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	BEFOR		
9	LANDSCAPE ARCHITECTS TECHNICAL COMMITTEE		
10	DEPARTMENT OF CONSUMER AFFAIRS STATE OF CALIFORNIA		
11		<u> </u>	
12	In the Matter of the Accusation Against:	Case No. LA 2016-19	
13	ROBERT DEAN 2419 Erie Street ACCUSATION		
14	San Diego, CA 92110		
15	Landscape Architect License No. LA 2322		
16	Respondent.		
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18	Complainant alleges:		
19	PART	TIES	
20	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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JURISDICTION

- This Accusation is brought before the Board, for the Committee, under the authority
 of the following laws. All section references are to the Business and Professions Code (Code)
 unless otherwise indicated.
- 4. Section 118, subdivision (b), of the Code provides that the suspension, expiration, surrender, or cancellation of a license shall not deprive the Board, Registrar, or Director of jurisdiction to proceed with a disciplinary action during the period within which the license may be renewed, restored, reissued or reinstated.
- 5. Section 5629 of the Code states, in pertinent part, that "The Board shall prosecute all persons guilty of violating the provisions of this chapter..."

STATUTORY PROVISIONS

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

In addition to any other action that a board is permitted to take against a licensee, a board may suspend or revoke a license on the ground that the licensee has 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.

7. Section 5676 of the Code states:

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

REGULATORY PROVISIONS

California Code of Regulations, Title 16, section 2655, states:

For the purpose of denial, suspension, or revocation of the license of a landscape architect pursuant to Division 1.5 (commencing with Section 475) of the Business and Professions Code, a crime or act shall be considered substantially 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:

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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 or her present eligibility

- (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

Section 125.3 of the Code provides, in pertinent part, that the Board may request the administrative law judge to 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, with failure of the licentiate to comply subjecting the license to not being renewed or reinstated. If a case settles, recovery of investigation and enforcement costs may be

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

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

20001, subdivision (b)(2), (hit & run causing death) and Vehicle Code section 23152, subdivision (a), (driving under the influence of alcohol causing injury), both felonies. Pursuant to a plea agreement the charge of Vehicle Code section 23152(b), (driving while having a measurable blood alcohol) was dismissed.

- b. As a result of the conviction, Respondent was granted formal probation for five years, and ordered to serve 180 days in the custody of the San Diego County Sheriff's Department, with a pre-custody credit of one day for credit for time served, and placed in the County Parole and Alternative Custody (CPAC) program. Respondent was also ordered to pay fines and fees, and restitution, and to comply with all terms of probation.
- c. The facts that led to the convictions are that on August 23, 2016, in the late evening, Respondent was involved in a fatal collision with a pedestrian while driving home. Respondent failed to stop and left the scene. A witness called 911 to report the accident and gave a description of the vehicle in question. Officers with the San Diego Police Department (SDPD) arrived at Respondent's home where the vehicle was parked. Officers discovered that the vehicle had major front end damage, the front windshield was broken and there was blood on the windshield. Officers made contact with Respondent in the parking garage of his residence. During questioning, an officer noticed small shards of glass on Respondent's shirt, and the officer detected the strong odor of an alcoholic beverage emitting from Respondent's person. Further, Respondent's eyes appeared red and watery. Respondent admitted to being involved in a collision while driving home from a bar where he had an alcoholic beverage prior to going home. Respondent also admitted that he saw the victim running and could not react fast enough and hit him. Respondent declined the preliminary alcohol screening (PAS) test and submitted to a breath test, which was analyzed at .14 percent. Respondent was subsequently arrested.

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:

 Revoking or suspending Landscape Architect License Number LA 2322, issued to Robert Dean;

1	2.	Ordering Robert Dean to pay the California Architects Board the reasonable costs of
2	the investigation and enforcement of this case, pursuant to Business and Professions Code section	
3	125.3; and,	
4	3. Taking such other and further action as deemed necessary and proper.	
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8	DATED:	11/18/17 Dough 7. Michy
9		DOUGLAS R. MCCAULEY Executive Officer
10		Landscape Architects Technical Committee Department of Consumer Affairs State of California
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