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7
8 **BEFORE THE**
CALIFORNIA ARCHITECTS BOARD
DEPARTMENT OF CONSUMER AFFAIRS
9 **STATE OF CALIFORNIA**

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

Case No. 06-06-0107136

12 **CURTIS R. SHUPE**
40905 Avenida Estrada
13 Palm Desert, CA 92260
Architect License No. C-13388

PETITION TO REVOKE PROBATION

14 Respondent
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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, Department of
22 Consumer Affairs.

23 2. On or about December 9, 1982, the California Architects Board issued Architect
24 License Number C-13388 to Curtis R. Shupe (Respondent). The Architect License will expire on
25 June 30, 2011, unless renewed.

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

DATED: 10/6/2010

Douglas R. McCauley

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

LA2010502998
60551523.doc

Exhibit A

Decision and Order

California Architects Board Case No. 06-06-0107136

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

In the Matter of the Accusation Against:

Case No. 06-06-0107136

CURTIS R. SHUPE
40905 Avenida Estrada
Palm Desert, CA 92260

OAH No.

License No. C-13388

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 January 12, 2007.

It is so ORDERED December 13, 2006.



FOR THE CALIFORNIA ARCHITECTS BOARD
DEPARTMENT OF CONSUMER AFFAIRS

1 BILL LOCKYER, Attorney General
 of the State of California
 2 JENNIFER CADY
 Supervising Deputy Attorney General
 3 THOMAS L. RINALDI, State Bar No. 206911
 Deputy Attorney General
 4 California Department of Justice
 300 So. Spring Street, Suite 1702
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 7 Attorneys for Complainant

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

11 In the Matter of the Accusation Against:
 12 **CURTIS R. SHUPE**
 40905 Avenida Estrada
 13 Palm Desert, CA 92260
 14 License No. C-13388
 15 Respondent.

Case No. 06-06-0107136

OAH No.

**STIPULATED SETTLEMENT AND
 DISCIPLINARY ORDER**

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

20 PARTIES

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

25 2. Respondent Curtis R. Shupe (Respondent) is representing himself in this
 26 proceeding and has chosen not to exercise his right to be represented by counsel.

27 3. On or about December 9, 1982, the California Architects Board,
 28 Department of Consumer Affairs issued architect license number C-13388 to Respondent. The

1 license is currently active and will expire on June 30, 2007 unless renewed.

2 JURISDICTION

3 4. Accusation No. 06-06-0107136 was filed before the California Architects
4 Board (Board), Department of Consumer Affairs, and is currently pending against Respondent.
5 The Accusation and all other statutorily required documents were properly served on Respondent
6 on July 7, 2006. Respondent timely filed his Notice of Defense contesting the Accusation. A
7 copy of Accusation No. 06-06-0107136 is attached as exhibit A and incorporated herein by
8 reference.

9 ADVISEMENT AND WAIVERS

10 5. Respondent has carefully read, and understands the charges and allegations
11 in Accusation No. 06-06-0107136. Respondent has also carefully read, and understands the
12 effects of this Stipulated Settlement and Disciplinary Order.

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

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

22 CULPABILITY

23 8. Respondent admits the truth of each and every charge and allegation in
24 Accusation No. 06-06-0107136.

25 9. Respondent agrees that his architect license is subject to discipline and he
26 agrees to be bound by the Board's imposition of discipline as set forth in the Disciplinary Order
27 below.

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

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

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

DISCIPLINARY ORDER

IT IS HEREBY ORDERED that architect license number C-13388 issued to Respondent CURTIS R. SHUPE (Respondent) is revoked. However, the revocation is stayed and Respondent is placed on probation for five (5) years on the following terms and conditions.

1. **Actual Suspension.** Respondent is suspended from the practice of architecture for ninety days beginning on the effective date of the Decision.
2. **Obey All Laws.** Respondent shall obey all federal, state and local laws and regulations governing the practice of architecture in California.
3. **Submit Quarterly Reports.** Respondent, within 10 days of completion of the quarter, shall submit quarterly written reports to the Board on a Quarterly Report of Compliance form (10/98) obtained from the Board.
4. **Personal Appearances.** Upon reasonable notice by the Board, the

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

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

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

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

26 **8. Completion of Probation.** Upon successful completion of probation,
 27 Respondent's license will be fully restored.

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1 9. **Cost Reimbursement.** The Board has agreed to waive cost recovery in
2 this matter.

3 10. **Restitution.** Restitution has been arbitrated pursuant to Arbitration Case
4 No. 73 110 00414 01 which resulted in an arbitration award of \$63,876.36 in favor of
5 homeowners Patrick and Edeltraud McCarthy ("the McCarthys"). The arbitration award shall
6 constitute restitution in this case. Respondent shall provide the Board with proof attesting the
7 Restitution amount has been paid within six months prior to the date the five year probationary
8 period herein imposed is scheduled to expire. Respondent's failure to provide proof of payment
9 of Restitution in full or in a lesser amount to the satisfaction of the McCarthys within this time
10 frame shall constitute a violation of this probationary term.

11 11. **Notification to Clients/Cessation of Practice.** In orders which provide
12 for a cessation or suspension of practice, Respondent shall comply with procedures provided by
13 the Board regarding notification to, and management of, clients.

14 ACCEPTANCE

15 I have carefully read the Stipulated Settlement and Disciplinary Order. I
16 understand the stipulation and the effect it will have on my architect license (number C-13388).
17 I enter into this Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and
18 intelligently, and agree to be bound by the Decision and Order of the California Architects Board.

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20 DATED: 11/22/06

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23 CURTIS R. SHUPE
Respondent

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ENDORSEMENT

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

DATED: 11/28/06

BILL LOCKYER, Attorney General
of the State of California

JENNIFER CADY
Supervising Deputy Attorney General



THOMAS L. RINALDI
Deputy Attorney General

Attorneys for Complainant

DOJ Matter ID: SD2004800431
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