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

12 In the Matter of the Accusation Against:
13 **ARTHUR FRANK KENT**
14 **619 16th Street**
Huntington Beach, CA 92648
15 **Architect License No. C-15748**
16 Respondent.

Case No. 14-01-001

A C C U S A T I O N

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18 Complainant alleges:

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 May 14, 1985, the Board issued Architect License Number C-15748 to
24 Arthur Frank Kent (Respondent). The Architect License was in full force and effect at all times
25 relevant to the charges brought herein, and expired on November 30, 2015.

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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 unless otherwise indicated.

4 4. Section 5555 states:

5 Licenses to practice architecture remain in full force until revoked or
6 suspended for cause, or until they expire, as provided in this chapter [Chapter 3
(commencing with Section 5500)].

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

11 **STATUTORY AUTHORITY**

12 6. Section 5536.22 of the Code provides in relevant part:

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

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

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

19 (3) The name, address, and license number of the architect and the name and
20 address of the client.

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

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

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25 7. Section 5583 of the Code provides:

26 The fact that, in the practice of architecture, the holder of a license has been
27 guilty of fraud or deceit constitutes a ground for disciplinary action.

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SECOND CAUSE FOR DISCIPLINE

(Negligence or Willful Misconduct)

12. Respondent is subject to disciplinary action under section 5584 in that he committed negligence or willful misconduct by accepting payment for professional services he thereafter failed to perform, as set forth in paragraph 10, above, which is incorporated here by this reference.

THIRD CAUSE FOR DISCIPLINE

(Failure to Use a Written Contract)

13. Respondent is subject to disciplinary action under section 5536.22, subsection (a), in that he failed to use a written contract, executed prior to the commencement of actual work, as described in paragraph 10, which is incorporated here by this reference.

DISCIPLINE CONSIDERATIONS

14. To determine the degree of discipline, if any, to be imposed on Respondent, Complainant alleges that December 15, 2006, the Board filed a First Amended Accusation against Respondent that charged that Respondent engaged in fraud or deceit in violation of Business and Professions Code section 5583, and negligence or willful misconduct, in violation of section 5584, by submitting an altered soils report with the building plans to the City of Huntington Beach for a project on Pecan Street, when the soils report as actually for a different project and property. Respondent was further charged with the failure to use a written contract in violation of section 5536.22, and negligence or willful misconduct, in violation of section 5584, for failing to have proper definition for proper drainage on plans he prepared for a project located on Kiner Avenue in Huntington Beach, and submitted to the Building Department for approval. On or about April 27, 2007, in a prior disciplinary action entitled *In the Matter of the Accusation Against: Arthur Frank Kent*, before the California Architects Board, in Case Number 06-03-0509245. Respondent's architect license was revoked, the revocation was stayed, and Respondent's architect license was placed on probation for a period of six years, subject to certain terms and conditions. Respondent satisfied all terms and conditions of the Board's Decision and Order, and his probation ended in April 2013.

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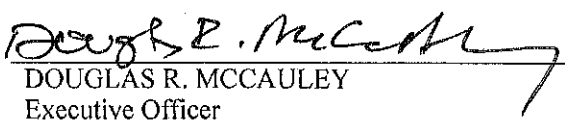
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PRAYER

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

1. Revoking or suspending Architect License Number C-15748 issued to Arthur Frank Kent;
2. Ordering Arthur Frank Kent to pay the California Architects Board the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3; and
3. Taking such other and further action as deemed necessary and proper.

DATED: 2/29/2016



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

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