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9 **BEFORE THE**
10 **CALIFORNIA ARCHITECTS BOARD**
11 **LANDSCAPE ARCHITECTS TECHNICAL COMMITTEE**
12 **DEPARTMENT OF CONSUMER AFFAIRS**
13 **STATE OF CALIFORNIA**

13 In the Matter of the Accusation Against:	Case No. LA 2011-16
14 MARK SCOTT ANNERL	A C C U S A T I O N
15 2022 Orchard Drive	
16 Newport Beach, CA 92660	
17 Landscape Architect License No. LA 3400	
18 Respondent.	

19 Complainant alleges:

20 **PARTIES**

- 21 1. Douglas R. McCauley (Complainant) brings this Accusation solely in his official
22 capacity as the Executive Officer of the Landscape Architects Technical Committee, California
23 Architects Board, Department of Consumer Affairs.
- 24 2. On or about October 15, 1990, the California Architects Board issued Landscape
25 Architect License Number LA 3400 to Mark Scott Annerl (Respondent). The Landscape
26 Architect License expired on April 30, 2013, and has not been renewed.

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1 **JURISDICTION**

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

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

10 5. Section 5660 of the Code states, in pertinent part, that the board may upon its own
11 motion, and shall upon the verified complaint in writing of any person, investigate the actions of
12 any landscape architect, and may suspend for a period not exceeding one year, or revoke, the
13 license of any landscape architect who is guilty of any one or more of the acts or omissions
14 constituting grounds for disciplinary action under Chapter 3.5 (commencing with Section 5660) of
15 the Business and Professions Code.

16 **STATUTORY PROVISIONS**

17 6. Section 5670 of the Code states:

18 "The fact that, in the practice of landscape architecture, the holder of a license has been
19 guilty of fraud or deceit constitutes a ground for disciplinary action."

20 7. Section 5671 of the Code states:

21 "The fact that, in the practice of landscape architecture, the holder of a license has been
22 guilty of negligence or willful misconduct constitutes a ground for disciplinary action."

23 **REGULATORY PROVISIONS**

24 8. Section 2670 of the California Code of Regulations states:

25 "A violation of any rule of professional conduct in the practice of landscape architecture
26 constitutes a ground for disciplinary action. Every person who holds a license issued by the Board
27 shall comply with the following:

28 "...

1 and workarounds in an attempt to circumvent the applicable permitting and approval processes,
2 particularly for a Verdura retaining wall in his plans to be constructed as part of the project. In his
3 plans, Respondent labeled the wall as pre-existing and manipulated the property line to make it
4 look like significant landscape features were within the property line, when in truth and in fact they
5 were outside of the property line.

6 **FIRST CAUSE FOR DISCIPLINE**

7 **(Negligence and/or Willful Misconduct)**

8 12. Respondent is subject to disciplinary action under section 5671 and/or Section 2670 of
9 Title 16 of the California Code of Regulations in that Respondent committed acts constituting
10 negligence and/or willful misconduct. The negligence and/or willful misconduct includes the
11 following:

12 a. In preparing Respondent's design work, Respondent should have used the site
13 or base plan prepared by Toal Engineering because it included mapped property lines that
14 Respondent could have used to create his design base plan.

15 b. Respondent should have clearly shown where the rear property line was located
16 on all of his plans, beginning with his concept plan work.

17 c. Respondent should have understood that construction of a swimming pool,
18 retaining wall, Verdura retaining wall, and handrail system triggered the need for agency review
19 and permitting.

20 d. Respondent knowingly created a design with significant features beyond the
21 limits of the property that violated applicable code, regulations, and review compliance.

22 e. Respondent designed features beyond project property lines and omitted
23 property lines from his plans so that design features would appear to be within property lines.

24 f. Respondent attempted to circumvent the homeowners' association review and
25 permitting process by representing to the homeowners' association that the Verdura retaining wall
26 was pre-existing, when in truth and fact it was not.

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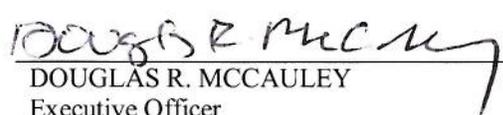
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PRAYER

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

1. Revoking or suspending Landscape Architect License Number LA 3400, issued to Mark Scott Annerl;
2. Ordering Mark Scott Annerl to pay the Landscape Architects Technical Committee, California Architects 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 deemed necessary and proper.

DATED: 4/10/14



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

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