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

12 In the Matter of the Accusation Against:

Case No. 16-05-116

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

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

14 **Architect License No. C-12717,**

15 Respondent.

16  
17 Complainant Douglas R. McCauley alleges:

18 **PARTIES**

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

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

24 **JURISDICTION**

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

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

28 "The suspension, expiration, or forfeiture by operation of law of a license issued by a

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

7 5. Section 5525 states:

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

13 6. Section 5560 states:

14 “The board may upon its own motion, and shall upon the verified complaint in writing of  
15 any person, investigate the actions of any architect and may temporarily suspend or permanently  
16 revoke, the license of any architect who is guilty of, or commits one or more of, the acts or  
17 omissions constituting grounds for disciplinary action under this chapter.”

## 18 **STATUTORY AND REGULATORY AUTHORITY**

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

20 “It is a misdemeanor, punishable by a fine of not less than one hundred dollars (\$100) nor  
21 more than five thousand dollars (\$5,000), or by imprisonment in a county jail not exceeding one  
22 year, or by both that fine and imprisonment, for any person who is not licensed to practice  
23 architecture under this chapter to practice architecture in this state, to use any term confusingly  
24 similar to the word architect, to use the stamp of a licensed architect, as provided in Section  
25 5536.1, or to advertise or put out any sign, card, or other device that might indicate to the public  
26 that he or she is an architect, that he or she is qualified to engage in the practice of architecture, or  
27 that he or she is an architectural designer.”

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1 **FACTUAL BACKGROUNDS AND CAUSES FOR DISCIPLINE**

2 **Cupertino Project**

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

8 13. The proposal and contract stated that respondent would "[p]repare schematic floor  
9 and equipment layouts for owner's review and use permit submittal and approval," and "[s]ubmit  
10 and obtain building permit, and make plan check corrections as required." Respondent was paid  
11 \$7,000 for his services. Respondent knew that the client planned to begin construction at the end  
12 of 2015.

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

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

24 16. As of May 2016, respondent's company's business name, LRS Associates  
25 Architecture and Planning, Inc., included "Architecture" as part of its title. Additionally,  
26 respondent's profile on the website "linkedin.com" was listed under the "Architecture &  
27 Planning" category and identified him as an "Architect." "Facebook.com" had his company, LRS  
28 Associates Architecture Planning & Interiors, Inc., listed under the "Architect(s)" category.

1 “Angieslist.com” describes his company’s services as “Architect.”

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

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

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

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

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

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

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

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

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

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

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

31 24. Respondent has subjected his architect license to discipline for improper

1 advertising (Bus. & Prof. Code, § 5536, subd. (a)). Respondent's license expired on April 30,  
2 2015, but after the expiration his internet profiles list him as an architect, and are under the  
3 "Architect(s)" and "Architecture & Planning" categories

4 **Fremont Project**

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

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

14 27. On May 10, 2016, respondent provided elevation drawings to the client. On May  
15 17, 2016, he received a request for three modifications of the drawings from the client. Apart  
16 from one telephone call on July 29, 2016, in which he promised to give the client an update  
17 within a week, respondent had no further communication with the client and did not provide to  
18 the client any further drawings or plans on the project.

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

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

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

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

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

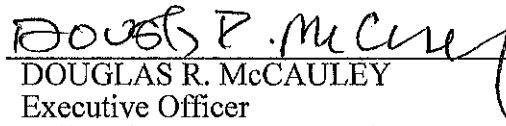


1 Zhong Shen;

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

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

6 DATED: 3/3/2017



7 DOUGLAS R. McCAULEY  
8 Executive Officer  
9 California Architects Board  
10 Department of Consumer Affairs  
11 State of California  
12 *Complainant*

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