

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

2010 DEC 13 11 11

**BEFORE THE
CALIFORNIA ARCHITECTS BOARD
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Petition to Revoke
Probation Against:

Case No. 06-06-0107136

CURTIS R. SHUPE
40905 Avenida Estrada
Palm Desert, CA 92260
Architect License No. C-13388

DEFAULT DECISION AND ORDER

[Gov. Code, §11520]

Respondent.

FINDINGS OF FACT

1. On or about October 6, 2010, Complainant Douglas R. McCauley, in his official capacity as the Executive Officer of the California Architects Board, Department of Consumer Affairs, filed Petition to Revoke Probation No. 06-06-0107136 against Curtis R. Shupe (Respondent) before the California Architects Board. (Petition to Revoke Probation attached as Exhibit A.)

2. On or about December 9, 1982, the California Architects Board (Board) issued Architect License No. C-13388 to Respondent. The Architect License will expire on June 30, 2011, unless renewed.

3. On or about November 1, 2010, Respondent was served by Certified and First Class Mail copies of the Petition to Revoke Probation No. 06-06-0107136, Statement to Respondent, Notice of Defense, Request for Discovery, and Discovery Statutes (Government Code sections

1 11507.5, 11507.6, and 11507.7) at Respondent's address of record which was and is: 40905
2 Avenida Estrada, Palm Desert, CA 92260. Pursuant to Business and Professions Code section
3 136 and Code of Regulations, title 16, section 104, Respondent is required to maintain an address
4 of record with the Board.

5 4. Service of the Petition to Revoke Probation was effective as a matter of law under the
6 provisions of Government Code section 11505, subdivision (c) and/or Business & Professions
7 Code section 124.

8 5. Government Code section 11506 states, in pertinent part:

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

14 6. Respondent failed to file a Notice of Defense within 15 days after service upon him
15 of the Petition to Revoke Probation, and therefore waived his right to a hearing on the merits of
16 Petition to Revoke Probation No. 06-06-0107136.

17 7. California Government Code section 11520 states, in pertinent part:

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

22 8. Pursuant to its authority under Government Code section 11520, the Board finds
23 Respondent is in default. The Board will take action without further hearing and, based on the
24 relevant evidence contained in the Default Decision Investigatory Evidence Packet in this matter,
25 as well as taking official notice of all the investigatory reports, exhibits and statements contained
26 therein on file at the Board's offices regarding the allegations contained in Petition to Revoke
27 Probation No. 06-06-0107136, finds that the charges and allegations in Petition to Revoke
28 Probation No. 06-06-0107136, are separately and severally true and correct by clear and
convincing evidence.

1 DETERMINATION OF ISSUES

2 1. Based on the foregoing findings of fact, Respondent Curtis R. Shupe has subjected
3 his Architect License (No. C-13388) to discipline.

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

5 3. The California Architects Board is authorized to revoke Respondent's Architect
6 License based upon the following violations alleged in the Petition to Revoke Probation which
7 are supported by the evidence contained in the Default Decision Investigatory Evidence Packet in
8 this case:

9 a. Condition No. 3 (Failure to Submit Quarterly Reports.)

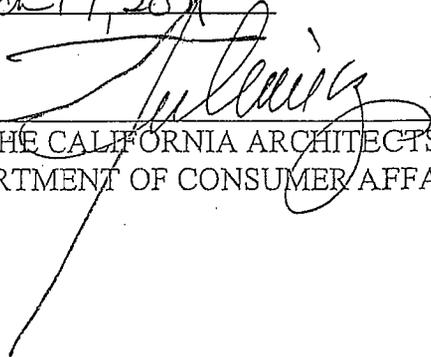
10 ORDER

11 IT IS SO ORDERED that Architect License No. C-13388, heretofore issued to Respondent
12 Curtis R. Shupe, is revoked.

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

17 This Decision shall become effective on April 21, 2011.

18 It is so ORDERED March 17, 2011

19
20 
21 FOR THE CALIFORNIA ARCHITECTS BOARD
22 DEPARTMENT OF CONSUMER AFFAIRS

22 60587073.DOC
23 DOJ Matter ID:LA2010502998

24 Attachment:
25 Exhibit A: Petition to Revoke Probation
26
27
28

Exhibit A

Petition to Revoke Probation

1 EDMUND G. BROWN JR.
Attorney General of California
2 KAREN B. CHAPPELLE
Supervising Deputy Attorney General
3 THOMAS L. RINALDI
Deputy Attorney General
4 State Bar No. 206911
300 So. Spring Street, Suite 1702
5 Los Angeles, CA 90013
Telephone: (213) 897-2541
6 Facsimile: (213) 897-2804
Attorneys for Complainant

7
8 **BEFORE THE**
CALIFORNIA ARCHITECTS BOARD
DEPARTMENT OF CONSUMER AFFAIRS
9 **STATE OF CALIFORNIA**

10 In the Matter of the Petition to Revoke
11 Probation Against,

Case No. 06-06-0107136

12 **CURTIS R. SHUPE**
13 **40905 Avenida Estrada**
Palm Desert, CA 92260
14 **Architect License No. C-13388**

PETITION TO REVOKE PROBATION

15 Respondent

16
17
18 Complainant alleges:

19 PARTIES

20 1. Douglas R. McCauley (Complainant) brings this Petition to Revoke Probation solely
21 in his official capacity as the Executive Officer of the California Architects Board, Department of
22 Consumer Affairs.

23 2. On or about December 9, 1982, the California Architects Board issued Architect
24 License Number C-13388 to Curtis R. Shupe (Respondent). The Architect License will expire on
25 June 30, 2011, unless renewed.

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

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

DATED: 10/6/2010

Douglas R. McCauley

DOUGLAS R. MCCAULEY
Executive Officer
California Architects Board
Department of Consumer Affairs
State of California
Complainant

LA2010502998
60551523.doc