

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

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

In the Matter of the Accusation Against:

MICHAEL MELGOZA
6342 Malabar Street
Huntington Park, CA 90255

Civil Engineer License No. C 88047

Respondent.

Case No. 1232-A

DEFAULT DECISION AND ORDER

[Gov. Code, §11520]

FINDINGS OF FACT

1. On or about May 28, 2020, Complainant Richard B. Moore, PLS, in his official capacity as the Executive Officer of the Board for Professional Engineers, Land Surveyors, and Geologists, Department of Consumer Affairs, filed Accusation No. 1232-A against Michael Melgoza (Respondent) before the Board for Professional Engineers, Land Surveyors, and Geologists. (Accusation attached as Exhibit A.)

///
///
///

1 2. On or about December 19, 2017, the Board for Professional Engineers, Land
2 Surveyors, and Geologists (Board) issued Civil Engineer License No. C 88047 to Respondent.
3 The Civil Engineer License was in full force and effect at all times relevant to the charges brought
4 in Accusation No. 1232-A and will expire on March 31, 2022, unless renewed.

5 3. On or about June 11, 2020, Respondent was served by Certified and First Class Mail
6 copies of the Accusation No. 1232-A, Statement to Respondent, Notice of Defense, Request for
7 Discovery, and Discovery Statutes (Government Code sections 11507.5, 11507.6, and 11507.7) at
8 Respondent's address of record which, pursuant to Business and Professions Code section 136, is
9 required to be reported and maintained with the Board. Respondent's address of record was and
10 is: 6342 Malabar Street, Huntington Park, CA 90255.

11 4. Service of the Accusation was effective as a matter of law under the provisions of
12 Government Code section 11505(c) and/or Business and Professions Code section 124.

13 5. Government Code section 11506(c) states, in pertinent part:

14 (c) The respondent shall be entitled to a hearing on the merits if the respondent
15 files a notice of defense . . . and the notice shall be deemed a specific denial of all
16 parts of the accusation . . . not expressly admitted. Failure to file a notice of defense
17 . . . shall constitute a waiver of respondent's right to a hearing, but the agency in its
18 discretion may nevertheless grant a hearing.

19 6. The Board takes official notice of its records and the fact that Respondent failed to
20 file a Notice of Defense within 15 days after service upon him of the Accusation, and therefore
21 waived his right to a hearing on the merits of Accusation No. 1232-A.

22 7. California Government Code section 11520(a) states, in pertinent part:

23 (a) If the respondent either fails to file a notice of defense . . . or to appear at
24 the hearing, the agency may take action based upon the respondent's express
25 admissions or upon other evidence and affidavits may be used as evidence without
26 any notice to respondent

27 8. Pursuant to its authority under Government Code section 11520, the Board finds
28 Respondent is in default. The Board will take action without further hearing and, based on the
relevant evidence contained in the Default Decision Investigatory Evidence Packet in this matter,
as well as taking official notice of all the investigatory reports, exhibits and statements contained
therein on file at the Board's offices regarding the allegations contained in Accusation No. 1232-

1 A, finds that the charges and allegations in Accusation No. 1232-A, are separately and severally,
2 found to be true and correct by clear and convincing evidence.

3 9. The Board finds that the actual costs for Investigation and Enforcement are \$2,412.50
4 as of July 16, 2020.

5 **DETERMINATION OF ISSUES**

6 1. Based on the foregoing findings of fact, Respondent Michael Melgoza has subjected
7 his Civil Engineer License No. C 88047 to discipline.

8 2. The agency has jurisdiction to adjudicate this case by default.

9 3. The Board for Professional Engineers, Land Surveyors, and Geologists is authorized
10 to revoke Respondent's Civil Engineer License based upon the following violations alleged in the
11 Accusation which are supported by the evidence contained in the Default Decision Investigatory
12 Evidence Packet in this case:

13 a. Bus. and Prof. Code section 6775(b) – Deceit, Misrepresentation, or Fraud in Practice

14 b. Bus. and Prof. Code section 6775(h) – Violation of Law Related to the Practice of
15 Professional Engineering

16 ///

17 ///

18 ///

19 ///

20 ///

21 ///

22 ///

23 ///

24 ///

25 ///

26 ///

27 ///

28 ///

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

ORDER

IT IS SO ORDERED that Civil Engineer License No. C 88047, issued to Respondent Michael Melgoza, is revoked.

Pursuant to Government Code section 11520, subdivision (c), Respondent may serve a written motion requesting that the Decision be vacated and stating the grounds relied on within seven (7) days after service of the Decision on Respondent. The agency in its discretion may vacate the Decision and grant a hearing on a showing of good cause, as defined in the statute.

This Decision shall become effective on September 24, 2020.

It is so ORDERED August 20, 2020

Original Signed

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

63435455.DOCX
DOJ Matter ID:LA2020600209

Attachment:
Exhibit A: Accusation

Exhibit A

Accusation

1 XAVIER BECERRA
Attorney General of California
2 ARMANDO ZAMBRANO
Supervising Deputy Attorney General
3 STEPHANIE J. LEE
Deputy Attorney General
4 State Bar No. 279733
300 So. Spring Street, Suite 1702
5 Los Angeles, CA 90013
Telephone: (213) 269-6185
6 Facsimile: (916) 731-2126
Attorneys for Complainant
7

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

13 In the Matter of the Accusation Against:

Case No. 1232-A

14 **MICHAEL MELGOZA**
6342 Malabar Street
15 Huntington Park, CA 90255

ACCUSATION

16 **Civil Engineer License No. C 88047**

17 Respondent.

18
19 **PARTIES**

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

23 2. On or about December 19, 2017, the Board issued Civil Engineer License Number C
24 88047 to Michael Melgoza (Respondent). The Civil Engineer License was in full force and effect
25 at all times relevant to the charges brought herein and will expire on March 31, 2022, unless
26 renewed.

27 ///

28 ///

1 **JURISDICTION**

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

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

9 **STATUTORY PROVISIONS**

10 5. Code section 6775 states, in pertinent part:

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

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

16 ...

17 (b) Any deceit, misrepresentation, or fraud in his or her practice.

18 ...

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

21 **REGULATORY PROVISIONS**

22
23 6. California Code of Regulations, title 16, section 475 states, in pertinent part:

24 To protect and safeguard the health, safety, welfare, and property of the public, every
25 person who is licensed by the Board as a professional engineer, including licensees
26 employed in any manner by a governmental entity or in private practice, shall comply with
27 this Code of Professional Conduct. A violation of this Code of Professional Conduct in the
28 practice of professional engineering constitutes unprofessional conduct and is grounds for
disciplinary action pursuant to Section 6775 of the Code. This Code of Professional

1 Conduct shall be used for the sole purpose of investigating complaints and making findings
2 thereon under Section 6775 of the Code.

3 ...

4 (c) Representations:

5 (1) A licensee shall not misrepresent his or her qualifications to a prospective or
6 existing client or employer.

7 **COST RECOVERY**

8 7. Section 125.3 of the Code provides, in pertinent part, that the Board may request the
9 administrative law judge to direct a licentiate found to have committed a violation or violations of
10 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
11 enforcement of the case, with failure of the licentiate to comply subjecting the license to not being
12 renewed or reinstated. If a case settles, recovery of investigation and enforcement costs may be
13 included in a stipulated settlement.

14 **STATEMENT OF FACTS**

15 8. On December 19, 2017, Respondent was issued Civil Engineer License Number C
16 88047 by the Board. Respondent had no prior licensure with the Board.

17 9. On August 27, 2019, a representative of the City of Long Beach Civil Service
18 Department contacted the Board regarding Respondent, an employee of the City of Long Beach
19 (City). Respondent had submitted documents to the City that showed a license issuance date
20 different from the issuance date noted on Respondent's license profile on the Department of
21 Consumer Affairs website.

22 10. On August 28, 2019, the Board interviewed the representative, who stated that the
23 City of Long Beach Human Resources Department had recently met with Respondent, who was
24 seeking a promotional job opportunity that required at least two years of experience after
25 licensure.

26 11. The representative provided the Board with copies of documents that Respondent had
27 submitted to the City in relation to this job opportunity, including the following:

28 ///

1 a. A letter from the Board, allegedly dated November 18, 2016, notifying Respondent
2 that he had successfully met the qualifications for licensure. The letter allegedly noted
3 Respondent's license issuance date as November 17, 2016.

4 b. An email from the Board, allegedly dated November 18, 2016, notifying Respondent
5 that he was granted licensure. The letter allegedly noted the expiration date for Respondent's
6 license as March 31, 2017.

7 c. A wall certificate of licensure, signed by "Eric C. Johnson, P.E. – Board President,"
8 allegedly stating Respondent's license issuance date as November 17, 2016.

9 12. These documents were false and fraudulently altered. Respondent, in submitting
10 these false and fraudulently altered documents to the City, made misrepresentations to his
11 employer regarding his qualifications.

12 13. The Board's own records revealed:

13 a. The true copy of the letter from the Board notifying Respondent that he had
14 successfully met the qualifications for licensure was actually dated December 20, 2017 and
15 showed the actual license issuance date of December 19, 2017. Respondent's fraudulently altered
16 copy was falsely dated November 18, 2016 and showed a false license issuance date of November
17 17, 2016.

18 b. The true copy of the e-mail from the Board notifying Respondent that he was granted
19 licensure was actually dated December 20, 2017 and showed the actual license expiration date as
20 March 31, 2018. Respondent's fraudulently altered copy was falsely dated November 18, 2016
21 and showed a false expiration date of March 31, 2017.

22 c. The Board had issued a wall certificate to Respondent on December 19, 2017. This
23 was the only wall certificate ever issued to him. On December 19, 2017, the Board president was
24 Eric C. Johnson, and any wall certificate issued on that date would bear Mr. Johnson's signature.
25 On November 17, 2016, the Board president was Coby King, and any wall certificate issued on
26 that date would bear Mr. King's signature. Respondent's fraudulently altered copy showed a
27 false issuance date of November 17, 2016 and the signature of Mr. Johnson, rather than Mr. King.

28 ///

1 **FIRST CAUSE FOR DISCIPLINE**

2 **(Deceit, Misrepresentation, or Fraud in Practice)**

3 14. Respondent is subject to disciplinary action under sections 6775, subdivision (b), in
4 conjunction with the California Code of Regulations, title 16, section 475, on the grounds that on
5 or about August 27, 2019, Respondent engaged in deceit, misrepresentation, or fraud in his
6 practice. Complainant refers to and by this reference incorporates the allegations set forth above
7 in paragraphs 8 through 13, as though set forth fully herein.

8 **SECOND CAUSE FOR DISCIPLINE**

9 **(Violation of Law Relating to the Practice of Professional Engineering)**

10 15. Respondent is subject to disciplinary action under sections 6775, subdivision (h), in
11 conjunction with the California Code of Regulations, title 16, section 475, on the grounds that on
12 or about August 27, 2019, Respondent committed a violation of the Professional Engineers Act or
13 law relating to or involving the practice of professional engineering, when he misrepresented his
14 qualifications to a prospective or existing employer. Complainant refers to and by this reference
15 incorporates the allegations set forth above in paragraphs 8 through 13, as though set forth fully
16 herein.

17 **PRAYER**

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

21 1. Revoking or suspending Civil Engineer License Number C 88047, issued to Michael
22 Melgoza;

23 2. Ordering Michael Melgoza to pay the Board for Professional Engineers, Land
24 Surveyors, and Geologists the reasonable costs of the investigation and enforcement of this case,
25 pursuant to Business and Professions Code section 125.3; and,

26 ///

27 ///

28 ///

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

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

DATED: 5/28/20

Original Signed

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

LA2020600209
63284854.docx