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	)	Case No. 1318-A
	)	
Civil Engineer License, No. C 64889,	)	
	)	
Respondent.	)	
	)	

DECISION

The attached Stipulated Settlement and Order for Public Reproval 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 *September 26, 2024*.

IT IS SO ORDERED *August 22, 2024*.

Original Signed

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

ROB BONTA
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KAREN R. DENVIR
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Attorneys for Complainant

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. C64889** Respondent.	Case No. 1318-A **STIPULATED SETTLEMENT AND DISCIPLINARY ORDER FOR PUBLIC REPROVAL** **[Bus. & Prof. Code § 495]**

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

PARTIES

1. Richard B. Moore, PLS (Complainant) is the Executive Officer of the Board for Professional Engineers, Land Surveyors, and Geologists (Board), Department of Consumer Affairs. He brought this action solely in his official capacity and is represented in this matter by Rob Bonta, Attorney General of the State of California, by Stephanie Alamo-Latif, Deputy Attorney General.

2. Jeffrey Fitch (Respondent) is representing himself in this proceeding and has chosen not to exercise his right to be represented by counsel.

JURISDICTION

3. On or about January 23, 2003, the Board issued Civil Engineer License No. C64889 to Respondent. The Civil Engineer License was in full force and effect at all times relevant to the charges brought in Accusation No. 1318-A and will expire on June 30, 2025, unless renewed.

4. Accusation No. 1318-A was filed before the Board and is currently pending against Respondent. The Accusation and all other statutorily required documents were properly served on Respondent on April 3, 2024. Respondent timely filed his Notice of Defense contesting the Accusation. A copy of Accusation No. 1318-A is attached as exhibit A and incorporated herein by reference.

ADVISEMENT AND WAIVERS

5. Respondent has carefully read, and understands the charges and allegations in Accusation No. 1318-A. Respondent has also carefully read, and understands the effects of this Stipulated Settlement and Disciplinary Order for Public Reproval.

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. 1318-A.

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9. Respondent agrees that his Civil Engineer License is subject to discipline and he agrees to be bound by the Disciplinary Order below.

CONTINGENCY

10. This stipulation shall be subject to approval by the Board. Respondent understands and agrees that counsel for Complainant and the staff of the Board may communicate directly with the Board regarding this stipulation and settlement, 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 Settlement and Disciplinary Order for Public Reproval 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 Portable Document Format (PDF), facsimile, and/or electronic copies of this Stipulated Settlement and Disciplinary Order for Public Reproval, including PDF, facsimile, and/or electronic signatures thereto, shall have the same force and effect as the originals.

12. This Stipulated Settlement and Disciplinary Order for Public Reproval 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 Settlement and Disciplinary Order for Public Reproval 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 Disciplinary Order:

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DISCIPLINARY ORDER

IT IS HEREBY ORDERED that Civil Engineer License No. C64889 issued to Respondent Jeffrey Fitch shall be publicly reproved by the Board for Professional Engineers, Land Surveyors, and Geologists under Business and Professions Code section 495 in resolution of Accusation No. 1318-A, attached as exhibit A.

Coursework. No later than one year from the effective date of the public reproval, Respondent, at his own expense, shall enroll, successfully complete and submit verification of an ethics course relevant to the practice of civil engineering as specified by the Board. Respondent shall obtain prior approval from the Board before enrolling in the course(s). Respondent shall submit to the Board the original transcripts or certificates of completion for the above-required course(s).

Cost Recovery. No later than one year from the effective date of the Decision, Respondent shall pay $3,006.25 to the Board for its costs associated with the investigation and enforcement of this matter pursuant to Business and Professions Code Section 125.3. If Respondent fails to pay the Board costs as ordered, Respondent shall not be allowed to renew his Civil Engineer License until Respondent pays costs in full. In addition, the Board may enforce this order for payment of its costs in any appropriate court, in addition to any other rights the Board may have.

Full Compliance. As a resolution of the charges in Accusation No. 1318-A, this stipulated settlement is contingent upon Respondent's full compliance with all conditions of this Order. If Respondent fails to satisfy any of these conditions, such failure to comply constitutes cause for discipline, including outright revocation, of Respondent's Civil Engineer License No. C64889.

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ACCEPTANCE

I have carefully read the Stipulated Settlement and Disciplinary Order for Public Reproval. I understand the stipulation and the effect it will have on my Civil Engineer License. I enter into this Stipulated Settlement and Disciplinary Order for Public Reproval voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Board for Professional Engineers, Land Surveyors, and Geologists.

DATED: 7/17/24

Original Signed

JEFFREY FITCH
Respondent

ENDORSEMENT

The foregoing Stipulated Settlement and Disciplinary Order for Public Reproval 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,

ROB BONTA
Attorney General of California
KAREN R. DENVIR
Supervising Deputy Attorney General

STEPHANIE ALAMO-LATIF
Deputy Attorney General
Attorneys for Complainant

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ACCEPTANCE

I have carefully read the Stipulated Settlement and Disciplinary Order for Public Reproval. I understand the stipulation and the effect it will have on my Civil Engineer License. I enter into this Stipulated Settlement and Disciplinary Order for Public Reproval voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Board for Professional Engineers, Land Surveyors, and Geologists.

DATED: _____

_____
JEFFREY FITCH
Respondent

ENDORSEMENT

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

DATED: 7/17/24

Respectfully submitted,

ROB BONTA
Attorney General of California
KAREN R. DENVIR
Supervising Deputy Attorney General

Original Signed

STEPHANIE ALAMO-LATIF
Deputy Attorney General
Attorneys for Complainant

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Exhibit A

Accusation No. 1318-A

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KAREN R. DENVIR
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Attorneys for Complainant

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: 4/02/2024

Original Signed

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

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