

CALIFORNIA ARCHITECTS BOARD

LANDSCAPE ARCHITECTS TECHNICAL COMMITTEE

**Title 16. Professional and Vocational Regulations
Division 26. Landscape Architects Technical Committee**

PROPOSED REGULATORY LANGUAGE

Changes to the existing regulation are shown in single underline for new text and for deleted text.

Amend Section 2680 of Article 1 of Division 26 of Title 16 of the California Code of Regulations as follows:

Section 2680. Disciplinary Guidelines.

In reaching a decision on a disciplinary action under the Administrative Procedure Act (Government Code Section 11400 et seq.), the Board shall consider the disciplinary guidelines entitled "Disciplinary Guidelines and Model Orders" [~~Rev 2000~~] (Revised 2021) which are hereby incorporated by reference. Deviation from these guidelines and orders, including the standard terms of probation, is appropriate where the Board in its sole discretion determines that the facts of the particular case warrant such a deviation - for example: the presence of mitigating factors; the age of the case; evidentiary problems.

Note: Authority cited: Sections 481, 493, 5622, 5630, and 5662, Business and Professions Code; and Section 11400.20, Government Code. Reference: Sections 125.3, 125.6, 140, 141, 143.5, 480(a), 490, 493, 496, 499, 5616, 5640, 5642, 5659, 5660, 5662, 5666, 5667, 5668, 5669, 5670, 5671, 5672, 5673, 5675, 5675.5, and 5676, and 5678, Business and Professions Code; and Sections 11400.20, 11400.21, 11425, and 11425.50, and 11425.50(e), Government Code.

Start Face Page:

Landscape Architects Technical Committee
Disciplinary Guidelines and Model Orders
(Revised 2021)



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*California Architects Board
Landscape Architects Technical Committee*

DISCIPLINARY GUIDELINES

I. INTRODUCTION

To establish consistency in disciplinary penalties for similar offenses on a statewide basis, the California Architects Board (~~Board~~CAB), Landscape Architects Technical Committee (LATC) has adopted these uniform disciplinary guidelines for particular violations. This document, designed for use by Administrative Law Judges, attorneys, landscape architects, others involved in the disciplinary process, and ultimately the Board, ~~shall~~may be revised from time to time and will be distributed to interested parties upon request.

These guidelines include general factors to be considered, probationary terms, and guidelines for specific offenses. The guidelines reference the statutory and regulatory provisions for specific offenses ~~are referenced to the statutory and regulatory provisions~~.

For purposes of this document, terms and conditions of probation are divided into two general categories: (1) Standard Conditions are those conditions of probation which will generally appear in all cases involving probation ~~as a standard term and condition~~; and (2) Optional Conditions are those conditions which address the specific circumstances of the case and require discretion to be exercised depending on the nature and circumstances of a particular case.

The Board (~~CAB~~) recognizes ~~that~~ these recommended penalties and conditions of probation are merely guidelines, and ~~that~~ mitigating or aggravating circumstances ~~and~~ or other factors, may necessitate deviations, as discussed herein. If there are deviations from the guidelines, the Board would request that the Administrative Law Judge hearing the matter include an explanation in the Proposed Decision so that the circumstances can be better understood and evaluated by the Board upon review of the Proposed Decision and before final action is taken. All disciplinary actions will be published on the Internet to facilitate access under the California Public Records Act.

Additional copies of this document may be obtained by contacting the LATC~~CAB~~ at its office in Sacramento, California or accessing the document on-line at www.latc.ca.gov. There may be a charge assessed for providing paper copies sufficient to cover the direct costs of duplication.

II. GENERAL CONSIDERATIONS

A. Citations

This document covers considerations of disciplinary restrictions or penalties following the filing of an Accusation. For standards related to citations, please consult the Board's regulations commencing at Section 2630 of Title 16 of the California Code of Regulations.

B. Proposed Decisions - General Considerations

The Board requests ~~that~~ Proposed Decisions following administrative hearings include the following:

- a. Specific code sections violated, along with their descriptions~~definitions~~.

- b. Clear description of the underlying facts demonstrating the violation committed.
- c. Respondent's explanation of the violation if he or/she is they are present at the hearing.
- d. Findings regarding aggravation, mitigation, and rehabilitation where appropriate.
- e. When suspension or probation is ordered, the Board requests that the disciplinary order include terms within the recommended guidelines for that offense unless the reason for departure from the recommended terms is clearly set forth in the findings and supported by the evidence.

C. Stipulated Settlements

The Board will consider stipulated settlements to promote cost effectiveness and to expedite disciplinary decisions if such agreements achieve its disciplinary objectives. Deputy Attorneys General should inquire as to Respondent's interest in stipulated settlement promptly after receipt of a notice of defense. If stipulated settlement appears unlikely, the case should be set for hearing. It is the Board's policy that matters resolved by stipulation include cost recovery.

D. Cost Reimbursement

The Board seeks reimbursement of its investigative and prosecution costs in all disciplinary cases in which the licensee is found to have committed a violation. The costs include all charges incurred from the Office of the Attorney General, the Division of Investigation, and Board services, including but not limited to, expert consultant opinions and services. The Board seeks reimbursement of these costs because the burden for payment of the costs of investigation and prosecution of disciplinary cases should fall upon those whose proven conduct required investigation and prosecution, not upon the profession as a whole.

E. Criteria Factors to be Considered

Substantially Related Criteria. The Board may deny, suspend, or revoke a license if the applicant or licensee has been convicted of a crime, professional misconduct, or act that is substantially related to the qualifications, functions, or duties of the profession, based on the criteria specified in section 2655 of article 1 of division 26 of title 16 of the California Code of Regulations.

Rehabilitation Criteria. When considering the denial, revocation, or suspension of a license on the ground that the applicant or licensee has been convicted of a crime, or disciplined for professional misconduct, the denial is based on one or more of the grounds specified in Business and Professions Code section 5653, a suspension or revocation of a licensee on the grounds of a disciplinary action as described in Business and Professions Code section 141, or one or more of the grounds specified in Business and Professions Code Article 5 of Chapter 3.5 of Division 3 of the Code, the Board shall consider whether the applicant or licensee has made a showing of rehabilitation based on the criteria specified in section 2656 of article 1 of division 26 of title 16 of the California Code of Regulations.

F. Mitigation and Rehabilitation Evidence

The following are among mitigating circumstances that may be taken into account by ALJs in providing for penalties in proposed decisions:

- The licensee has cooperated with the Board's investigation, other law enforcement or

regulatory agencies, and/or the injured parties.

- The passage of considerable time since an act of professional misconduct occurred with no evidence of recurrence or evidence of any other professional misconduct.
- Convincing proof of rehabilitation
- Demonstration of remorse by the licensee.
- Recognition by licensee of their wrongdoing and demonstration of corrective action to prevent recurrence.
- Violation was corrected without monetary losses to consumers and/or restitution was made in full.

The following are examples of types of evidence which the licensee/applicant (respondent) may submit to the Board to demonstrate their rehabilitative efforts and competency:

- Recent, dated, written statements and/or performance evaluations from persons in positions of authority who have on-the-job knowledge of the respondent's work as a landscape architect that include the period of time and capacity in which the person worked with the respondent. Such reports must be signed under penalty of perjury and will be subject to verification by Board staff.
- Recent, dated, letters from counselors regarding the respondent's participation in a rehabilitation or recovery program, which should include at least a description and requirements of the program, a therapist or mental health professional's diagnosis of the condition and current state of recovery, and the therapist or mental health professional's basis for determining rehabilitation. Such letters and reports will be subject to verification by Board staff.
- Recent, dated letters describing the respondent's participation in support groups, (e.g., Alcoholics Anonymous, Narcotics Anonymous, professional support groups, etc.). Such letters and reports will be subject to verification by Board staff.
- Recent, dated, letters from probation or parole officers regarding the respondent's participation in and/or compliance with terms and conditions of probation or parole, which should include at least a description of the terms and conditions, and the officer's basis for determining compliance. Such letters and reports will be subject to verification by Board staff.
- Recent, dated, letters from persons familiar with respondent in either a personal or professional capacity regarding their knowledge of: the respondent's character; the respondent's rehabilitation, if any; the conduct of which the respondent is accused; or any other pertinent facts that would enable the Board to better decide the case. Such letters must be signed under penalty of perjury and will be subject to verification by Board staff.

~~In determining whether revocation, suspension or probation is to be imposed in a given case, factors such as the following should be considered:~~

- ~~1. Nature and severity of the act(s), offense(s), or crime(s) under consideration.~~
- ~~2. Actual or potential harm to any consumer, client or the general public.~~
- ~~3. Prior disciplinary record.~~
- ~~4. Number and/or variety of current violations.~~
- ~~5. Mitigation evidence.~~
- ~~6. Rehabilitation evidence.~~

7. ~~In the case of a criminal conviction, compliance with terms of sentence and/or court-ordered probation.~~
8. ~~Overall criminal record.~~
9. ~~Time passed since the act(s) or offense(s) occurred.~~
10. ~~Whether or not the respondent cooperated with the Board's investigation, other law enforcement or regulatory agencies, and/or the injured parties.~~
11. ~~Recognition by respondent of his or her wrongdoing and demonstration of corrective action to prevent recurrence.~~

III. DEFINITION OF PENALTIES

Revocation: Loss of a license as the result of any one or more violations of the Landscape Architects Practice Act. Revocation of a license is permanent, unless the respondent takes affirmative action to petition the Board for reinstatement of his/her/their license and demonstrates to the Board's satisfaction that ~~he/she is~~they are rehabilitated.

Suspension: Invalidation of a license for a fixed period of time, not to exceed a period of one year.

Stayed Revocation: Revocation of a license, held in abeyance pending respondent's compliance with the terms of his/her/their probation.

Stayed Suspension: Suspension of a license, held in abeyance pending respondent's compliance with the terms of his/her/their probation.

Probation: A period during which a respondent's sentence is suspended in return for respondent's agreement to comply with specified conditions relating to improving his/her/their conduct or preventing the likelihood of a reoccurrence of the violation.

Public Reproval: A form of written censure or reprimand placed in a public document that is served on the licensee. It is considered part of the licensee's disciplinary history and public record with the Board.

IV. DISCIPLINARY GUIDELINES

The offenses are listed by ~~statute~~section number in the Business and Professions Code or California Code of Regulations. The standard terms of probation as stated herein shall be included for all probations. The optional conditions of probation as stated herein are to be considered and imposed along with any other optional conditions if facts and circumstances warrant. The number(s) in brackets ~~listed after each condition of probation~~ refers to the specific standard or optional conditions of probation~~listed on pages XX – XX.~~

A. Business and Professions Code ~~BUSINESS AND PROFESSIONS CODE SECTIONS~~

Section 5616: Requirements for Landscape Architecture Contract

Maximum: Revocation

Minimum: Stayed revocation and 3 years' probation on all standard conditions [#1-11] and if warranted, the following optional condition:

- a. Restitution [#17] (if applicable)

Section 5640: Unlicensed Person -- Sanctions For Engaging in Practice -- Sanctions

~~Applicant~~ **Maximum:** Revocation or Denial of application for a license application

~~Applicant~~ **Minimum:** Ninety (90) days actual suspension Issue initial license (if applicable), stayed revocation, and 5 years' probation on all standard conditions [#1-11] and if warranted, the following optional conditions:

- a. All standard conditions of probation [#1-#7] Ethics course [#15]
- b. Restitution [#17] (if applicable)

Section 5642: Partnership, Corporation -- Unlicensed Person in a Partnership or Corporation

Maximum: Revocation

Minimum: Stayed Revocation, 90 days' actual suspension [#12], and probation for 5 years' probation on all standard conditions [#1-11]. the following conditions

- a. All standard conditions of probation [#1-#7]
- b. Cost reimbursement [#11]

Section 5659: Failure to Include License Number

Maximum: Revocation

Minimum: Stayed revocation and 5 years' probation on all standard conditions [#1-11] and if warranted, the following optional conditions:

- a. Ethics course [#15]
- b. Restitution [#17] (if applicable)

Section 5666: Practice in Violation of Practice Act

The appropriate disciplinary action depends on the nature of the offense.

Maximum/Minimum: See section of these guidelines showing specific statute/regulation violated for recommended penalty

Section 5667: Fraud, Misrepresentation – Obtaining License Obtained by Fraud, Misrepresentation

Maximum/Minimum: Revocation

Minimum: Stayed revocation, 90 days' actual suspension [#12], and 5 years' probation on all standard conditions [#1-11] and if warranted, the following optional condition:

a. Ethics course [#15]

Section 5668: Person Impersonating Landscape Architect – Practice Or Under Assumed Name

~~Licensee~~ **Maximum:** Revocation

~~Licensee~~ **Minimum:** Stayed revocation, 90 days' actual suspension [#12], and 5 years' probation on all standard conditions [#1-11] and if warranted, the following optional conditions:

~~a. All standard conditions of probation [#1-#7]~~

~~ba. Continuing education courses~~ Ethics course [#1015]

~~cb. Cost reimbursement [#11]~~

~~de. Restitution [#1217] (if applicable)~~

Section 5669: Licensee Aiding, Abetting – Unlicensed Practice

Maximum: Revocation

Minimum: Stayed revocation, 90 days' actual suspension [#12], and 5 years' probation on all standard conditions [#1-11] and if warranted, the following optional conditions:

~~a. All standard conditions of probation [#1-#7]~~

~~ba. Continuing education courses~~ Ethics course [#1015]

~~cb. Cost reimbursement [#11]~~

~~de. Restitution [#1217] (if applicable)~~

Section 5670: Fraud, Licensee Deceit in Practice or Fraud

Maximum: Revocation

Minimum: Stayed revocation, 90 days' actual suspension [#12], and 5 years' probation on all standard conditions [#1-11] and if warranted, the following optional conditions:

- a. ~~All standard conditions of probation [#1-#7] Ethics course [#15]~~
- b. Continuing education courses [#1016]
- c. ~~Cost reimbursement [#11]~~
- d. ~~Restitution [#1217] (if applicable)~~

Section 5671: Negligence, ~~Willful Misconduct~~ in Practice

Maximum: Revocation
Minimum: Stayed revocation, 90 days' actual suspension [#12], and 5 years' probation on all standard conditions [#1-11] ~~and if warranted,~~ the following optional conditions:

- a. ~~All standard conditions of probation [#1-#7]~~
- ba. Continuing education courses [#1016]
- cb. Cost reimbursement [#11]
- dc. Restitution [#1217] (if applicable)

Section 5671: Willful Misconduct in Practice

Maximum: Revocation
Minimum: Stayed revocation, 90 days' actual suspension [#12], and 5 years' probation on all standard conditions [#1-11] and if warranted, the following optional conditions:

- a. Ethics course [#15]
- b. Continuing education courses [#16]
- c. -Restitution [#17] (if applicable)

Section 5672: Licensee Gross Incompetence in Practice

Maximum: Revocation
Minimum: Stayed revocation, 90 days' actual suspension [#12], and 5 years' probation on all standard conditions [#1-11] ~~and if warranted,~~ the following optional conditions:

- a. ~~All standard conditions of probation [#1-#7]~~
- ~~b. Written examination [#109]~~
- a. California Supplemental Examination [#13]

~~eb.~~ Continuing education courses [#1016]

~~dc.~~ Cost reimbursement [#11]

~~ed.~~ Restitution [#1217] (if applicable)

Section 5673: Licensee's False Use of Signature, Stamp

Maximum: Revocation

Minimum: Stayed revocation, 90 days' actual suspension [#12], and 5 years' probation on all standard conditions [#1-11] ~~and if warranted,~~ the following optional conditions:

~~a.~~ All standard conditions of probation [#1-#7]

~~ba.~~ Continuing education courses Ethics course [#1015]

~~cb.~~ Cost reimbursement [#11]

~~dc.~~ Restitution [#1217] (if applicable)

Section 5675: Sanctions for Licensee Felony Conviction – Sanctions

Maximum: ~~Revocation or denial of license application~~

Minimum: Stayed revocation, 90 days' actual suspension [#12], and 5 years' probation on all standard conditions [#1-11] ~~and if warranted,~~ the following optional conditions:

~~a.~~ All standard conditions of probation [#1-#7]

~~b.~~ Continuing education courses #10]

~~c.~~ Cost reimbursement [#11]

~~d.~~ Restitution [#12]

~~ea.~~ Criminal Pprobation Rreports [#1318]

Section 5675.5: Public Agency – Disciplinary Action By Public Agency

Maximum: Revocation

Minimum: Stayed revocation, 90 days' actual suspension [#12], and 5 years' probation on all standard conditions [#1-11] ~~and if warranted,~~ the following optional conditions:

~~a.~~ All standard conditions of probation [#1-#7]

~~ba.~~ Continuing education courses [#1016]

~~eb. Cost reimbursement [#11]~~

~~ec. Restitution [#1217] (if applicable)~~

Section 5676: Plea of Nolo Contendere – Sanctions for Criminal Conviction – Sanctions

Maximum: Revocation

Minimum: Stayed revocation, 90 days' actual suspension [#12], and 5 years' probation on all standard conditions [#1-11] ~~and if warranted, the following optional conditions:~~

~~a. All standard conditions of probation [#1-7]~~

~~b. Continuing education courses #10]~~

~~c. Cost reimbursement [#11]~~

~~d. Restitution. [#12]~~

~~ea. Criminal Pprobation Rreports [#1318]~~

Section 5678: Licensee Failure to Report of Settlement or Arbitration Award – Licensee

Maximum: Revocation

Minimum: Civil Penalty (see Model Orders section)

B. General Provisions of Business and Professions Code GENERAL PROVISIONS OF BUSINESS AND PROFESSIONS CODE

Section 125.6: Licensee's Discrimination Against Individuals Based upon Personal Characteristics by Licensee

Maximum: Revocation

Minimum: Stayed revocation, ~~60~~ 90 days' actual suspension [#12], and 5 years' probation on all standard conditions [#1-11].

~~a. All standard conditions of probation [#1-7]~~

~~b. Cost reimbursement [#11]~~

Section 140: Failure to Record Transactions Involving Wages or Make Those Records Available

Maximum: Revocation

Minimum: Stayed revocation and 3 years' probation on all standard conditions [#1-11].

Section 141: **Disciplinary Action Taken Against Licensee by Another State, an Agency of the Federal Government, or Another Country**

Maximum: Revocation
Minimum: Stayed revocation, 90 days' actual suspension [#12], and 5 years' probation on all standard conditions [#1-11] and if warranted, the following optional conditions:

- a. Continuing education courses [#16]
- b. Restitution [#17] (if applicable)

Section 143.5 **Settlement Agreements Prohibited Provisions; Regulations; Exemptions**

Maximum: Revocation
Minimum: Stayed revocation and 3 years' probation on all standard conditions [#1-11] and if warranted, the following optional condition:

- a. Ethics course [#15]

Section 480 (a): **Applicant's Grounds for Denial of the License Application of Licenses**

~~An applicant's application may be denied for (1) conviction of a crime; (2) any act involving dishonesty, fraud or deceit with the intent to substantially benefit himself or another, or substantially injure another; (3) any act which if done by a licensee would be grounds for suspension or revocation of license; or (4) knowingly making a false statement of fact required to be revealed in the application for such license.~~

Maximum/Minimum: Denial of license application
Minimum: Issue initial license, stayed revocation, and 5 years' probation on all standard conditions [#1-11] and if warranted, the following optional conditions:

- a. Ethics course [#15]
- b. Continuing education courses [#16]
- c. Restitution [#17] (if applicable)

Section 490: **Grounds for Suspension, Revocation; Conviction of Crime**

Maximum: Revocation
Minimum: Stayed revocation, 90 days' actual suspension [#12], and 5 years' probation on all standard conditions [#1-11] and if warranted, the following optional condition:

a. Criminal probation reports [#18]

Section 496: Subversion of Licensing Examinations or Administration of Examinations

Maximum/Minimum: Revocation or denial of license application
Minimum: Issue initial license (if applicable), stayed revocation, and 5 years' probation on all standard conditions [#1-11] and if warranted, the following optional conditions:

a. Ethics course [#15]

b. Continuing education courses [#16]

c. Restitution [#17] (if applicable)

Section 499: Licensee's False Statement in Support of Application Not Their Own

Maximum: Revocation
Minimum: Stayed revocation, 90 days' actual suspension [#12], and 5 years' probation on all standard conditions [#1-11] and if warranted, the following optional condition:

a. Ethics course [#15]

C. California Code of Regulations CALIFORNIA CODE OF REGULATIONS
Division 2, Title 16, Division 2, Chapter 26, Article 1. General Provisions

Section 2670: Rules of Professional Conduct

(a) Competence

Maximum: Revocation
Minimum: Stayed revocation, 90 days' actual suspension [#12], and 5 years' probation on all standard conditions [#1-11] and if warranted, the following optional conditions:

~~a. All standard conditions of probation [#1-#7]~~

a. California Supplemental Examination [#13]

b. Continuing education courses [#1016]

~~c. Cost reimbursement [#11]~~

~~d. Restitution [#1217] (if applicable)~~

(b) Willful Misconduct

Maximum: Revocation
Minimum: Stayed revocation, 90 days' actual suspension [#12], and 5 years' probation on all standard conditions [#1-11] and if warranted, the following optional conditions:

- a. Ethics course [#15]
- b. Continuing education courses [#16]
- c. Restitution [#17] (if applicable)

(~~b~~c) Full Disclosure

Maximum: Revocation
Minimum: Stayed revocation, 90 days' actual suspension [#12], and 5 years' probation on all standard conditions [#1-11] and if warranted, the following optional conditions:

- ~~a. All standard conditions of probation [#1-#7]~~ Ethics course [#15]
- ~~b. Continuing education courses [#10]~~
- ~~eb. Cost reimbursement [#11]~~
- ~~dc. Restitution [#1217] (if applicable)~~

(~~e~~d) Informed Consent

Maximum: Revocation
Minimum: Stayed revocation, 90 days' actual suspension [#12], and 5 years' probation on all standard conditions [#1-11] and if warranted, the following optional conditions:

- ~~a. All standard conditions of probation [#1-#7]~~
- ~~ba. Continuing education courses [#1016]~~
- ~~eb. Cost reimbursement [#11]~~
- ~~dc. Restitution [#1217] (if applicable)~~

(~~e~~e) Conflict of Interest

Maximum: Revocation
Minimum: Stayed revocation, 90 days' actual suspension [#12], and 5 years' probation on all standard conditions [#1-11] and if warranted, the following optional conditions:

- a. ~~All standard conditions of probation [#1-#7]~~Ethics course [#15]
- b. ~~Continuing education courses [#10]~~
- ~~cb.~~ Cost reimbursement [#11]
- ~~dc.~~ Restitution [#1217] (if applicable)

(ef) Copyright Infringement

Maximum: Revocation
Minimum: Stayed revocation, 90 days' actual suspension [#12], and 5 years' probation on all standard conditions [#1-11] and if warranted, the following optional conditions:

- a. ~~All standard conditions of probation [#1-#7]~~Ethics course [#15]
- b. Continuing education courses [#1016]
- e. ~~Cost reimbursement [#11]~~
- ~~dc.~~ Restitution [#1217] (if applicable)

V.D. Violation of Probation ~~VIOLATION OF PROBATION~~

Maximum Penalty

Actual suspension; vacate stay order and reimpose penalty that was previously stayed; and/or revoke, separately and severally, for violation of probation and/or for any additional offenses.

Minimum Penalty

Actual suspension and/or extension of probation.

The maximum penalty is appropriate for repeated similar offenses, or for probation violations indicating a cavalier or recalcitrant attitude. If the probation violation is due in part to the commission of additional offense(s), additional penalties shall be imposed according to the nature of the offense; and the probation violation shall be considered as an aggravating factor in imposing a penalty for those offense(s).

V. MODEL ORDERS

A. Licensee

Revocation of License

Landscape Architect License No. _____, issued to respondent _____, is revoked.

Respondent shall relinquish and forward or deliver their license to practice landscape architecture and wall certificate to the Board within ten (10) days of the effective date of this Decision. Respondent may not reapply or petition the Board for reinstatement of their revoked license for one (1) year from the effective date of this Decision.

Respondent shall pay to the Board its costs of investigation and prosecution in the amount of \$ _____ within thirty (30) days of the effective date of this Decision.

Option: As a condition precedent to reinstatement of their revoked license, respondent shall reimburse the Board for its costs of investigation and prosecution in the amount of \$ _____. Said amount shall be paid in full prior to the reinstatement of their license unless otherwise ordered by the Board.

Revocation Stayed and Licensee Placed on Probation

Landscape Architect License No. _____, issued to respondent _____, is revoked; however, the revocation is stayed and respondent is placed on probation for _____ years on the following terms and conditions:

Public Reproval

Landscape Architect License No. _____, issued to respondent _____, is publicly reproval. This reproval constitutes disciplinary action by the Board and shall become a part of respondent's license history with the Board.

Surrender of License in Lieu of Revocation

Respondent _____ surrenders Landscape Architect License No. _____ as of the effective date of this Decision. Respondent shall relinquish and forward or deliver their license to practice landscape architecture and wall certificate to the Board within ten (10) days of the effective date of this Decision.

The surrender of respondent's license and the acceptance of the surrendered license by the Board shall constitute the imposition of discipline against respondent. This Decision constitutes disciplinary action by the Board and shall become a part of respondent's license history with the Board.

B. Petition for Reinstatement

Grant Petition with No Restrictions on License

The petition for reinstatement filed by petitioner _____ is hereby granted, and petitioner's landscape architect license shall be fully restored.

Grant Petition and Place Licensee on Probation

The petition for reinstatement filed by petitioner _____ is hereby granted, and petitioner's landscape architect license shall be reinstated and immediately revoked; however, the revocation shall be stayed and the petitioner shall be placed on probation for a period of _____ years on the following terms and conditions:

Grant Petition and Place Licensee on Probation After Completion of Conditions Precedent

The petition for reinstatement filed by petitioner _____ is hereby granted, and petitioner's landscape architect license shall be fully reinstated upon completion of the following conditions precedent (examples would be: paying restitution, cost reimbursement, completion of CE, completion of rehabilitation program, take the California Supplemental Examination, and/or specified sections of the Landscape Architect Registration Examination (LARE):

Upon completion of the conditions precedent above, and satisfaction of all statutory and regulatory requirements for issuance of a license, petitioner's landscape architect license shall be reinstated and immediately revoked; however, the revocation shall be stayed, and petitioner shall be placed on probation for a period of _____ years on the following terms and conditions (list standard and applicable optional conditions of probation):

Deny Petition

The petition for reinstatement filed by petitioner _____ is hereby denied.

C. Petition to Revoke Probation

Revocation of Probation

Landscape Architect License No. _____, issued to respondent _____, is revoked. Petitioner is not eligible to apply for reinstatement or reduction of penalty for one year from the effective date of this decision.

Extension of Probation

Landscape Architect License No. _____, issued to respondent _____, is revoked; however, the revocation is stayed, and respondent is placed on probation for an additional _____ year(s) on the following terms and conditions:

D. Applicant

(in cases where a Statement of Issues has been filed)

Grant Application with No Restrictions on License

The application filed by respondent _____ for initial licensure is hereby granted, and a landscape architect's license shall be issued to respondent upon successful completion of all licensing requirements including payment of all fees.

Grant Application and Place Licensee on Probation

The application filed by respondent _____ for initial licensure is hereby granted, and a landscape architect's license shall be issued to respondent upon successful completion of all licensing requirements, including payment of all fees. However, the license shall be immediately revoked, the revocation shall be stayed, and respondent shall be placed on probation for _____ years on the following terms and conditions:

Grant Application and Place Licensee on Probation After Completion of Conditions Precedent

The application filed by respondent _____ for initial licensure is hereby granted, and a landscape architect's license shall be issued to respondent upon the following conditions precedent (examples would be: paying restitution, cost reimbursement, completion of CE, completion of rehabilitation program, take the California Supplemental Examination, and/or specified sections of the LARE):

Upon completion of the conditions precedent above and successful completion of all licensing requirements, including payment of all fees, respondent shall be issued a landscape architect's license. However, the license shall be immediately revoked, the revocation shall be stayed, and respondent shall be placed on probation for _____ years on the following terms and conditions (list standard and applicable optional conditions of probation):

Deny Application

The application filed by respondent _____ for initial licensure is hereby denied.

Civil Penalty

Respondent shall pay to the Board a civil penalty in the amount of \$ _____ [not less than \$100 and not more than \$1,000; and if there is continued knowing and intentional failure to report, the Board may assess an additional civil penalty up to \$20,000} pursuant to Business and Professions Code section 5678.] Respondent shall make the payments as follows: _____.

[Term only applicable to Business and Professions Code section 5678 violations and used in lieu of revocation.]

VI. STANDARD CONDITIONS OF PROBATION

A. Standard Conditions

(I) to be included in all cases of probation)

The Board reserves the discretion to waive any conditions of probation on a case-by-case basis.

1. Obey All Laws

Respondent shall obey all federal, state, and local laws and regulations governing the practice of landscape architecture in California and comply with all conditions of probation.

2. Submit Quarterly Reports

Respondent, within 10 days of completion of the quarter, shall submit completed quarterly written reports to the Board, on a Quarterly Report of Compliance form (10/98) obtained from the Board (Attachment A). Respondent's quarterly written report to the Board shall include the following:

1. Respondent's full legal name, telephone number, and address of record,
2. Name of the firm respondent works for, respondent's title, firm address and telephone number,
3. A statement of all of Respondent's landscape architecture activities during this reporting period. The statement shall include: the client's name, address and telephone number, project title/address, project description, project's start and end date and a description of Respondent's involvement.
4. A list of any other of Respondent's activities related to the practice of landscape architecture by activity and date; and,
5. A certification under penalty of perjury that the information provided in the report is true and correct.

3. 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.

4. 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/her~~their 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.

5. Maintain Active and Current License

Respondent shall maintain an active and current license to practice landscape architecture in California for the length of the probation period. Failure to pay all renewal fees prior to respondent's license expiration date shall constitute a violation of probation. If the license is expired at the time the Board's decision becomes effective, the license must be renewed within 30 days of the effective date of the decision.

6. Notification of Changes to Address and/or Telephone Number

Respondent shall notify the Board in writing of any and all changes to their address of record and/or telephone number within 10 calendar days of such change.

57. 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 stops practicing landscape architecture in California, respondent shall notify the Board or its designee in writing within 10~~ten~~ days of the dates of departure and return,

or the dates of non-practice or the resumption of practice within California. Respondent's probation is tolled when they cease practicing in California. Non-practice is defined as any period of time exceeding 30~~thirty~~ days in which respondent is not engaging in any activities defined in Section 5615 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. Respondent shall not be relieved of the obligation to maintain an active and current license with the Board. It shall be a violation of probation for respondent's probation to remain tolled pursuant to the provisions of this condition for a period exceeding a total of five years.

Periods of non-practice do not relieve Respondent of the responsibility to comply with the terms and conditions of probation.

68. 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 that ~~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.

9. License Surrender While on Probation

Following the effective date of this probation, if respondent ceases practicing due to retirement, health reasons, or is otherwise unable to satisfy the terms and conditions of probation, Respondent may request, in writing, the voluntary surrender of Respondent's license to the Board. Respondent's written request to surrender their license shall include the following: their name, license number, case number, address of record, and an explanation of the reason(s) why Respondent seeks to surrender their license.

The Board reserves the right to evaluate the Respondent's request and to exercise its discretion whether to grant the request or to take any other action deemed appropriate and reasonable under the circumstances. Respondent shall not be relieved of the requirements of their probation unless the Board or its designee notifies respondent in writing that Respondent's request to surrender their license has been accepted.

Upon formal acceptance of the surrender, Respondent shall, within 15 days, deliver Respondent's wall certificate to the Board or its designee and shall no longer practice as a landscape architect. Respondent will no longer be subject to the terms and conditions of probation and the surrender of Respondent's license shall be deemed disciplinary action. If Respondent re-applies for a landscape architect's license, the application shall be treated as a petition for reinstatement of a revoked license.

710. Completion of Probation

Upon successful completion of probation, respondent's license will be fully restored.

11. Cost Reimbursement

Respondent shall reimburse the Board \$ _____ for its investigative and prosecution costs. The payment shall be made within _____ days/months of the date the Board's Decision is final.

Option: The payment shall be made as follows: _____ (specify either prior to the resumption of practice or in monthly or quarterly payments, the final payment being due one year before probation is scheduled to terminate).

~~VII. OPTIONAL CONDITIONS OF PROBATION~~

B. Optional Conditions

812. Suspension

Respondent is suspended from the practice of landscape architecture for _____ days beginning on the effective date of this Decision.

13. California Supplemental Examination

Option 1 (Condition Subsequent)

Within six months of the effective date of this Decision, respondent shall take and pass the California Supplemental Examination (CSE) designated by the Board.

If respondent fails to pass said examination within six months, respondent shall notify the Board and shall cease practice until respondent passes said examination, has submitted proof of same to the Board, and has been notified by the Board that they may resume practice. It is a violation of probation for Respondent to be unable to pass the CSE for a period exceeding a total of three years. Respondent must comply with tolling provisions contained in paragraph 7 (Tolling for Out-of-State Practice, Residence or In-State Non-Practice) of this order while not practicing and is responsible for paying all costs of such examination.

Option 2 (Condition Precedent)

Prior to resuming or continuing practice, respondent shall pass the California Supplemental Examination (CSE) designated by the Board within two years of the effective date of this Decision.

This probationary period shall not commence until respondent passes said examination, has submitted proof of same to the Board, and has been notified by the Board that they may resume practice. Respondent is responsible for paying all costs of such examination.

914. Written Examination

Option 1 (Condition Subsequent)

Within one year of the effective date of this Decision, Respondent shall take and pass (specified) sections of the Landscape Architect Registration Examination (L-A-R-E-).

If respondent fails to pass said examination within one year or within two attempts, respondent shall so notify the Board and shall cease practice until respondent takes and successfully passes said examination, has submitted proof of same to the Board, and has been notified by the Board that ~~he/she~~ they may resume practice. It shall be a violation of probation for Respondent to be unable to pass the LARE for a period exceeding a total of three years. Failure to pass the required examination no later than 100 days prior to the termination of probation shall constitute a violation of probation. Respondent must comply with tolling provisions contained in paragraph 7 (Tolling for Out-of-State Practice, Residence or In-State Non-Practice) of this order while not practicing and is responsible for paying all costs of such examination.

Option 2 (Condition Precedent)

Prior to resuming or continuing practice, respondent shall take and pass (specified) sections of the Landscape Architect Registration Examination (LARE) within two years of the effective date of this Decision.

This probationary period shall not commence until respondent takes and passes said examination, has submitted proof of same to the Board, and has been notified by the Board that they may resume practice. Respondent is responsible for paying all costs of such examination.

15. Ethics Course

Within 30 days of the effective date of this Decision, respondent shall submit for prior approval by the Board or its designee a course in ethics that will be completed within the first year of probation.

Failure to satisfactorily complete the required course within the first year of probation shall constitute a violation of probation. Respondent is responsible for submitting to the Board or its designee for approval the specifics of the course required by this condition, and for paying all costs of said course.

4016. Continuing Education Courses

Respondent shall successfully complete and pass professional education courses, approved in advance by the Board or its designee, directly relevant to the violation as specified by the Board. The professional education courses shall be completed within a period of time designated by the Board or its designee, which timeframe shall be incorporated as a condition of ~~this~~ probation.

Failure to satisfactorily complete the required courses as scheduled or failure to complete same no later than one year ~~100 days~~ prior to the termination of probation shall constitute a violation of probation. Respondent is responsible for submitting to the Board or its designee for its approval the specifics of each course required by this condition, and for paying all costs of such courses.

11. Cost Reimbursement

~~Respondent shall reimburse the Board \$ _____ for its investigative and prosecution costs. The payment shall be made within _____ days/months of the date the Board's decision is final.~~

~~Option: The payment shall be made as follows: _____ (specify either prior to the resumption of practice or in monthly or quarterly payments, the final payment being due one year before probation is scheduled to terminate).~~

1217. Restitution

~~Within _____ days of the effective date of this Decision, respondent shall make restitution to _____ in the amount of \$ _____ and shall provide the Board with proof from _____ attesting that the full restitution has been paid. In all cases, restitution shall be completed no later than one year before the termination of probation.~~

Note: Business and Professions Code section 143.5 prohibits the Board from requiring restitution in disciplinary cases when the Board's case is based on a complaint or report that has also been the subject of a civil action and that has been settled for monetary damages providing for full and final satisfaction of the parties in the civil action.

1318. Criminal Probation Reports

~~If respondent is convicted of any crime, R~~espondent shall provide the Board with a copy of the standard conditions of the criminal probation, copies of all criminal probation reports, and the name of their probation officer.

14. Relinquish License and Wall Certificate

~~Respondent shall relinquish and shall forward or deliver the license to practice and the wall certificate to the Board within 10 days of the effective date of this decision and order.~~

1519. Notification to Clients/Cessation of Practice

~~In orders which provide for a cessation or suspension of practice, within 30 days of the effective date of this Decision, respondent shall comply with procedures provided by the Board regarding notification to, and management of, provide all clients with whom they have a current contractual relationship in the practice of landscape architecture with a copy of the Decision and Order of the Board and provide the Board with evidence of such notification, including the name and address of each person or entity required to be notified.~~

II. REHABILITATION CRITERIA

~~**California Code of Regulations**, Title 16, Division 26, Section 2656, Criteria for Rehabilitation states:~~

~~(a) When considering the denial of a landscape architect's license under Section 480 of the Business and Professions Code, the board, in evaluating the rehabilitation of the applicant and his present eligibility for a license will consider the following criteria:~~

~~(1) The nature and severity of the act(s) or crime(s) under consideration as grounds for denial.~~

- (2) Evidence of any act(s) committed subsequent to the act(s) or crime(s) under consideration as grounds for denial which also could be considered as grounds for denial under Section 480 of the Business and Professions Code.
 - (3) The time that has elapsed since commission of the act(s) or crime(s) referred to in subdivision (1) or (2).
 - (4) The extent to which the applicant has complied with any terms of parole, probation, restitution, or any other sanctions lawfully imposed against the applicant.
 - (5) Evidence, if any, of rehabilitation submitted by the applicant.
- (b) When considering the suspension or revocation of the license of a landscape architect on the grounds that the person licensed has been convicted of a crime, the board, in evaluating the rehabilitation of such person and his present eligibility for a license, will consider the following criteria:
- (1) Nature and severity of the act(s) or offense(s).
 - (2) Total criminal record.
 - (3) The time that has elapsed since commission of the act(s) or offense(s).
 - (4) Whether the licensee has complied with any terms of parole, probation, restitution or any other sanctions lawfully imposed against the licensee.
 - (5) If applicable, evidence of expungement proceedings pursuant to Section 1203.4 of the Penal Code.
 - (6) Evidence, if any, of rehabilitation submitted by the licensee.
- (c) — When considering a petition for reinstatement of the license of a landscape architect, the board shall evaluate evidence of rehabilitation submitted by the petitioner, considering those criteria specified in subsection (b).

CALIFORNIA ARCHITECTS BOARD
LANDSCAPE ARCHITECTS TECHNICAL COMMITTEE

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 Sacramento, CA 95814

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 E-mail: late@dca.ca.gov Web: late.dca.ca.gov

State of California

Department of Consumer Affairs

Gray Davis, Governor



DEPARTMENT OF CONSUMER AFFAIRS, BUSINESS, CONSUMER SERVICES AND HOUSING AGENCY

CALIFORNIA ARCHITECTS BOARD



Landscape Architects Technical Committee

Public Protection through Examination, Licensure, and Regulation



Gavin Newsom,
 Governor

Attachment A

QUARTERLY PROBATION REPORT OF COMPLIANCE

1. NAME: _____ TELEPHONE #: (____) _____
 (Last/First/Middle) (Residence)

RESIDENCE ADDRESS
OF RECORD:

CITY: _____ STATE: _____ ZIP CODE: _____

2. NAME OF FIRM: _____ YOUR TITLE: _____

FIRM ADDRESS: _____

CITY: _____ STATE: _____ ZIP CODE: _____

TELEPHONE #: (____) _____

3. On the back second page of this form detail your landscape architectural activities for the probation period beginning:

beginning _____ and ending _____
Mo. Day Year Mo. Day Year

4. SiteList any other activities related to the practice of landscape architecture:

ACTIVITY	DATE

5. I declare under penalty of perjury under the laws of the State of California that the information contained in this quarterly report regarding my professional practice is true and correct.

Signature: _____

Date: _____

DATE: _____ QUARTER: _____ YEAR: _____

CLIENT NAME: _____ TELEPHONE #: (____) _____
(Last/First/Middle)

—ADDRESS: _____

—CITY: _____ STATE: _____ ZIP CODE: _____

PROJECT TITLE/ADDRESS	PROJECT DESCRIPTION	DATE START-COMPLETE	YOUR INVOLVEMENT

CLIENT NAME: _____ TELEPHONE #: (____) _____
(Last/First/Middle)

—ADDRESS: _____

—CITY: _____ STATE: _____ ZIP CODE: _____

PROJECT TITLE/ADDRESS	PROJECT DESCRIPTION	DATE START-COMPLETE	YOUR INVOLVEMENT

CLIENT NAME: _____ TELEPHONE #: (____) _____
(Last/First/Middle)

—ADDRESS: _____

—CITY: _____ STATE: _____ ZIP CODE: _____

PROJECT TITLE/ADDRESS	PROJECT DESCRIPTION	DATE START-COMPLETE	YOUR INVOLVEMENT