



CALIFORNIA ARCHITECTS

DEPARTMENT OF CONSUMER AFFAIRS
SPRING NEWSLETTER
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TIAN FENG, BOARD PRESIDENT

PRESIDENT'S MESSAGE

The California Architects Board is the largest architectural board in the United States in terms of number of licensees it regulates. As a consumer protection agency, the Board regulates more than 20,000 architects by adopting regulatory standards, enforcement, and education. The updated 2022-24 Strategic Plan has put renewed emphasis on improving communications of the Board for the purpose of better consumer protection.

The Board has tasked its Communications Committee to lead the effort for continuing improvement in communicating with our candidates, licensees, and allied professional organizations to enhance consumer protection. The Board is implementing the following steps:

- Conduct meetings throughout California at various schools of architecture and learn about successes and concerns of their architectural programs.
- Communicate license requirements and benefits with all architectural academic institutions regarding various pathways to achieve licensure.
- Establish regular communication with the American Institute of Architects (AIA) California by hosting and attending joint meetings.
- Develop an outreach plan to educate candidates and licensees on information needed to acquire and maintain a license.

- Develop communication regarding the requirements of Senate Bill 9 and its impact on the profession.

I welcome input from California architects and architectural organizations, candidates, and consumers on how you would like the Board to change or enhance our communication. Your input will help achieve strategic plan objectives in policies, procedures, and regulation.

Please contact us at cab@dca.ca.gov.

Tian Feng

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**PUBLIC PROTECTION THROUGH
EXAMINATION, LICENSURE,
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COMMON VIOLATIONS OF THE ARCHITECTS PRACTICE ACT

As a consumer protection entity, the Board has an active Enforcement Program to ensure the laws and regulations governing the practice of architecture in California are enforced in a fair and judicious manner. The Enforcement Program is charged with investigating all complaints received and acting against licensees and unlicensed individuals, including candidates, who have violated the provisions of the *Architects Practice Act*.

The majority of the complaints received are filed by consumers for allegations such as unlicensed practice, professional misconduct, negligence, and contract violations. Additionally, the Board may initiate action upon the failure of a continuing education coursework audit.

Following are some common violations of the *Act* that often result in the issuance of a citation with an administrative fine, or disciplinary action by the Board, followed by the relevant Business and Professions Code (BPC) section except as noted below. We urge all licensees and candidates to become familiar with these sections:

Misrepresentation and unlicensed practice.	5536
Negligence and willful misconduct.	5584
Coursework regarding disability access requirements.	5600.05
Written contract requirements.	5536.22
Business entity report forms requirement: The Business Entity Report form (BERF) can be found on our website .	5558
Failure to respond to a Board investigation: CA Code of Regulations, Title 16, section:	160(b)(2)

The Board strongly encourages licensees to become familiar with the *Act* and avoid the potential of a complaint being filed. It is advisable to revisit the *Act* periodically to remain familiar.



COMMON VIOLATIONS OF THE LANDSCAPE ARCHITECTS PRACTICE ACT

The most common violation among California licensed landscape architects is not adhering to BPC section 5616 (Landscape Architecture Contract—Contents, Notice Requirements). Although, in some instances a landscape architect will provide landscape architectural services without an executed contract prior to commencing services, most of the violations are due to contracts missing required elements. The most common missing elements are not including a statement that landscape architects are licensed by the Landscape Architects Technical Committee (LATC), a description of the procedure to be used by either party to terminate the contract, and a description of the procedure to accommodate contract changes. Violations of BPC section 5616 typically result in a Letter of Advisement notifying the landscape architect of the contract violations; however, the landscape architect could be cited and fined depending on the severity and whether it is a repeat violation.

Many landscape architects use a generic contract template from various sources; however, it is important to understand that BPC section 5616 lists contract requirements for landscape architectural services. LATC encourages its licensees to review and become familiar with the *Act* for their protection and for the protection of consumers.

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ENFORCEMENT ACTIONS

OCTOBER 2021 TO JANUARY 2022

The California Architects Board is responsible for receiving and investigating complaints against licensees and unlicensed persons. The Board also retains the authority to make final decisions on all enforcement actions taken against its licensees.

Included below are links to recent enforcement actions taken by the Board against individuals who were found to be in violation of the *Architects Practice Act*.

Every effort is made to ensure the following information is correct. Before making any decision based upon this information, you should contact the Board. Further information on specific violations may also be obtained by contacting the Board's Enforcement Unit at (916) 574-7220.

ADMINISTRATIVE ACTIONS

Geoffrey Elliott Butler (Mill Valley)—Effective January 9, 2022, and in accordance with a stipulated settlement, Geoffrey Elliott Butler's architect license number C-21228 was revoked. However, the revocation was stayed, his license suspended for 30 days, and he was placed on probation for three years with specific terms and conditions, including reimbursing the Board of \$8,964.75 for investigative costs. An Accusation filed against Butler alleged four causes for discipline for violations: (1) BPC section 5583 (Fraud/Deceit); (2) BPC section 5584 (Negligence); (3) BPC section 5584 and California Code of Regulations (CCR), title 16, section 150 (Willful Misconduct—Refusal to Provide CAD Files; and (4) BPC section 5584 and CCR, title 16, section 150 (Willful Misconduct—Refusal to Work with Engineer).

The Accusation alleged that on or about June 3, 2017, Butler entered into a contract with his clients to prepare design plans and obtain design approval by the planning commission for a proposed development in Mill Valley. The agreement provided that design approval would be



achieved by October 2017. On or about July 14, 2017, Butler represented to his clients that he had submitted design plans to the planning commission and requested and received payment from his clients for performance of that portion of the contract. Butler did not submit the plans to the planning department until January 24, 2018.

During the planning process, Butler became uncommunicative for months at a time. Butler also refused to work with the engineer whom his clients had hired to work on the project. His clients ultimately elected to terminate their agreement. Butler then refused to turn over the CAD files that he had created for the project, in violation of the terms of his contract. At Butler's request, on or about August 9, 2019, his clients signed an additional document which limited their use of the CAD files. Butler nevertheless did not turn over the CAD files until on or about August 13, 2020. Butler entered into a stipulated settlement and the Board adopted the Proposed Disciplinary Order on December 10, 2021. The action became effective on January 9, 2022.

James W. Fenske (South Pasadena)—Effective January 9, 2022, and in accordance with a stipulated settlement, James W. Fenske's architect license number C-25524 was revoked. However, the revocation was stayed, his license suspended in 30 days, and he was

placed on probation for five years with specific terms and conditions, including reimbursing the Board for \$8,000 for investigative costs. An Accusation filed against Fenske alleged seven causes for discipline for violations of: (1) BPC section 5583 (Fraud in the Practice of Architecture); (2) California Code of Regulations (CCR), title 16, section 160(c)(2) (Conflict of Interest); (3) BPC section 5584 and CCR, title 16, section 160(a)(2) (Negligence); (4) CCR, title 16, section 160(f)(1) (Informed Consent); (5) CCR, title 16, section 160(b)(1) (Willful Misconduct); (6) BPC sections 5536.22(a)(3) and 5536.22(a)(5) (Written Contract); (7) BPC section 143.5 (Settlement Agreement Provision Requiring Withdrawal of Complaint).

The Accusation alleged that on or about January 18, 2017, Fenske entered into an architectural services agreement with his client K.N. whereby he agreed to provide services including architectural design, construction documentation, and construction administration for a four-story, approximately 2,500 square foot home. Fenske was paid on an hourly basis for architectural services. On or about June 2, 2017, the client hired JWF Construction, Fenske's General Contracting firm, to build the home for a fixed fee of \$865,000 to \$890,000. Following the commencement of construction there were significant problems, including: (A) Significant errors found in the topographic work of prior surveys provided by the client. These errors necessitated corrective surveying, architectural and structural redesign. (B) The late discovery during the foundation caisson drilling operations that the depth from grade of unconsolidated fill material was substantially deeper than originally presumed by the original geotechnical investigation. These conditions required compensatory foundation construction that increased construction costs. (C) Incorporation of architectural design modifications while construction was already underway. (D) Reported vandalism of on-site work, which primarily consisted of the relocation of survey markers to disrupt the foundation construction layout. In addition, Fenske improperly placed 12 of 13

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foundation caissons due to design error, resulting in the need for partial demolition and reconstruction of two caissons, incurring additional cost and delays. Fenske also modified the construction documents to include a roof deck in violation of a 35-foot maximum building height restriction. Finally, Fenske made changes to the construction documents without the client's approval, specifically removing crawl space walls that were required by the County of Los Angeles.

The project eventually exceeded the client's budget, such that its final completion with available funding resources became impossible. The project was suspended at approximately 25% completion status, with Fenske having received approximately 49%-53% of the total construction contract fixed price. On or about October 18, 2018, K.N. terminated both the June 2, 2017, construction contract and the January 18, 2017, architectural services contract with Respondent. Thereafter, the client and Fenske executed a civil settlement that required the client to withdraw the complaint filed with the Board. Fenske entered into a stipulated settlement and the Board adopted the Proposed Disciplinary Order on December 10, 2021. The action became effective on January 9, 2022.

CITATIONS

Biayna Bogosian (Los Angeles)—The Board issued a one-count citation that included a \$1,000 administrative fine to Biayna Bogosian, an unlicensed individual, for violations of BPC section 5536(a) (Practice Without License or Holding Self Out as Architect) and Title 16, CCR section 134(a) (Use of the Term Architect). The action alleged that on and between February 4, 2020, and September 1, 2021, Bogosian used the title "architect" on her personal website which also stated, "Complementary to my academic studies have been my teaching experience and architectural design practice called Somewhere Something." Bogosian's LinkedIn profile used the title of "Architect" and listed "Architecture" under her "Skills and Endorsements."

Bogosian's Woodbury University profile stated, "Biayna Bogosian is an architect and interactive media designer." The citation became final on October 28, 2021.

Jefferson J. Choi (Irvine)—The Board issued a one-count citation that included a \$300 administrative fine to Jefferson J. Choi, architect license number C-31631, for alleged violations of BPC section 5536.4(a). The Board received a complaint on or about April 17, 2020, from an architectural firm alleging that Choi had used the firm's plans to design a shopping center in Long Beach without the consent of the firm or the licensed architect who prepared them.

Choi had obtained the plans from his client after the original architect had withdrawn for lack of payment and made minor changes to them without first obtaining permission from the previous architect. Choi's use of another architect's instruments of service without obtaining the consent of the architect in a written contract, written agreement, or written license specifically authorizing that use is a violation of BPC section 5536.4(a). Choi paid the fine, satisfying the citation. The citation became final on December 3, 2021.

Cynthia Easton (Sacramento)—The Board issued a two-count citation that included a \$750 administrative fine to Cynthia Easton, architect license number C-10344, for alleged violations of BPC section 5536.22(a) (4) (Written Contract) and CCR, Title 16, section 160(f)(1) (Rules of Professional Conduct – Informed Consent).

The action alleged that on or around May 16, 2019, Respondent entered into a written contract to provide Mr. V.A. (client) with architectural and engineering services related to the construction of a new garage, revisions to an existing garage and a new second floor unit above the existing garage for a residence located Sacramento for \$20,600.

Provisions were made for additional costs including messenger and other delivery fees, travel expenses, photocopying and other reproduction costs, but the contract did not include a description of the

procedure that the architect and the client would use to accommodate additional design services. Respondent's failure to include an additional services provision in the written contract for the above-referenced project constituted a violation of BPC section 5536.22(a)(4).

During the project, the Respondent invoiced her client for additional design services in the amount of \$5,237.50 when there was no written authorization for them. Billing for a material alteration to the scope of the project without first fully informing her client and obtaining the consent of her client in writing, constituted a violation of California Code of Regulations Title 16, section 160(f)(1). Easton paid the fine satisfying the citation. The citation became final on November 5, 2021.

Shiv Talwar (Chino)—The Board adopted a proposed decision imposing a \$1,000 administrative fine on Shiv Talwar, architect license number C-23417, for violations of BPC sections 5536.22 (Written Contract) and 5558 (Business Entity Report). After an administrative hearing, it was found that Talwar had used a written contract to provide professional services to a client that failed to include his license number and a description of the procedure to accommodate additional services. It was also found that Talwar failed to file with the Board the name and address of the business entity through which he provided architectural services. The order of adoption became effective on October 11, 2021.



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NEWLY LICENSED ARCHITECTS— WELCOME TO THE CALIFORNIA ARCHITECTS BOARD!

Everyone has accomplishments—big and small. Babies learn to walk and talk; children learn to tie their shoes; tweens become interested in academics and sports; teens dream about what they’d like to be when they grow up; and adults realize personal and professional accomplishments.

One of the monumental achievements for architectural candidates is obtaining a California architect license. The California Architects Board would like to acknowledge newly licensed architects and has added a new section in the newsletter to do so.

All new licensees receive a welcome packet with a **New Licensee Information Guide** that provides information about the Board, laws, license renewal, enforcement, and other topics important to you and your license.

Whether you are a new licensee or a seasoned one, please keep apprised on information about or affecting your license by visiting www.cab.ca.gov. Sign up to receive social media and other notifications to always stay aware of the latest news.

Congratulations to our new licensees as you begin your career as an architect in California.



JANUARY 2022	
C 39540	PATRICIA ESCODA COLL
C 39539	JIMMY TAM
C 39538	ROBERT HUNT III
C 39545	MARYAM ESMAILIAN
C 39544	BENNY YEHL
C 39541	GEORGE KIMMERLE
C 39547	TING XU
C 39546	ERIK FERNANDEZ
C 39549	GARRETT WEHAN
C 39550	HENRY BRAZER
C 39548	JOHN GOING
C 39543	JENNIFER CLARE
C 39551	KAITLIN KURS
C 39542	JUAN SILVA
C 39553	JEFFREY DALTON
C 39552	ALEXANDER GILMORE
C 39554	LEAH UNDERWOOD
C 39568	CRISTINA CAPARAS
C 39571	MARK ANTHONY CARREON
C 39565	RYAN CONROY
C 39563	YINGNAN BAO
C 39555	RICARDO BOCANEGRA
C 39560	HYUNG KIM
C 39569	JIAN LIU
C 39559	ANGELA ALEXANDER
C 39566	ANDRES DIAZ
C 39562	JANHAVEE GODSE
C 39570	PEDRO ESPINET
C 39573	BENJAMIN DALTON

C 39572	MARIA GOMEZ
C 39564	EDMUND ZEPEDA
C 39561	VINCENT NIETO
C 39558	JIAQI XIE
C 39557	ANGANA PATHAK
C 39567	SHA LIU
C 39556	GORDON STOTT
C 39574	CLIFFORD MINNICK JR.
C 39576	PAIGE COOK
C 39578	SCOTT GUSTAFSON
C 39575	TERESA WONG
C 39577	DUSTIN THORLAKSON
C 39582	THOMAS FREED
C 39584	SETAREH HAJISALEH
C 39583	ERICA HERNLY
C 39585	SARAH CLARK
C 39581	SANTIAGO MONTOYA
C 39579	AUDREY RULAND
C 39580	KENNETH POWELSON
C 39587	MARY PETERSON
C 39586	FANGNING ZHANG
C 39588	JULIA SCHUETZ
C 39590	THOMAS ACOSTA
C 39591	JONAH MERRIS
C 39592	ROBERT NEWELL
C 39589	RITA HO
C 39596	MCCALL WOOD
C 39594	ALEKSANDR STOLYAR
C 39593	NATHAN LENTZ
C 39595	ONUR TASAN

FEBRUARY 2022	
C 39597	NATALIE PARK
C 39598	NELS LONG
C 39599	YA CHU HSU
C 39600	NICO UNVERZAGT
C 39601	SAMUEL CLOVIS
C 39605	BABAK ANSARI
C 39603	JEFFREY ARMSTRONG
C 39602	LUIS MARTINEZ
C 39604	YUYUN ZHENG
C 39606	JOHN CHO
C 39614	MEAGHAN BULLARD
C 39612	THOMAS BROTHERS
C 39608	ESTHER LEE
C 39613	ROSS MAJEWSKI
C 39611	PHILIP WANG
C 39610	MEGAN KELLY
C 39615	JENNIFER LEWIS
C 39607	MEGAN SUYEHIRA
C 39609	GIANNI ZATTA
C 39617	ARUNA BOLISSETTY
C 39616	VIRGINIA MAGGIORE
C 39618	JULIANA RAIMONDI
C 39619	MOHAMED SHARIF
C 39620	MEGAN LIZARRAGA