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

12 In the Matter of the Accusation Against:

Case No. 11-08-184

13 **HAROLD CRAIG HUDSON**
P.O. Box 253
San Francisco CA 94104

ACCUSATION

14 **Architect License No. C-14487**

15 Respondent.

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17 Complainant alleges:

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19 **PARTIES**

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

23 2. On or about October 25, 1983, the Board issued Architect License Number C-14487
24 to Harold Craig Hudson ("Respondent"). The Architect License expired on August 31, 2011, and
25 has not been renewed.

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JURISDICTION

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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 unless otherwise indicated.

4. Section 5560 states: "The board may upon its own motion, and shall upon the verified complaint in writing of any person, investigate the actions of any architect and may temporarily suspend or permanently revoke, the license of any architect who is guilty of, or commits one or more of, the acts or omissions constituting grounds for disciplinary action under this chapter [Chapter 3 (commencing with section 5500)]."

5. Section 5578 states: "The fact that the holder of a license is practicing in violation of the provisions of this chapter constitutes a ground for disciplinary action."

6. Section 5584 states: "The fact that, in the practice of architecture, the holder of a license has been guilty of negligence or willful misconduct constitutes a ground for disciplinary action."

7. Section 118, subdivision (b), of the Code provides that the expiration 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.

8. Section 125.3, subdivision (a), states, in pertinent part: "Except as otherwise provided by law, in any order issued in resolution of a disciplinary proceeding before any board within the department upon request of the entity bringing the proceedings the administrative law judge may direct a licentiate 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."

9. California Code of Regulations, title 16, section 160 states, in pertinent part:
"A violation of any rule of professional conduct in the practice of architecture constitutes a ground for disciplinary action. Every person who holds a license issued by the Board shall comply with the following:

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- "(b) Willful Misconduct:
"(1) In designing a project, an architect shall have knowledge of all applicable building

1 laws, codes, and regulations. An architect may obtain the advice of other professionals (e.g.,
2 attorneys, engineers, and other qualified persons) as to the intent and meaning of such laws,
3 codes, and regulations and shall not knowingly design a project in violation of such laws, codes
4 and regulations.

5 "(2) Whenever the Board is conducting an investigation, an architect or a candidate for
6 licensure shall respond to the Board's requests for information and/or evidence within 30 days of
7 the date mailed to or personally delivered on the architect or a candidate for licensure."

8 FIRST CAUSE FOR DISCIPLINE

9 (Willful Misconduct)

10 10. Respondent is subject to disciplinary action under section 5584 and in that he
11 committed willful misconduct. The circumstances are as follows:

12 11. On or about June 12, 2007, client M.J.¹ executed a contract with Respondent in which
13 Respondent agreed to prepare plans for a remodel of M.J.'s residence in San Francisco,
14 California. The contract called for a down payment of \$1,500.00 which M.J. paid via check on
15 June 16, 2007. Respondent deposited M.J.'s check, but never prepared plans or performed any
16 work. Respondent failed to refund the funds despite repeated requests from M.J. M.J. filed a
17 Small Claims Court action against Respondent. On or about July 25, 2008, judgment in the
18 amount of \$1,600.00 was rendered against Respondent.

19 SECOND CAUSE FOR DISCIPLINE

20 (Failure to Respond to Board Investigation)

21 12. Respondent is subject to disciplinary action under Business and Professions Code
22 section 5584 and California Code of Regulations, title 16, section 160(b)(2) in that he committed
23 willful misconduct. The circumstances are as follows:

24 13. The Board sent Respondent a letter dated August 30, 2011, requesting a response to
25 the allegations. Based on his failure to respond, a certified letter was sent dated September 20,
26 2011. The regular mailing was not returned; however, the certified mailing was returned by the

27 ¹ Initials are used herein to protect the client's privacy. The client's identity will be
28 provided pursuant to a discovery request.

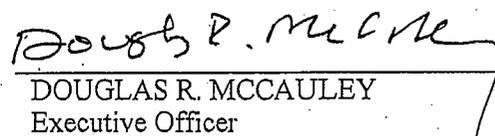
1 post office on October 19, 2011 "Unclaimed." On or about October 17, 2011, the Board's
2 Architect Consultant ("Consultant") talked with Respondent. Respondent sent the consultant an
3 email stating that he would like to request an extension of time to respond no later than October
4 31, "2001" (sic). Based on his failure to respond by October 31, 2011, Respondent was sent a
5 letter by regular and certified mail dated November 14, 2011. The certified mailing return receipt
6 containing his signature reveals that he received the letter on November 18, 2011. To date,
7 Respondent has not responded to the Board.

8 PRAYER

9 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
10 and that following the hearing, the Board issue a decision:

- 11 1. Revoking or suspending Architect License Number C-14487, issued to Harold Craig
12 Hudson;
- 13 2. Ordering Harold Craig Hudson to pay the Board the reasonable costs of the
14 investigation and enforcement of this case, pursuant to Business and Professions Code section
15 125.3; and
- 16 3. Taking such other and further action as deemed necessary and proper.

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19 DATED: 1/24/2012



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

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