land Surveyors. Respondent understands and agrees that counsel for Complainant and the staff of the Board for Professional Engineers and Land Surveyors may communicate directly with the Board regarding this stipulation and surrender, without notice to or participation by Respondent. 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 Surrender 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.
- 11. The parties understand and agree that facsimile copies of this Stipulated Surrender of License and Order, including facsimile signatures thereto, shall have the same force and effect as the originals.
- 12. This Stipulated Surrender of License and Order is intended by the parties to be an integrated writing representing the complete, final, and exclusive embodiment of their agreement. It supersedes any and all prior or contemporaneous agreements, understandings, discussions, negotiations, and commitments (written or oral). This Stipulated Surrender of License and Order may not be altered, amended, modified, supplemented, or otherwise changed except by a writing executed by an authorized representative of each of the parties.
- 13. In consideration of the foregoing admissions and stipulations, the parties agree that the (Board) may, without further notice or formal proceeding, issue and enter the following Order:

#### ORDER

IT IS HEREBY ORDERED that Civil Engineer License No. C 47278, issued to Respondent Dennis Craig Finn is surrendered and accepted by the Board for Professional Engineers and Land Surveyors.

- 14. The surrender of Respondent's Civil Engineer License and the acceptance of the surrendered license by the Board shall constitute the imposition of discipline against Respondent. This stipulation constitutes a record of the discipline and shall become a part of Respondent's license history with the Board.
- 15. Respondent shall lose all rights and privileges as a Civil Engineer in California as of the effective date of the Board's Decision and Order.
- 16. Respondent shall cause to be delivered to the Board both his wall license certificate and, if one was issued, pocket license on or before the effective date of the Decision and Order.
- 17. Respondent agrees not to petition for reinstatement of the surrendered license. Respondent agrees not to apply for any license issued by the Board for three years from the effective date of the Board's Decision and Order. If Respondent ever applies for licensure or petitions for reinstatement in the State of California, the Board shall treat it as a new application for licensure. Respondent must comply with all the laws, regulations and procedures for licensure in effect at the time the application or petition is filed, and all of the charges and allegations contained in Accusation No. 866-A shall be deemed to be true, correct and admitted by Respondent when the Board determines whether to grant or deny the application or petition.

#### <u>ACCEPTANCE</u>

I have carefully read the Stipulated Surrender of License and Order. I understand the stipulation and the effect it will have on my Civil Engineer License. I enter into this Stipulated Surrender of License and 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: 2/n/2010	Original Signed	
-2111	DENNIS CRAIG FINN Respondent	
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### **ENDORSEMENT** The foregoing Stipulated Surrender of License and Order is hereby respectfully submitted for consideration by the Board for Professional Engineers and Land Surveyors of the Department of Consumer Affairs. Respectfully submitted, EDMUND G. BROWN JR. Attorney General of California Frank H. Pacoe Supervising Deputy Attorney General Original Signed JUSTIN R. SURBER Deputy Attorney General Attorneys for Complainant SF2009404478 40427458.doc

Exhibit A

Accusation No. 866-A

1	EDMUND G. BROWN JR.	
2	Attorney General of California FRANK H. PACOE	
3	Supervising Deputy Attorney General JUSTIN R. SURBER	
4	Deputy Attorney General State Bar No. 226937	
5	455 Golden Gate Avenue, Suite 11000 San Francisco, CA 94102-7004	
6	Telephone: (415) 355-5437 Facsimile: (415) 703-5480	
7	Attorneys for Complainant	
8	BEFOR BOARD FOR PROFESSIONAL ENG	
9	DEPARTMENT OF CO STATE OF C	ONSUMER AFFAIRS
10		
11	In the Matter of the Accusation Against:	Case No. 866-A
12	DENNIS CRAIG FINN 3298 South Espana Circle	
13		ACCUSATION
14	Civil Engineer License No. C 47278	
15	Respondent.	
16	respondent	
17	Complainant alleges:	
18	PART	ΓIES
19	David Brown (Complainant) brings th	nis Accusation solely in his official capacity as
20	the Executive Officer of the Board for Professiona	al Engineers and Land Surveyors, Department
21	of Consumer Affairs.	
22	2. On or about August 2, 1991, the Boar	d for Professional Engineers and Land
23	Surveyors issued Civil Engineer License Number	C 47278 to Dennis Craig Finn (Respondent).
24	The Civil Engineer License expired on December	31, 1999, and has not been renewed.
	JURISDI	ICTION
25		
25 26	3. This Accusation is brought before the	Board for Professional Engineers and Land
	3. This Accusation is brought before the Surveyors (Board), Department of Consumer Affi	<u> </u>

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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:

- "(h) Who violates any provision of this chapter."
- 5. Section 6733 of the Code states:

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

Section 6787 of the Code states:

"Every person is guilty of a misdemeanor:

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

- (e) Who uses an expired, suspended, surrendered, or revoked certificate issued by the board."
- 7. Section 118, subdivision (b), of the Code provides that the suspension/expiration/surrender/cancellation of a license shall not deprive the Board/Registrar/Director of jurisdiction to proceed with a disciplinary action during the period within which the license may be renewed, restored, reissued or reinstated.

#### COSTS

- Section 125.3 of the Code provides, in pertinent part, that the Board may request the administrative law judge to direct a licentiate found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.
  - 9. Section 419 of the Title 16, California Code of Regulations provides, in pertinent part

that all decisions shall address recovery of the Board's investigation and enforcement costs, as described in and authorized by Business and Professions Code section 125.3.

#### FIRST CAUSE FOR DISCIPLINE

(Use of Expired Seal)

10. Respondent is subject to disciplinary action under sections 6775(h) and 6733 of the Code in that Respondent stamped and signed plans and specifications after Respondent's License had expired. Respondent's Civil Engineer License No. C 47278 expired on December 31, 1999 and has not been renewed. In or about 2005, Respondent stamped and signed plans and specifications entitled "100% Construction Documents Victorville Nissan" using his expired California license stamp.

#### SECOND CAUSE FOR DISCIPLINE

(Use of Expired Seal)

11. Respondent is subject to disciplinary action under sections 6775(h) and 6787(e) of the Code in that Respondent stamped and signed plans and specifications after Respondent's License had expired. Respondent's Civil Engineer License No. C 47278 expired on December 31, 1999 and has not been renewed. In or about 2005, Respondent stamped and signed plans and specifications entitled "100% Construction Documents Victorville Nissan" using his expired California license stamp.

#### THIRD CAUSE FOR DISCIPLINE

(Use of Expired Seal)

12. Respondent is subject to disciplinary action under sections 6775(h) and 6733 of the Code in that Respondent stamped and signed plans and specifications after Respondent's License had expired. Respondent's Civil Engineer License No. C 47278 expired on December 31, 1999 and has not been renewed. In or about 2005, Respondent stamped and signed plans and specifications entitled "100% Construction Documents Valley Hi Honda" using his expired California license stamp.

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#### FOURTH CAUSE FOR DISCIPLINE

(Use of Expired Seal)

Respondent is subject to disciplinary action under sections 6775(h) and 6787(e) of the Code in that Respondent stamped and signed plans and specifications after Respondent's License had expired. Respondent's Civil Engineer License No. C 47278 expired on December 31, 1999 and has not been renewed. In or about 2005, Respondent stamped and signed plans and specifications entitled "100% Construction Documents Valley Hi Honda" using his expired California license stamp.

#### FIFTH CAUSE FOR DISCIPLINE

(Use of Expired Seal)

14. Respondent is subject to disciplinary action under sections 6775(h) and 6733 of the Code in that Respondent stamped and signed plans and specifications after Respondent's License had expired. Respondent's Civil Engineer License No. C 47278 expired on December 31, 1999 and has not been renewed. In or about December 2005, Respondent stamped and signed plans and specifications entitled "Jacuzzi Family Vineyards Winery" using his expired California license stamp.

#### SIXTH CAUSE FOR DISCIPLINE

(Use of Expired Seal)

15. Respondent is subject to disciplinary action under sections 6775(h) and 6787(e) of the Code in that Respondent stamped and signed plans and specifications after Respondent's License had expired. Respondent's Civil Engineer License No. C 47278 expired on December 31, 1999 and has not been renewed. In or about December 2005, Respondent stamped and signed plans and specifications entitled "Jacuzzi Family Vineyards Winery" using his expired California license stamp.

#### SEVENTH CAUSE FOR DISCIPLINE

(Practicing with an Expired License)

Respondent is subject to disciplinary action under sections 6775(h) and 6787(a) of the Code in that Respondent agreed to and practiced civil engineering in California after his License

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had expired. Respondent's Civil Engineer License No. C 47278 expired on December 31, 1999 and has not been renewed. In or about 2005, Respondent contracted with Sundequist Design Group for an engineering project in California. In or about 2005, Respondent prepared and stamped plans and specifications entitled "Jacuzzi Family Vineyards Winery."

#### EIGHTH CAUSE FOR DISCIPLINE

(Practicing with an Expired License)

17. Respondent is subject to disciplinary action under sections 6775(h) and 6787(a) of the Code in that Respondent agreed to and practiced civil engineering in California after his License had expired. Respondent's Civil Engineer License No. C 47278 expired on December 31, 1999 and has not been renewed. In or about 2005, Respondent contracted with Sundequist Design Group for an engineering project in California. In or about 2005, Respondent prepared and stamped plans and specifications entitled "100% Construction Documents Valley Hi Honda."

#### NINTH CAUSE FOR DISCIPLINE

(Practicing with an Expired License)

18. Respondent is subject to disciplinary action under sections 6775(h) and 6787(a) of the Code in that Respondent agreed to and practiced civil engineering in California after his License had expired. Respondent's Civil Engineer License No. C 47278 expired on December 31, 1999 and has not been renewed. In or about 2005, Respondent contracted with Sundequist Design Group an engineering project in California. Respondent prepared and stamped plans and specifications entitled "100% Construction Documents Victorville Honda."

#### 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:

 Revoking or suspending Civil Engineer License Number C 47278, issued to Dennis Craig Finn.

1	2. Ordering Dennis Craig Finn to pay the Board for Professional Engineers and Land		
2	Surveyors the reasonable costs of the investigation and enforcement of this case, pursuant to		
3	Business and Professions Code section 125.3;		
4	Taking such other and further action as deemed necessary and proper.		
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7	Matles original Signed		
8	DATED: UZIO?  Original Signed  DAVID BROWN  Executive Officer		
9	Board for Professional Engineers and Land Surveyors		
10	Department of Consumer Affairs State of California		
11	Complainant		
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