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7 *Attorneys for Complainant*

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

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

Case No. 10-04-07-05-123

13 **EDWARD W. POWELL AKA TED**
14 **POWELL**

PETITION TO REVOKE PROBATION

15 25 Burnham Road, #21
16 Oak View, CA 93022

17 Architect License No. C-27775

Respondent.

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 (Board),
22 Department of Consumer Affairs.

23 2. On or about June 3, 1999, the Board issued Architect License No. C-27775 to Edward
24 W. Powell also known as Ted Powell (Respondent). The Architect License was in effect at all
25 times relevant to the charges brought herein and will expire on June 30, 2017, unless renewed.

26 3. In a disciplinary action entitled "*In the Matter of Accusation Against Edward W.*
27 *Powell aka Ted Powell dba Design to the Nines, D 2 9s,*" Case No. 10-04-07-05-123, the
28 California Architects Board, issued a decision, effective July 21, 2011, in which Respondent's

1 Architect License was revoked. However, the revocation was stayed and Respondent's Architect
2 License was placed on probation for a period of five (5) years with certain terms and conditions.
3 A copy of that decision is attached as **Exhibit A** and is incorporated by reference.

4 JURISDICTION

5 4. This Petition to Revoke Probation is brought before the Board under Probation Term
6 and Condition 6 of the Decision and Order "*In the Matter of Accusation Against Edward W.*
7 *Powell aka Ted Powell dba Design to the Nines, D 2 9s,*" Case No. 10-04-07-05-123. That term
8 and condition states:

9 **Violation of Probation**

10 If Respondent violates probation in any respect, the Board, after giving Respondent
11 notice and opportunity to be heard (except for any violation of restitution payments in
12 paragraph nine (9) no notice or opportunity to be heard will be available), may revoke
13 probation and carry out the disciplinary order which was stayed. If an accusation or a
14 petition to revoke probation is filed against Respondent during probation, the Board
15 shall have continuing jurisdiction until the matter is final, and the period of probation
16 shall be extended until the matter is final.

17 5. Grounds exist to revoke Respondent's probation under the authority of Condition 6 of
18 the Decision and Order in that Respondent did not comply with the terms and conditions of his
19 probation, as set forth below.

20 CAUSE TO REVOKE PROBATION

21 (Failed to Comply with Restitution)

22 6. At all times after the effective date of Respondent's probation, Condition 9 stated:

23 **Restitution**

24 Respondent shall make restitution to Stephanie Foard-Wilder in the amount of
25 \$14,000 (fourteen thousand dollars) as follows: **Respondent shall pay the total**
26 **amount of the restitution to Stephanie Foard-Wilder by way of forty eight (48)**
27 **equal installment payments of TWO HUNDRED NINETY ONE DOLLARS**
28 **AND SIXTY SIX CENTS (\$291.66) beginning thirty (30) days after the effective**
date of this decision, and each consecutive month thereafter, payable on the
fifteenth (15th) day of each month. Respondent shall make the checks for the
payments to Stephanie Foard-Wilder and mail the checks to the attention and
address of Stephanie Foard-Wilder AS FOLLOWS: 630 East 38th Street, Los
Angeles, CA 90011. Respondent shall make restitution to Jeffry Schuh in the
amount of \$4,500 (four thousand five hundred dollars) as follows: Respondent
shall pay the total amount of the restitution to Jeffry Schuh by way of forty eight
(48) equal installment payments of NINETY THREE DOLLARS AND

1 SEVENTY FIVE CENTS (\$93.75) beginning thirty (30) days after the effective
2 date of this decision, and each consecutive month thereafter, payable on the
3 fifteenth (15th) day of each month. Respondent shall make the checks for the
4 payments to Jeffry Schuh and mail the checks to the attention and address of
5 Jeffry Schuh AS FOLLOWS: 411 Concord Street, El Segundo, CA 90245.
6 Respondent shall provide the Board with proof from Stephanie Foard-Wilder
7 and Jeffry Schuh attesting the full restitution has been paid. Failure to make
8 any of the installment payments set forth above shall be considered a violation of
9 probation resulting in Respondent's license being automatically revoked without
10 an opportunity to be heard.

7 7. Respondent's probation is subject to revocation because he failed to comply with
8 Probation Condition 9, referenced above. The facts and circumstances regarding this violation
9 are as follows:

10 a. Respondent made payments to Foard-Wilder and Schuh as stipulated up until
11 December 2014. Respondent failed to make payments to Foard-Wilder and Schuh for the months
12 of December 2014, January of 2015, February 2015, March 2015, April 2015, May 2015, June
13 2015, and July 2015.

14 b. Respondent has an outstanding balance of eight (8) remaining payments:
15 Foard-Wilder \$2,333.28
16 Schuh \$750.00

16 PRAYER

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

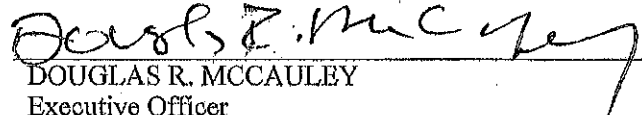
19 1. Revoking the probation that was granted by the Board in Case No. 10-04-07-05-123
20 and imposing the disciplinary order that was stayed;

21 2. Revoking or suspending Architect License No. C-27775, issued to Edward W. Powell
22 aka Ted Powell; and

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

24 DATED: _____

8/11/2015



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

27 LA2015500919
28 51807648.doc

Exhibit A

Decision and Order

California Architects Board Case No. 10-04-07-05-123

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

In the Matter of the Accusation Against:

EDWARD W. POWELL AKA TED
POWELL DBA DESIGN TO THE NINES,
D 2 98
25 Burnham Road, #21
Oak View, CA 93022
Architect License No. C-27775,

Respondent.

Case No. 10-04-07-05-123

OAH No. L-2010120082

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 July 21, 2011.

It is so ORDERED. June 21, 2011.


FOR THE CALIFORNIA ARCHITECTS BOARD
DEPARTMENT OF CONSUMER AFFAIRS

RECEIVED
JUN 21 2011
DEPARTMENT OF CONSUMER AFFAIRS
CALIFORNIA ARCHITECTS BOARD

1 KAMALA D. HARRIS
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Supervising Deputy Attorney General
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8 **BEFORE THE**
CALIFORNIA ARCHITECTS BOARD
9 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

10 In the Matter of the Accusation Against
11 **EDWARD W. POWELL AKA TED**
12 **POWELL DBA DESIGN TO THE NINES,**
13 **D 2 98**
25 Burnham Road, #21
Oak View, CA 93022
14 Architect License No: C-27775,
15 Respondent.

Board Case No. 07-05-123, 07-06-160

OAH No. L-2010120082

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

17
18 In the interest of a prompt and speedy settlement of this matter, consistent with the public
19 interest and the responsibility of the California Architects Board (Board) of the Department of
20 Consumer Affairs, the parties hereby agree to the following Stipulated Settlement and
21 Disciplinary Order which will be submitted to the Board for approval and adoption as the final
22 disposition of the Accusation.

23 **PARTIES**

24 1. Douglas R. McCauley (Complainant) is the Executive Officer of the Board. He
25 brought this action solely in his official capacity and is represented in this matter by Kamala D.
26 Harris, Attorney General of the State of California, by Morgan Malek, Deputy Attorney General.

1 CULPABILITY

2 8. Respondent admits the truth of each and every charge and allegation in Accusation
3 No. 10-04-07-05-123.

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

6 CONTINGENCY

7 10. This stipulation shall be subject to approval by the Board. Respondent understands
8 and agrees that counsel for Complainant and the staff of the Board may communicate directly
9 with the Board regarding this stipulation and settlement, without notice to or participation by
10 Respondent. By signing the stipulation, Respondent understands and agrees that he may not
11 withdraw his agreement or seek to rescind the stipulation prior to the time the Board considers
12 and acts upon it. If the Board fails to adopt this stipulation as its Decision and Order, the
13 Stipulated Settlement and Disciplinary Order shall be of no force or effect, except for this
14 paragraph, it shall be inadmissible in any legal action between the parties, and the Board shall not
15 be disqualified from further action by having considered this matter.

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

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

25 ///

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

4 DISCIPLINARY ORDER

5 IT IS HEREBY ORDERED that Architect License No. C-27775 issued to Respondent is
6 revoked. However, the revocation is stayed and Respondent is placed on probation for five (5)
7 years on the following terms and conditions.

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

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

13 3. **Personal Appearances.** Upon reasonable notice by the Board, the Respondent shall
14 report to and make personal appearances at times and locations as the Board may direct.

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

20 5. **Tolling for Out-of-State Practice, Residence or In-State Non-Practice.** In the
21 event Respondent should leave California to reside or to practice outside the State or for any
22 reason stop practicing architecture in California, Respondent shall notify the Board or its designee
23 in writing within ten (10) days of the dates of departure and return, or the dates of non-practice or
24 the resumption of practice within California. Non-practice is defined as any period of time
25 exceeding thirty (30) days in which Respondent is not engaging in any activities defined in
26 Section 5500.1 of the Business and Professions Code. All provisions of probation other than the
27 quarterly report requirements, examination requirements, and education requirements, shall be
28 held in abeyance until Respondent resumes practice in California. All provisions of probation

1 shall recommence on the effective date of resumption of practice in California. Periods of
2 temporary or permanent residency or practice outside California or of non-practice within
3 California will not apply to the reduction of this probationary period.

4 6. **Violation of Probation.** If Respondent violates probation in any respect, the Board,
5 after giving Respondent notice and opportunity to be heard (except for any violation of restitution
6 payments in paragraph nine (9) no notice or opportunity to be heard will be available), may
7 revoke probation and carry out the disciplinary order which was stayed. If an accusation or a
8 petition to revoke probation is filed against Respondent during probation, the Board shall have
9 continuing jurisdiction until the matter is final, and the period of probation shall be extended until
10 the matter is final.

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

13 8. **Continuing Education Courses.** Respondent shall complete professional education
14 courses directly relevant to the violation as specified by the Board. The professional education
15 courses¹ shall be completed within a period of time designated by the Board, which timeframe
16 shall be incorporated as a condition of this probation.

17 Failure to satisfactorily complete the required courses as scheduled or failure to complete
18 same no later than one hundred (100) days prior to the termination of probation shall constitute a
19 violation of probation. Respondent is responsible for all costs of such courses.

20 9. **Restitution.** Respondent shall make restitution to Stephanie Foard-Wilder in the
21 amount of \$14,000 (fourteen thousand dollars) as follows: Respondent shall pay the total
22 amount of the restitution to Stephanie Foard-Wilder by way of forty eight (48) equal
23 installment payments of **TWO HUNDRED NINETY ONE DOLLARS AND SIXTY SIX**
24 **CENTS (\$291.66)** beginning thirty (30) days after the effective date of this decision, and
25 each consecutive month thereafter, payable on the fifteenth (15th) day of each month.
26 Respondent shall make the checks for the payments to Stephanie Foard-Wilder and mail

27
28 ¹ Professional Ethics and Commercial Law

1 the checks to the attention and address of Stephanie Foard-Wilder AS FOLLOWS: 630
2 East 38th Street, Los Angeles, CA 90011. Respondent shall make restitution to Jeffrey Schuh in
3 the amount of \$4,500 (four thousand five hundred dollars) as follows: Respondent shall pay the
4 total amount of the restitution to Jeffrey Schuh by way of forty eight (48) equal installment
5 payments of NINETY THREE DOLLARS AND SEVENTY FIVE CENTS (\$93.75)
6 beginning thirty (30) days after the effective date of this decision, and each consecutive
7 month thereafter, payable on the fifteenth (15th) day of each month. Respondent shall
8 make the checks for the payments to Jeffrey Schuh and mail the checks to the attention and
9 address of Jeffrey Schuh AS FOLLOWS: 411 Concord Street, El Segundo, CA 90245.
10 Respondent shall provide the Board with proof from Stephanie Foard-Wilder and Jeffrey
11 Schuh attesting the full restitution has been paid. Failure to make any of the installment
12 payments set forth above shall be considered a violation of probation resulting in
13 Respondent's license being automatically revoked without an opportunity to be heard.

14 . . . 10. Suspension of License Due to the Child Support Arrear Payments. Any
15 suspension periods of Respondent's license due to the child support arrear payments or other
16 reasons, shall NOT count as time on probation with the Board.

17 ACCEPTANCE

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

22
23
24 DATED: 05/05/2011


EDWARD W. POWELL AKA TED POWELL DBA
DESIGN TO THE NINES, D 2 98
Respondent

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ENDORSEMENT

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

Dated: ^{May 6, 2011} April 21, 2011

Respectfully submitted,

KAMALA D. HARRIS
Attorney General of California
MARC D. GREENBAUM
Supervising Deputy Attorney General



MORGAN MALEK
Deputy Attorney General
Attorneys for Complainant

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Stipulation.rtf