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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:

Case No. 14-01-001

13 **ARTHUR FRANK KENT**  
14 **619 16th Street**  
**Huntington Beach, CA 92648**

**A C C U S A T I O N**

15 **Architect License No. C-15748**

16 Respondent.

17  
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.

24 . . . .

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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1 8. Section 5584 of the Code provides:

2 The fact that, in the practice of architecture, the holder of a license has been  
3 guilty of negligence or willful misconduct constitutes a ground for disciplinary  
4 action.

4 **COSTS**

5 9. Section 125.3, subdivision (a), states, in pertinent part:

6 Except as otherwise provided by law, in any order issued in resolution of a  
7 disciplinary proceeding before any board within the department . . . upon request  
8 of the entity bringing the proceedings the administrative law judge may direct a  
9 licentiate found to have committed a violation or violations of the licensing act to  
10 pay a sum not to exceed the reasonable costs of the investigation and enforcement  
11 of the case.

10 **FACTS**

11 10. On or about August 2, 2013, Respondent was hired by Minh D. (Minh) to prepare site  
12 and utility plans to install a commercial trailer on vacant property located at 10207 Bernardino  
13 Avenue, in Whittier, California. Respondent did not provide Minh with a written contract for his  
14 professional services. On or about August 1, 2013, Minh paid \$320.00 to Respondent for  
15 conceptual site plans, and on or about August 22, 2013, Minh paid \$960.00 to Respondent for  
16 preliminary drawings. On or about January 26, 2014, Respondent admitted to the Board that  
17 Minh gave him a \$773.00 check made payable to the City of Los Angeles Planning Department  
18 for permit fees on the project, and that he told Minh that he submitted the drawings to the City.  
19 Respondent admitted that he did not submit the drawings or the permit fees to the City of Los  
20 Angeles Planning Department, and that he acted unprofessionally. Respondent and Minh agreed  
21 to terminate their professional relationship, and Respondent agreed to refund his money.

22 **FIRST CAUSE FOR DISCIPLINE**

23 **(Fraud or Deceit)**

24 11. Respondent is subject to disciplinary action under section 5583 in that Respondent  
25 committed fraud or deceit by accepting payment for professional services he thereafter failed to  
26 perform, and lying about performing the services he promised to perform, as set forth in  
27 paragraph 10, above, which is incorporated here by this reference.

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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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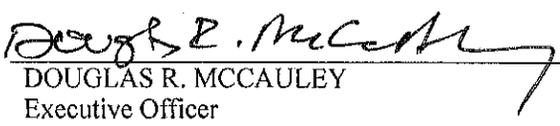
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**PRAYER**

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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