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

12 In the Matter of the Accusation Against:

13 **MARK SCOTT ANNERL**
14 **2022 Orchard Drive**
15 **Newport Beach, CA 92660**

16 **Landscape Architect License No. LA 3400**

17 Respondent.

Case No. LA 2011-16

OAH No. 2014040874

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

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

24 PARTIES

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

1 CULPABILITY

2 9. Respondent understands and agrees that the charges and allegations in Second
3 Amended Accusation No. LA 2011-16, if proven at a hearing, constitute cause for imposing
4 discipline upon his Landscape Architect License.

5 10. For the purpose of resolving the Accusation without the expense and uncertainty of
6 further proceedings, Respondent agrees that, at a hearing, Complainant could establish a factual
7 basis for the charges in the Second Amended Accusation, and that Respondent hereby gives up
8 his right to contest those charges.

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

12 CONTINGENCY

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

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

25 14. This Stipulated Settlement and Disciplinary Order is intended by the parties to be an
26 integrated writing representing the complete, final, and exclusive embodiment of their agreement.
27 It supersedes any and all prior or contemporaneous agreements, understandings, discussions,
28 negotiations, and commitments (written or oral). This Stipulated Settlement and Disciplinary

1 Order may not be altered, amended, modified, supplemented, or otherwise changed except by a
2 writing executed by an authorized representative of each of the parties.

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

6 **DISCIPLINARY ORDER**

7 IT IS HEREBY ORDERED that Landscape Architect License No. LA 3400 issued to
8 Respondent is revoked. However, the revocation is stayed and Respondent is placed on probation
9 for five (5) years on the following terms and conditions.

10 1. **Actual Suspension.** Landscape Architect License No. LA 3400 issued to
11 Respondent is suspended for thirty (30) consecutive days, beginning on the effective date of the
12 Decision and Order.

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

15 3. **Submit Quarterly Reports.** Respondent, within ten (10) days of completion of the
16 quarter, shall submit quarterly written reports to the Board on a Quarterly Report of Compliance
17 form obtained from the Board.

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

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

25 6. **Tolling for Out-of-State Practice, Residence or In-State Non-Practice.** In the
26 event Respondent should leave California to reside or to practice outside the State or for any
27 reason stop practicing landscape architecture in California, Respondent shall notify the Board or
28 its designee in writing within ten (10) days of the dates of departure and return, or the dates of

1 non-practice or the resumption of practice within California. Non-practice is defined as any
2 period of time exceeding thirty (30) days in which Respondent is not engaging in any activities
3 defined in Section 5615 of the Business and Professions Code. All provisions of probation other
4 than the quarterly report requirements, examination requirements, and education requirements,
5 shall be held in abeyance until Respondent resumes practice in California. All provisions of
6 probation shall recommence on the effective date of resumption of practice in California. Periods
7 of temporary or permanent residency or practice outside California or of non-practice within
8 California will not apply to the reduction of this probationary period.

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

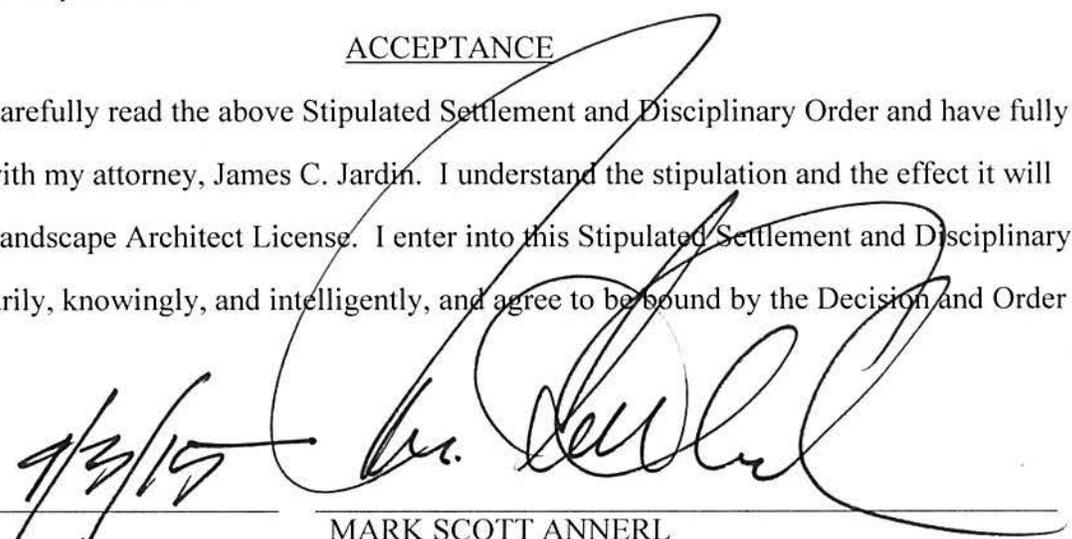
14 **8. Cost Reimbursement.** Respondent shall reimburse the Board three thousand six
15 hundred and three dollars and seventy-five cents (\$3,603.75) for its investigative and prosecution
16 costs. The payment shall be made by either cashier's check or money order within thirty (30)
17 days of the date the Board's decision is final.

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

20 ACCEPTANCE

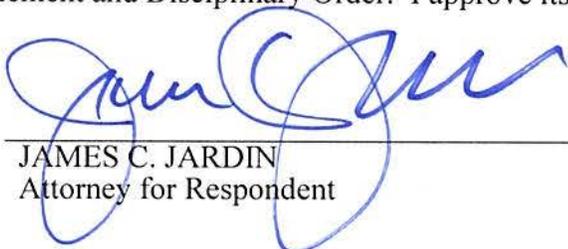
21 I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully
22 discussed it with my attorney, James C. Jardin. I understand the stipulation and the effect it will
23 have on my Landscape Architect License. I enter into this Stipulated Settlement and Disciplinary
24 Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order
25 of the Board.

26
27 DATED: _____

28 
MARK SCOTT ANNERL
Respondent

1 I have read and fully discussed with Respondent the terms and conditions and other matters
2 contained in the above Stipulated Settlement and Disciplinary Order. I approve its form and
3 content.

4 DATED: 4/2/2015



JAMES C. JARDIN
Attorney for Respondent

7 ENDORSEMENT

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

10 Dated: 4/3/15

Respectfully submitted,

KAMALA D. HARRIS
Attorney General of California
GREGORY J. SALUTE
Supervising Deputy Attorney General



ADRIAN R. CONTRERAS
Deputy Attorney General
Attorneys for Complainant

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