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

In the Matter of the Accusation Against:

EDDY ZHONG SHEN
102 Persian Drive, Suite 201
Sunnyvale, CA 94089

Architect License No. C-12717,

Respondent.

Complainant Douglas R. McCauley alleges:

PARTIES

1. Complainant brings this accusation solely in his official capacity as the Executive Officer of the California Architects Board (board), Department of Consumer Affairs.

2. On or about May 17, 1982, the board issued Architect License No. C-12717 to respondent Eddy Zhong Shen. This architect license expired on April 30, 2015, and has not been renewed.

JURISDICTION

3. This accusation is brought before the board under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.

4. Section 118, subdivision (b), states:

"The suspension, expiration, or forfeiture by operation of law of a license issued by a
board in the department, or its suspension, forfeiture, or cancellation by order of the board or by
order of a court of law, or its surrender without the written consent of the board, shall not, during
any period in which it may be renewed, restored, reissued, or reinstated, deprive the board of its
authority to institute or continue a disciplinary proceeding against the licensee upon any ground
provided by law or to enter an order suspending or revoking the license or otherwise taking
disciplinary action against the licensee on any such ground.”

5. Section 5525 states:

“The board may prosecute all persons guilty of violating the provisions of this chapter.
Except as provided in Section 159.5, the board may employ inspectors, special agents,
investigators, and such clerical assistants as it may deem necessary to carry into effect the
provisions of this chapter. It may also fix the compensation to be paid for such services and incur
such additional expense as may be deemed necessary.”

6. Section 5560 states:

“The board may upon its own motion, and shall upon the verified complaint in writing of
any person, investigate the actions of any architect and may 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.”

STATUTORY AND REGULATORY AUTHORITY

7. Section 5536, subdivision (a), states:

“It is a misdemeanor, punishable by a fine of not less than one hundred dollars ($100) nor
more than five thousand dollars ($5,000), or by imprisonment in a county jail not exceeding one
year, or by both that fine and imprisonment, for any person who is not licensed to practice
architecture under this chapter to practice 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.”

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8. Section 5584 states:

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

9. California Code of Regulations, title 16, section 134, subdivision (a), states:

"Use of the Term Architect: It shall be unlawful for any person to use a business name that includes as part of its title or description of services the term "architect," "architecture," or "architectural," or any abbreviations or confusingly similar variations thereof, unless that person is a business entity wherein an architect is: (1) in management control of the professional services that are offered and provided by the business entity; and, (2) either the owner, a part-owner, an officer or an employee of the business entity."

10. California Code of Regulations, title 16, section 160, states in 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:

..."

"(b) Willful Misconduct:

..."

"(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."

COST RECOVERY

11. Section 125.3, subdivision (a), states:

"Except as otherwise provided by law, in any order issued in resolution of a disciplinary proceeding before any board within the department or before the Osteopathic Medical Board, upon request of the entity bringing the proceedings, the administrative law judge may direct a licentiate found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case."
FACTUAL BACKGROUNDS AND CAUSES FOR DISCIPLINE

Cupertino Project

12. Respondent is president of LRS Associates Inc., Architecture-Planning-Interiors. On or about February 24, 2014, respondent entered into a proposal and contract to provide design and construction documents for a client’s project in Cupertino, California. The letterhead on the proposal and contract was “LRS Associates Inc. Architecture-Planning-Interiors.” Respondent was listed as “President” and his architect license number was included.

13. The proposal and contract stated that respondent would “[p]repare schematic floor and equipment layouts for owner’s review and use permit submittal and approval,” and “[s]ubmit and obtain building permit, and make plan check corrections as required.” Respondent was paid $7,000 for his services. Respondent knew that the client planned to begin construction at the end of 2015.

14. Respondent never submitted drawings to the city of Cupertino, despite receiving four extensions to meet the deadlines to obtain the proper permits. The client tried numerous times unsuccessfully to contact respondent.

15. On May 5, 2016, the board sent a letter by regular mail to respondent at his address of record requesting information about the Cupertino project. On May 27, 2016, the board sent a second and final letter to respondent. This letter was not claimed by respondent and was returned to the board by the post office on June 20, 2016. On June 21, 2016, the board sent an e-mail to respondent requesting information. Additionally, the board made telephone calls to his work and home telephone numbers. Respondent’s work telephone recording stated he was “not available”; his home telephone recording stated “mailbox is full and cannot take any messages at this time” To date, respondent has not contacted the board.

16. As of May 2016, respondent’s company’s business name, LRS Associates Architecture and Planning, Inc., included “Architecture” as part of its title. Additionally, respondent’s profile on the website “linkedin.com” was listed under the “Architecture & Planning” category and identified him as an “Architect.” “Facebook.com” had his company, LRS Associates Architecture Planning & Interiors, Inc., listed under the “Architect(s)” category.
"Angieslist.com" describes his company’s services as "Architect."

**First Cause for Discipline**  
**Willful Misconduct**  
**Business and Professions Code section 5584**

17. The allegations of paragraphs 12-16 are realleged and incorporated by reference as if fully set forth.

18. Respondent has subjected his architect license to discipline for willful misconduct (Bus. & Prof. Code, § 5584). Respondent did not complete the contract for the Cupertino project.

**Second Cause for Discipline**  
**Failure to Respond to the Board Within 30 Days**  
**California Code of Regulations, title 16, section 160, subdivision (b)(2)**

19. The allegations of paragraphs 12-16 are realleged and incorporated by reference as if fully set forth.

20. Respondent has subjected his architect license to discipline for failing to respond to the board’s request for information and evidence within 30 days (Cal. Code Regs., tit. 16, § 160, subd. (b)(2)). Respondent failed to respond within 30 days to the board’s requests for information mailed on May 5 and May 27, 2016.

**Third Cause for Discipline**  
**Improper Use of the Term “Architecture”**  
**California Code of Regulations, title 16, section 134, subdivision (a)**

21. The allegations of paragraphs 2 and 12-16 are realleged and incorporated by reference as if fully set forth.

22. Respondent has subjected his architect license to discipline for improper use of the term “architecture” (Cal. Code Regs., tit. 16, § 134, subd. (a)). Respondent’s license expired on April 30, 2015, but after the expiration his company’s business name, LRS Associates Architecture and Planning, Inc., included “Architecture” as part of its title.

**Fourth Cause for Discipline**  
**Improper Advertising**  
**Business and Professions Code section 5536, subdivision (a)**

23. The allegations of paragraphs 2 and 12-16 are realleged and incorporated by reference as fully set forth.

24. Respondent has subjected his architect license to discipline for improper
advertising (Bus. & Prof. Code, § 5536, subd. (a)). Respondent’s license expired on April 30, 2015, but after the expiration his internet profiles list him as an architect, and are under the “Architect(s)” and “Architecture & Planning” categories.

Fremont Project

25. On April 5, 2016, respondent entered into a proposal and contract to provide design and construction documents for $7,750 to a client for a project in Fremont, California. The letterhead on the proposal and contract was “LRS Associates Inc. Architecture-Planning-Interiors.” Respondent signed the document, which included his architect license number, as “President.”

26. The proposal and contract stated that LRS Associates, Inc., would “[p]repare schematic floor and equipment layouts for owner’s review and approval,” and “[s]ubmit and obtain building permit, and make plan check corrections as required.” Respondent received a downpayment of $4,000.

27. On May 10, 2016, respondent provided elevation drawings to the client. On May 17, 2016, he received a request for three modifications of the drawings from the client. Apart from one telephone call on July 29, 2016, in which he promised to give the client an update within a week, respondent had no further communication with the client and did not provide to the client any further drawings or plans on the project.

Fifth Cause for Discipline
Willful Misconduct
Business and Professions Code section 5584

28. The allegations of paragraphs 25-27 are realleged and incorporated by reference as if fully set forth.

29. Respondent has subjected his architect license to discipline for willful misconduct (Bus. & Prof. Code, § 5584). Respondent did not complete the contract for the Fremont project.

Sixth Cause for Discipline
Practice While License Expired
Business and Professions Code section 5536, subdivision (a)

30. The allegations of paragraphs 2 and 25-27 are realleged and incorporated by reference as if fully set forth.
31. Respondent has subjected his architect license to discipline for practicing architecture while his license was expired (Bus. & Prof. Code, § 5536, subd. (a)). Respondent’s license expired on April 30, 2015, but after the expiration he entered into a proposal and contract to provide design and construction documents for a project in Fremont, California, and provided elevation drawings to the client.

**Seventh Cause for Discipline**
**Improper Use of the Term “Architecture”**
**California Code of Regulations, title 16, section 134, subdivision (a)**

32. The allegations of paragraphs 2 and 25-27 are realleged and incorporated by reference as if fully set forth.

33. Respondent has subjected his architect license to discipline for improper use of the term “architecture” (Cal. Code Regs., tit. 16, § 134, subd. (a)). Respondent’s license expired on April 30, 2015, but after the expiration his company’s business name, LRS Associates Architecture and Planning, Inc., listed on the proposal and contract for the Fremont project included “Architecture” as part of its title.

**ADDITIONAL DISCIPLINARY CONSIDERATIONS**

34. To determine the degree of discipline, if any, to be imposed on respondent, complainant alleges that on January 29, 2013, the board issued Citation No. 13-02 alleging respondent failed to file with the board his proper and current name and address of the entity through which he provided architectural services (Bus. & Prof. Code, § 5558). Respondent paid the $1,000 fine.

35. Complainant also alleges that on March 23, 2015, the board issued Citation No. 15-33 alleging respondent failed to complete contract requirements (Bus. & Prof. Code, § 5584) and failed to respond to the board’s request for information and evidence within 30 days (Cal. Code Regs., tit. 16, § 160, subd. (b)(2)). To date, respondent has failed to pay the $2,000 fine.

**PRAYER**

WHEREFORE, complainant requests that a hearing be held on the matters alleged in this accusation, and that following the hearing, the California Architects Board issues a decision:

1. Revoking or suspending Architect License No. C-12717 issued to respondent Eddy
Zhong Shen;

2. Ordering respondent Eddy Zhong Shen under Business and Professions Code section 125.3, subdivision (a), to pay the California Architects Board the reasonable costs of the investigation and enforcement of this case; and

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

DATED: 3/3/2017

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

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