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

In the Matter of the Accusation Against: **JEFFREY WALTER RICHARDSON** **2963 Emerson Street** **Palo Alto, CA 94306** **Architect License No. C-29033** Respondent.	Case No. 14-02-036 **ACCUSATION**

Complainant alleges:

PARTIES

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

2. On or about July 8, 2002, the California Architects Board issued Architect License Number C-29033 to Jeffrey Walter Richardson (Respondent). The License was in full force and effect at all times relevant to the charges herein and will expire on July 31, 2015, unless renewed.

JURISDICTION

3. This Accusation is brought before the California Architects Board (Board), Department of Consumer Affairs, under the authority of the following laws. All section references are to the Business and Professions Code (Code) unless otherwise indicated.

4. 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 [Chapter 3 (commencing with section 5500)]."

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

6. Section 118, subdivision (b) provides that the expiration 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.

STATUTORY PROVISIONS

7. Section 5577 states: "The conviction of a crime substantially related to the qualifications, functions, and duties of an architect by the holder of a license constitutes a ground for disciplinary action. The record of conviction, or a certified copy thereof certified by the clerk of the court or by the judge in whose court the conviction is obtained, is conclusive evidence of the conviction. [¶] A plea or verdict of guilty or a conviction following a plea of nolo contendere is deemed to be a conviction within the meaning of this section. The board may order the license suspended or revoked, or may decline to issue a license, when the time for appeal has elapsed, the judgment of conviction has been affirmed on appeal, or 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 allowing the person to withdraw his or her plea of guilty and to enter a plea of not guilty, or setting aside the verdict of guilty, or dismissing the accusation, information, or indictment."

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COST RECOVERY

8. 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 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."

FIRST CAUSE FOR DISCIPLINE

(Conviction of Substantially Related Crime(s))

9. Respondent is subject to disciplinary action under section 5577 of the Code, for conviction of a substantially related crime, in that on or about October 4, 2011, in a criminal case titled *People v. Jeffrey Walter Richardson*, Case No. B1155412 in Santa Clara County Superior Court, Respondent was convicted of violating Vehicle Code section 23153, subdivision (b) (Driving With a Blood Alcohol of 0.08% or More and Causing Injury), a misdemeanor, and Penal Code section 273a, subdivision (a) (Causing or Permitting a Child to Suffer or Inflicting Pain or Suffering on a Child), a felony. The conviction was entered as follows:

10. On or about August 4, 2011, based on an incident that took place on or about July 22, 2011, Respondent was charged in Case No. B1155412 with violating (1) Vehicle Code section 23153, subdivision (a) (Driving Under the Influence of Alcohol and Drugs and Causing Injury), a felony, (2) Vehicle Code section 23153, subdivision (b) (Driving With a Blood Alcohol of 0.08% or More and Causing Injury), a felony, and (3) Penal Code section 273a, subdivision (a) (Causing or Permitting a Child to Suffer or Inflicting Pain or Suffering on a Child), a felony.

11. On or about October 4, 2011, Respondent entered into a plea agreement whereby (1) count 1 was dismissed, (2) count 2 was reduced to a misdemeanor, and (3) Respondent pleaded nolo contendere to amended count 2, and count 3. On or about November 10, 2011, imposition of sentence was suspended and Respondent was placed on probation for four (4) years, on terms and conditions including 50 days in county jail (with 4 days credited), completion of a (3 month) First Offender Program, completion of a substance abuse/counseling program, and fines and fees.

SECOND CAUSE FOR DISCIPLINE

(Conviction of Substantially Related Crime(s))

12. Respondent is subject to disciplinary action under section 5577 of the Code, for conviction of a substantially related crime, in that on or about March 5, 2012, in a criminal case titled *People v. Jeffrey Richardson*, Case No. B1152517 in Santa Clara County Superior Court, Respondent was convicted of violating Penal Code section 647, subdivision (i) (Prowling and Peeking), a misdemeanor. The conviction was entered as follows:

13. On or about February 23, 2011, based on an incident that took place on or about September 14, 2010, Respondent was charged in Case No. B1152517 with violating (1) Penal Code section 314.1 (Indecent Exposure), a misdemeanor, and (2) Penal Code section 647, subdivision (i) (Prowling and Peeking), a misdemeanor. On or about December 19, 2011, a First Amended Misdemeanor Complaint (and Protective Order) was filed in the case, charging Respondent with a single (substituted) count of violating Penal Code section 647.6, subdivision (a)(1) (Annoying or Molesting a Child – Jane Does, 6-13 years old), a misdemeanor.

14. On or about March 5, 2012, Respondent entered into a plea agreement whereby (1) count 1 was dismissed, (2) a new count 1 of violating Penal Code section 647, subdivision (i) (Prowling and Peeking), a misdemeanor, was added, and (3) Respondent pleaded nolo contendere to the single count. Imposition of sentence was suspended and Respondent was placed on probation for three (3) years, on terms and conditions including a protective order requiring that Respondent stay at least 100 yards away from five persons, and an order that Respondent stay away from an apartment complex in Mountain View, California, plus payment of fines and fees.

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THIRD CAUSE FOR DISCIPLINE

(Conviction of Substantially Related Crime(s))

15. Respondent is subject to disciplinary action under section 5577 of the Code, for conviction of a substantially related crime, in that on or about January 17, 2014, in a criminal case titled *People v. Jeffrey Walter Richardson*, Case No. B1368327 in Santa Clara County Superior Court, Respondent was convicted of violating Vehicle Code section 23153, subdivision (b) (Driving With a Blood Alcohol of 0.08% or More and Causing Injury), a felony, with an admitted special allegation that his blood alcohol level was 0.15% or more, and an admitted prior conviction under Vehicle Code section 23153 based on his conduct on or about July 22, 2011, and also Vehicle Code section 20002, subdivision (a)(2) (Hit and Run Driving Causing Property Damage), a misdemeanor. The circumstances of the conviction are as follows:

16. On or about September 4, 2013, based on an incident that took place on or about August 8, 2013, Respondent was charged in Case No. B1368327 with violating (1) Vehicle Code section 23153, subdivision (a) (Driving Under the Influence of Alcohol and Drugs and Causing Injury), a felony, with a special allegation that his Blood Alcohol Content (BAC) was 0.15% or more, and an alleged prior conviction under Vehicle Code section 23153 based on his conduct on or about July 22, 2011, (2) Vehicle Code section 23153, subdivision (b) (Driving With a Blood Alcohol of 0.08% or More and Causing Injury), a felony, with a special allegation that his BAC was 0.15% or more, and an alleged prior conviction under Vehicle Code section 23153 based on his conduct on or about July 22, 2011, and (3) Vehicle Code section 20002, subdivision (a)(2) (Hit and Run Driving Causing Property Damage), a misdemeanor.

17. On or about January 7, 2014, Respondent entered into a plea agreement whereby (1) count 1 was dismissed, and (2) Respondent pleaded nolo contendere to counts 2 and 3 and also admitted the special allegation and prior conviction as to count 2. On or about April 3, 2014, imposition of sentence was suspended and Respondent was placed on formal probation for three (3) years on terms and conditions including six (6) months in county jail (with 34 days credited), enrollment in a Multiple Offender Program, suspension of his driver's license for one (1) year, search and drug testing terms, enrollment in a substance abuse treatment program, fines, and fees.

PRAYER

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

1. Revoking or suspending Architect License Number C-29033, issued to Jeffrey Walter Richardson (Respondent);

2. Ordering Respondent to pay the Board the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3; and

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

DATED: August 11, 2014

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

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