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

12 In the Matter of the Accusation Against:

Case No. LA 2016-19

13 **ROBERT DEAN**  
2419 Erie Street  
14 San Diego, CA 92110

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

15 **Landscape Architect License No. LA 2322**

16 Respondent.  
17

18 Complainant alleges:

19 **PARTIES**

20 1. Douglas R. McCauley (Complainant) brings this Accusation solely in his official  
21 capacity as the Executive Officer of the Landscape Architects Technical Committee (Committee),  
22 Department of Consumer Affairs.

23 2. On or about March 22, 1983, the Board of Landscape Architects (Board) issued  
24 Landscape Architect License Number LA 2322 to Robert Dean (Respondent). The Landscape  
25 Architect License was in full force and effect at all times relevant to the charges brought herein  
26 and will expire on May 31, 2018, unless renewed.

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1 **JURISDICTION**

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

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

9 5. Section 5629 of the Code states, in pertinent part, that "The Board shall prosecute all  
10 persons guilty of violating the provisions of this chapter..."

11 **STATUTORY PROVISIONS**

12 6. Section 490, subdivision (a) of the Code states:

13 In addition to any other action that a board is permitted to take against a  
14 licensee, a board may suspend or revoke a license on the ground that the licensee has  
15 been convicted of a crime, if the crime is substantially related to the qualifications,  
functions, or duties of the business or profession for which the license was issued.

16 7. Section 5676 of the Code states:

17 A plea or verdict of guilty or a conviction following a plea of nolo contendere  
18 made to a charge of a felony is deemed to be a conviction within the meaning of this  
19 article. The board may order the license suspended or revoked, or may decline to  
20 issue a license, when the time for appeal has elapsed, or the judgment of conviction  
21 has been affirmed on appeal or when 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 such 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.

22 **REGULATORY PROVISIONS**

23 8. California Code of Regulations, Title 16, section 2655, states:

24 For the purpose of denial, suspension, or revocation of the license of a  
25 landscape architect pursuant to Division 1.5 (commencing with Section 475) of the  
26 Business and Professions Code, a crime or act shall be considered substantially  
27 related to the qualifications, functions, and duties of a landscape architect if to a  
substantial degree it evidences present or potential unfitness of a landscape architect  
to perform the functions authorized by his or her license in a manner consistent with  
the public health, safety, or welfare. Such crimes or acts shall include, but not be  
limited to, the following:

1 (a) Any violation of the provisions of Chapter 3.5 of Division 3 of the Business  
2 and Professions Code.

3 9. California Code of Regulations, Title 16, section 2656, subdivision (b) states:

4 When considering the suspension or revocation of the license of a landscape  
5 architect on the grounds that the person licensed has been convicted of a crime, the  
6 Board, in evaluating the rehabilitation of such person and his or her present eligibility  
7 for a license will consider the following criteria:

8 (1) Nature and severity of the act(s) or offense(s).

9 (2) Total criminal record.

10 (3) The time that has elapsed since commission of the act(s) or offense(s).

11 (4) Whether the licensee has complied with any terms of parole, probation,  
12 restitution or any other sanctions lawfully imposed against the licensee.

13 (5) If applicable, evidence of expungement proceedings pursuant to Section  
14 1203.4 of the Penal Code.

15 (6) Evidence, if any, of rehabilitation submitted by the licensee.

#### 16 **COSTS**

17 10. Section 125.3 of the Code provides, in pertinent part, that the Board may request the  
18 administrative law judge to direct a licentiate found to have committed a violation or violations of  
19 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and  
20 enforcement of the case, with failure of the licentiate to comply subjecting the license to not being  
21 renewed or reinstated. If a case settles, recovery of investigation and enforcement costs may be  
22 included in a stipulated settlement.

#### 23 **CAUSE FOR DISCIPLINE**

##### 24 **(February 16, 2017 Criminal Convictions for Hit & Run and DUI)**

25 11. Respondent has subjected his license to disciplinary action under section 490,  
26 subdivision (a) of the Code in that he was convicted of crimes that are substantially related to the  
27 qualifications, functions, and duties of a landscape architect. The circumstances are as follows:

28 a. On or about February 16, 2017, in a criminal proceeding entitled, *The People of  
the State of California v. Robert A. Dean*, in San Diego County Superior Court, case number  
CD268933, Respondent was convicted on his plea of guilty of violating Vehicle Code section



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2. Ordering Robert Dean to pay the 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: 11/18/17

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

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