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

In the Matter of the Accusation Against:

Case No. 05-07-180

**THOMAS NAVARRE PERRY**  
2805 Ivy Street  
San Diego, CA 92103

**DEFAULT DECISION AND ORDER**

[Gov. Code, §11520]

**Architect License No. C-24874**

Accusation No. 10-03-05-07-180

Respondent.

FINDINGS OF FACT

1. On or about June 21, 2010, Complainant Douglas R. McCauley, in his official capacity as the Executive Officer of the California Architects Board, Department of Consumer Affairs (Board), filed Accusation No. 10-03-05-07-180 against Respondent Thomas Navarre Perry before the Board. (Accusation attached as Exhibit A. See also Default Decision Evidence Packet (DDEP), Exhibit 1.)

2. On or about March 10, 1994, the Board issued Architect License No. C-24874 to Respondent, with 3417 Fifth Avenue, San Diego, California 92103 as his address of record. The License was in full force at times and expired at other times as follows:

March 10, 1994: License issued, with September 30, 1995 expiration date.

September 30, 1995: License expired.

January 19, 2000: License renewed, with September 30, 2001 expiration date.

September 30, 2001: License expired.

June 16, 2004: License renewed, with September 30, 2005 expiration date.

September 30, 2005: License expired.

July 11, 2006: License renewed, with September 30, 2007 expiration date.

1           September 30, 2007: License expired.  
2           November 30, 2007: License renewed, with September 30, 2009 expiration date.  
3           September 30, 2009: License expired, and has not been renewed.

4           3.     From the date it was issued, Respondent's License was not current and invalid  
5 between:

- 6           October 1, 1995 – January 18, 2000.
- 7           October 1, 2001 – June 15, 2004.
- 8           October 1, 2005 – July 10, 2006.
- 9           October 1, 2007 – November 29, 2007.
- 10          October 1, 2009 – present. (See DDEP, Ex. 2.)

11          4.     On June 24, 2010, Respondent was served by Certified and First Class Mail copies of  
12 the Accusation No. 10-03-05-07-180, Statement to Respondent, Notice of Defense, Request for  
13 Discovery, and Discovery Statutes (Gov. Code sections 11507.5, 11507.6, and 11507.7) at  
14 Respondent's address of record, (which, pursuant to Business and Professions Code (Code)  
15 sections 136 and 5558, and California Code of Regulations, title 16, section 104, is required to be  
16 reported and maintained with the Board), was and is 3417 Fifth Avenue, San Diego, CA 92103.  
17 On June 30, 2010, these documents were returned by the U.S. Post Office marked "Moved - Left  
18 No Address - Unable to Forward - Return to Sender." These documents were served by Certified  
19 and First Class Mail at another address Respondent had used in the past, 2805 Ivy Street, San  
20 Diego, CA 92103. On July 3, 2010, "Navarre T. Perry" signed the certified mail receipt for the  
21 documents mailed to Respondent's Ivy Street address, and on July 6, 2010, the Attorney General  
22 received the signed receipt from the U.S. Post Office. (See DDEP, Exs. 1, 2 and 4.)

23          5.     Service of the Accusation was effective as a matter of law under the provisions of  
24 Government Code section 11505, subdivision (c) and/or Code section 124.

25          6.     As of September 2, 2010, Respondent has not filed a Notice of Defense.

26          7.     Government Code section 11506 states, in pertinent part:

27                 (c) The respondent shall be entitled to a hearing on the merits if the respondent  
28 files a notice of defense, and the notice shall be deemed a specific denial of all parts  
of the accusation not expressly admitted. Failure to file a notice of defense shall

1 constitute a waiver of respondent's right to a hearing, but the agency in its discretion  
2 may nevertheless grant a hearing.

3 8. Respondent failed to file a Notice of Defense within 15 days after service upon him  
4 of the Accusation, and therefore waived his right to a hearing on the merits of Accusation No. 10-  
5 03-05-07-180.

6 9. California Government Code section 11520 states, in pertinent part:

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

11 10. Pursuant to its authority under Government Code section 11520, the Board finds  
12 Respondent is in default. The Board will take action without further hearing and, based on the  
13 relevant evidence contained in the DDEP in this matter, as well as taking official notice of all the  
14 investigatory reports, exhibits and statements contained therein on file at the Board's office  
15 regarding the allegations contained in Accusation No. 10-03-05-07-180, finds that the charges  
16 and allegations in Accusation No. 10-03-05-07-180, are separately and severally, found to be true  
17 and correct by clear and convincing evidence.

18 11. Taking official notice of its own internal records, pursuant to Code section 125.3, it is  
19 hereby determined that the reasonable costs for Investigation and Enforcement are \$18,835.50 as  
20 of September 1, 2010. (See DDEP, Ex. 3.)

21 DETERMINATION OF ISSUES

22 1. Based on the foregoing findings of fact, Respondent has subjected his Architect  
23 License No. C-24874 to discipline.

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

25 3. The Board is authorized to revoke Respondent's Architect License No. C-24874  
26 based upon the following violations alleged in the Accusation which are supported by the  
27 evidence contained in the DDEP:  
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**I. JULIAN V. PROJECT**  
**FIRST CAUSE FOR DISCIPLINE**

(Unlicensed Practice)

4. Respondent is subject to disciplinary action under Code section 5578 for violation of Code sections 5536, subdivision (a), and 5536.1, in that he engaged in the practice of architecture without being currently licensed to do so.

**SECOND CAUSE FOR DISCIPLINE**

(Failure to Comply with Written Contract Requirements)

5. Respondent is subject to disciplinary action under Code section 5578 for violation of Code section 5536.22 in that he failed to include on the February 20, 2004 contract the license number of the architect; a description of the procedure that the architect and the client will use to accommodate additional services; and a description of the procedure to be used by either party to terminate the contract.

**THIRD CAUSE FOR DISCIPLINE**

(Failure to Maintain Current Address of Record)

6. Respondent is subject to disciplinary action under Code section 5578 for violation of Code section 5558 and Regulations section 104 in that he failed to maintain an accurate and current address of record with the Board.

**FOURTH CAUSE FOR DISCIPLINE**

(Negligence )

7. Respondent is subject to disciplinary action under Code section 5578 for violation of Code section 5584 in that he was negligent in the practice of architecture.

**FIFTH CAUSE FOR DISCIPLINE**

(Willful Misconduct)

8. Respondent is subject to disciplinary action under Code section 5578 for violation of Code section 5584 and Regulations section 150, in that he engaged in willful misconduct in the practice of architecture, by failing to respond to the Board's requests for information.

1 **SIXTH CAUSE FOR DISCIPLINE**

2 (Unprofessional Conduct)

3 9. Respondent is subject to disciplinary action under Code section 5578 for violation of  
4 Regulations section 160, subdivisions (a), (b), (d), and (f), in that he engaged in unprofessional  
5 conduct by acting incompetently; demonstrating insufficient knowledge of applicable building  
6 laws, codes, and regulations; failing to respond to the Board's requests for information and/or  
7 evidence; failing to accurately represent his qualifications and the scope of his responsibility in  
8 connection with projects or services for which he claimed credit; and by materially altering the  
9 scope or objective of the contracted project without first fully informing the client and obtaining  
10 the consent of the client in writing.

11 **II. NOBLE S. PROJECT**

12 **SEVENTH CAUSE FOR DISCIPLINE**

13 (Failure to Comply with Written Contract Requirements)

14 10. Respondent is subject to disciplinary action under Code section 5578 for violation of  
15 Code section 5536.22 in that he failed to include on the May 24, 2007 contract the license number  
16 of the architect; a description of the procedure that the architect and the client will use to  
17 accommodate additional services; and a description of the procedure to be used by either party to  
18 terminate the contract.

19 **EIGHTH CAUSE FOR DISCIPLINE**

20 (Failure to Maintain Current Address of Record)

21 11. Respondent is subject to disciplinary action under Code section 5578 for violation of  
22 Code section 5558 and Regulations section 104 in that he failed to maintain an accurate and  
23 current address of record.

24 **NINTH CAUSE FOR DISCIPLINE**

25 (Negligence)

26 12. Respondent is subject to disciplinary action under Code section 5578 for violation of  
27 Code section 5584 in that he was negligent in the practice of architecture.  
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**TENTH CAUSE FOR DISCIPLINE**

(Willful Misconduct)

13. Respondent is subject to disciplinary action under Code section 5578 for violation of Code section 5584 and Regulations section 150, in that he engaged in willful misconduct in the practice of architecture, by failing to respond to the Board's requests for information.

**ELEVENTH CAUSE FOR DISCIPLINE**

(Unprofessional Conduct)

14. Respondent is subject to disciplinary action under Code section 5578 for violation of Regulations section 160, subdivisions (a), (b), (d), and (f), in that he engaged in unprofessional conduct by acting incompetently; demonstrating insufficient knowledge of applicable building laws, codes, and regulations; failing to respond to the Board's requests for information and/or evidence; failing to accurately represent his qualifications and the scope of his responsibility in connection with projects or services for which he claimed credit; and by materially altering the scope or objective of the contracted project without first fully informing the client and obtaining the consent of the client in writing.

**III. JOHN V. PROJECT**

**TWELFTH CAUSE FOR DISCIPLINE**

(Failure to Comply with Written Contract Requirements)

15. Respondent is subject to disciplinary action under Code section 5578 for violation of Code section 5536.22 in that he failed to include on the February 26, 2007 contract the license number of the architect; a description of the procedure that the architect and the client will use to accommodate additional services; and a description of the procedure to be used by either party to terminate the contract.

**THIRTEENTH CAUSE FOR DISCIPLINE**

(Fraud)

16. Respondent is subject to disciplinary action under Code section 5578 for violation of Code section 5583 in that he engaged in fraud or deceit in the practice of architecture, and obtained payment from John V. as a result of that fraud or deceit.

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**FOURTEENTH CAUSE FOR DISCIPLINE**

(Negligence )

17. Respondent is subject to disciplinary action under Code section 5578 for violation of Code section 5584 in that he was negligent in the practice of architecture.

**FIFTEENTH CAUSE FOR DISCIPLINE**

(Willful Misconduct)

18. Respondent is subject to disciplinary action under Code section 5578 for violation of Code section 5584 and Regulations section 150, in that he engaged in willful misconduct in the practice of architecture, by failing to respond to the Board's requests for information.

**SIXTEENTH CAUSE FOR DISCIPLINE**

(Unprofessional Conduct)

19. Respondent is subject to disciplinary action under Code section 5578 for violation of Regulations section 160, subdivisions (a), (b), and (d), in that he engaged in unprofessional conduct by acting incompetently; demonstrating insufficient knowledge of applicable building laws, codes, and regulations; failing to respond to the Board's requests for information and/or evidence; and by failing to accurately represent his qualifications and the scope of his responsibility in connection with projects or services for which he claimed credit.

**IV. STEVE S. PROJECT**

**SEVENTEENTH CAUSE FOR DISCIPLINE**

(Failure to Comply with Written Contract Requirements)

20. Respondent is subject to disciplinary action under Code section 5578 for violation of Code section 5536.22 in that he failed to include on the February 6, 2007 contract the license number of the architect; a description of the procedure that the architect and the client will use to accommodate additional services; and a description of the procedure to be used by either party to terminate the contract.

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**EIGHTEENTH CAUSE FOR DISCIPLINE**

(Negligence)

21. Respondent is subject to disciplinary action under Code section 5578 for violation of Code section 5584 in that he was negligent in the practice of architecture.

**NINETEENTH CAUSE FOR DISCIPLINE**

(Willful Misconduct)

22. Respondent is subject to disciplinary action under Code section 5578 for violation of Code section 5584 and Regulations section 150, in that he engaged in willful misconduct in the practice of architecture, by failing to respond to the Board's requests for information.

**TWENTIETH CAUSE FOR DISCIPLINE**

(Unprofessional Conduct)

23. Respondent is subject to disciplinary action under Code section 5578 for violation of Regulations section 160, subdivisions (a), (b), (d) and (f), in that he engaged in unprofessional conduct by acting incompetently; demonstrating insufficient knowledge of applicable building laws, codes, and regulations; failing to accurately represent his qualifications and the scope of his responsibility in connection with projects or services for which he claimed credit; and by materially altering the scope or objective of the contracted project without first fully informing the client and obtaining the consent of the client in writing.

**V. EDITH W. PROJECT**

**TWENTY-FIRST CAUSE FOR DISCIPLINE**

(Failure to Comply with Written Contract Requirements)

24. Respondent is subject to disciplinary action under Code section 5578 for violation of Code section 5536.22 in that he failed to include on the April 23, 2007 subcontract the license number of the architect; a description of the procedure that the architect and the client will use to accommodate additional services; and a description of the procedure to be used by either party to terminate the contract.

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**TWENTY-SECOND CAUSE FOR DISCIPLINE**

(Fraud)

25. Respondent is subject to disciplinary action under Code section 5578 for violation of Code section 5583 in that he engaged in fraud or deceit in the practice of architecture, and obtained payment from Edith W. and/or G. Garcia as a result of that fraud or deceit.

**TWENTY-THIRD CAUSE FOR DISCIPLINE**

(Negligence)

26. Respondent is subject to disciplinary action under Code section 5578 for violation of Code section 5584 in that he was negligent in the practice of architecture.

**TWENTY-FOURTH CAUSE FOR DISCIPLINE**

(Willful Misconduct)

27. Respondent is subject to disciplinary action under Code section 5578 for violation of Code section 5584 and Regulations section 150, in that he engaged in willful misconduct in the practice of architecture, by failing to respond to the Board's requests for information.

**TWENTY-FIFTH CAUSE FOR DISCIPLINE**

(Unprofessional Conduct)

28. Respondent is subject to disciplinary action under Code section 5578 for violation of Regulations section 160, subdivisions (a), (b), (d), and (f), in that he engaged in unprofessional conduct by acting incompetently; demonstrating insufficient knowledge of applicable building laws, codes, and regulations; failing to respond to the Board's requests for information and/or evidence; failing to accurately represent his qualifications and the scope of his responsibility in connection with projects or services for which he claimed credit; and by materially altering the scope or objective of the contracted project without first fully informing the client and obtaining the consent of the client in writing.

1 **VI. BARRY R. PROJECT**

2 **TWENTY-SIXTH CAUSE FOR DISCIPLINE**

3 (Unlicensed Practice)

4 29. Respondent is subject to disciplinary action under Code section 5578 for violation of  
5 Code sections 5536, subdivision (a), and 5536.1, in that he engaged in the practice of architecture  
6 without being currently licensed to do so.

7 **TWENTY-SEVENTH CAUSE FOR DISCIPLINE**

8 (Failure to Comply with Written Contract Requirements)

9 30. Respondent is subject to disciplinary action under Code section 5578 for violation of  
10 Code section 5536.22 in that he failed to include on the October 15, 2005 contract the license  
11 number of the architect; a description of the procedure that the architect and the client will use to  
12 accommodate additional services; and a description of the procedure to be used by either party to  
13 terminate the contract.

14 **TWENTY-EIGHTH CAUSE FOR DISCIPLINE**

15 (Failure to Maintain Current Address of Record)

16 31. Respondent is subject to disciplinary action under Code section 5578 for violation of  
17 Code section 5558 and Regulations section 104 in that he failed to maintain an accurate and  
18 current address of record.

19 **TWENTY-NINTH CAUSE FOR DISCIPLINE**

20 (Negligence)

21 32. Respondent is subject to disciplinary action under Code section 5578 for violation of  
22 Code section 5584 in that he was negligent in the practice of architecture.

23 **THIRTIETH CAUSE FOR DISCIPLINE**

24 (Willful Misconduct)

25 33. Respondent is subject to disciplinary action under Code section 5578 for violation of  
26 Code section 5584 and Regulations section 150, in that he engaged in willful misconduct in the  
27 practice of architecture, by failing to respond to the Board's requests for information.

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1 **THIRTY-FIRST CAUSE FOR DISCIPLINE**

2 (Unprofessional Conduct)

3 34. Respondent is subject to disciplinary action under Code section 5578 for violation of  
4 Regulations section 160, subdivisions (a), (b), (d) and (f), in that he engaged in unprofessional  
5 conduct by acting incompetently; demonstrating insufficient knowledge of applicable building  
6 laws, codes, and regulations; failing to respond to the Board's requests for information and/or  
7 evidence; failing to accurately represent his qualifications and the scope of his responsibility in  
8 connection with projects or services for which he claimed credit; and by materially altering the  
9 scope or objective of the contracted project without first fully informing the client and obtaining  
10 the consent of the client in writing.

11 **VII. GUY K. PROJECT**

12 **THIRTY-SECOND CAUSE FOR DISCIPLINE**

13 (Unlicensed Practice)

14 35. Respondent is subject to disciplinary action under Code section 5578 for violation of  
15 Code sections 5536, subdivision (a), and 5536.1, in that he engaged in the practice of architecture  
16 without being currently licensed to do so.

17 **THIRTY-THIRD CAUSE FOR DISCIPLINE**

18 (Failure to Comply with Written Contract Requirements)

19 36. Respondent is subject to disciplinary action under Code section 5578 for violation of  
20 Code section 5536.22 in that he failed to include on the October 27, 2009 contract the license  
21 number of the architect; a description of the procedure that the architect and the client will use to  
22 accommodate additional services; and a description of the procedure to be used by either party to  
23 terminate the contract.

24 **THIRTY-FOURTH CAUSE FOR DISCIPLINE**

25 (Failure to Maintain Current Address of Record)

26 37. Respondent is subject to disciplinary action under Code section 5578 for violation of  
27 Code section 5558 and Regulations section 104 in that he failed to maintain an accurate and  
28 current address of record.

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**THIRTY-FIFTH CAUSE FOR DISCIPLINE**

(Negligence)

38. Respondent is subject to disciplinary action under Code section 5578 for violation of Code section 5584 in that he was negligent in the practice of architecture.

**THIRTY-SIXTH CAUSE FOR DISCIPLINE**

(Willful Misconduct)

39. Respondent is subject to disciplinary action under Code section 5578 for violation of Code section 5584 and Regulations section 150, in that he engaged in willful misconduct in the practice of architecture, by failing to respond to the Board's requests for information.

**THIRTY-SEVENTH CAUSE FOR DISCIPLINE**

(Unprofessional Conduct)

40. Respondent is subject to disciplinary action under Code section 5578 for violation of Regulations section 160, subdivisions (a), (b), (d) and (f), in that he engaged in unprofessional conduct by acting incompetently; demonstrating insufficient knowledge of applicable building laws, codes, and regulations; failing to respond to the Board's requests for information and/or evidence; failing to accurately represent his qualifications and the scope of his responsibility in connection with projects or services for which he claimed credit; and by materially altering the scope or objective of the contracted project without first fully informing the client and obtaining the consent of the client in writing.



# Exhibit A

Accusation No. 10-03-05-07-180

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1 EDMUND G. BROWN JR.  
Attorney General of California  
2 LINDA K. SCHNEIDER  
Supervising Deputy Attorney General  
3 G. MICHAEL GERMAN  
Deputy Attorney General  
4 State Bar No. 103312  
110 West "A" Street, Suite 1100  
5 San Diego, CA 92101  
P.O. Box 85266  
6 San Diego, CA 92186-5266  
Telephone: (619) 645-2617  
7 Facsimile: (619) 645-2061  
E-mail: Michael.German@doj.ca.gov  
8 *Attorneys for Complainant*

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

11  
12 In the Matter of the Accusation Against:

Case No. CAB 05-07-180

13 **THOMAS NAVARRE PERRY**  
14 **3417 Fifth Avenue**  
**San Diego, CA 92103**

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

15 **Architect License No. C-24874**

Accusation No. 10-03-05-07-180

16 Respondent.

17  
18 Complainant alleges:

19 **PARTIES**

20 1. Complainant Douglas R. McCauley 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 March 10, 1994, the Board issued Architect License Number C-24874 to  
24 Respondent Thomas Navarre Perry, with 3417 Fifth Avenue, San Diego, California 92103 as his  
25 address of record. The License was in full force at times and expired at other times as follows:

26 March 10, 1994: License issued, with September 30, 1995 expiration date.

27 September 30, 1995: License expired.

28 January 19, 2000: License renewed, with September 30, 2001 expiration date.



1 complaint in writing of any person, investigate the actions of any architect and may  
2 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)].

3 **STATUTORY PROVISIONS**

4 7. Section 5536 states, in pertinent part:

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

10 (b) It is a misdemeanor, punishable as specified in subdivision (a), for any  
11 person who is not licensed to practice architecture under this chapter to affix a stamp  
12 or seal that bears the legend 'State of California' or words or symbols that represent or  
imply that the person is so licensed by the state to prepare plans, specifications, or  
instruments of service.

13 . . . .

14 8. Section 5536.1 states, in pertinent part:

15 (a) All persons preparing or being in responsible control of plans,  
16 specifications, and instruments of service for others shall sign those plans,  
17 specifications, and instruments of service and all contracts therefor, and if licensed  
18 under this chapter shall affix a stamp, which complies with subdivision (b), to those  
19 plans, specifications, and instruments of service, as evidence of the person's  
responsibility for those documents. Failure of any person to comply with this  
subdivision is a misdemeanor punishable as provided in Section 5536. This section  
shall not apply to employees of persons licensed under this chapter while acting  
within the course of their employment

20 (b) For the purposes of this chapter, any stamp used by any architect  
21 licensed under this chapter shall be of a design authorized by the Board which shall at  
22 a minimum bear the licensee's name, his or her license number, the legend "licensed  
architect" and the legend "State of California," and which shall provide a means of  
indicating the renewal date of the license.

23 (c) The preparation of plans, specifications, or instruments of service for  
24 any building, except the buildings described in Section 5537, by any person who is  
25 not licensed to practice architecture in this state, is a misdemeanor punishable as  
provided in Section 5536.

26 . . . .

27 9. Section 5536.22 states:

28 (a) An architect shall use a written contract when contracting to provide

1 professional services to a client pursuant to this chapter. That written contract shall be  
2 executed by the architect and the client, or his or her representative, prior to the  
3 architect commencing work, unless the client knowingly states in writing that work  
4 may be commenced before the contract is executed. The written contract shall  
5 include, but not be limited to, all of the following items:

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

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

9 (3) The name, address, and license number of the architect and the name  
10 and address of the client.

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

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

15 . . . .

16 10. Section 5558 states:

17 Each person holding a license to practice architecture under this chapter  
18 shall file with the Board his or her current mailing address and the proper and current  
19 name and address of the entity through which he or she provides architectural  
20 services. For purposes of this section, "entity" means any individual, firm,  
21 corporation, or limited liability partnership.

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

24 12. Section 5583 states: "The fact that, in the practice of architecture, the holder of a  
25 license has been guilty of fraud or deceit constitutes a ground for disciplinary action."

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

### REGULATORY PROVISIONS

14. California Code of Regulations, title 16 (Regulations), section 104 states:

Each person holding a certificate of registration, license, permit, or any  
other authority to practice architecture in the State of California under any and all  
laws administered by the Board, shall file his/her proper and current business name  
and address and mailing address with the Board at its office in Sacramento, and  
immediately notify the Board at its said office of any and all changes of business  
name and address or mailing address, giving both the old and new names or  
addresses.

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15. Regulations, section 150 states:

Willful misconduct includes the violation by an architect of a provision of the agreement with a client if:

(1) the architect has full knowledge that the conduct or omission is a violation of the agreement, and

(2) the architect has made no reasonable effort to inform the client of the conduct or omission.

16. Regulations, 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:

(a) Competence:

(1) An architect shall undertake to perform professional services only when he or she, together with those whom the architect may engage as consultants, are qualified by education, training, and experience in the specific technical areas involved.

(2) In addition to subsection (a)(1) above, when practicing architecture, an architect shall act with reasonable care and competence, and shall apply the technical knowledge and skill which is ordinarily applied by architects of good standing, practicing in this state under similar circumstances and conditions.

(b) Willful Misconduct:

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

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

....

(d) Full Disclosure:

(1) An architect shall accurately represent to a prospective or existing client or employer his or her qualifications and the scope of his or her responsibility in connection with projects or services for which he or she is claiming credit.

....

(f) Informed Consent:

1 (1) An architect shall not materially alter the scope or objective of a  
2 project without first fully informing the client and obtaining the consent of the client  
3 in writing.

### 4 **COST RECOVERY**

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

6 Except as otherwise provided by law, in any order issued in resolution of  
7 a 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 licensee found to have committed a violation or violations of the licensing act to pay  
10 a sum not to exceed the reasonable costs of the investigation and enforcement of the  
11 case.

### 12 **I. JULIAN V. PROJECT**

13 18. On February 20, 2004, while his architect's license was expired, Respondent  
14 contracted with Julian V. to provide the following services: verify and document all existing  
15 conditions; provide planning, design, drafting, and permitting services; provide working drawing  
16 for submittal to the City of San Diego (City); coordinate Title 24 requirements; and obtain a  
17 building permit from the City for all proposed work for a new home to be built in San Diego. The  
18 contract price was not to exceed \$4,500 for these services. Respondent used his standard "Work  
19 Confirmation" form of agreement that did not contain his license number, the description of a  
20 procedure to be used by the parties to accommodate additional services, and the description of a  
21 procedure to be used by either party to terminate the agreement, but which did identify  
22 Respondent as an architect, despite his expired license status. Though Respondent submitted an  
23 initial set of plans to the City on July 22, 2004, they failed to comply with City's minimum  
24 submittal checklist. By August 26, 2004, Julian had paid Respondent and Jana Rodgers,  
25 Respondent's "Designer," \$4,207.00, but Respondent did not complete the project, failed to  
26 return Julian's repeated telephone calls, and never obtained the building permit as required by the  
27 contract. When Julian finally managed to contact Respondent, on April 26, 2005, and asked him  
28 to refund the monies he had paid him, Respondent refused to do so, and when Julian asked him  
for his address, Respondent claimed he did not remember it. Julian then hired someone else to  
complete the construction documents, causing him to incur monetary damages, for which he won

1 a small claims judgment in the amount of \$2,132.00 against Respondent entered on June 25,  
2 2005. Julian filed a complaint against Respondent with the Board on or about June 30, 2005.

3 19. Respondent never responded to any of the 12 Board requests for information sent to  
4 his address of record and various other addresses used by him, by certified and regular mail, on  
5 July 12, 2005; August 5, 2005; June 23, 2006; July 12, 2006; September 15, 2006; December 27,  
6 2006; January 18, 2007; February 28, 2007; May 12, 2008; June 2, 2008; June 26, 2008; and  
7 March 2, 2009; and faxed to him at (619) 232-5410 on August 29, 2007. The U.S. Postal Service  
8 returned the majority of those letters to the Board as “unclaimed,” “not deliverable as addressed,  
9 return to sender, attempted – not known, unable to forward,” “moved,” or “refused.”

10 **FIRST CAUSE FOR DISCIPLINE**

11 (Unlicensed Practice)

12 20. Respondent is subject to disciplinary action under Code section 5578 for violation of  
13 Code sections 5536, subdivision (a), and 5536.1, in that he engaged in the practice of architecture  
14 without being currently licensed to do so, as detailed in paragraph 18.

15 **SECOND CAUSE FOR DISCIPLINE**

16 (Failure to Comply with Written Contract Requirements)

17 21. Respondent is subject to disciplinary action under Code section 5578 for violation of  
18 Code section 5536.22 in that he failed to include on the February 20, 2004 contract the license  
19 number of the architect; a description of the procedure that the architect and the client will use to  
20 accommodate additional services; and a description of the procedure to be used by either party to  
21 terminate the contract, as detailed in paragraph 18.

22 **THIRD CAUSE FOR DISCIPLINE**

23 (Failure to Maintain Current Address of Record)

24 22. Respondent is subject to disciplinary action under Code section 5578 for violation of  
25 Code section 5558 and Regulations section 104 in that he failed to maintain an accurate and  
26 current address of record with the Board, as detailed in paragraph 19.

1 **FOURTH CAUSE FOR DISCIPLINE**

2 (Negligence )

3 23. Respondent is subject to disciplinary action under Code section 5578 for violation of  
4 Code section 5584 in that he was negligent in the practice of architecture, as detailed in  
5 paragraphs 18 and 19.

6 **FIFTH CAUSE FOR DISCIPLINE**

7 (Willful Misconduct)

8 24. Respondent is subject to disciplinary action under Code section 5578 for violation of  
9 Code section 5584 and Regulations section 150, in that he engaged in willful misconduct in the  
10 practice of architecture, by failing to respond to the Board’s requests for information, as detailed  
11 in paragraph 19.

12 **SIXTH CAUSE FOR DISCIPLINE**

13 (Unprofessional Conduct)

14 25. Respondent is subject to disciplinary action under Code section 5578 for violation of  
15 Regulations section 160, subdivisions (a), (b), (d), and (f), in that he engaged in unprofessional  
16 conduct by acting incompetently; demonstrating insufficient knowledge of applicable building  
17 laws, codes, and regulations; failing to respond to the Board’s requests for information and/or  
18 evidence; failing to accurately represent his qualifications and the scope of his responsibility in  
19 connection with projects or services for which he claimed credit; and by materially altering the  
20 scope or objective of the contracted project without first fully informing the client and obtaining  
21 the consent of the client in writing, as detailed in paragraphs 18 and 19.

22 **II. NOBLE S. PROJECT**

23 26. On May 24, 2007, Respondent contracted with Noble S. to provide architectural  
24 planning, design, drafting, and permitting services to enclose the rear patio of Noble’s home in  
25 Spring Valley. The contract price was not to exceed \$1,200 for these services, which required  
26 Respondent to obtain a building permit from the City of Spring Valley for all proposed work, and  
27 Noble paid Respondent \$400 when he executed the contract. Respondent used his standard  
28 “Work Confirmation” form of agreement that did not contain his license number, the description

1 of a procedure to be used by the parties to accommodate additional services, and the description  
2 of a procedure to be used by either party to terminate the agreement. On June 27, 2007, three  
3 weeks after the agreed-upon date had passed without his communicating with Noble, Respondent  
4 submitted his initial set of plans to Noble but they were unrecognizable, did not reflect the  
5 property as it existed or as it was to be improved, lacked specific details and directions to provide  
6 contractors with sufficient information to prepare adequate bids, and consisted of little more than  
7 irrelevant and generic computer-generated building code information not specific to the project at  
8 hand and actually came from another of Respondent's projects. Though Noble paid Respondent  
9 \$600 on June 27, 2007, he again encountered delays and a lack of communication from  
10 Respondent, including unreturned voicemail messages, which led him to file a complaint with the  
11 Board on or about August 20, 2007. Though Respondent apparently eventually complied with his  
12 contractual obligations to Noble, he did not do so until on or about October 16, 2007, nearly five  
13 months after the parties executed the contract, when both parties signed a "Complaint Retraction"  
14 prepared by Noble. Noble was obliged to hire another architect to complete the patio project.

15 27. Respondent never responded to any of the six Board requests for information sent to  
16 his address of record and various other addresses used by him, by certified and regular mail, on  
17 August 21, 2007; October 10, 2007; October 30, 2007; May 12, 2008; June 26, 2008; and March  
18 2, 2009, even though he was aware of the complaint Noble filed with the Board, as evidenced by  
19 Respondent's signature on the October 16, 2007 "Complaint Retraction" prepared by Noble. The  
20 U.S. Postal Service returned the certified letter the Board sent to Respondent on June 26, 2008, as  
21 "unclaimed."

#### 22 SEVENTH CAUSE FOR DISCIPLINE

23 (Failure to Comply with Written Contract Requirements)

24 28. Respondent is subject to disciplinary action under Code section 5578 for violation of  
25 Code section 5536.22 in that he failed to include on the May 24, 2007 contract the license number  
26 of the architect; a description of the procedure that the architect and the client will use to  
27 accommodate additional services; and a description of the procedure to be used by either party to  
28 terminate the contract, as detailed in paragraph 26.

1 **EIGHTH CAUSE FOR DISCIPLINE**

2 (Failure to Maintain Current Address of Record)

3 29. Respondent is subject to disciplinary action under Code section 5578 for violation of  
4 Code section 5558 and Regulations section 104 in that he failed to maintain an accurate and  
5 current address of record, as detailed in paragraph 27.

6 **NINTH CAUSE FOR DISCIPLINE**

7 (Negligence)

8 30. Respondent is subject to disciplinary action under Code section 5578 for violation of  
9 Code section 5584 in that he was negligent in the practice of architecture, as detailed in  
10 paragraphs 26 and 27.

11 **TENTH CAUSE FOR DISCIPLINE**

12 (Willful Misconduct)

13 31. Respondent is subject to disciplinary action under Code section 5578 for violation of  
14 Code section 5584 and Regulations section 150, in that he engaged in willful misconduct in the  
15 practice of architecture, by failing to respond to the Board’s requests for information, as detailed  
16 in paragraph 27.

17 **ELEVENTH CAUSE FOR DISCIPLINE**

18 (Unprofessional Conduct)

19 32. Respondent is subject to disciplinary action under Code section 5578 for violation of  
20 Regulations section 160, subdivisions (a), (b), (d), and (f), in that he engaged in unprofessional  
21 conduct by acting incompetently; demonstrating insufficient knowledge of applicable building  
22 laws, codes, and regulations; failing to respond to the Board’s requests for information and/or  
23 evidence; failing to accurately represent his qualifications and the scope of his responsibility in  
24 connection with projects or services for which he claimed credit; and by materially altering the  
25 scope or objective of the contracted project without first fully informing the client and obtaining  
26 the consent of the client in writing, as detailed in paragraphs 26 and 27.

### III. JOHN V. PROJECT

1  
2           33. On February 26, 2007, Respondent and John V. executed a two-phase architectural  
3 contract for a second story addition to John's San Diego home. Phase I of the contract was to be  
4 completed by March 5, 2007, was not to exceed \$1,500, and required Respondent to verify and  
5 document all existing conditions, and to provide planning, design, drafting, and permitting  
6 services for the addition, including upper level design studies for a new accessory room and new  
7 bathroom. Phase II of the contract was estimated not to exceed \$2,500, and required Respondent  
8 to provide working drawings for submission to the City of San Diego (City); coordinate all  
9 structural, civil and Title 24 engineering work, if required; and to obtain a building permit from  
10 the City for all proposed work. Respondent used his standard "Work Confirmation" form of  
11 agreement that did not contain his license number, the description of a procedure to be used by  
12 the parties to accommodate additional services, and the description of a procedure to be used by  
13 either party to terminate the agreement. John paid Respondent \$600 when he executed the  
14 contract on February 26, 2007; \$900 on March 31, 2007; \$880 on April 26, 2007; and \$800 on  
15 May 5, 2007, for a total of \$3,180, plus the \$1,765.60 John paid to City for the building permit.

16           34. By March 31, 2007, Respondent had missed several meetings he had scheduled with  
17 John, but Phase I was completed on that date, nearly one month late. Between then and April 22,  
18 2007, Respondent missed several more scheduled appointments with John, failed to return many  
19 of his telephone calls, and further delayed completion of the project. Respondent arrived for an  
20 appointment an hour late with John on April 22, and produced plans that were so inaccurate that  
21 Respondent agreed to redraw and submit them for approval to John on the next day, and to the  
22 City by April 24, 2007. After another series of unreturned telephone calls and no-shows by  
23 Respondent, he finally delivered the preliminary plans to John on April 26, 2007.

24           35. On May 5, 2007, Respondent delivered to John what he represented was the final  
25 floor plan, bearing what purported to be City's approval stamp. Respondent did not deliver the  
26 City's receipt for the plans to John at this time, but told him that he would retrieve and deliver it  
27 to John, which he failed to do. When John attempted to retrieve the receipt from the City, he  
28 discovered that Respondent had not obtained approved plans or a building permit from the City as

1 he had claimed. John's repeated telephone calls and correspondence to Respondent either went  
2 unanswered or met with no substantive response, which led him to file a complaint with the  
3 Board against Respondent on August 27, 2007. The City later confirmed that the stamped floor  
4 plan Respondent produced to John was not genuine and was not approved by its purported signer.

5 36. Respondent never responded to any of the seven Board requests for information sent  
6 to his address of record and various other addresses used by him, by certified and regular mail, on  
7 September 13, 2007; October 10, 2007; October 30, 2007; May 12, 2008; June 2, 2008; June 26,  
8 2008; and March 2, 2009. The U.S. Postal Service returned one of those letters to the Board as  
9 "unclaimed," but Respondent signed for at least two of the others mailed to his Ivy Street address  
10 and Fifth Avenue address of record.

#### 11 **TWELFTH CAUSE FOR DISCIPLINE**

12 (Failure to Comply with Written Contract Requirements)

13 37. Respondent is subject to disciplinary action under Code section 5578 for violation of  
14 Code section 5536.22 in that he failed to include on the February 26, 2007 contract the license  
15 number of the architect; a description of the procedure that the architect and the client will use to  
16 accommodate additional services; and a description of the procedure to be used by either party to  
17 terminate the contract, as detailed in paragraph 33.

#### 18 **THIRTEENTH CAUSE FOR DISCIPLINE**

19 (Fraud)

20 38. Respondent is subject to disciplinary action under Code section 5578 for violation of  
21 Code section 5583 in that he engaged in fraud or deceit in the practice of architecture, and  
22 obtained payment from John as a result of that fraud or deceit, as detailed in paragraphs 33  
23 through 36, inclusive.

#### 24 **FOURTEENTH CAUSE FOR DISCIPLINE**

25 (Negligence )

26 39. Respondent is subject to disciplinary action under Code section 5578 for violation of  
27 Code section 5584 in that he was negligent in the practice of architecture, as detailed in  
28 paragraphs 33 through 36, inclusive.

1 **FIFTEENTH CAUSE FOR DISCIPLINE**

2 (Willful Misconduct)

3 40. Respondent is subject to disciplinary action under Code section 5578 for violation of  
4 Code section 5584 and Regulations section 150, in that he engaged in willful misconduct in the  
5 practice of architecture, by failing to respond to the Board's requests for information, as detailed  
6 in paragraph 33 through 36, inclusive.

7 **SIXTEENTH CAUSE FOR DISCIPLINE**

8 (Unprofessional Conduct)

9 41. Respondent is subject to disciplinary action under Code section 5578 for violation of  
10 Regulations section 160, subdivisions (a), (b), and (d), in that he engaged in unprofessional  
11 conduct by acting incompetently; demonstrating insufficient knowledge of applicable building  
12 laws, codes, and regulations; failing to respond to the Board's requests for information and/or  
13 evidence; and by failing to accurately represent his qualifications and the scope of his  
14 responsibility in connection with projects or services for which he claimed credit, as detailed in  
15 paragraphs 33 through 36, inclusive.

16 **IV. STEVE S. PROJECT**

17 42. On or about February 6, 2007, Respondent contracted with and agreed to provide the  
18 following architectural services to Steve S.: verify and document all existing conditions; research  
19 zoning information and requirements, building codes applicable to revised design plans and  
20 construction, and building permit history; provide owner requested revisions to permitted  
21 drawings for an in-progress residential renovation; provide all required revised working drawings  
22 and construction documents for plan review with the City of San Diego (City); and obtain  
23 approval for all building permit revisions from the City for all of these items. The contract was  
24 not to exceed the estimated amount of \$1,500. Respondent used his standard "Work  
25 Confirmation" form of agreement that did not contain his license number, the description of a  
26 procedure to be used by the parties to accommodate additional services, and the description of a  
27 procedure to be used by either party to terminate the agreement. Steve paid Respondent \$500 on  
28 February 6, 2007, but approximately 30 days later demanded that Respondent refund that money

1 to him because Respondent failed to provide the contracted services or keep any of the multiple  
2 appointments the parties had scheduled. Despite eventually agreeing to refund Steve his \$500,  
3 Respondent failed to do so, and Steve filed a complaint to the Board on or about December 28,  
4 2007.

5 43. Respondent never responded to the April 14 and 22, 2007 letters Steve sent him  
6 demanding a refund, and did not retrieve the second letter, which Steve sent via certified mail.  
7 Nor did Respondent respond to any of the seven Board requests for information sent to his  
8 address of record and various other addresses used by him, by certified and regular mail, on  
9 January 9, 2008; January 28, 2008; February 20, 2008; May 12, 2008; June 2, 2008; June 26,  
10 2008; and March 2, 2009. The U.S. Postal Service returned one of those letters to the Board as  
11 "unclaimed," but Respondent signed for at least one of the others mailed to his Ivy Street address.

12 **SEVENTEENTH CAUSE FOR DISCIPLINE**

13 (Failure to Comply with Written Contract Requirements)

14 44. Respondent is subject to disciplinary action under Code section 5578 for violation of  
15 Code section 5536.22 in that he failed to include on the February 6, 2007 contract the license  
16 number of the architect; a description of the procedure that the architect and the client will use to  
17 accommodate additional services; and a description of the procedure to be used by either party to  
18 terminate the contract, as detailed in paragraph 42.

19 **EIGHTEENTH CAUSE FOR DISCIPLINE**

20 (Negligence)

21 45. Respondent is subject to disciplinary action under Code section 5578 for violation of  
22 Code section 5584 in that he was negligent in the practice of architecture, as detailed in  
23 paragraphs 42 and 43.

24 **NINETEENTH CAUSE FOR DISCIPLINE**

25 (Willful Misconduct)

26 46. Respondent is subject to disciplinary action under Code section 5578 for violation of  
27 Code section 5584 and Regulations section 150, in that he engaged in willful misconduct in the  
28

1 practice of architecture, by failing to respond to the Board's requests for information, as detailed  
2 in paragraph 43.

### 3 TWENTIETH CAUSE FOR DISCIPLINE

4 (Unprofessional Conduct)

5 47. Respondent is subject to disciplinary action under Code section 5578 for violation of  
6 Regulations section 160, subdivisions (a), (b), (d) and (f), in that he engaged in unprofessional  
7 conduct by acting incompetently; demonstrating insufficient knowledge of applicable building  
8 laws, codes, and regulations; failing to accurately represent his qualifications and the scope of his  
9 responsibility in connection with projects or services for which he claimed credit; and by  
10 materially altering the scope or objective of the contracted project without first fully informing  
11 the client and obtaining the consent of the client in writing, as detailed in paragraphs 42 and 43.

### 12 V. EDITH W. PROJECT

13 48. On April 21, 2007, Edith W., a single woman 58 years old and living alone,  
14 contracted with general contractor G. Garcia to construct an addition to her San Diego home.  
15 Edith paid Garcia \$500 in order so he could obtain architectural services required for that  
16 contract. On April 23, 2007, Garcia executed a two-phase subcontract with Respondent for  
17 architectural services. Phase I of the subcontract required Respondent to verify and document all  
18 existing conditions, and to provide planning, design, drafting, and permitting services for a new  
19 second story addition over the existing garage and upper level design studies for a new accessory  
20 room and bath room. Phase II of the subcontract required Respondent to provide working  
21 drawings for submission to the City of San Diego (City) for all proposed work, and to obtain  
22 building permits from the City for all proposed work. Together the total cost of the subcontract  
23 was not to exceed the amount of \$2,000. Respondent used his standard "Work Confirmation"  
24 form of agreement that did not contain his license number, the description of a procedure to be  
25 used by the parties to accommodate additional services, and the description of a procedure to be  
26 used by either party to terminate the agreement. On April 23, 2007, Edith paid Garcia \$6,500 for  
27 the contracted work. Edith paid Garcia between \$45,000 and \$60,000 for a project that was never  
28 finished.



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**TWENTY-SECOND CAUSE FOR DISCIPLINE**

(Fraud)

53. Respondent is subject to disciplinary action under Code section 5578 for violation of Code section 5583 in that he engaged in fraud or deceit in the practice of architecture, and obtained payment from Edith and/or Garcia as a result of that fraud or deceit, as detailed in paragraph 49.

**TWENTY-THIRD CAUSE FOR DISCIPLINE**

(Negligence)

54. Respondent is subject to disciplinary action under Code section 5578 for violation of Code section 5584 in that he was negligent in the practice of architecture, as detailed in paragraphs 48 through 51, inclusive.

**TWENTY-FOURTH CAUSE FOR DISCIPLINE**

(Willful Misconduct)

55. Respondent is subject to disciplinary action under Code section 5578 for violation of Code section 5584 and Regulations section 150, in that he engaged in willful misconduct in the practice of architecture, by failing to respond to the Board's requests for information, as detailed in paragraph 51.

**TWENTY-FIFTH CAUSE FOR DISCIPLINE**

(Unprofessional Conduct)

56. Respondent is subject to disciplinary action under Code section 5578 for violation of Regulations section 160, subdivisions (a), (b), (d), and (f), in that he engaged in unprofessional conduct by acting incompetently; demonstrating insufficient knowledge of applicable building laws, codes, and regulations; failing to respond to the Board's requests for information and/or evidence; failing to accurately represent his qualifications and the scope of his responsibility in connection with projects or services for which he claimed credit; and by materially altering the scope or objective of the contracted project without first fully informing the client and obtaining the consent of the client in writing, as detailed in paragraphs 48 through 51, inclusive.

1 **VI. BARRY R. PROJECT**

2 57. On October 15, 2005, while his architect’s license was expired, Respondent executed  
3 a two-phase contract with Barry R. for architectural services for a remodeling project on his home  
4 in Del Mar. Phase I of the project required Respondent to verify and document all existing  
5 conditions; research City of Del Mar (City) zoning requirements and all local building codes  
6 applicable to the proposed design, plan, and construction; and provide planning, design, and  
7 architectural and building structural analysis services. Phase II of the project required  
8 Respondent to prepare working drawings based on approval of final design; coordinate all  
9 approvals, including all structural and Title 24 engineering aspects with corresponding engineers,  
10 required by City; provide all required working drawings and construction documents for plan  
11 review with the “County of Del Mar” [sic]; and obtain a building “permit from the City of Del  
12 Mar / County of San Diego.” The cost of Phase I of the contract was not to exceed \$2,000, and  
13 the final budget for Phase II was to be determined at the finalization of Phase I, but was estimated  
14 not to exceed \$2,000. Respondent used his standard “Work Confirmation” form of agreement  
15 that did not contain his license number, the description of a procedure to be used by the parties to  
16 accommodate additional services, and the description of a procedure to be used by either party to  
17 terminate the agreement, but which did identify Respondent as an architect, despite his expired  
18 license status.

19 58. By November 21, 2007, Barry had paid Respondent \$1,450 for the contracted work,  
20 but Respondent failed to prepare the plans he agreed to or otherwise perform his obligations  
21 under the contract. Barry placed several telephone calls to Respondent over the life of the  
22 contract, but Respondent rarely returned any of them, and only later did Barry indirectly learn that  
23 Respondent had moved his offices without informing him of having done so. Barry filed a  
24 complaint against Respondent with the Board, through the Department of Consumer Affairs on  
25 August 13, 2007. Respondent never responded to the Board’s January 7, 2010 letter requesting  
26 information sent to his Fifth Avenue address of record on that date, and the U.S. Postal Service  
27 returned it to the Board as “not deliverable as addressed – unable to forward.”  
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**TWENTY-SIXTH CAUSE FOR DISCIPLINE**

(Unlicensed Practice)

59. Respondent is subject to disciplinary action under Code section 5578 for violation of Code sections 5536, subdivision (a), and 5536.1, in that he engaged in the practice of architecture without being currently licensed to do so, as detailed in paragraphs 57 and 58.

**TWENTY-SEVENTH CAUSE FOR DISCIPLINE**

(Failure to Comply with Written Contract Requirements)

60. Respondent is subject to disciplinary action under Code section 5578 for violation of Code section 5536.22 in that he failed to include on the October 15, 2005 contract the license number of the architect; a description of the procedure that the architect and the client will use to accommodate additional services; and a description of the procedure to be used by either party to terminate the contract, as detailed in paragraph 57.

**TWENTY-EIGHTH CAUSE FOR DISCIPLINE**

(Failure to Maintain Current Address of Record)

61. Respondent is subject to disciplinary action under Code section 5578 for violation of Code section 5558 and Regulations section 104 in that he failed to maintain an accurate and current address of record, as detailed in paragraph 58.

**TWENTY-NINTH CAUSE FOR DISCIPLINE**

(Negligence)

62. Respondent is subject to disciplinary action under Code section 5578 for violation of Code section 5584 in that he was negligent in the practice of architecture, as detailed in paragraphs 57 and 58.

**THIRTIETH CAUSE FOR DISCIPLINE**

(Willful Misconduct)

63. Respondent is subject to disciplinary action under Code section 5578 for violation of Code section 5584 and Regulations section 150, in that he engaged in willful misconduct in the practice of architecture, by failing to respond to the Board's requests for information, as detailed in paragraph 58.

1 **THIRTY-FIRST CAUSE FOR DISCIPLINE**

2 (Unprofessional Conduct)

3 64. Respondent is subject to disciplinary action under Code section 5578 for violation of  
4 Regulations section 160, subdivisions (a), (b), (d) and (f), in that he engaged in unprofessional  
5 conduct by acting incompetently; demonstrating insufficient knowledge of applicable building  
6 laws, codes, and regulations; failing to respond to the Board's requests for information and/or  
7 evidence; failing to accurately represent his qualifications and the scope of his responsibility in  
8 connection with projects or services for which he claimed credit; and by materially altering the  
9 scope or objective of the contracted project without first fully informing the client and obtaining  
10 the consent of the client in writing, as detailed in paragraphs 57 and 58.

11 **VII. GUY K. PROJECT**

12 65. On October 27, 2009, while his architect's license was expired, Respondent executed  
13 a contract with Guy K. for architectural services to verify, document and photo survey all existing  
14 conditions; provide planning and design services to satisfy grading code violations issued for an  
15 existing residential addition; provide all documents required by the City of San Diego (City)  
16 Code Enforcement Department for review and approval; assemble all required working drawings  
17 for submittal to City's Building and Engineering Department for plan review; satisfy all plan  
18 check items for permit required by City's Code Enforcement Department to issue all of City's  
19 required Building and Engineering permits; sign and stamp all documents required to issue City's  
20 Building and Health permits; and provide additional structural or civil engineering services for an  
21 addition to Guy's residence. The cost of the contract was not to exceed \$3,000, and Respondent  
22 orally advised Guy that he would finish the project by January 8, 2010. Respondent used his  
23 standard "Work Confirmation" form of agreement that did not contain his license number, the  
24 description of a procedure to be used by the parties to accommodate additional services, and the  
25 description of a procedure to be used by either party to terminate the agreement, but which did  
26 identify Respondent as an architect, despite his expired license status.

27 66. On October 27, 2009, Guy paid Respondent \$1,500 as a retainer for the contracted  
28 work, and on November 17, 2009, paid him \$500 as a progress payment. At that time, as Guy

1 was preparing to leave Respondent's office, Respondent asked him "Do you know where I could  
2 score some?" which Guy interpreted as Respondent's asking where he could buy some drugs.  
3 Guy placed several telephone calls to Respondent over the succeeding months, but Respondent  
4 never returned any of them, and only later did Guy indirectly learn that Respondent had moved  
5 his offices without informing him of having done so. Guy eventually tracked down Respondent,  
6 who then demanded an additional \$5,000 for "review fees," which Guy refused to pay. On or  
7 about February 8, 2010, Guy received a telephone call from City's Code Enforcement  
8 Department asking why nothing had been submitted and no communications had been made to  
9 her office since early November 2009. Guy was obliged to ask City's Code Enforcement  
10 Department for some leniency in its timeframes, while he secured Respondent's performance  
11 under their contract or retained another architect. In sum, Respondent never completed any work  
12 on the contract except for making a single telephone call to City's Code Enforcement Department  
13 to advise them that he was "working on" the project. Guy filed a complaint against Respondent  
14 with the Board on February 22, 2010. Respondent never responded to the Board's February 24,  
15 2010 cease and desist letter and request for information sent to his address of record on that date,  
16 and the U.S. Postal Service returned that letter to the Board as "unclaimed – unable to forward"  
17 on March 4, 2010.

### 18 **THIRTY-SECOND CAUSE FOR DISCIPLINE**

19 (Unlicensed Practice)

20 67. Respondent is subject to disciplinary action under Code section 5578 for violation of  
21 Code sections 5536, subdivision (a), and 5536.1, in that he engaged in the practice of architecture  
22 without being currently licensed to do so, as detailed in paragraphs 65 and 66.

### 23 **THIRTY-THIRD CAUSE FOR DISCIPLINE**

24 (Failure to Comply with Written Contract Requirements)

25 68. Respondent is subject to disciplinary action under Code section 5578 for violation of  
26 Code section 5536.22 in that he failed to include on the October 27, 2009 contract the license  
27 number of the architect; a description of the procedure that the architect and the client will use to  
28

1 accommodate additional services; and a description of the procedure to be used by either party to  
2 terminate the contract, as detailed in paragraph 65.

3 **THIRTY-FOURTH CAUSE FOR DISCIPLINE**

4 (Failure to Maintain Current Address of Record)

5 69. Respondent is subject to disciplinary action under Code section 5578 for violation of  
6 Code section 5558 and Regulations section 104 in that he failed to maintain an accurate and  
7 current address of record, as detailed in paragraph 66.

8 **THIRTY-FIFTH CAUSE FOR DISCIPLINE**

9 (Negligence)

10 70. Respondent is subject to disciplinary action under Code section 5578 for violation of  
11 Code section 5584 in that he was negligent in the practice of architecture, as detailed in  
12 paragraphs 65 and 66.

13 **THIRTY-SIXTH CAUSE FOR DISCIPLINE**

14 (Willful Misconduct)

15 71. Respondent is subject to disciplinary action under Code section 5578 for violation of  
16 Code section 5584 and Regulations section 150, in that he engaged in willful misconduct in the  
17 practice of architecture, by failing to respond to the Board's requests for information, as detailed  
18 in paragraph 66.

19 **THIRTY-SEVENTH CAUSE FOR DISCIPLINE**

20 (Unprofessional Conduct)

21 72. Respondent is subject to disciplinary action under Code section 5578 for violation of  
22 Regulations section 160, subdivisions (a), (b), (d) and (f), in that he engaged in unprofessional  
23 conduct by acting incompetently; demonstrating insufficient knowledge of applicable building  
24 laws, codes, and regulations; failing to respond to the Board's requests for information and/or  
25 evidence; failing to accurately represent his qualifications and the scope of his responsibility in  
26 connection with projects or services for which he claimed credit; and by materially altering the  
27 scope or objective of the contracted project without first fully informing the client and obtaining  
28 the consent of the client in writing, as detailed in paragraphs 65 and 66.

1 **DISCIPLINE CONSIDERATIONS**

2 73. To determine the degree of discipline, if any, to be imposed on Respondent,  
3 Complainant alleges that on or about December 30, 2004, in a prior action, the Board issued  
4 Citation Number 04-18, a two-count Class C citation for practicing without a license, for  
5 Respondent's contracting to provide, and providing, architectural services to two consumers  
6 while his license was expired. Respondent did so under the same "Work Confirmation" contract  
7 form used in the contracts addressed in this Accusation, which was as formally noncompliant  
8 with the requirements of Code section 5536.22, subdivisions (a) (3), (4), and (5) then as it has  
9 remained since. The Order of Correction required Respondent to pay a \$500 civil penalty for  
10 each count, and the Order of Correction was satisfied by July 3, 2006. That Citation is now final  
11 and is incorporated by reference as if fully set forth herein.

12 74. To determine the degree of discipline, if any, to be imposed on Respondent,  
13 Complainant alleges that on or about June 28, 2002, in a prior action, the Board issued a Notice of  
14 Warning in Board Case No. 01-03-054 advising Respondent that his same "Work Confirmation"  
15 contract form used in the contracts addressed in this Accusation was as formally noncompliant  
16 with the requirements of Code section 5536.22, subdivisions (a)(3), (4), and (5) then as it has  
17 remained since.

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1 **PRAYER**

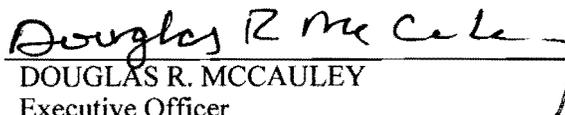
2 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,  
3 and that following the hearing, the Board issue a decision:

4 1. Revoking or suspending Architect License Number C-24874, issued to Thomas  
5 Navarre Perry.

6 2. Ordering Thomas Navarre Perry to pay the Board the reasonable costs of the  
7 investigation and enforcement of this case, pursuant to Code section 125.3;

8 3. Taking such other and further action as deemed necessary and proper.

9 DATED: June 21, 2010

10   
11 DOUGLAS R. MCCAULEY  
12 Executive Officer  
13 California Architects Board  
14 Department of Consumer Affairs  
15 State of California  
16 *Complainant*

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