

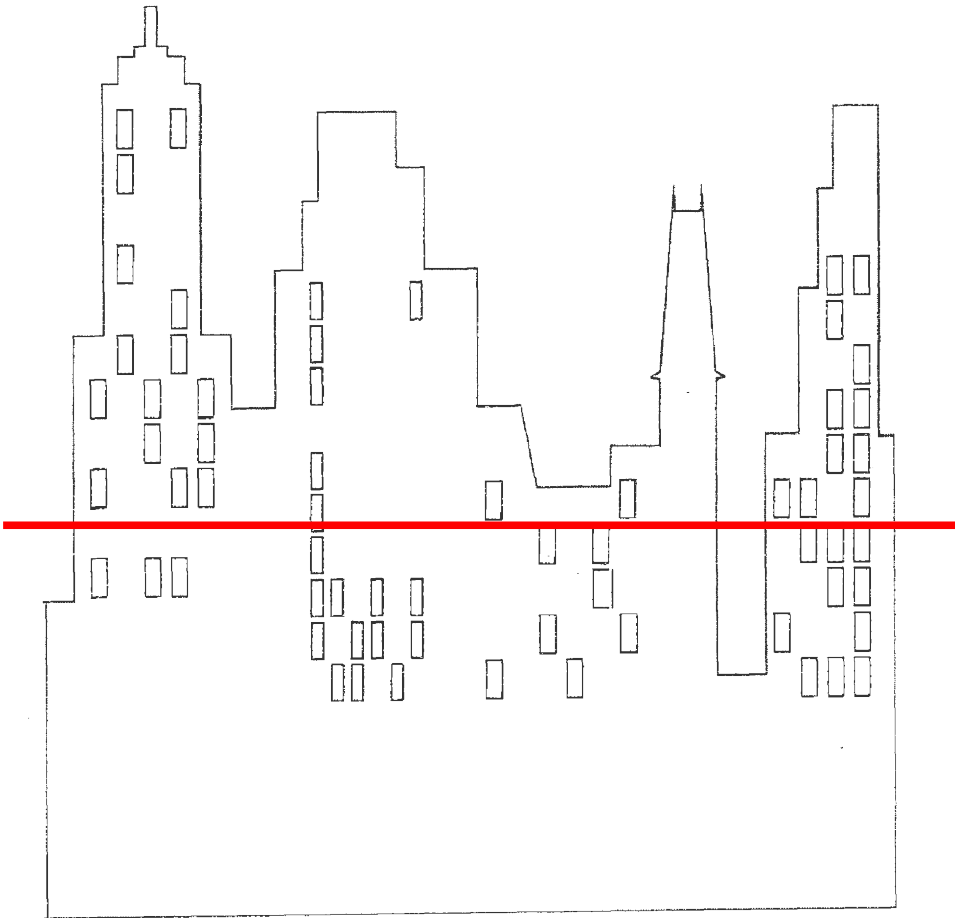
1aPENDING REGULATORY CHANGE

California Architects Board
*Public Protection Through
Examination, Licensure, and Regulation*



DISCIPLINARY GUIDELINES

~~DISCIPLINARY~~
~~GUIDELINES~~



~~CALIFORNIA~~
~~ARCHITECTS~~
~~BOARD~~

Public Protection Through Examination, Licensure, and Regulation

~~2000~~

CALIFORNIA ARCHITECTS BOARD
DISCIPLINARY GUIDELINES AND
MODEL ORDERS

Public Protection Through Examination,
Licensure, and Regulation



2420 Del Paso Road, Suite 105
Sacramento, CA 95834
(916) 574-7220 phone
(916) 575-7283 fax
cab@dca.ca.gov email
www.cab.ca.gov website

Aronold Schwarzenegger, Governor
Douglas R. McCauley, Executive Officer
Hattie Johnson, Enforcement Officer

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~~approved by the California Architects Board in 2000~~

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Orders, 2023

TABLE OF CONTENTS

I.	INTRODUCTION.....	<u>1</u>
II.	GENERAL CONSIDERATIONS	<u>1</u>
A.	Citations.....	<u>1</u>
B.	Proposed Decisions – General Considerations.....	<u>3</u>
C.	Stipulated Settlements.....	<u>3</u>
D.	Cost Reimbursement	<u>4</u>
E.	Criteria to be Considered.....	<u>4</u>
III.	DEFINITIONS OF PENALTIES.....	<u>6</u>
IIIIV.	DISCIPLINARY GUIDELINES	<u>5</u>
A.	Business and Professions Code Sections.....	<u>5</u>
B.	General Provisions of Business and Professions Code .	<u>12</u>
C.	California Code of Regulations.....	<u>14</u>
D.	Violation of Probation	<u>17</u>
IV.	MODEL DISCIPLINARY ORDERS.....	<u>17</u>
A.	Licensee.....	<u>17</u>
B.	Petition for Reinstatement.....	<u>18</u>
C.	Petition to Revoke Probation.....	<u>19</u>
D.	Applicant.....	<u>19</u>
V.	CONDITIONS OF PROBATION.....	<u>20</u>
A.	Standard Conditions	<u>20</u>
B.	Optional Conditions	<u>22</u>
IV.	REHABILITATION CRITERIA	
	<u>ATTACHMENT: QUARTERLY PROBATION REPORT.....</u>	

I. INTRODUCTION

To establish consistency in disciplinary penalties for similar offenses on a statewide basis, the California Architects Board (~~BoardCAB hereinafter referred to as the Board~~) has adopted these uniform disciplinary guidelines for particular violations. This document, designed for use by Administrative Law Judges, attorneys, ~~architects~~~~Board licensees~~, others involved in the disciplinary process, and ultimately the Board, ~~shall~~may be revised from time to time and will be distributed to interested parties upon request.

These guidelines include general factors to be considered, probationary terms, and guidelines for specific offenses. The guidelines reference the statutory and regulatory provisions for specific offenses ~~are referenced to the statutory and regulatory provisions~~.

For purposes of this document, terms and conditions of probation are divided into two general categories: (1) Standard Conditions are those conditions of probation which will generally appear in all cases involving probation ~~as a standard term and condition~~; and (2) Optional Conditions are those conditions which address the specific circumstances of the case and require discretion to be exercised depending on the nature and circumstances of a particular case.

The Board recognizes ~~that~~ these recommended penalties and conditions of probation are merely guidelines, and that mitigating or aggravating circumstances ~~and/or~~ other factors may necessitate deviations, as discussed herein. If there are deviations from the guidelines, the Board would request that the Administrative Law Judge hearing the matter include an explanation in the Proposed Decision so that the circumstances can be better understood and evaluated by the Board upon review of the Proposed Decision and before final action is taken. All disciplinary actions will be published on the Internet to facilitate access under the California Public Records Act.

Additional copies of this document may be obtained by contacting the ~~BoardCAB~~ at its office in Sacramento, California or accessing the document on-line at www.cab.ca.gov. There may be a charge assessed for providing paper copies sufficient to cover the direct costs of duplication~~production and distribution of copies~~.

II. GENERAL CONSIDERATIONS

A. Citations

This document covers considerations of disciplinary restrictions or penalties following the filing of an Accusation. For standards related to citations, please consult the Board's regulations commencing at Section 152 of Title 16 of the California Code of Regulations. The Board may issue a citation pursuant to Section 125.9 or 148 of the Business and Professions Code, and in accordance with Section 152 of Article 8 of Division 2 of Title 16 of the California Code of Regulations, as an alternate means to address relatively minor violations not necessarily warranting discipline.

B. Proposed Decisions - General Considerations

The Board requests that ~~p~~Proposed ~~d~~Decisions following administrative hearings include the following:

- a. Specific code sections violated, along with their descriptions~~definitions~~.
- b. Clear description of the underlying facts demonstrating the violation committed.
- c. Respondent's explanation of the violation if ~~he or/she is~~they are present at the hearing.
- d. Findings regarding aggravation, mitigation, and rehabilitation where appropriate.
- e. When suspension or probation is ordered, the Board requests that the disciplinary order include terms within the recommended guidelines for that offense unless the reason for departure from the recommended terms is clearly set forth in the findings and supported by the evidence.

C. Stipulated Settlements

The Board will consider stipulated settlements to promote cost effectiveness and to expedite disciplinary decisions if such agreements achieve its disciplinary objectives. Deputy Attorneys General should inquire as to respondent's interest in stipulated settlement promptly after receipt of a notice of defense. If stipulated settlement appears unlikely, the case should be set for hearing. It is the Board's policy that matters resolved by stipulation include cost recovery.

D. Cost Reimbursement

The Board seeks reimbursement of its investigative and prosecution costs in all disciplinary cases in which the licensee is found to have committed a violation. The costs include all charges incurred from the Office of the Attorney General, the Division of Investigation, and Board services, including but not limited to, expert consultant opinions and services. The Board seeks reimbursement of these costs because the burden for payment of the costs of investigation and prosecution of disciplinary cases should fall upon those whose proven conduct required investigation and prosecution, not upon the profession as a whole.

E. Criteria~~Factors~~ to be Considered

Substantially Related Criteria. The Board may deny, suspend, or revoke a license if the applicant or licensee has been convicted of a crime, professional misconduct, or act that is substantially related to the qualifications, functions, or duties of the profession, based on the criteria specified in section 110 of article 2 of division 2 of title 16 of the California Code of Regulations.

Rehabilitation Criteria. When considering the denial, revocation, or suspension of a license on the ground that the applicant or licensee has been convicted of a crime, or disciplined for professional misconduct, the denial is based on one or more of the grounds specified in Business and Professions Code section 5578, a suspension or revocation of a licensee on the grounds of a disciplinary action as described in Business and Professions Code section 141, or one or more of the grounds specified in Business and Professions Code Article 5 of Chapter 3.5 of Division 3 of the Code, the Board shall consider whether the applicant or licensee has made a showing of rehabilitation based on the criteria specified in section 110.1 of article 2 of division 2 of title 16 of the California Code of Regulations.

In determining whether revocation, suspension or probation is to be imposed in a given case, factors such as the following should be considered:

- ~~1. Nature and severity of the act(s), offense(s), or crime(s) under consideration.~~
- ~~2. Actual or potential harm to any consumer, client or the general public.~~
- ~~3. Prior disciplinary record.~~
- ~~4. Number and/or variety of current violations.~~
- ~~5. Mitigation evidence.~~
- ~~6. Rehabilitation evidence.~~
- ~~7. In the case of a criminal conviction, compliance with terms of sentence and/or court-ordered probation.~~
- ~~8. Overall criminal record.~~
- ~~9. Time passed since the act(s) or offense(s) occurred.~~
- ~~10. Whether or not the respondent cooperated with the Board's investigation, other law enforcement or regulatory agencies, and/or the injured parties.~~
- ~~11. Recognition by respondent of his or her wrongdoing and demonstration of corrective action to prevent recurrence.~~

F. Mitigation and Rehabilitation Evidence

The following are among mitigating circumstances that may be taken into account by ALJs in providing for penalties in proposed decisions:

- The licensee has cooperated with the Board's investigation, other law enforcement or regulatory agencies, and/or the injured parties.
- The passage of considerable time since an act of professional misconduct occurred with no evidence of recurrence or evidence of any other professional misconduct.
- Convincing proof of rehabilitation
- Demonstration of remorse by the licensee.
- Recognition by licensee of their wrongdoing and demonstration of corrective action to prevent recurrence.
- Violation was corrected without monetary losses to consumers and/or restitution was made in full.

The following are examples of types of evidence which the licensee/applicant (respondent) may submit to the Board to demonstrate their rehabilitative efforts and competency and the Board will review the evidence submitted:

- Recent, dated, written statements and/or performance evaluations from persons in positions of authority who have on-the-job knowledge of the respondent's work as an architect that include the period of time and capacity in which the person worked with the respondent. Such reports must be signed under penalty of perjury and will be subject to verification by Board staff.
- Recent, dated, letters from counselors regarding the respondent's participation in a rehabilitation or recovery program, which should include at least a description and requirements of the program, a therapist or mental health professional's diagnosis of the condition and current state of recovery, and the therapist or mental health professional's basis for determining rehabilitation. Such letters and reports will be subject to verification by Board staff.
- Recent, dated letters describing the respondent's participation in support groups, (e.g., Alcoholics Anonymous, Narcotics Anonymous, professional support groups, etc.). Such letters and reports will be subject to verification by Board staff.
- Recent, dated, letters from probation or parole officers regarding the respondent's participation in and/or compliance with terms and conditions of probation or parole, which should include at least a description of the terms and conditions, and the officer's basis for determining compliance. Such letters and reports will be subject to verification by Board staff.
- Recent, dated, letters from persons familiar with respondent in either a personal or professional capacity regarding their knowledge of: the respondent's character; the respondent's rehabilitation, if any; the conduct of which the respondent is accused; or any other pertinent facts that would enable the Board to better decide the case. Such letters must be signed under penalty of perjury and will be subject to verification by Board staff.

III. DEFINITION OF PENALTIES

Revocation: Loss of a license as the result of any one or more violations of the California Architects Practice Act. Revocation of a license is permanent, unless the respondent takes affirmative action to petition the Board for reinstatement of his/her license and demonstrates to the Board's satisfaction that they are rehabilitated.

Suspension: Invalidation of a license for a fixed period of time, not to exceed a period of one year.

Stayed Revocation: Revocation of a license, held in abeyance pending respondent's compliance with the terms of their probation.

Stayed Suspension: Suspension of a license, held in abeyance pending respondent's compliance with the terms of their probation.

Probation: A period during which a respondent's sentence is suspended in return for respondent's agreement to comply with specified conditions relating to improving their conduct or preventing the likelihood of a reoccurrence of the violation.

Public Reproof: A form of written censure or reprimand placed in a public document that is served on the licensee. It is considered part of the licensee's disciplinary history and public record with the Board.

IV. DISCIPLINARY GUIDELINES

The offenses are listed by section number in the Business and Professions Code or California Code of Regulations. The standard terms of probation as stated herein shall be included for all probations. The optional conditions of probation as stated herein are to be considered and imposed along with any other optional conditions if facts and circumstances warrant. The number(s) in brackets listed after each condition of probation refers to the specific standard or optional conditions of probation listed on pages 15-19.

A. Business and Professions Code Sections

Section 5536: Practice Without License or Holding Self Out as Architect

Maximum: Revocation or denial of license application
Minimum: Issue initial license (if applicable), stayed revocation, and 5 years' probation on all standard conditions [#1-11] and the following optional conditions:

- a. Ethics course [#15]
- b. Restitution [#17] (if applicable)

Section 5536.1: Signature and Stamp on Plans and Documents; Unauthorized Practice

Maximum: Revocation or denial of license application
Minimum: Issue initial license (if applicable), stayed revocation, and 5 years' probation on all standard conditions [#1-11] and the following optional conditions:

- a. Ethics course [#15]
- b. Restitution [#17] (if applicable)]

Section 5536.22: Written Contract

Maximum: Revocation

Minimum: Stayed revocation and 3 years' probation on all standard conditions [#1-11] and the following optional conditions:

- a. Restitution [#17] (if applicable)]

Section 5536.4: Instruments of Service – Consent

Maximum: Revocation

Minimum: Stayed revocation and 3 years' probation on all standard conditions [#1-11] and the following optional conditions:

- a. Restitution [#17] (if applicable)]

Section 5536.5: State of Emergency Following Natural Disaster – Penalty for Practice Without License or Holding Self Out as Architect

Maximum: Revocation or denial of license application

Minimum: Issue initial license (if applicable), stayed revocation, and 5 years' probation on all standard conditions [#1-11] and the following optional conditions:

- a. Ethics course [#15]
- b. Restitution [#17] (if applicable)]

Section 5558: Mailing Address and Name and Address of Entity Through Which License Holder Provides Architectural Services; Filing Requirements

Maximum: Revocation

Minimum: Stayed revocation and 3 years' probation on all standard conditions [#1-11].

Section 5577: Conviction of a Crime Substantially Related to the Qualifications, ~~Duties~~Functions, and ~~Functions~~Duties of an Architect

Maximum: Revocation or denial of license application and \$5,000 fine

Minimum: Stayed revocation, 90 days' actual suspension [#12], and 5 years' probation on all standard conditions [#1-11] and the following optional conditions:

- a. All standard conditions of probation [#1-#7]

- b. ~~Cost reimbursement~~ [#12]
- ea. Criminal probation reports [#14-18]
- b. Fine - Maximum \$5,000 [#20]

Section 5578: Acts in Violation of the Architects Practice Act

The appropriate penalty depends on the nature of the offense.

Maximum: Revocation
Minimum: Stayed revocation and 3 years' probation on all standard conditions [#1-11] and the following optional conditions:

- a. Restitution [#17] (if applicable)]

Section 5579: Fraud or Misrepresentation in Obtaining Architect License

Maximum/Minimum: Revocation
Minimum: Stayed revocation, 90 days' actual suspension [#12], and 5 years' probation on all standard conditions [#1-11] and the following optional conditions:

- a. Restitution [#17] (if applicable)]

Section 5580: Impersonation or Use of Assumed or Corporate Name

Maximum: Revocation
Minimum: Stayed revocation, 90 days' actual suspension [#12], and 5 years' probation on all standard conditions [#1-11] and the following optional conditions:

- a. ~~All standard conditions of probation~~ [#1-7]
- ba. ~~Continuing education courses~~ Ethics course [#14-15]
- c. ~~Cost reimbursement~~ [#12]
- db. Restitution [#13-17] (if applicable)

Section 5582: Aiding and Abetting the Unlicensed Practice of Architecture

Maximum: Revocation
Minimum: Stayed revocation, 90 days' actual suspension [#12], and 5 years' probation on all standard conditions [#1-11] and the following optional conditions:

- ~~a. All standard conditions of probation [#1-7]~~
- ~~ba. Continuing education courses~~ Ethics course ~~[#1115]~~
- ~~c. Cost reimbursement [#12]~~
- ~~db. Restitution [#1317] (if applicable)~~

Section 5582.1: Signing Others' Instruments of Service or Permitting Misuse of Name to Evade Provisions of Architects Practice Act

Maximum: Revocation
Minimum: Stayed revocation, 90 days' actual suspension [#12], and 5 years' probation on all standard conditions [#1-11] and the following optional conditions:

- ~~a. All standard conditions of probation [#1-7]~~
- ~~ba. Continuing education courses~~ Ethics course ~~[#1115]~~
- ~~c. Cost reimbursement [#12]~~
- ~~db. Restitution [#1317] (if applicable)~~

Section 5583: Fraud or Deceit in the Practice of Architecture

Maximum: Revocation
Minimum: Stayed revocation, 90 days' actual suspension [#12], and 5 years' probation on all standard conditions [#1-11] and the following optional conditions:

- ~~a. All standard conditions of probation~~ Ethics course ~~[#1-715]~~
- ~~b. Continuing education courses~~ [#1116]
- ~~c. Cost reimbursement [#12]~~
- ~~dc. Restitution [#1317] (if applicable)~~

Section 5584: Negligence in the Practice of Architecture

Maximum: Revocation
Minimum: Stayed revocation, 90 days' actual suspension [#12], and 5 years' probation on all standard conditions [#1-11] and the following optional conditions:

- ~~a. All standard conditions of probation [#1-7]~~
- ~~b. California Supplemental Examination [#9]~~
- ~~ea. Continuing education courses~~ [#1116]
- ~~c. Cost reimbursement [#12]~~

eb. Restitution [#1317] (if applicable)

Section 5584: Willful Misconduct in the Practice of Architecture

Maximum: Revocation
Minimum: Stayed revocation, 90 days' actual suspension [#12], and 5 years' probation on all standard conditions [#1-11] and the following optional conditions:

- a. ~~All standard conditions of probation~~ Ethics course [#1-715]
- b. Continuing education courses [#1416]
- c. ~~Cost reimbursement [#12]~~
- dc. Restitution [#1317] (if applicable)

Section 5585: Incompetency or Recklessness in the Practice of Architecture

Maximum: Revocation
Minimum: Stayed revocation, 90 days' actual suspension [#12], and 5 years' probation on all standard conditions [#1-11] and the following optional conditions:

- a. ~~All standard conditions of probation~~ [#1-7]
- ba. California Supplemental Examination [#913]
- eb. Continuing education courses [#1416]
- d. ~~Cost reimbursement [#12]~~
- ec. Restitution [#1317] (if applicable)

Section 5586: Disciplinary Action by a Public Agency for an Act Substantially Related to the Qualifications, Functions, or Duties as an Architect

Maximum: Revocation
Minimum: Stayed revocation, 90 days' actual suspension [#12], and 5 years' probation on all standard conditions [#1-11] and the following optional conditions:

- a. Continuing education courses [#16]
- b. Restitution [#17] (if applicable)

Section 5588: Failure to Report Settlement or Arbitration Award

Maximum: Revocation
Minimum: Stayed revocation and 3 years' probation on all standard conditions [#1-11].

Civil Penalty: In lieu of revocation, assess civil penalty of not less than \$100 and not more than \$1,000. If knowing and intentional failure to report, in lieu of revocation, assess civil penalty up to \$20,000.

Section 5600.05: License Renewal Process; Audit; False or Misleading Information on Coursework on Disability Access Requirements

Maximum: Revocation
Minimum: Stayed revocation and 3 years' probation on all standard conditions [#1-11] and the following optional condition:

a. Continuing education courses [#16]

B. General Provisions of Business and Professions Code

Section 125.6: Licensee's Discrimination Against Individuals Based upon Personal Characteristics by Licensee

Maximum: Revocation
Minimum: Stayed revocation, ~~60~~ 90 days' actual suspension [#12], and 5 years' probation on all standard conditions [#1-11].
a. ~~All standard conditions of probation [#1-7]~~
b. ~~Cost reimbursement [#12]~~

Section 140: Failure to Record Transactions Involving Wages or Make Those Records Available

Maximum: Revocation
Minimum: Stayed revocation and 3 years' probation on all standard conditions [#1-11].

Section 141: Disciplinary Action Taken Against Licensee by Another State, an Agency of the Federal Government, or Another Country

Maximum: Revocation

Minimum: Stayed revocation, 90 days' actual suspension [#12], and 5 years' probation on all standard conditions [#1-11] and if warranted, the following optional conditions:

- a. Continuing education courses [#16]
- b. Restitution [#17] (if applicable)

Section 143.5 Settlement Agreements Prohibited Provisions; Regulations; Exemptions

Maximum: Revocation

Minimum: Stayed revocation and 3 years' probation on all standard conditions [#1-11] and if warranted, the following optional condition:

- a. Ethics course [#15]

Section 480 (a): Grounds for Denial of the License Application of Licenses

~~An applicant's application may be denied for (1) conviction of a crime; (2) any act involving dishonesty, fraud or deceit with the intent to substantially benefit himself or another, or substantially injure another; (3) any act which if done by a licensee would be grounds for suspension or revocation of license; or (4) knowingly making a false statement of fact required to be revealed in the application for such license.~~

Maximum/Minimum: Denial of license application

Minimum: Issue initial license, stayed revocation, and 5 years' probation on all standard conditions [#1-11] and if warranted, the following optional conditions:

- a. Ethics course [#15]
- b. Continuing education courses [#16]
- c. Restitution [#17] (if applicable)

Section 490: Grounds for Suspension, Revocation; Conviction of Crime

Maximum: Revocation

Minimum: Stayed revocation, 90 days' actual suspension [#12], and 5 years' probation on all standard

conditions [#1-11] and if warranted, the following optional condition:

- a. Criminal probation reports [#18]

Section 496: Subversion of Licensing Examinations or Administration of Examinations

~~RECOMMENDED DISCIPLINE~~ **MAXIMUM:** ~~Denial of~~ Revocation or denial of license application

Minimum: Issue initial license (if applicable), stayed revocation, and 5 years' probation on all standard conditions [#1-11] and if warranted, the following optional conditions:

- a. Ethics course [#15]
- b. Continuing education courses [#16]
- c. Restitution [#17] (if applicable)

Section 499: Licensee's False Statement in Support of Application Not Their Own

Maximum: Revocation
Minimum: Stayed revocation, 90 days' actual suspension [#12], and 5 years' probation on all standard conditions [#1-11] and if warranted, the following optional condition:

- a. Ethics course [#15]

C. Title 16, California Code of Regulations, Title 16, Division 2, Article 9. Professional Conduct

Section 160: Rules of Professional Conduct

a.) Competence

Maximum: Revocation
Minimum: Stayed revocation, 90 days' actual suspension [#12], and 5 years' probation on all standard conditions [#1-11] and if warranted, on the following optional conditions:

- a. ~~All standard conditions of probation [#1-7]~~
- ba. California Supplemental Examination [#913]

- eb. Continuing education courses [#4416]
- d. ~~Cost reimbursement [#12]~~
- ec. Restitution [#4317] (if applicable)

b.) Willful Misconduct

Maximum: Revocation
Minimum: Stayed revocation, 90 days' actual suspension [#12], and 5 years' probation on all standard conditions [#1-11] and the following optional conditions:

- a. ~~All standard conditions of probation [#1-7]~~
- ba. California Supplemental Examination Ethics course [#915]
- eb. Continuing education courses [#4416]
- d. ~~Cost reimbursement [#12]~~
- ec. Restitution [#4317] (if applicable)

c.) Conflict of Interest

Maximum: Revocation
Minimum: Stayed revocation, 90 days' actual suspension [#12], and 5 years' probation on all standard conditions [#1-11] and the following optional conditions:

- a. ~~All standard conditions of probation [#1-7]~~
- ba. ~~Continuing education courses~~ Ethics course [#1115]
- e. ~~Cost reimbursement [#12]~~
- db. Restitution [#4317] (if applicable)

d.) Full Disclosure

Maximum: Revocation
Minimum: Stayed revocation, 90 days' actual suspension [#12], and 5 years' probation on all standard conditions [#1-11] and the following optional conditions:

- a. ~~All standard conditions of probation [#1-7]~~
- ba. ~~Continuing education courses~~ Ethics course [#1115]

- e. ~~Cost reimbursement~~ [#12]
- eb. Restitution [#1317] (if applicable)

e.) Copyright Infringement

Maximum: Revocation
Minimum: Stayed revocation, 90 days' actual suspension [#12], and 5 years' probation on all standard conditions [#1-11] and the following optional conditions:

- a. ~~All standard conditions of probation~~ Ethics course [#1-715]
- b. Continuing education courses [#1116]
- e. ~~Cost reimbursement~~ [#12]
- dc. Restitution [#1317] (if applicable)

f. Informed Consent

Maximum: Revocation
Minimum: Stayed revocation, 90 days' actual suspension [#12], and 5 years' probation on all standard conditions [#1-11] and the following optional conditions:

- a. Ethics course [#15]
- b. Continuing education courses [#16]
- c. Restitution [#17] (if applicable)

D. Violation of Probation

Maximum Penalty

Actual suspension; vacate stay order and reimpose penalty that was previously stayed; and/or revoke, separately and severally, for violation of probation and/or for any additional offenses.

Minimum Penalty

Actual suspension and/or extension of probation.

The maximum penalty is appropriate for repeated similar offenses, or for probation violations indicating a cavalier or recalcitrant attitude. If the probation violation is due in part to the commission of additional offense(s), additional penalties shall be imposed according to the nature of the offense; and the probation violation shall be considered as an aggravating factor in imposing a penalty for those offenses.

IV. MODEL ORDERS

A. Licensee

Revocation of License

Architect License No. _____, issued to respondent _____, is revoked.

Respondent shall relinquish and forward or deliver their license to practice architecture and wall certificate to the Board within ten (10) days of the effective date of this Decision. Respondent may not reapply or petition the Board for reinstatement of their revoked license for one (1) year from the effective date of this Decision.

Respondent shall pay to the Board its costs of investigation and prosecution in the amount of \$ _____ within thirty (30) days of the effective date of this Decision.

Option: As a condition precedent to reinstatement of their revoked license, respondent shall reimburse the Board for its costs of investigation and prosecution in the amount of \$ _____. Said amount shall be paid in full prior to the reinstatement of their license unless otherwise ordered by the Board.

Revocation Stayed and Licensee Placed on Probation

Architect License No. _____, issued to respondent _____, is revoked; however, the revocation is stayed and respondent is placed on probation for _____ years on the following terms and conditions:

Public Reapproval

Architect License No. _____, issued to respondent _____, is publicly reapproved. This reapproval constitutes disciplinary action by the Board and shall become a part of respondent's license history with the Board.

Surrender of License in Lieu of Revocation

Respondent _____ surrenders Architect License No. _____ as of the effective date of this Decision. Respondent shall relinquish and forward or deliver their license to practice architecture and wall certificate to the Board within ten (10) days of the effective date of this Decision.

The surrender of respondent's license and the acceptance of the surrendered license and wall certificate by the Board shall constitute the imposition of discipline against respondent. This Decision constitutes disciplinary action by the Board and shall become a part of respondent's license history with the Board.

B. Petition for Reinstatement

Grant Petition with No Restrictions on License

The petition for reinstatement filed by petitioner _____ is hereby granted, and petitioner’s architect license shall be fully restored.

Grant Petition and Place Licensee on Probation

The petition for reinstatement filed by petitioner _____ is hereby granted, and petitioner’s architect license shall be reinstated and immediately revoked; however, the revocation shall be stayed and the petitioner shall be placed on probation for a period of _____ years on the following terms and conditions:

Grant Petition and Place Licensee on Probation After Completion of Conditions Precedent

The petition for reinstatement filed by petitioner _____ is hereby granted, and petitioner’s architect license shall be fully reinstated upon completion of the following conditions precedent (examples would be: paying restitution, cost reimbursement, completion of CE, completion of rehabilitation program, take and pass the California Supplemental Examination (CSE), and/or specified sections of the Architect Registration Examination (ARE)):

Upon completion of the conditions precedent above, and satisfaction of all statutory and regulatory requirements for issuance of a license, petitioner’s architect license shall be reinstated and immediately revoked; however, the revocation shall be stayed, and petitioner shall be placed on probation for a period of _____ years on the following terms and conditions (list standard and applicable optional conditions of probation):

Deny Petition

The petition for reinstatement filed by petitioner _____ is hereby denied.

C. Petition to Revoke Probation

Revocation of Probation

Architect License No. _____, issued to respondent _____, is revoked. Petitioner is not eligible to apply for reinstatement or reduction of penalty for one year from the effective date of this decision.

Extension of Probation

Architect License No. _____, issued to respondent _____, is revoked; however, the revocation is stayed, and respondent is placed on probation for an additional _____ year(s) on the following terms and conditions:

D. Applicant

(in cases where a Statement of Issues has been filed)

Grant Application with No Restrictions on License

The application filed by respondent _____ for initial licensure is hereby granted, and an architect's license shall be issued to respondent upon successful completion of all licensing requirements including payment of all fees.

Grant Application and Place Licensee on Probation

The application filed by respondent _____ for initial licensure is hereby granted, and an architect's license shall be issued to respondent upon successful completion of all licensing requirements, including payment of all fees. However, the license shall be immediately revoked, the revocation shall be stayed, and respondent shall be placed on probation for _____ years on the following terms and conditions:

Grant Application and Place Licensee on Probation After Completion of Conditions Precedent

The application filed by respondent _____ for initial licensure is hereby granted, and an architect's license shall be issued to respondent upon the following conditions precedent (examples would be: paying restitution, cost reimbursement, completion of CE, completion of rehabilitation program, take the California Supplemental Examination (CSE), and/or specified sections of the ARE):

Upon completion of the conditions precedent above and successful completion of all licensing requirements, including payment of all fees, respondent shall be issued an architect's license. However, the license shall be immediately revoked, the revocation shall be stayed, and respondent shall be placed on probation for _____ years on the following terms and conditions (list standard and applicable optional conditions of probation):

Deny Application

The application filed by respondent _____ for initial licensure is hereby denied.

Civil Penalty

Respondent shall pay to the Board a civil penalty in the amount of \$ _____ [not less than \$100 and not more than \$1,000; and if there is continued knowing and intentional failure to report, the Board may assess an additional civil penalty up to \$20,000 pursuant to Business and Professions Code section 5588.] Respondent shall make the payments as follows: _____.

[Term only applicable to Business and Professions Code section 5588 violations and used in lieu of revocation.]

VI. CONDITIONS OF PROBATION

A. Standard Conditions

(To be included in all ~~C~~ases of ~~P~~robation)

The Board reserves the discretion to waive any conditions of probation on a case-by-case basis.

1. Obey All Laws

Respondent shall obey all federal, state, and local laws and regulations governing ~~the practice of architecture in California~~ and comply with all conditions of probation.

2. Submit Quarterly Reports

Respondent, within 10 days of completion of the quarter, shall submit completed quarterly written reports to the Board, on a Quarterly Report of Compliance form (1/00) obtained from the Board (Attachment A). ~~Respondent's quarterly written report to the Board shall include the following:~~

1. Respondent's full legal name, telephone number, and address of record,
2. Name of the firm respondent works for, respondent's title, firm address and telephone number,
3. A statement of all of respondent's architecture activities during this reporting period. The statement shall include: the client's name, address and telephone number, project title/address, project description, project's start and end date and a description of respondent's involvement.
4. A list of any other of respondent's activities related to the practice of architecture by activity and date; and,
5. A certification under penalty of perjury that the information provided in the report is true and correct.

3. Personal Appearances

Upon reasonable notice by the Board, ~~the~~ respondent shall report to and make personal appearances at times and locations as the Board may direct.

4. Cooperate During Probation

Respondent shall cooperate fully with the Board, and with any of its agents or employees in their supervision and investigation of ~~his/her~~ their compliance with the terms and conditions of this probation. Upon reasonable notice, ~~the~~ respondent shall provide the Board, its agents or employees with the opportunity to review all plans, specifications, and instruments of service prepared during the period of probation.

5. Maintain Active and Current License

Respondent shall maintain an active and current license to practice architecture in California for the length of the probation period. Failure to pay all renewal fees and meet applicable coursework requirements prior to respondent's license expiration date shall constitute a violation of probation. If the license is expired at the time the Board's decision becomes effective, the license must be renewed within 30 days of the effective date of the decision.

6. Notification of Changes to Address, Telephone Number, and/or Employment

Respondent shall notify the Board in writing of any and all changes to their address of record, and/or telephone number, and employment within 10 calendar days of such change.

57. Tolling for Out-of-State Practice, Residence or In-State Non-Practice

In the event respondent should leave California to reside or to practice outside the State or for any reason stops practicing ~~landscape~~ architecture in California, respondent shall notify the Board or its designee in writing within ~~10~~ ^{ten} days of the dates of departure and return, or the dates of non-practice or the resumption of practice within California. Respondent's probation is tolled when they cease practicing in California. Non-practice is defined as any period of time exceeding 30 ~~thirty~~ days in which respondent is not engaging in any activities defined in Section 5500.1 of the Business and Professions Code. Periods of temporary or permanent residency or practice outside California or of non-practice within California will not apply to the reduction of this probationary period. Respondent shall not be relieved of the obligation to maintain an active and current license with the Board. It shall be a violation of probation for respondent's probation to remain tolled pursuant to the provisions of this condition for a period exceeding a total of five years.

Periods of non-practice do not relieve respondent of the responsibility to comply with the terms and conditions of probation.

All provisions of probation other than the quarterly report requirements, examination requirements, cost reimbursement, restitution, and education requirements, shall be held in abeyance until respondent resumes practice in California.— All other provisions of probation shall recommence on the effective date of resumption of practice in California.—~~Periods of temporary or permanent residency or practice outside California or of non-practice within California will not apply to the reduction of this probationary period.~~

68. Violation of Probation

If respondent violates probation in any respect, the Board, after giving respondent notice and opportunity to be heard, may revoke probation and carry out the disciplinary order ~~which~~ that was stayed. If an accusation or a petition to revoke

probation is filed against respondent during probation, the Board shall have continuing jurisdiction ~~until the matter is final~~, and the period of probation shall be extended until the matter is final.

9. License Surrender While on Probation

Following the effective date of this probation, if respondent ceases practicing due to retirement, health reasons, or is otherwise unable to satisfy the terms and conditions of probation, respondent may request, in writing, the voluntary surrender of respondent's license to the Board. Respondent's written request to surrender their license shall include the following: their name, license number, case number, address of record, and an explanation of the reason(s) why respondent seeks to surrender their license.

The Board reserves the right to evaluate the respondent's request and to exercise its discretion whether to grant the request or to take any other action deemed appropriate and reasonable under the circumstances. The Board will consider whether the request would compromise public protection under the following circumstances: when respondent has (1) an unsatisfied cost recovery, fine, or restitution order, (2) an Accusation or Petition to Revoke Probation that has been served on respondent alleging violations of this probation, or (3) an unresolved complaint or investigation pending with the Board. Respondent shall not be relieved of the requirements of their probation unless the Board or its designee notifies respondent in writing that respondent's request to surrender their license has been accepted.

Upon formal acceptance of the surrender, respondent shall, within 15 days, deliver respondent's wall certificate to the Board or its designee and shall no longer practice as an architect. Respondent will no longer be subject to the terms and conditions of probation and the surrender of respondent's license shall be deemed disciplinary action. If respondent re-applies for an architect's license, the application shall be treated as a petition for reinstatement of a revoked license.

710. Completion of Probation

Upon successful completion of probation, respondent's license will be fully restored.

11. Cost Reimbursement

Respondent shall reimburse the Board \$ _____ for its investigative and prosecution costs. The payment shall be made within _____ days/months of the date the Board's Decision is final.

Option: The payment shall be made as follows: _____ (specify either prior to the resumption of practice or in monthly or quarterly payments, the final payment being due one year before probation is scheduled to terminate).

B. Optional Conditions

812. Suspension

Respondent is suspended from the practice of architecture for _____ days beginning on the effective date of ~~the~~this Decision.

913. California Supplemental Examination

Option 1 (Condition Subsequent)

Within _____ ~~day~~six months of the effective date of this Decision, respondent shall take and pass the California Supplemental Examination (CSE) designated by the Board.

If respondent fails to pass said examination within ~~6~~six months, respondent shall so notify the Board and shall cease practice until respondent takes and successfully passes said examination, has submitted proof of same to the Board, and has been notified by the Board that ~~he/ or she~~they may resume practice. It is a violation of probation for respondent to be unable to pass the CSE for a period exceeding a total of three years. Failure to pass the required examination no later than 100 days prior to the termination of probation shall constitute a violation of probation. Respondent must comply with tolling provisions contained in paragraph 7 (Tolling for Out-of-State Practice, Residence, or In-State Non-Practice) of this order while not practicing and is responsible for paying all costs of such examination.

Option 2 (Condition Precedent)

Prior to resuming or continuing practice, respondent shall pass the California Supplemental Examination (CSE) designated by the Board within two years of the effective date of this Decision.

This probationary period shall not commence until respondent successfully passes said examination, has submitted proof of same to the Board, and has been notified by the Board that they may resume practice. Respondent is responsible for paying all costs of such examination.

1014. Written Examination

Option 1 (Condition Subsequent)

Within one year of the effective date of this Decision, Respondent shall take and pass (specified) sections of the Architect Registration Examination (ARE).

If respondent fails to pass said examination within one year or within two attempts, respondent shall so notify the Board and shall cease practice until respondent takes and successfully passes said examination, has submitted proof of same to the Board, and has been notified by the Board that ~~he/she~~they may resume practice. It shall be a violation of probation for respondent to be unable to pass the ARE for a

period exceeding a total of three years. Failure to pass the required examination no later than 100 days prior to the termination of probation shall constitute a violation of probation.—Respondent must comply with the tolling provisions contained in paragraph 7 (Tolling for Out-of-State Practice, Residence, or In-State Non-Practice) is responsible for paying all costs of such examination.

Option 2 (Condition Precedent)

Prior to resuming or continuing practice, respondent shall take and pass (specified) sections of the Architect Registration Examination (ARE) within two years of the effective date of this Decision.

This probationary period shall not commence until respondent takes and successfully passes said examination, has submitted proof of same to the Board, and has been notified by the Board that they may resume practice. Respondent is responsible for paying all costs of such examination.

15. Ethics Course

Within 30 days of the effective date of this Decision, respondent shall submit to the Board's office by mail a written request for prior approval by the Board or its designee of a course in ethics that will be completed within the first year of probation. Respondent shall submit with the written request for approval the name of the course provider and a copy of the course outline, syllabus, or a description for the proposed course. The request shall contain, at a minimum, the following:

- (1) A short, descriptive title of the educational program;
- (2) A statement of educational objectives;
- (3) Length of the educational program;
- (4) Sequential and detailed outline of subject matter to be addressed or a list of skills to be learned and how those skills are to be measured; and,
- (5) Instructional mode or methods.

The Board shall approve any course that is directly relevant to the subject matter of the violation(s) alleged in the Board's decision placing respondent on probation, offered by an approved provider. An approved provider is the American Institute of Architects (AIA). The Board may approve other providers of courses determined equivalent on a case-by-case basis.

Failure to satisfactorily complete the required course as scheduled or failure to complete the required course within the first year of probation shall constitute a violation of probation. Respondent is responsible for submitting to the Board or its designee for approval the specifics of the course required by this condition, and for paying all costs of said course.

4116. Continuing Education Courses

Respondent shall successfully complete and pass professional education courses approved in advance by the Board or its designee, directly relevant to the violation as specified by the Board. The professional education courses shall be completed within a period of time designated by the Board or its designee, which timeframe shall be incorporated as a condition of this probation.

Failure to satisfactorily complete the required courses as scheduled or failure to complete same no later than ~~100 days~~one year prior to the termination of probation shall constitute a violation of probation. Respondent is responsible for submitting to the Board or its designee for its approval the specifics of each course required by this condition, and for paying all costs of such courses. To obtain prior approval, respondent shall submit a written request by mail to the Board's offices for approval by the Board or its designee of requested professional education courses. Respondent shall submit with the written request for approval the name of the course provider(s) and a copy of the course outline, syllabus, or a description for the proposed course(s). The request shall contain, at a minimum, the following:

- (1) A short, descriptive title of the educational program(s);
- (2) A statement of educational objectives;
- (3) Length of the educational program(s);
- (4) Sequential and detailed outline of subject matter to be addressed or a list of skills to be learned and how those skills are to be measured; and,
- (5) Instructional mode or methods.

The Board shall approve any course directly relevant to the subject matter of the violation(s) alleged in the Board's decision placing respondent on probation and is offered by an approved provider. An approved provider is the AIA. The Board may approve other providers of courses determined equivalent on a case-by-case basis.

12. ~~Cost Reimbursement~~

~~Respondent shall reimburse the Board \$_____ for its investigative and prosecution costs. The payment shall be made within _____ days/months of the effective date the Board's of this dDecision is final.~~

~~Option: The payment shall be made as follows: _____ (specify either prior to the resumption of practice or in monthly or quarterly payments, the final payment being due one year before probation is scheduled to terminate).~~

4117. Restitution

Within _____ days of the effective date of this Decision, respondent shall make restitution to _____ in the amount of \$_____ and shall provide the Board

with proof from _____ attesting the full restitution has been paid. In all cases, restitution shall be completed no later than one year before the termination of probation.

Note: Business and Professions Code section 143.5 prohibits the Board from requiring restitution in disciplinary cases when the Board's case is based on a complaint or report that has also been the subject of a civil action and that has been settled for monetary damages providing for full and final satisfaction of the parties in the civil action.

1418. Criminal Probation Reports

If respondent is convicted of any crime, Respondent shall provide the Board with a copy of the standard conditions of the criminal probation, copies of all criminal probation reports, and the name of his/her/probation officer.

15. Relinquish License and Wall Certificate

~~Respondent shall relinquish and shall forward or deliver the license to practice and the wall certificate to the Board within 10 days of the effective date of this decision and order.~~

1619. Notification to Clients/Cessation of Practice

In orders which provide for a cessation or suspension of practice, within 30 days of the effective date of this Decision, respondent shall comply with procedures provided by the Board regarding notification to, and management of, provide all clients with whom they have a current contractual relationship in the practice of architecture with a copy of the Decision and Order of the Board and provide the Board with evidence of such notification, including the name and address of each person or entity required to be notified.

20. Fine

Respondent shall pay to the Board a fine in the amount of \$ _____ [not to exceed \$5,000] pursuant to Business and Professions Code section 5565. Respondent shall make the payments as follows: _____.

[Term only applicable to Business and Professions Code section 5577 violations.]

IV. REHABILITATION CRITERIA

~~California Code of Regulations, Title 16, Division 2, Section 110.1, Criteria for Rehabilitation states:~~

- ~~(a) When considering the denial of an architect's license under Section 480 of the Business and Professions Code, the Board, in evaluating the rehabilitation of the applicant and his/her present eligibility for a license will consider the following criteria:~~

- ~~(1) The nature and severity of the act(s) or crime(s) under consideration as grounds for denial.~~
 - ~~(2) Evidence of any act(s) committed subsequent to the act(s) or crime(s) under consideration as grounds for denial which also could be considered as grounds for denial under Section 480 of the Business and Professions Code.~~
 - ~~(3) The time that has elapsed since commission of the act(s) or crime(s) referred to in subdivision (1) or (2).~~
 - ~~(4) The extent to which the applicant has complied with any terms of parole, probation, restitution, or any other sanctions lawfully imposed against the applicant.~~
 - ~~(5) Evidence, if any, of rehabilitation submitted by the applicant.~~
- ~~(b) When considering the suspension or revocation of the license of an architect on the grounds that the person licensed has been convicted of a crime, the Board, in evaluating the rehabilitation of such person and his/her present eligibility for licensure will consider the following criteria:~~
- ~~(1) Nature and severity of the act(s) or offense(s).~~
 - ~~(2) Total criminal record.~~
 - ~~(3) The time that has elapsed since commission of the act(s) or offense(s).~~
 - ~~(4) Whether the licensee has complied with any terms of parole, probation, restitution or any other sanctions lawfully imposed against the licensee.~~
 - ~~(5) If applicable, evidence of expungement proceedings pursuant to Section 1203.4 of the Penal Code.~~
 - ~~(6) Evidence, if any, of rehabilitation submitted by the licensee.~~
- ~~(c) When considering the petition for reinstatement of the license of an architect, the Board shall evaluate evidence of rehabilitation submitted by the petitioner, considering those criteria specified in subsection (b).~~

CALIFORNIA ARCHITECTS BOARD

400 R STREET, SUITE 4000, SACRAMENTO, CALIFORNIA 95814-6238

Telephone: (916) 445-3393 Fax: (916) 445-8524

E-mail: cab@dea.ca.gov Web: cab.ca.gov

Attachment A

~~STATE OF CALIFORNIA STATE AND CONSUMER SERVICES AGENCY GRAY DAVIS,~~
Governor

~~BUSINESS, CONSUMER SERVICES AND HOUSING AGENCY • GAVIN NEWSOM, GOVERNOR~~

~~DEPARTMENT OF CONSUMER AFFAIRS • CALIFORNIA ARCHITECTS BOARD~~

~~2420 Del Paso Road, Suite 105, Sacramento, CA 95834~~

~~P (916) 574-7220 | F (916) 575-7283 | www.cab.ca.gov~~



QUARTERLY REPORT OF COMPLIANCE

1. NAME: _____ TELEPHONE #: (____) _____
(Last/First/Middle) (Residence)

RESIDENCE ADDRESS OF
RECORD: _____

CITY: _____ STATE: _____ ZIP CODE: _____

2. NAME OF FIRM: _____ YOUR TITLE: _____

FIRM ADDRESS: _____

CITY: _____ STATE: _____ ZIP CODE: _____

TELEPHONE #: (____) _____

3. On the back second page of this form, detail your architectural activities for the probation period

beginning: _____ and ending: _____
Mo. Day Year Mo. Day Year

4. List any other activities related to the practice of architecture:

ACTIVITY	DATE

5. ~~I declare under penalty of perjury under the laws of the State of California that the information contained in this quarterly report regarding my professional practice is true and correct.~~

—Signature: _____

—Date: _____

DATE: _____ QUARTER _____ YEAR _____

CLIENT NAME: _____ TELEPHONE #: (____) _____
(Last/First/Middle)
ADDRESS: _____

CITY: _____ STATE: _____ ZIP CODE: _____

PROJECT TITLE/ADDRESS	PROJECT DESCRIPTION	DATE START-COMPLETE	YOUR INVOLVEMENT

CLIENT NAME: _____ TELEPHONE #: (____) _____
(Last/First/Middle)

ADDRESS: _____

CITY: _____ STATE: _____ ZIP CODE: _____

PROJECT TITLE/ADDRESS	PROJECT DESCRIPTION	DATE START-COMPLETE	YOUR INVOLVEMENT

CLIENT NAME: _____ TELEPHONE #: (____) _____
(Last/First/Middle)

ADDRESS: _____

CITY: _____ STATE: _____ ZIP CODE: _____

PROJECT TITLE/ADDRESS	PROJECT DESCRIPTION	DATE START-COMPLETE	YOUR INVOLVEMENT

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Notes