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

In the Matter of the Accusation Against: JEFFREY WALTER RICHARDSON 2045 Plymouth Street Mountain View, CA 94043 Architect License No. C-29033 Respondent.	Case No. 14-02-036

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 21, 2015.

It is so ORDERED December 22, 2014.

FOR THE CALIFORNIA ARCHITECTS BOARD
DEPARTMENT OF CONSUMER AFFAIRS

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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** **2045 Plymouth Street** **Mountain View, CA 94043** **Architect License No. C-29033** Respondent.	Case No. 14-02-036 **STIPULATED SETTLEMENT AND DISCIPLINARY ORDER**

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

PARTIES

1. Douglas R. McCauley ("Complainant") is the Executive Officer of the Board. He brought this action solely in his official capacity and is represented in this matter by Kamala D. Harris, Attorney General of the State of California, by Joshua A. Room, Supervising Deputy Attorney General.

2. Respondent Jeffrey Walter Richardson ("Respondent") is representing himself in this proceeding and has chosen not to exercise his right to be represented by counsel.

3. On or about July 8, 2002, the Board issued Architect License No. C-29033 to Respondent. The License was in full force and effect at all times relevant to the charges brought in Accusation No. 14-02-036 and will expire on July 31, 2015, unless renewed.

JURISDICTION

4. Accusation No. 14-02-036 was filed before the Board , Department of Consumer Affairs, and is currently pending against Respondent. The Accusation and all other statutorily required documents were properly served on Respondent on August 13, 2014, and again on September 4, 2014. In response to the second service, Respondent timely filed his Notice of Defense contesting the Accusation. A copy of Accusation No. 14-02-036 is attached as exhibit A and incorporated herein by reference.

ADVISEMENT AND WAIVERS

5. Respondent has carefully read, and understands, the charges and allegations in Accusation No. 14-02-036. Respondent has also carefully read, and understands the effects of, this Stipulated Settlement and Disciplinary Order.

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

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

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CULPABILITY

8. Respondent admits the truth of each and every charge and allegation in Accusation No. 14-02-036. Respondent agrees that his Architect License is subject to discipline and he agrees to be bound by the Board's probationary terms as set forth in the Disciplinary Order below.

CIRCUMSTANCES IN MITIGATION

9. Respondent has never been the subject of any prior disciplinary action before the Board. He is admitting responsibility at an early stage in the proceedings.

RESERVATION

10. Admissions made by Respondent herein are only for the purposes of this proceeding, or any other proceedings in which the Board or other professional licensing agency is involved, and shall not be admissible in any other criminal or civil proceeding.

CONTINGENCY

11. This stipulation shall be subject to approval by the California Architects 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.

12. The parties understand and agree that Portable Document Format (PDF) and facsimile copies of this Stipulated Settlement and Disciplinary Order, including PDF and facsimile signatures thereto, shall have the same force and effect as the originals.

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

14. In consideration of the foregoing, 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 No. C-29033, issued to Jeffrey Walter Richardson (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 (90) days beginning on the effective date of the Decision.

2. **Ethics Course.** Within one hundred eighty (180) days of the effective date of the Decision, Respondent shall successfully complete an ethics course approved by the Board or its designee, and provide documentation of completion to the Board. Failure to timely complete the course or timely supply documentation of completion shall constitute a violation of probation. Respondent is responsible for all costs of such course.

3. **Cost Reimbursement.** Respondent shall reimburse the Board $3,112.50 for its costs of investigation and prosecution. This amount shall be reimbursed in quarterly payments, on a schedule approved by the Board or its designee, with the final payment being due no less than one (1) year before probation is scheduled to terminate.

4. **Criminal Probation Reports.** If Respondent is or becomes the subject of a criminal probation or parole, Respondent shall provide the Board with documentation showing all of the standard conditions of the criminal probation or parole, copies of all criminal probation or parole reports, and the name and contact information of his probation or parole officer.

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

6. **Submit Quarterly Reports.** Respondent, within ten (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.

7. **Correspondence By Sponsor.** Respondent shall ensure that at least once every calendar year, or more often if specified by the Board or its designee, Respondent's sponsor or other person familiar with his efforts at substance abuse treatment and/or recovery shall report in writing to the Board regarding Respondent's status and progress in treatment/recovery. This written report shall provide contact information for the author, and the Board or its designee may contact the author to ask additional questions and follow-up. Respondent shall be responsible to ensure such reports are timely provided and that such follow-up contact is possible.

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

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

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

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

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

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

ACCEPTANCE

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

DATED: 11/10/14

JEFFREY WALTER RICHARDSON
Respondent

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ENDORSEMENT

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

Dated: 11/14/2014

Respectfully submitted,

KAMALA D. HARRIS
Attorney General of California
FRANK H. PACOE
Supervising Deputy Attorney General

JOSHUA A. ROOM
Supervising Deputy Attorney General
Attorneys for Complainant

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Exhibit A

Accusation No. 14-02-036

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Attorneys for Complainant

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

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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