

**BEFORE THE CALIFORNIA
ARCHITECTS BOARD**

**DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

TIEN HSI CHU
3354 E. Colorado Blvd.
Pasadena, CA 91107

Architect License No. C-15558

Respondent.

CAB Case No. 14-03-46

OAH No. 2015100752

ORDER DENYING PETITION FOR RECONSIDERATION


The California Architects Board entered its Decision in the above-entitled matter (Decision) on September 29, 2016 to become effective on November 3, 2016. Respondent timely filed a Petition for Reconsideration of the Decision on October 25, 2016. For the sole purpose of considering the Petition, pursuant to its authority under Government Code section 11521, the Board stayed the effective date of the Decision ten days to become effective on November 13, 2016.

The Petition for Reconsideration having been read and considered, and good cause for granting of the Petition not having been shown, the Petition is hereby denied. Accordingly, the Decision entered on September 29, 2016 shall remain effective on November 13, 2016.

IT IS SO ORDERED this 9th day of November, 2016.

CALIFORNIA ARCHITECTS BOARD
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

By



Jon A. Baker
Board President

BEFORE THE CALIFORNIA
ARCHITECTS BOARD

DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation Against:

TIEN HSI CHU
3354 E. Colorado Blvd.
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Architect License No. C-15558

Respondent.

CAB Case No. 14-03-46

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10-DAY STAY OF EFFECTIVE DATE FOR CONSIDERING PETITION

The Decision in the matter of the Accusation was delivered or mailed to Respondent on October 4, 2016, and the Decision would take effect on November 3, 2016. Respondent timely filed a Petition for Reconsideration in the above-entitled matter on or about October 25, 2016.

In accordance with the provisions of Section 11521 of the Government Code, and for the sole purpose of considering the Petition for Reconsideration, the effective date of the Decision is hereby stayed until November 13, 2016.

IT IS SO ORDERED this 28th day of October, 2016.

CALIFORNIA ARCHITECTS BOARD
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

By


DOUGLAS R. McCAULEY
Executive Officer

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

In the Matter of the Accusation Against:

TIEN HSI CHU,

Architect License No. C-15558,

Respondent.

Board Case No. 14-03-46

OAH No. 2015100752

DECISION

The attached Proposed Decision of the Administrative Law Judge is hereby adopted by the California Architects Board as its Decision in the above-entitled matter, except that, pursuant to Government Code section 11517(c)(2)(C), the typographical errors in the Proposed Decision are corrected as follows:

- 1) On page 3, line 1 belief is corrected to read 'belief'" (quotation mark at end of sentence).
- 2) Paragraph 7, line 9 Respondent's is corrected to read "Respondent."
- 3) Paragraph 8, line 7 clients' is corrected to read "clients."
- 4) On page 6, paragraph 9, line 8 occurred is corrected to read "occurred."
- 5) On page 8, in the 'Order,' lines 1 and 2 Respondent's name is corrected to read "Tien Hsi Chu."

This Decision shall become effective November 3, 2016.

IT IS SO ORDERED this 29 day of September, 2016.

FOR THE CALIFORNIA ARCHITECTS BOARD
DEPARTMENT OF CONSUMER AFFAIRS

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

In the Matter of the Accusation Against:

TIEN HSI CHU,

Architect License No. C-15558

Respondent.

Board Case No. 14-03-46

OAH No. 2015100752

PROPOSED DECISION

This matter was heard on June 20, 2016, in Los Angeles, California, by David B. Rosenman, Administrative Law Judge, Office of Administrative Hearings. Douglas R. McCauley (complainant), Executive Officer of the California Architects Board, Department of Consumer Affairs (Board), was represented by M. Travis Peery, Deputy Attorney General. Tien Hsi Chu (respondent) was present and was represented by Rothschild Wishik & Sands LLP, by Zachary T. Schultz, Attorney at Law. The matter was submitted for decision on June 20, 2016.

At the hearing, the Accusation was amended (page 5, line 3) to remove the reference to section 5579 and replace it with a reference to section 5577. The change is noted in handwriting in exhibit 1.

ISSUE AND SUMMARY OF DECISION

Complainant contends that respondent's architect license should be revoked based on conviction of a crime and failure to disclose the conviction to the Board. Respondent contends that the appropriate outcome would be a probationary license. The issues are whether there are grounds to impose discipline on respondent's license and, if so, what discipline should be imposed. It is proposed that respondent's license be revoked.

FACTUAL FINDINGS

1. Complainant brought the Accusation in his official capacity.

2. Respondent was issued architect license number C-15558 by the Board on March 13, 1985. The license has been renewed through January 31, 2017. There was no evidence of any prior discipline imposed against the license.

3. On August 25, 2014, respondent was convicted on his plea of nolo contendere to violating Penal Code section 472, creation, possession or use of a counterfeit seal, a misdemeanor. (*The People of the State of California v. Tien Hsi Chu* (Super. Ct. Los Angeles County, 2014, No. 4AH01921).) The crime bears a substantial relationship to the qualifications, functions or duties of an architect under California Code of Regulations, title 16,¹ section 110, subdivision (a), discussed in more detail in Legal Conclusion 4, below.

4. The conviction followed a plea agreement in which other charges were dismissed. Imposition of sentence was suspended and respondent was placed on informal probation for 36 months under conditions including that he pay fines and fees and complete 25 hours of community service. Respondent paid the fines and fees in September 2015 and completed community service in October 2015.

5. The circumstances underlying the conviction are that between 2004 and 2013, respondent had a business relationship with Edward G. Li,² a licensed civil engineer. Li provided consulting services for respondent on several projects. The contracts for services between Li and respondent included the express condition that Li would not use his civil engineer stamp on, or sign, any drawings or calculations. Chu stated that the cost would be higher if Li's stamp or signature were needed. Without Li's knowledge or authorization, respondent obtained a civil engineer's seal using Li's name and civil engineer license number, and forged Li's initials. (Li's California registration as a civil engineer is under the name Edward Ghoman Li, which appears on his actual seal [see exhibit 6, page 76]. The name Ghoman Li is printed on the seal used by respondent [see exhibit 6, page 47].) Without Li's approval or knowledge, respondent used the counterfeit engineer seal on structural plans for a custom home being built on West Longhill Drive in Monterey Park. The initial stamped draft was in November 2013 and was revised, also stamped, in February 2014. Respondent submitted the revised structural plans to the homeowner in February 2014. The homeowner submitted them to the municipal building department for review and approval.

6. Respondent submitted a license renewal application to the Board dated January 25, 2015. In the application, respondent answered "No" to question C.2 which inquired whether, since his prior license renewal he had been convicted of any crime involving a plea of guilty or nolo contendere. Respondent certified under penalty of perjury that all representations on the renewal application were "true, correct, and contained no

¹ All further references to the California Code of Regulations are to title 16, and are designated "Regulation."

² Edward G. Li is referred to in the Accusation by his initials. No contention was made that his name should be confidential in these proceedings.

material omissions of fact to the best of my knowledge and belief. (Exhibit 10.) The prior renewal of respondent's license was on February 8, 2013. Respondent's conviction was on August 25, 2014.

7. With respect to Li's seal, respondent explained that he had obtained the seal from an earlier project where Li had used it, and had a person in his office digitally place the seal on the Longhill property structural calculations. One of the homeowners was an architect who had previously worked with respondent. She did much of the architectural work for the remodel and additions to the Longhill property and had respondent do some additional work, including structural calculations and drawings. Respondent often consulted with civil engineers for these portions of projects, as they had an expertise that could assist in the process. Respondent intended to have Li work on the Longhill project but could not make contact with Li. Respondent's stated that he did the structural calculations, but that he contacted structural engineer Jason Chen, who was too busy to do it, so he contacted Peter Liu, who reviewed respondent's work. Respondent stated that Liu stamped the calculations that were revised further.

8. Nevertheless, respondent provided the homeowner with structural drawings with Li's stamp. Respondent acknowledged he did not have Li's authorization to do so. Although respondent continued to expect that Li would somehow become involved in the Longhill project, that did not occur. Respondent stated that it would have been acceptable for him to use his own architect stamp, but he did not. Respondent stated that he could not recall exactly why he decided to have Li's stamp copied onto the Longhill structural calculations. Later in his testimony, respondent stated that the clients' wanted structural calculations with an engineer's stamp. Respondent was paid by the homeowners for his work, including the structural calculations. Ultimately, the homeowners obtained structural calculations from another engineer.

9. Respondent was interviewed by police as part of an investigation of a complaint lodged by Li. In the interview, respondent told the police that this was the only time he had used an engineer's stamp without authorization. However, it was established that respondent had also used Li's stamp without authorization regarding an earlier contract for Li's services related to a project on Mirage Lane in Diamond Bar. Respondent and Li worked together on phase I of the Mirage Lane project in 2004. There was a later contract with Li in 2009 for structural work related to the Mirage Lane project, including the provision that Li would not seal or sign structural calculations. In April 2014, respondent wrote to the City of Diamond Bar stating he was the architect of record, would take over responsibility for the project, and that Li was released and was no longer engineer on the project. Respondent had used Li's stamp, without authorization, on structural documents submitted to the City of Diamond Bar. Respondent acknowledged in his testimony that he was not truthful when he told police that the use of Li's seal for the Longhill project was the only time he used an unauthorized seal.

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10. In a letter to the Board dated May 7, 2014, respondent explained that his employee used computer data to add Li's stamp to the Longhill structural calculations, and wrote: "It was totally an accident," and was a clerical error that he later discovered. (Exhibit 9.) At the hearing, respondent acknowledged that it was not an accident. Nor was it a clerical error.

11. Peter Merdinger, a Board employee of over 30 years, testified to the Board's process of license renewal. Even when a renewal application indicates that there has been a conviction in answer to question C.2, the license will be renewed. The matter will then be referred to the enforcement unit for review and any follow up, including possible action for revocation of the license. The enforcement unit was aware of respondent's conviction before he submitted the renewal application.

12. Respondent's conviction was approximately five months old when he filed his renewal application. He had not yet completed his community service or paid the fines. Respondent stated that he did not answer "yes" to the question about convictions because the sentence had been ordered by the judge, he had paid the fines and "I am over with the misdemeanor." He also acknowledged that he marked "no" because he thought it might be easier to get the license renewed.

13. Respondent provided letters and testimony from character reference witnesses. Respondent is held in high esteem by developers, contractors, and property owners who have hired him. He is professional and somewhat meticulous in his work. He only recently told his son, who works in respondent's office, about the conviction. Respondent was contrite and ashamed about the circumstances. Other witnesses were not aware of the conviction and appeared surprised by it, as it was counter to their often longstanding experience and relationships with respondent.

14. Respondent was contrite and respectful of the proceedings. He was thoughtful in his answers. He accepted responsibility for his actions, acknowledged he should not have used Li's stamp and could have been more truthful in providing information to the police and to the Board. He has had a long, successful career in a busy business he built, and would be willing to abide by probationary conditions to remain licensed.

15. The Accusation includes a request for the Board to recover from respondent reasonable costs of investigation and enforcement of the case, citing Business and Professions Code section 123.5. Complainant submitted a certification of costs (exhibit 3), to which there was no objection. The certification supports costs of prosecution in the amount of \$4,005.

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LEGAL CONCLUSIONS AND DISCUSSION

Based upon the foregoing factual findings, the Administrative Law Judge makes the following legal conclusions:

1. The standard of proof for the complainant to prevail on the Accusation is clear and convincing evidence to a reasonable certainty. (*Borror v. Dept. of Real Estate* (1971) 15 Cal.App.3d 531; *Ettinger v. Bd. of Medical Quality Assurance* (1982) 135 Cal.App.3d 853.)

2. Under Business and Professions Code section 5577, a Board licensee may have his license suspended or revoked for conviction of a crime if it is substantially related to the qualifications, functions, or duties of a Board licensee.

3. Under Business and Professions Code section 490, subdivision (a), the Board may "suspend or revoke a license on the ground that the licensee has been convicted of a crime, if the crime is substantially related to the qualifications, functions, or duties of the business or profession for which the license was issued."

4. Under Regulation 110, a crime is substantially related to the qualifications, functions, or duties of a Board licensee if "to a substantial degree it evidences present or potential unfitness of an architect to perform the functions authorized by his/her license in a manner consistent with the public health, safety or welfare. Such crimes or acts shall include, but not be limited to, those involving the following: '(a) Any violation of the provisions of Chapter 3, Division 3 of the Business and Professions Code.'" Respondent's conviction was for a crime that involved falsely making a seal and use of the counterfeit seal on work directly involving his qualifications, functions, and duties as a licensed architect.

5. There is cause to suspend or revoke respondent's architect license pursuant to Business and Professions Code sections 490 and 5577, subdivision (a), because respondent was convicted of a crime that is substantially related to the qualifications, functions and duties of his license, as set forth in Factual Findings 3, 4 and 5.

6. Business and Professions Code section 5579 states: "The fact that the holder of a license has obtained the license by fraud or misrepresentation, or that the person named in the license has obtained it by fraud or misrepresentation constitutes a ground for disciplinary action."

7. There is cause to suspend or revoke respondent's architect license pursuant to Business and Professions Code section 5579, because respondent obtained his license by misrepresenting that he had not been convicted of a crime, as set forth in Factual Findings 3, 4, 5, 6, 11 and 12.

8. Respondent contends that he did not violate section 5579 because, as stated by Merdinger, even had respondent disclosed his conviction on his renewal application, the license would have been renewed. This is too technical a reading of the statute. The renewal

application required respondent to provide truthful information, and he signed a certification indicating he had done so. Respondent was incorrect when he certified that he had not been convicted of a crime. This was a misrepresentation. Respondent's license was renewed. The fact that the Board would have renewed the license even if respondent provided correct information is immaterial. Further, respondent's credibility was negatively affected by his reasoning that he may have forgotten the conviction because he "was over with it." This is unconvincing because the conviction was in August 2014, respondent certified the misinformation in January 2015, yet he paid the court fines in September 2015 and completed community service in October 2015. The criminal matter was not "over with" when the misrepresentation was made.

9. Criteria have been developed by the Board to evaluate the rehabilitation of a licensee who has committed a crime. These criteria, found at Regulation 110.1, subdivision (b), are noted below and applied to respondent as follows:

"(1) Nature and severity of the act(s) or offense(s)." Respondent's conviction related directly to his duties as a licensed architect and was moderate to severe in nature.

"(2) Total criminal record." There was no evidence of any other criminal record.

"(3) The time that has elapsed since commission of the act(s) or offense(s)." The offense occurred in November 2013 and February 2014.

"(4) Whether the licensee has complied with any terms of parole, probation, restitution or any other sanctions lawfully imposed against the licensee." Respondent has complied with his probation terms.

"(5) If applicable, evidence of expungement proceedings pursuant to Section 1203.4 of the Penal Code." There was no evidence of any order under Penal Code section 1203.4.

"(6) Evidence, if any, of rehabilitation submitted by the licensee." Respondent was clear that he knows his actions were wrong, and that he is remorseful.

10. Rehabilitation is a qualitative determination, not quantitative. One cannot just add up those criteria that have been met and those that have not in order to determine whether or not a person has been rehabilitated. These criteria are merely indicators that a person has changed his or her ways and is therefore unlikely to reoffend. No one of them alone--in fact not all of them together--can guarantee that an individual is truly rehabilitated. Therefore, merely meeting these criteria does not excuse a person from responsibility for his or her prior criminal conduct nor entitle him or her to a license.

11. Remorse for one's conduct and the acceptance of responsibility are the cornerstones of rehabilitation. Rehabilitation is a "state of mind" and the law looks with favor upon rewarding with the opportunity to serve one who has achieved "reformation and

regeneration.” (*Pacheco v. State Bar* (1987) 43 Cal.3d 1041, 1058.) Fully acknowledging the wrongfulness of past actions is an essential step towards rehabilitation. (*Seide v. Committee of Bar Examiners* (1989) 49 Cal.3d 933, 940.) Mere remorse does not demonstrate rehabilitation. A truer indication of rehabilitation is sustained conduct over an extended period of time. (*In re Menna* (1995) 11 Cal.4th 975, 991.) The evidentiary significance of misconduct is greatly diminished by the passage of time and by the absence of similar, more recent misconduct. (*Kwasnik v. State Bar* (1990) 50 Cal.3d 1061, 1070.)

12. It is troubling that respondent did not acknowledge his wrongdoing to the witnesses who testified at the hearing. Nor did any of the letters in respondent’s support indicate that the authors were aware of the conviction. Respondent only recently acknowledged his wrongdoing to his family. Respondent also presents with disturbing inconsistency in relating the events, his intentions and the effects of his actions. He was not consistent in the police interview and the letter to the Board, both of which either minimized his wrongful acts or failed to address subjects completely and truthfully. Yet respondent presents as sincere and humble, embarrassed by the circumstances and not likely to repeat them.

13. Business and Professions Code section 5510.1 states: “The Legislature finds and declares that it is the mandate of the board to regulate the practice of architecture in the interest and for the protection of the public health, safety, and welfare. For this purpose, the board shall delineate the minimum professional qualifications and performance standards for admission to and practice of the profession of architecture. The board shall establish a fair and uniform enforcement policy to deter and prosecute violations of this chapter or any rules and regulations promulgated pursuant to this chapter to provide for the protection of the consumer.”

14. The Board established written guidelines, authorized under Regulation 154. Under the guidelines, the recommended disciplines for violation of Business and Professions Code section 5577, conviction of a substantially related crime, are: maximum, revocation; minimum, stayed revocation, 90 day suspension, five years’ probation and standard terms of probation and some optional terms of probation. Under the guidelines, for violation of Business and Professions Code section 5579, fraud or misrepresentation in obtaining the license, the only recommended outcome is revocation.

15. It is noted that the rehabilitation criteria relate specifically to conviction of a crime. Here, it was also established that respondent obtained renewal of his license by use of a misrepresentation. His reasons for the misrepresentation are unconvincing, are not an excuse, and contributed to an unsettling series of dishonest acts.

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16. Under all of the circumstances, respondent has not established sufficient rehabilitation to justify the issuance of a restricted license. Although he shows signs of rehabilitation, respondent has not acknowledged his wrongdoing under circumstances that justify disclosing the conviction, such as when asking others to provide character reference letters or testimony. This indicates respondent has not fully accepted responsibility for his acts, at least not with respect to such clients and references. Further, respondent's differing versions of events, to the police and to the Board, including minimizing or not disclosing his wrongful acts, also indicate of lack of rehabilitation. This is also true of his inclusion of misstatements in his renewal application. For full protection of the public, as is the Board's mandate, respondent's license will be revoked.

17. Under Business and Professions Code section 125.3, subdivision (a): "Except as otherwise provided by law, in any order issued in resolution of a disciplinary proceeding before any board within the department . . . 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." The reasonable costs of the enforcement of the case are \$4,005, as set forth in Factual Finding 15.

ORDER

Architect license number C-15558 issued to respondent Tien His Chu is revoked. Respondent Tien His Chu shall pay costs of enforcement in the amount of \$4,005 to the California Architects Board.

DATED: July 19, 2016

DocuSigned by:
David B. Rosenman
83CDC960DA804A4

DAVID B. ROSENMAN
Administrative Law Judge
Office of Administrative Hearings

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

11 In the Matter of the Accusation Against:

Case No. 14-03-46

12 **TIEN HSI CHU**
3354 E. Colorado Blvd.
13 Pasadena, CA 91107

A C C U S A T I O N

14 Architect License No. C-15558

15 Respondent.
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18 Complainant alleges:

19 **PARTIES**

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

23 2. On or about March 13, 1985, the Board issued Architect License No. C-15558 to Tien
24 Hsi Chu (Respondent). The Architect License was in full force and effect at all times relevant to
25 the charges brought herein and will expire on January 31, 2017, unless renewed.

26 **JURISDICTION**

27 3. This Accusation is brought before the Board, under the authority of the following
28 laws. All section references are to the Business and Professions Code unless otherwise indicated.

STATUTORY PROVISIONS

4. Section 118, subdivision (b), provides that the suspension, expiration, surrender or cancellation of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary action during the period within which the license may be renewed, restored, reissued or reinstated.

5. Section 490 states, in pertinent part:

"(a) In addition to any other action that a board is permitted to take against a licensee, a board may suspend or revoke a license on the ground that the licensee has been convicted of a crime, if the crime is substantially related to the qualifications, functions, or duties of the business or profession for which the license was issued.

"(b) Notwithstanding any other provision of law, a board may exercise any authority to discipline a licensee for conviction of a crime that is independent of the authority granted under subdivision (a) only if the crime is substantially related to the qualifications, functions, or duties of the business or profession for which the licensee's license was issued.

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

6. Section 493 states:

"Notwithstanding any other provision of law, in a proceeding conducted by a board within the department pursuant to law to deny an application for a license or to suspend or revoke a license or otherwise take disciplinary action against a person who holds a license, upon the ground that the applicant or the licensee has been convicted of a crime substantially related to the qualifications, functions, and duties of the licensee in question, the record of conviction of the crime shall be conclusive evidence of the fact that the conviction occurred, but only of that fact, and the board may inquire into the circumstances surrounding the commission of the crime in order to fix the degree of discipline or to determine if the conviction is substantially related to the

1 qualifications, functions, and duties of the licensee in question.

2 "As used in this section, 'license' includes 'certificate,' 'permit,' 'authority,' and 'registration.'"

3 7. Section 498 states:

4 "A board may revoke, suspend, or otherwise restrict a license on the ground that the licensee
5 secured the license by fraud, deceit, or knowing misrepresentation of a material fact or by
6 knowingly omitting to state a material fact."

7 8. Section 5500 states: "As used in this chapter [Chapter 3 (commencing with Section
8 5500)], architect means a person who is licensed to practice architecture in this state under the
9 authority of this chapter."

10 9. Section 5555 states: "Licenses to practice architecture remain in full force until
11 revoked or suspended for cause, or until they expire, as provided in this chapter [Chapter 3
12 (commencing with Section 5500)]."

13 10. Section 5577 states:

14 "The conviction of a crime substantially related to the qualifications, functions, and duties of
15 an architect by the holder of a license constitutes a ground for disciplinary action. The record of
16 conviction, or a certified copy thereof certified by the clerk of the court or by the judge in whose
17 court the conviction is obtained, is conclusive evidence of the conviction.

18 "A plea or verdict of guilty or a conviction following a plea of nolo contendere is deemed to
19 be a conviction within the meaning of this section. The board may order the license suspended or
20 revoked, or may decline to issue a license, when the time for appeal has elapsed, the judgment of
21 conviction has been affirmed on appeal, or an order granting probation is made suspending the
22 imposition of sentence, irrespective of a subsequent order under the provisions of Section 1203.4
23 of the Penal Code allowing the person to withdraw his or her plea of guilty and to enter a plea of
24 not guilty, or setting aside the verdict of guilty, or dismissing the accusation, information, or
25 indictment."

26 11. Section 5578 states: "The fact that the holder of a license is practicing in violation of
27 the provisions of this chapter constitutes a ground for disciplinary action."

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12. Section 5579 states: "The fact that the holder of a license has obtained the license by fraud or misrepresentation, or that the person named in the license has obtained it by fraud or misrepresentation constitutes a ground for disciplinary action."

13. Penal Code section 472 states:

“Every person who, with intent to defraud another, forges, or counterfeits the seal of this State, the seal of any public officer authorized by law, the seal of any Court of record, or the seal of any corporation, or any other public seal authorized or recognized by the laws of this State, or of any other State, Government, or country, or who falsely makes, forges, or counterfeits any impression purporting to be an impression of any such seal, or who has in his possession any such counterfeited seal or impression thereof, knowing it to be counterfeited, and willfully conceals the same, is guilty of forgery.”

REGULATORY PROVISION

14. California Code of Regulations, title 16 (Regulations), section 110 states:

“For the purposes of denial, suspension, or revocation of the license of an architect pursuant to Division 1.5 (commencing with Section 475) of the Business and Professions Code, a crime or act shall be considered substantially related to the qualifications, functions and duties of an architect if to a substantial degree it evidences present or potential unfitness of an architect to perform the functions authorized by his/her license in a manner consistent with the public health, safety or welfare. Such crimes or acts shall include, but not be limited to, those involving the following:

“(a) Any violation of the provisions of Chapter 3, Division 3 of the Business and Professions Code.”

COST RECOVERY

15. Section 125.3, subdivision (a), states, in pertinent part: "Except as otherwise provided by law, in any order issued in resolution of a disciplinary proceeding before any board within the department upon request of the entity bringing the proceedings the administrative law judge may direct a licensee 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."

1 **FIRST CAUSE FOR DISCIPLINE**

2 **(Conviction of a Substantially Related Crime)**

3 16. Respondent is subject to disciplinary action under sections 490 and ⁵⁵⁷⁷~~5579~~, in
4 conjunction with Regulations section 110, in that on or about August 25, 2014, after pleading nolo
5 contendere, Respondent was convicted of a crime substantially related to the qualifications,
6 functions and duties of an architect which to a substantial degree evidences his present or potential
7 unfitness as an architect to perform the functions authorized by his license in a manner consistent
8 with the public health, safety or welfare. The circumstances are as follows:

9 a. On or about August 25, 2014, after pleading nolo contendere, Respondent was
10 convicted of one misdemeanor count of violating Penal Code section 472 [counterfeit seal] in the
11 criminal proceeding entitled *The People of the State of California v. Tien Hsi Chu* (Super. Ct. Los
12 Angeles County, 2014, No. 4AH01921. The Court placed Respondent on 36 months probation,
13 and ordered him to complete 25 hours of community service.

14 b. The circumstances underlying the conviction are that on and between 2004 through
15 2013, Respondent had a business relationship with E.G.L. a licensed civil engineer. E.G.L.
16 provided consulting services for Respondent on his projects with the express condition that E.G.L.
17 would not stamp or sign on any drawings or calculations. Without E.G.L.'s knowledge or
18 authorization, Respondent obtained a civil engineer's seal using E.G.L.'s name¹ and civil engineer
19 license number C56706. Further, without E.G.L.'s approval or knowledge, Respondent used the
20 counterfeit engineer seal on structural drawings, plans and specifications, and submitted the
21 counterfeit engineer stamped documents to municipal building departments for reviews and
22 approvals. In addition, within the seal impression on all documents that Respondent used the
23 counterfeit seal, Respondent made a forgery of E.G.L.'s initials.

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27 ¹ E.G.L.'s true seal had his full name and truncated expiration date. Respondent's
28 counterfeit seal had E.G.L.'s abbreviated name and no truncated expiration date.

6/20/14
DBR

1 **SECOND CAUSE FOR DISCIPLINE**

2 **(Obtain License by Fraud or Misrepresentation)**

3 17. Respondent is subject to disciplinary action under sections 498 and 5579, in that
4 Respondent obtained the renewal of his Architect's License by fraud or misrepresentation when he
5 answered "No" to question 2 on his January 31, 2015 Renewal Application. Respondent
6 represented on the Renewal Application that he had not been convicted of a crime during the
7 preceding renewal period when in fact, on or about August 25, 2014, Respondent sustained a
8 criminal conviction as set forth above in paragraph 16. On or about January 25, 2015, Respondent
9 certified under penalty of perjury that all representations on the Renewal Application were true,
10 correct, and contained no material omissions of fact. Complainant refers to and by this reference
11 incorporates the allegations set forth above in paragraph 16, inclusive, as though set forth fully.

12 **PRAYER**

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

- 15 1. Revoking or suspending Architect License No. C-15558, issued to Tien Hsi Chu;
16 2. Ordering Tien Hsi Chu to pay the Board the reasonable costs of the investigation and
17 enforcement of this case, pursuant to section 125.3; and
18 3. Taking such other and further action as deemed necessary and proper.

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22 DATED: 8/31/2015

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

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