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8
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 2016-14

13 **THOMAS KARL DOCZI**
71-711 San Jacinto Drive, Ste. C
14 Rancho Mirage, CA 92270

A C C U S A T I O N

15 **Landscape Architect License No. LA 2370**

16 Respondent.

17
18
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 (Committee),
23 Department of Consumer Affairs.

24 2. On or about December 30, 1983, the California Architects Board (Board) issued
25 Landscape Architect License Number LA 2370 to Thomas Karl Doczi (Respondent). The
26 Landscape Architect License was in full force and effect at all times relevant to the charges
27 brought herein and will expire on February 28, 2019, unless renewed.

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JURISDICTION

3. 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

8. 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:

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

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

3 (b) When considering the suspension or revocation of the license of a landscape
4 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
5 for a license will consider the following criteria:

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

7 (2) Total criminal record.

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

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

10 (5) If applicable, evidence of expungement proceedings pursuant to Section
11 1203.4 of the Penal Code.

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

13 COSTS

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

20 CAUSE FOR DISCIPLINE

21 (August 5, 2016 Criminal Convictions for Vehicular Manslaughter
22 and DUI on February 7, 2015)

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

26 a. On or about August 5, 2016, in a criminal proceeding entitled, *People of the*
27 *State of California v. Thomas Karl Doczi*, in Riverside County Superior Court, case number
28 INF1502102, Respondent was convicted on his plea of guilty of violating Penal Code section

1 191.5, subdivision (b), vehicular manslaughter while intoxicated; Vehicle Code section 23153,
2 subdivision (a), driving under the influence of alcohol causing injury; and Vehicle Code section
3 23153, subdivision (b), driving a vehicle while having .08 percent and more of alcohol in his blood
4 and causing injury, all felonies. Respondent further admitted to felony enhancements in that in the
5 commission of the violations of Penal Code section 191.5, and Vehicle Code section 23153,
6 Respondent inflicted great bodily injury upon another person using a deadly and dangerous
7 weapon (Within the meaning of Penal Code, §§ 1192.8 and 1192.7(c)(8)(23)), Respondent
8 inflicted great bodily injury upon another person (Within the meaning of Penal Code, §§
9 12022.7(a) and 1192.7(c)(8)), and Respondent had a blood alcohol concentration (BAC) of .15
10 and more, while driving a vehicle (Within the meaning of Vehicle Code, § 23578).

11 b. As a result of the conviction, Respondent was granted formal probation for three
12 years, and ordered to serve 180 days in the custody of the Riverside County Sheriff's Department,
13 with a pre-custody credit of one day for time served, and placed on the Secure Continuous Remote
14 Alcohol Monitoring (SCRAM) program. Respondent was also ordered to attend the MADD
15 victim impact panel, to pay fines and fees, and restitution, and to comply with all terms of DUI
16 probation.

17 c. The facts that led to the convictions are that on February 7, 2015, at
18 approximately 2:19 in the morning, Respondent was involved in a fatal collision with a bicyclist
19 while driving home from a bar near Palm Desert. Upon feeling the impact of the collision,
20 Respondent called 911 to report the accident, and officers with the Riverside County Sheriff's
21 Department (RCSD) arrived on the scene shortly after. Upon making contact with Respondent, an
22 RCSD officer detected the strong odor of an alcoholic beverage emitting from Respondent's
23 person. Respondent's eyes appeared red and watery, and he swayed back and forth while standing.
24 Respondent admitted to consuming one glass of wine at dinner and being the driver of the vehicle;
25 however, during the course of the investigation, it was discovered that Respondent also had an
26 alcoholic beverage at a nearby bar prior to going home. Respondent refused to perform any field
27 sobriety testing, submit to a preliminary alcohol screening test, or answer any questions until
28 speaking with his attorney. Respondent was arrested for vehicular manslaughter. During

1 processing, Respondent refused to submit to a chemical test after being advised of implied consent,
2 and a RCSD officer obtained a search warrant in order to proceed with obtaining a blood sample.
3 The blood sample was analyzed with a BAC of .18 percent approximately three hours after the
4 traffic collision.

5 **PRAYER**

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

- 8 1. Revoking or suspending Landscape Architect License Number LA 2370, issued to
9 Thomas Karl Doczi;
10 2. Ordering Thomas Karl Doczi to pay the California Architects Board the reasonable
11 costs of the investigation and enforcement of this case, pursuant to Business and Professions Code
12 section 125.3; and,
13 3. Taking such other and further action as deemed necessary and proper.
14

15
16 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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