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

In the Matter of the Accusation Against: **JEFFREY FITCH** **P.O. Box 23427** **Tigard, OR 97281** **Civil Engineer License No. C 64889** Respondent.	Case No. 1318-A **ACCUSATION**

PARTIES

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

2. On or about January 23, 2003, the Board issued Civil Engineer License Number C 64889 to Jeffrey Fitch (Respondent). The Civil Engineer License was in full force and effect at all times relevant to the charges brought herein and will expire on June 30, 2025, unless renewed.

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JURISDICTION

3. This Accusation is brought before the Board under the authority of the following laws. All section references are to the Business and Professions Code (Code) unless otherwise indicated.

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

STATUTORY PROVISIONS

5. Code section 6775, provides, in pertinent part:

The board may, upon its own initiative or upon the receipt of a complaint, investigate the actions of any professional engineer licensed under this chapter and make findings thereon.

By a majority vote, the board may publicly reprove, suspend for a period not to exceed two years, or revoke the certificate of any professional engineer licensed under this chapter on any of the following grounds:

(a) Any conviction of a crime substantially related to the qualifications, functions, and duties of a licensed professional engineer, in which case the certified record of conviction shall be conclusive evidence thereof.

6. Code section 490, provides, in pertinent part:

(a) In addition to any other action that a board is permitted to take against a licensee, a board may suspend or revoke a license on the ground that the licensee has been convicted of a crime, if the crime is substantially related to the qualifications, functions, or duties of the business or profession for which the license was issued.

COST RECOVERY

7. Section 125.3 of the Code provides, in pertinent part, that the Board may request the administrative law judge to direct a licensee 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, with failure of the licensee to comply subjecting the license to not being

renewed or reinstated. If a case settles, recovery of investigation and enforcement costs may be included in a stipulated settlement.

CAUSE FOR DISCIPLINE

(Conviction of Crime)

8. Respondent is subject to disciplinary action under Code section 6775, subdivision (a), and Code section 490, subdivision (a), in that Respondent was convicted of a crime substantially related to the qualifications, functions or duties of a licensed civil engineer. Specifically, on or about February 26, 2020, in a case entitled the *United State of America v. Jeffrey Fitch* (United States District Court, District of Oregon, Portland Division, Case No. 3:20-cr-16-SI), the court convicted Respondent on his plea of guilty of violating Title 26, United States Code, Section 7202, for willful failure to account for and pay over withholding and FICA taxes, for the fourth quarter of 2016, ending on December 31, 2016. The court sentenced Respondent to 12 months and one day in prison, three-years supervised probation, ordered to pay full restitution in the amount of $453.879.40, and payment of fees. The circumstances are as follows: During the calendar years 2013 through 2016, Respondent solely owned and operated SFA Design Group LLC and SFA Engineering in Tigard, Oregon. Respondent controlled the finances of SFA Design Group LLC and SFA Engineering in 2013 through 2016. All employers are required to withhold federal taxes from their employees' compensation, which includes, federal income tax, Social Security tax and Medicare tax. A business uses the IRS Form 941 for reporting and paying these taxes to the United States government. Respondent's employees worked for SFA Design Group LLC, but their W-2 forms were issued under SFA Engineering LLC's Employee Identification Number (EIN). Respondent collected payroll taxes by accumulating and withholding federal income taxes, Social Security taxes, and Medicare taxes from employees' paychecks for sixteen quarters beginning January 2013 through December 2016. However, Respondent never filed any Forms 941 and never made any payments to the IRS for SFA Design Group LLC for his company's payroll tax liabilities for the sixteen quarters of 2013 through 2016. Instead, Respondent used the money for his own personal expenses. The additional tax,

interest and penalties due and owing to the IRS for the sixteen quarters in tax period January 1, 2013 through December 31, 2016 was $453.879.40.

PRAYER

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

1. Revoking or suspending Civil Engineer License Number C 64889, issued to Jeffrey Fitch;

2. Ordering Jeffrey Fitch to pay the Board for Professional Engineers, Land Surveyors, and Geologists the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3; and, if placed on probation, the costs of probation monitoring; and,

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

DATED: 4/2/2024

Original Signed

RICHARD B. MOORE, PLS
Executive Officer
Board for Professional Engineers, Land Surveyors, and Geologists
Department of Consumer Affairs
State of California
Complainant

SA2023306352