

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

In the Matter of the Petition to Revoke
Probation Against:

Case No. 10-04-07-05-123

**EDWARD W. POWELL AKA TED
POWELL
1025 N. Ventura Ave
Oak View, CA 93022
Architect License No. C-27775**

Respondent.

DECISION AND ORDER

The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the California Architects Board, Department of Consumer Affairs, as its Decision in this matter.

This Decision shall become effective on May 6, 2016.

It is so ORDERED March 3, 2016.



FOR THE CALIFORNIA ARCHITECTS BOARD
DEPARTMENT OF CONSUMER AFFAIRS

1 KAMALA D. HARRIS
Attorney General of California
2 MARC D. GREENBAUM
Supervising Deputy Attorney General
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Attorneys for Complainant
7

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

10 In the Matter of the Petition to Revoke
11 Probation Against:

Case No. 10-04-07-05-123

12 **EDWARD W. POWELL AKA TED**
13 **POWELL DBA DESIGN TO THE NINES,**
D2 9S
14 **1025 N. Ventura Ave**
Oak View, CA 93022
15 **Architect License No. C-27775**

STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER

16 Respondent.

17
18
19 **IT IS HEREBY STIPULATED AND AGREED** by and between the parties to the above-
20 entitled proceedings that the following matters are true:

21 **PARTIES**

22 1. Douglas R. McCauley ("Complainant") is the Executive Officer of the California
23 Architects Board ("Board"). He brought this action solely in his official capacity and is
24 represented in this matter by Kamala D. Harris, Attorney General of the State of California, by
25 Morgan Malek, Deputy Attorney General.

26 2. Edward W. Powell aka Ted Powell ("Respondent") is representing himself in this
27 proceeding and has chosen not to exercise his right to be represented by counsel.
28

1 3. On or about June 3, 1999, the Board issued Architect License No. C-27775 to
2 Respondent. The architect license was in full force and effect at all times relevant to the charges
3 brought in Petition to Revoke Probation No. 10-04-07-05-123 and will expire on June 30, 2017,
4 unless renewed.

5 **JURISDICTION**

6 4. In a disciplinary action entitled "*In the Matter of the Accusation Against Edward W.*
7 *Powell, AKA Ted Powell DBA Design to the Nines, D2 9s*" Case Nos. 07-05-123 and 07-06-160,
8 the Board issued a decision, effective July 21, 2011, in which Respondent's architect license was
9 revoked. However, the revocation was stayed and Respondent's architect license was placed on
10 probation for a period of five (5) years with terms and conditions.

11 5. Petition to Revoke Probation No. 10-04-07-05-123 was filed before the Board, and is
12 currently pending against Respondent. The Petition to Revoke Probation and all other statutorily
13 required documents were properly served on Respondent on December 2, 2015. Respondent
14 timely filed his Notice of Defense contesting the Petition to Revoke Probation.

15 6. A copy of Petition to Revoke Probation No. 10-04-07-05-123 is attached as Exhibit A
16 and incorporated herein by reference.

17 **ADVISEMENT AND WAIVERS**

18 7. Respondent has carefully read, and understands the charges and allegations in Petition
19 to Revoke Probation No. 10-04-07-05-123. Respondent has also carefully read, and understands
20 the effects of this Stipulated Settlement and Disciplinary Order.

21 8. Respondent is fully aware of his legal rights in this matter, including the right to a
22 hearing on the charges and allegations in the Petition to Revoke Probation; the right to be
23 represented by counsel at his own expense; the right to confront and cross-examine the witnesses
24 against him; the right to present evidence and to testify on his own behalf; the right to the
25 issuance of subpoenas to compel the attendance of witnesses and the production of documents;
26 the right to reconsideration and court review of an adverse decision; and all other rights accorded
27 by the California Administrative Procedure Act and other applicable laws.
28

1 9. Respondent voluntarily, knowingly, and intelligently waives and gives up each and
2 every right set forth above.

3 **CULPABILITY**

4 10. Respondent admits the truth of each and every charge and allegation in Petition to
5 Revoke Probation No. 10-04-07-05-123.

6 11. Respondent agrees that his architect license is subject to discipline and he agrees to be
7 bound by the Board's probationary terms as set forth in the Disciplinary Order below.

8 **CONTINGENCY**

9 12. This stipulation shall be subject to approval by the Board. Respondent understands
10 and agrees that counsel for Complainant and the staff of the Board may communicate directly
11 with the Board regarding this stipulation and settlement, without notice to or participation by
12 Respondent. By signing the stipulation, Respondent understands and agrees that he may not
13 withdraw his agreement or seek to rescind the stipulation prior to the time the Board considers
14 and acts upon it. If the Board fails to adopt this stipulation as its Decision and Order, the
15 Stipulated Settlement and Disciplinary Order shall be of no force or effect, except for this
16 paragraph, it shall be inadmissible in any legal action between the parties, and the Board shall not
17 be disqualified from further action by having considered this matter.

18 13. The parties understand and agree that Portable Document Format (PDF) and facsimile
19 copies of this Stipulated Settlement and Disciplinary Order, including PDF and facsimile
20 signatures thereto, shall have the same force and effect as the originals.

21 14. This Stipulated Settlement and Disciplinary Order is intended by the parties to be an
22 integrated writing representing the complete, final, and exclusive embodiment of their agreement.
23 It supersedes any and all prior or contemporaneous agreements, understandings, discussions,
24 negotiations, and commitments (written or oral). This Stipulated Settlement and Disciplinary
25 Order may not be altered, amended, modified, supplemented, or otherwise changed except by a
26 writing executed by an authorized representative of each of the parties.

1 event Respondent should leave California to reside or to practice outside the State or for any
2 reason stop practicing architecture in California, Respondent shall notify the Board or its designee
3 in writing within ten (10) days of the dates of departure and return, or the dates of non-practice or
4 the resumption of practice within California. Non-practice is defined as any period of time
5 exceeding thirty (30) days in which Respondent is not engaging in any activities defined in
6 Section 5500.1 of the Business and Professions Code. All provisions of probation other than the
7 quarterly report requirements, examination requirements, and education requirements, shall be
8 held in abeyance until Respondent resumes practice in California. All provisions of probation
9 shall recommence on the effective date of resumption of practice in California. Periods of
10 temporary or permanent residency or practice outside California or of non-practice within
11 California will not apply to the reduction of this probationary period.

12 6. **Violation of Probation.** If Respondent violates probation in any respect, the Board,
13 after giving Respondent notice and opportunity to be heard (except for any violation of restitution
14 payments in paragraph nine (9) of this Disciplinary Order, no notice or opportunity to be heard
15 will be available), may revoke probation and carry out the disciplinary order which was stayed. If
16 an accusation or a petition to revoke probation is filed against Respondent during probation, the
17 Board shall have continuing jurisdiction until the matter is final, and the period of probation shall
18 be extended until the matter is final.

19 7. **Completion of Probation.** Upon successful completion of probation, Respondent's
20 license will be fully restored.

21 8. **Continuing Education Courses.** Respondent shall complete professional education
22 courses directly relevant to the violation as specified by the Board. The professional education
23 courses¹ shall be completed within a period of time designated by the Board, which timeframe
24 shall be incorporated as a condition of this probation.

25 Failure to satisfactorily complete the required courses as scheduled or failure to complete
26 same no later than one hundred (100) days prior to the termination of probation shall constitute a

27 _____
28 ¹ Professional Ethics and Commercial Law

1 violation of probation. Respondent is responsible for all costs of such courses.

2 9. **Restitution.** Respondent shall make restitution to Stephanie Wilder in the amount of
3 \$2,333.28 (two thousand three hundred thirty three dollars and twenty eight cents) as follows:
4 **Respondent shall pay the total amount of the restitution to Stephanie Wilder by way of**
5 **eight (8) equal installment payments of TWO HUNDRED NINETY ONE DOLLARS AND**
6 **SIXTY SIX CENTS (\$291.66) beginning thirty (30) days after the effective date of this**
7 **decision, and each consecutive month thereafter, payable on the fifteenth (15th) day of each**
8 **month. Respondent shall make the checks for the payments to Stephanie Wilder and mail**
9 **the checks to the attention and address of Stephanie Wilder as follows: 630 East 38th Street,**
10 **Los Angeles, CA 90011. Respondent shall make restitution to Jeffrey Schuh in the amount of**
11 **\$750.00 (seven hundred fifty dollars) as follows: Respondent shall pay the total amount of**
12 **the restitution to Jeffrey Schuh by way of eight (8) equal installment payments of NINETY**
13 **THREE DOLLARS AND SEVENTY FIVE CENTS (\$93.75) beginning thirty (30) days**
14 **after the effective date of this decision, and each consecutive month thereafter, payable on**
15 **the fifteenth (15th) day of each month. Respondent shall make the checks for the payments**
16 **to Jeffrey Schuh and mail the checks to the attention and address of Jeffrey Schuh as follows:**
17 **411 Concord Street, El Segundo, CA 90245. Respondent shall provide the Board with the**
18 **proof of full restitution to Stephanie Wilder and to Jeffrey Schuh, thirty (30) days after the**
19 **final payment is made. Failure to provide the Board with proof of full restitution, set forth**
20 **above shall be considered a violation of probation. Further, failure to make any of the**
21 **installment payments set forth above shall be considered a violation of probation resulting**
22 **in Respondent's license being automatically revoked without an opportunity to be heard.**

23 10. **Suspension of License Due to the Child Support Arrear Payments.** Any
24 suspension periods of Respondent's license due to the child support arrear payments or other
25 reasons, shall NOT count as time on probation with the Board.

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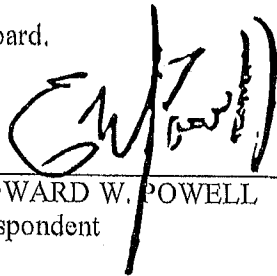
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ACCEPTANCE

I have carefully read the Stipulated Settlement and Disciplinary Order. I understand the stipulation and the effect it will have on my architect license. I enter into this Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Board.

DATED: February 16, 2016



EDWARD W. POWELL
Respondent

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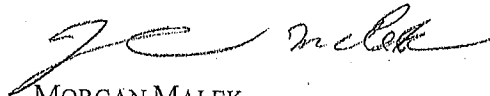
ENDORSEMENT

The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully submitted for consideration by the Board of the Department of Consumer Affairs.

Dated: 2/17/16

Respectfully submitted,

KAMALA D. HARRIS
Attorney General of California
MARC GREENBAUM
Supervising Deputy Attorney General



MORGAN MALEK
Deputy Attorney General
Attorneys for Complainant

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6 Facsimile: (213) 897-2804

7 *Attorneys for Complainant*

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

11 In the Matter of the Petition to Revoke
12 Probation Against,

Case No. 10-04-07-05-123

13 **EDWARD W. POWELL AKA TED**
POWELL

PETITION TO REVOKE PROBATION

14 25 Burnham Road, #21
Oak View, CA 93022

15 Architect License No. C-27775

16 Respondent.

17
18 Complainant alleges:

19 **PARTIES**

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

23 2. On or about June 3, 1999, the Board issued Architect License No. C-27775 to Edward
24 W. Powell also known as Ted Powell (Respondent). The Architect License was in effect at all
25 times relevant to the charges brought herein and will expire on June 30, 2017, unless renewed.

26 3. In a disciplinary action entitled "*In the Matter of Accusation Against Edward W.*
27 *Powell aka Ted Powell dba Design to the Nines, D 2 9s,*" Case No. 10-04-07-05-123, the
28 California Architects Board, issued a decision, effective July 21, 2011, in which Respondent's

1 Architect License was revoked. However, the revocation was stayed and Respondent's Architect
2 License was placed on probation for a period of five (5) years with certain terms and conditions.
3 A copy of that decision is attached as **Exhibit A** and is incorporated by reference.

4 **JURISDICTION**

5 4. This Petition to Revoke Probation is brought before the Board under Probation Term
6 and Condition 6 of the Decision and Order "*In the Matter of Accusation Against Edward W.*
7 *Powell aka Ted Powell dba Design to the Nines, D 2 9s,*" Case No. 10-04-07-05-123. That term
8 and condition states:

9 **Violation of Probation**

10 If Respondent violates probation in any respect, the Board, after giving Respondent
11 notice and opportunity to be heard (except for any violation of restitution payments in
12 paragraph nine (9) no notice or opportunity to be heard will be available), may revoke
13 probation and carry out the disciplinary order which was stayed. If an accusation or a
14 petition to revoke probation is filed against Respondent during probation, the Board
15 shall have continuing jurisdiction until the matter is final, and the period of probation
16 shall be extended until the matter is final.

17 5. Grounds exist to revoke Respondent's probation under the authority of Condition 6 of
18 the Decision and Order in that Respondent did not comply with the terms and conditions of his
19 probation, as set forth below.

20 **CAUSE TO REVOKE PROBATION**

21 **(Failed to Comply with Restitution)**

22 6. At all times after the effective date of Respondent's probation, Condition 9 stated:

23 **Restitution**

24 Respondent shall make restitution to Stephanie Foard-Wilder in the amount of
25 \$14,000 (fourteen thousand dollars) as follows: **Respondent shall pay the total**
26 **amount of the restitution to Stephanie Foard-Wilder by way of forty eight (48)**
27 **equal installment payments of TWO HUNDRED NINETY ONE DOLLARS**
28 **AND SIXTY SIX CENTS (\$291.66) beginning thirty (30) days after the effective**
date of this decision, and each consecutive month thereafter, payable on the
fifteenth (15th) day of each month. Respondent shall make the checks for the
payments to Stephanie Foard-Wilder and mail the checks to the attention and
address of Stephanie Foard-Wilder AS FOLLOWS: 630 East 38th Street, Los
Angeles, CA 90011. Respondent shall make restitution to Jeffrey Schuh in the
amount of \$4,500 (four thousand five hundred dollars) as follows: Respondent
shall pay the total amount of the restitution to Jeffrey Schuh by way of forty eight
(48) equal installment payments of NINETY THREE DOLLARS AND

1 SEVENTY FIVE CENTS (\$93.75) beginning thirty (30) days after the effective
2 date of this decision, and each consecutive month thereafter, payable on the
3 fifteenth (15th) day of each month. Respondent shall make the checks for the
4 payments to Jeffry Schuh and mail the checks to the attention and address of
5 Jeffry Schuh AS FOLLOWS: 411 Concord Street, El Segundo, CA 90245,
6 Respondent shall provide the Board with proof from Stephanie Foard-Wilder
7 and Jeffry Schuh attesting the full restitution has been paid. Failure to make
8 any of the installment payments set forth above shall be considered a violation of
9 probation resulting in Respondent's license being automatically revoked without
10 an opportunity to be heard.

11 7. Respondent's probation is subject to revocation because he failed to comply with
12 Probation Condition 9, referenced above. The facts and circumstances regarding this violation
13 are as follows:

14 a. Respondent made payments to Foard-Wilder and Schuh as stipulated up until
15 December 2014. Respondent failed to make payments to Foard-Wilder and Schuh for the months
16 of December 2014, January of 2015, February 2015, March 2015, April 2015, May 2015, June
17 2015, and July 2015.

18 b. Respondent has an outstanding balance of eight (8) remaining payments:
19 Foard-Wilder \$2,333.28
20 Schuh \$750.00

21 PRAYER

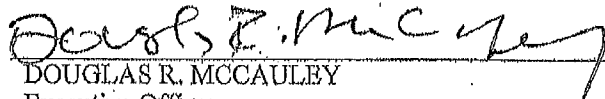
22 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
23 and that following the hearing, the Board issue a decision:

24 1. Revoking the probation that was granted by the Board in Case No. 10-04-07-05-123
25 and imposing the disciplinary order that was stayed;

26 2. Revoking or suspending Architect License No. C-27775, issued to Edward W. Powell
27 aka Ted Powell; and

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

DATED: 8/11/2015



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

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