

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

In the Matter of the Statement of Issues  
Against:

Case No. 10-06-135

MARK ALAN BARLOW  
1340 Blaisdel Lane  
Lompoc, CA 93426  
Architect License Application

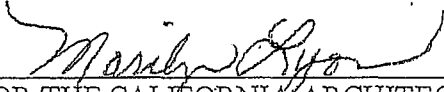
Respondent.

DECISION AND ORDER

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

This Decision shall become effective on June 28, 2011.

It is so ORDERED June 16, 2011.

  
FOR THE CALIFORNIA ARCHITECTS BOARD  
DEPARTMENT OF CONSUMER AFFAIRS

1 KAMALA D. HARRIS  
Attorney General of California  
2 KAREN B. CHAPPELLE  
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7  
8 **BEFORE THE**  
**CALIFORNIA ARCHITECTS BOARD**  
9 **DEPARTMENT OF CONSUMER AFFAIRS**  
**STATE OF CALIFORNIA**

10 In the Matter of the Statement of Issues  
11 Against:  
12 **MARK ALAN BARLOW**  
13 **1340 Blaisdel Lane**  
**Lompoc, CA 93426**  
14 **Architect License Application**  
15 Respondent.

Case No. 10-06-135  
**STIPULATED SETTLEMENT AND  
DISCIPLINARY ORDER**

16  
17 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-  
18 entitled proceedings that the following matters are true:

19 PARTIES

20 1. Douglas R. McCauley (Complainant) is the Executive Officer of the California  
21 Architects Board (Board), Department of Consumer Affairs. He brought this action solely in his  
22 official capacity and is represented in this matter by Kamala D. Harris, Attorney General of the  
23 State of California, by Thomas L. Rinaldi, Deputy Attorney General.

24 2. Mark Alan Barlow (Respondent) is representing himself in this proceeding and has  
25 chosen not to exercise his right to be represented by counsel.

26 3. On or about May 10, 2010, Respondent filed an application dated May 6, 2010 with  
27 the Board to obtain an Architect License.

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JURISDICTION

4. Statement of Issues No. 10-06-135 was filed before the Board and is currently pending against Respondent. The Statement of Issues and all other statutorily required documents were properly served on Respondent on April 4, 2011. A copy of Statement of Issues No. 10-06-135 is attached as exhibit A and incorporated herein by reference.

ADVISEMENT AND WAIVERS

5. Respondent has carefully read, and understands the charges and allegations in Statement of Issues No. 10-06-135. Respondent has also carefully read, and understands the effects of this Stipulated Settlement and Disciplinary Order.

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

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

CULPABILITY

8. Respondent admits the truth of each and every charge and allegation in Statement of Issues No. 10-06-135.

9. Respondent agrees that his application for an Architect License is subject to denial and he agrees to be bound by the Board's probationary terms as set forth in the Disciplinary Order below.

CONTINGENCY

10. This stipulation shall be subject to approval by the Board. Respondent understands and agrees that counsel for Complainant and the staff of the Board may communicate directly with the Board regarding this stipulation and settlement, without notice to or participation by

1 Respondent. By signing the stipulation, Respondent understands and agrees that he may not  
2 withdraw his agreement or seek to rescind the stipulation prior to the time the Board considers  
3 and acts upon it. If the Board fails to adopt this stipulation as its Decision and Order, the  
4 Stipulated Settlement and Disciplinary Order shall be of no force or effect, except for this  
5 paragraph, it shall be inadmissible in any legal action between the parties, and the Board shall not  
6 be disqualified from further action by having considered this matter.

7 11. The parties understand and agree that facsimile copies of this Stipulated Settlement  
8 and Disciplinary Order, including facsimile signatures thereto, shall have the same force and  
9 effect as the originals.

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

16 13. In consideration of the foregoing admissions and stipulations, the parties agree that  
17 the Board may, without further notice or formal proceeding, issue and enter the following  
18 Disciplinary Order:

19 **DISCIPLINARY ORDER**

20 IT IS HEREBY ORDERED that Respondent Mark Alan Barlow will be issued an Architect  
21 License that will be immediately revoked. However, the revocation will be stayed and the  
22 Respondent placed on five (5) years probation on the following terms and conditions.

23 1. **Obey All Laws.** Respondent shall obey all federal, state and local laws and  
24 regulations governing the practice of architecture in California.

25 2. **Submit Quarterly Reports.** Respondent, within ten (10) days of completion of the  
26 quarter, shall submit quarterly written reports to the Board on a Quarterly Report of Compliance  
27 form (1/00) obtained from the Board.

28 3. **Personal Appearances.** Upon reasonable notice by the Board, the Respondent shall

1 report to and make personal appearances at times and locations as the Board may direct.

2 4. **Cooperate During Probation.** Respondent shall cooperate fully with the Board, and  
3 with any of its agents or employees in their supervision and investigation of his compliance with  
4 the terms and conditions of this probation. Upon reasonable notice, the Respondent shall provide  
5 the Board, its agents or employees with the opportunity to review all plans, specifications, and  
6 instruments of service prepared during the period of probation.

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

19 6. **Violation of Probation.** If Respondent violates probation in any respect, the Board,  
20 after giving Respondent notice and opportunity to be heard, may revoke probation and carry out  
21 the disciplinary order which was stayed. If an accusation or a petition to revoke probation is filed  
22 against Respondent during probation, the Board shall have continuing jurisdiction until the matter  
23 is final, and the period of probation shall be extended until the matter is final.

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


26 8. **Cost Reimbursement.** Respondent shall reimburse the Board \$3,165 for its  
27 investigative and prosecution costs. Payment in full shall be made within one (1) year of the  
28 effective date of the Board's decision adopting this stipulation. Respondent may pay costs

1 pursuant to a payment plan approved by the Board.

2 9. **Ethics Course.** Within three (3) months of the effective date of the decision, the  
3 Respondent shall successfully complete and pass an ethics course pre-approved by the Board.  
4 Failure to satisfactorily complete the required course within this time frame, shall constitute a  
5 violation of probation. Respondent is responsible for all costs of such course.

6 ACCEPTANCE

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

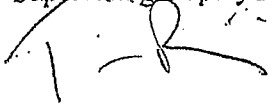
11  
12 DATED: May 13, 2011   
13 MARK ALAN BARLOW  
14 Respondent

14 ENDORSEMENT

15 The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully  
16 submitted for consideration by the Board.

17 Dated: May 16, 2011

18 Respectfully submitted,  
19 KAMALA D. HARRIS  
Attorney General of California  
20 KAREN B. CHAPPELLE  
Supervising Deputy Attorney General

21   
22 THOMAS L. RINALDI  
23 Deputy Attorney General  
24 *Attorneys for Complainant*

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**Exhibit A**

**Statement of Issues No. 10-06-135**

1 KAMALA D. HARRIS  
Attorney General of California  
2 KAREN B. CHAPPELLE  
Supervising Deputy Attorney General  
3 THOMAS L. RINALDI  
Deputy Attorney General  
4 State Bar No. 206911  
300 So. Spring Street, Suite 1702  
5 Los Angeles, CA 90013  
Telephone: (213) 897-2541  
6 Facsimile: (213) 897-2804  
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8 **BEFORE THE**  
**CALIFORNIA ARCHITECTS BOARD**  
9 **DEPARTMENT OF CONSUMER AFFAIRS**  
10 **STATE OF CALIFORNIA**

11 In the Matter of the Statement of Issues  
Against:

Case No. 10-06-135

12 **MARK ALAN BARLOW**  
13 1340 Blaisdel Lane  
14 Lompoc, CA 93426  
15 Architect License Application

**STATEMENT OF ISSUES**

Respondent.

16  
17  
18 Complainant alleges:

19 **PARTIES**

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

23 2. On or about May 10, 2010, the Board received an application for an Architect License  
24 From Mark Alan Barlow (Respondent). On or about May 6, 2010, Respondent certified under  
25 penalty of perjury to the truthfulness of all statements, answers, and representations in the  
26 application. The Board denied the application on September 15, 2010.

27 ///

28 ///



1 JURISDICTION

2 3. This Statement of Issues is brought before the Board under the authority of the  
3 following laws. All section references are to the Business and Professions Code unless otherwise  
4 indicated.

5 4. Section 480 states, pertinent part:

6 “(a) A board may deny a license regulated by this code on the grounds that the applicant  
7 has one of the following:

8 (1) Been convicted of a crime. A conviction within the meaning of this section means a  
9 plea or verdict of guilty or a conviction following a plea of nolo contendere. Any action that a  
10 board is permitted to take following the establishment of a conviction may be taken when the  
11 time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal, or when  
12 an order granting probation is made suspending the imposition of sentence, irrespective of a  
13 subsequent order under the provisions of Section 1203.4 of the Penal Code.

14 (2) Done any act involving dishonesty, fraud, or deceit with the intent to substantially  
15 benefit himself or herself or another, or substantially injure another.

16 (3) (A) Done any act that if done by a licentiate of the business or profession in question,  
17 would be grounds for suspension or revocation of license.

18 (B) The board may deny a license pursuant to this subdivision only if the crime or act is  
19 substantially related to the qualifications, functions, or duties of the business or profession for  
20 which application is made. . . .”

21 5. Section 5553 states:

22 “Issuance of a license may be denied if evidence is received by the board of the commission  
23 or doing by the applicant of any act which, if committed or done by the holder of a license, would  
24 be grounds for the suspension or revocation of that license. The proceedings under this section  
25 shall be conducted in accordance with the provisions of Chapter 5 (commencing with Section  
26 11500) of Part 1 of Division 3 of Title 2 of the Government Code.”

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1       6.     Section 5577 states:

2           “The conviction of a crime substantially related to the qualifications, functions, and duties  
3 of an architect by the holder of a license constitutes a ground for disciplinary action. The record  
4 of conviction, or a certified copy thereof certified by the clerk of the court or by the judge in  
5 whose court the conviction is obtained, is conclusive evidence of the conviction.

6           A plea or verdict of guilty or a conviction following a plea of nolo contendere is deemed to  
7 be a conviction within the meaning of this section. The board may order the license suspended or  
8 revoked, or may decline to issue a license, when the time for appeal has elapsed, the judgment of  
9 conviction has been affirmed on appeal, or an order granting probation is made suspending the  
10 imposition of sentence, irrespective of a subsequent order under the provisions of Section 1203.4  
11 of the Penal Code allowing the person to withdraw his or her plea of guilty and to enter a plea of  
12 not guilty, or setting aside the verdict of guilty, or dismissing the accusation, information, or  
13 indictment.”

14       7.     Section 5586 states:

15           “The fact that the holder of a license has had disciplinary action taken by any public agency  
16 for any act substantially related to the qualifications, functions, or duties as an architect  
17 constitutes a ground for disciplinary action.”

18                           **FIRST CAUSE FOR DENIAL OF APPLICATION**

19                           **(Conviction of Substantially Related Crime)**

20       8.     Respondent's application is subject to denial under section 480, subdivisions (a)(1)  
21 and (a)(3)(A) as well as section 5553 for violating section 5577, in that on or around July 18,  
22 2003, Respondent was convicted of two interlineated misdemeanor counts of violating Penal  
23 Code section 602(l) [Trespassing] in the Superior Court for the State of California, in a criminal  
24 proceeding entitled *The People of the State of California v. Mark Alan Barlow* (Super. Ct. Santa  
25 Barbara County, 2002, No. 1100542). The circumstances underlying the conviction are that on or  
26 about October 28, 2002, Respondent unlawfully entered an attorney’s office and removed a box  
27 of files containing records related to consumer complaints filed against Respondent.

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1 SECOND CAUSE FOR DENIAL OF APPLICATION

2 (Disciplinary Action by State Agencies)

3 9. Respondent's application is subject to denial under section 480, subdivision (a)(3)(A),  
4 and 5553, for violating section 5586, in that Respondent was disciplined by the state agencies as  
5 follows:

6 a. Effective December 22, 2005, Respondent's contractor's license was revoked  
7 by the Contractors State License Board (CSLB) following an administrative hearing entitled *In*  
8 *the Matter of the Accusation Against: Creative Solutions, Mark Alan Barlow, Owner* [Case No. S  
9 2003 35.] The revocation was imposed after it was found that Respondent had violated sections  
10 490 and 7123 [conviction of substantially related crime], 7115 and 7159 [failure to include  
11 required provisions in home improvement contract], and 7030 [failure to include notice to  
12 homeowner regarding CSLB regulations] in his capacity as a licensed contractor.

13 b. On or around February 6, 2003, the Board issued a decision affirming Citation  
14 No. 01-03, following a contested administrative proceeding entitled *In the Matter of the Citation*  
15 *Against: Mark A. Barlow*. The citation alleged Respondent violated section 5536(a) by acting  
16 and advertising as an architect without a license. As a result of the Board's decision, Respondent  
17 was ordered to pay a civil penalty in the amount of \$2,000, which he paid in full.

18 THIRD CAUSE FOR DENIAL OF APPLICATION

19 (Dishonest Acts - Civil Judgment)

20 10. Respondent's application is subject to denial under section 480, subdivision (a)(2),  
21 and 5553, in that Respondent committed an act involving dishonesty, fraud, or deceit with the  
22 intent to substantially benefit himself or herself or another, or substantially injure another as  
23 follows: On or around March 5, 2004, Notice of Entry of Judgment, was entered against  
24 Respondent in a small claims proceeding entitled *Michael Zuniga v. Mark Barlow* (Super. Ct. San  
25 Luis Obispo County, 2003, No. SC038386.) The circumstances underlying the judgment are that  
26 on or about July 24, 2003, Respondent entered into a "Design/Build" contractual arrangement  
27 with plaintiff Michael Zuniga at a time when his contractor's license was under suspension by the  
28 CSLB. Respondent falsely represented that he was a licensed contractor to obtain the

1 construction contract and was paid a \$1,000 retainer for the project, which he failed to return after  
2 the homeowner attempted to rescind the contract.

3 PRIOR ADMINISTRATIVE ACTIONS

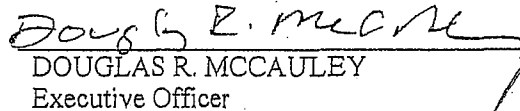
4 11. Complainant alleges that on or around February 3, 2006, the Board issued a Decision  
5 denying Respondent's application for an architect's license for violating sections 480,  
6 subdivisions (a)(1) and (a)(3), and 5552(a), 5553, 5577, 5500.1, 5553, 5536(a), 5536.1,  
7 subdivision (c), and 5578 in an administrative proceeding entitled *In the Matter of the Statement*  
8 *of Issues Against: Mark Alan Barlow*, Case No. 04-10-040112.

9 PRAYER

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

- 12 1. Denying Mark Alan Barlow's Architect License Application; and  
13 2. Taking such other and further action as deemed necessary and proper.

14 DATED: 3/30/2011



15 DOUGLAS R. MCCAULEY  
16 Executive Officer  
17 California Architects Board  
18 Department of Consumer Affairs  
19 State of California  
20 Complainant

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