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

10
11 In the Matter of the First Amended Accusation
Against:

Case No. 11-08-184

FIRST AMENDED ACCUSATION

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

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

16 Respondent.

17 Complainant alleges:

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19 **PARTIES**

20 1. Douglas R. McCauley (Complainant) brings this First Amended Accusation solely in
21 his official capacity as the Executive Officer of the California Architects Board ("Board"),
22 Department of 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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2 3. This First Amended Accusation is brought before the Board, under the authority of
3 the following laws. All section references are to the Business and Professions Code unless
4 otherwise indicated.

5 4. Section 5560 states:

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

11 5. Business and Professions Code section 5536(a) states:

12 "It is a misdemeanor, punishable by a fine of not less than one hundred dollars (\$100) nor
13 more than five thousand dollars (\$5,000), or by imprisonment in a county jail not exceeding one
14 year, or by both that fine and imprisonment, for any person who is not licensed to practice
15 architecture under this chapter to practice architecture in this state, to use any term confusingly
16 similar to the word architect, to use the stamp of a licensed architect, as provided in Section
17 5536.1, or to advertise or put out any sign, card, or other device that might indicate to the public
18 that he or she is an architect, that he or she is qualified to engage in the practice of architecture, or
19 that he or she is an architectural designer."

20 6. Business and Professions Code section 5536.22(a) states:

21 "(a) An architect shall use a written contract when contracting to provide professional
22 services to a client pursuant to this chapter. That written contract shall be executed by the
23 architect and the client, or his or her representative, prior to the architect commencing work,
24 unless the client knowingly states in writing that work may be commenced before the contract is
25 executed. The written contract shall include, but not be limited to, all of the following items:

26 "(1) A description of services to be provided by the architect to the client.

27 "(2) A description of any basis of compensation applicable to the contract and method of
28 payment agreed upon by both parties.

1 (3) The name, address, and license number of the architect and the name and address of the
2 client.

3 (4) A description of the procedure that the architect and the client will use to accommodate
4 additional services.

5 (5) A description of the procedure to be used by either party to terminate the contract."

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

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

11 9. Section 118, subdivision (b), of the Code provides that the expiration of a license
12 shall not deprive the Board of jurisdiction to proceed with a disciplinary action during the period
13 within which the license may be renewed, restored, reissued or reinstated.

14 10. Section 125.3, subdivision (a), states, in pertinent part: "Except as otherwise provided
15 by law, in any order issued in resolution of a disciplinary proceeding before any board within the
16 department upon request of the entity bringing the proceedings the administrative law judge
17 may direct a licentiate found to have committed a violation or violations of the licensing act to
18 pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case."

19 11. California Code of Regulations, title 16, section 160 states, in pertinent part:

20 "A violation of any rule of professional conduct in the practice of architecture constitutes a
21 ground for disciplinary action. Every person who holds a license issued by the Board shall
22 comply with the following:
23

24 "(b) Willful Misconduct: .

25 "(1) In designing a project, an architect shall have knowledge of all applicable building
26 laws, codes, and regulations. An architect may obtain the advice of other professionals (e.g.,
27 attorneys, engineers, and other qualified persons) as to the intent and meaning of such laws,
28 codes, and regulations and shall not knowingly design a project in violation of such laws, codes

1 and regulations.

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

5 FIRST CAUSE FOR DISCIPLINE

6 (Willful Misconduct)

7 12. Respondent is subject to disciplinary action under section 5584 in that he committed
8 willful misconduct when he received money for services but failed to perform the services. The
9 circumstances are as follows:

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

18 SECOND CAUSE FOR DISCIPLINE

19 (Failure to Respond to Board Investigation)

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

24 15. On August 22, 2011, client M.J. filed a complaint with the Board regarding
25 Respondent. The Board sent Respondent a letter dated August 30, 2011, requesting a response to
26 the allegations. Based on his failure to respond, a certified letter was sent dated September 20,

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

10 THIRD CAUSE FOR DISCIPLINE

11 (Performing Architectural Work Without a License)

12 16. Respondent is subject to disciplinary action under section 5536(a) in that he practiced
13 architecture without a license. The circumstances are as follows:

14 17. On or about June 12, 2012, Respondent issued an invoice to Mr. and Mrs. Mark
15 Leonard, for architectural services related to the Leonard residence in Los Altos, California.
16 Respondent performed architectural work and/or held himself out as an architect while his
17 architect's license was expired.

18 FOURTH CAUSE FOR DISCIPLINE

19 (Performing Architectural Work Without a Contract)

20 18. Respondent is subject to disciplinary action under section 5536.22(a) and in that he
21 performed architectural services without a contract. The circumstances are as follows:

22 19. In or about June, 2012, Respondent performed architectural services for Mr. and Mrs.
23 Mark Leonard in Los Altos, California. Respondent invoiced the Leonards on June 12, 2012 in
24 the amount of \$3,770.00 for architectural services. Respondent did not provide the Leonards with
25 a written contract prior to commencing work.

26 PRAYER

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

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

DATED: 7/9/2012

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

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