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8 **BEFORE THE**
9 **CALIFORNIA ARCHITECTS BOARD**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 14-12-259

13 **PAUL CURTIS BUNTON**
505 South Market Street
San Jose, California 95113

A C C U S A T I O N

14 **Architect License No. C-18659,**

15 Respondent.

16
17 Complainant Douglas R. McCauley alleges:

18 **PARTIES**

19 1. Complainant brings this accusation solely in his official capacity as the Executive
20 Officer of the California Architects Board (Board), Department of Consumer Affairs.

21 2. On or about September 22, 1987, the Board issued Architect License No. C-18659
22 to respondent Paul Curtis Bunton. This architect license was in full force and effect at all times
23 relevant to the charges brought in this accusation and will expire on September 30, 2015, unless
24 renewed.

25 **JURISDICTION**

26 3. This accusation is brought before the Board under the authority of the following
27 laws. All section references are to the Business and Professions Code unless otherwise indicated.

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1 4. Section 118, subdivision (b), states:

2 “The suspension, expiration, or forfeiture by operation of law of a license issued by a
3 board in the department, or its suspension, forfeiture, or cancellation by order of the board or by
4 order of a court of law, or its surrender without the written consent of the board, shall not, during
5 any period in which it may be renewed, restored, reissued, or reinstated, deprive the board of its
6 authority to institute or continue a disciplinary proceeding against the licensee upon any ground
7 provided by law or to enter an order suspending or revoking the license or otherwise taking
8 disciplinary action against the licensee on any such ground.”

9 5. Section 5525 states:

10 “The board may prosecute all persons guilty of violating the provisions of this chapter.
11 Except as provided in Section 159.5, the board may employ inspectors, special agents,
12 investigators, and such clerical assistants as it may deem necessary to carry into effect the
13 provisions of this chapter. It may also fix the compensation to be paid for such services and incur
14 such additional expense as may be deemed necessary.”

15 6. Section 5560 states:

16 “The board may upon its own motion, and shall upon the verified complaint in writing of
17 any person, investigate the actions of any architect and may temporarily suspend or permanently
18 revoke, the license of any architect who is guilty of, or commits one or more of, the acts or
19 omissions constituting grounds for disciplinary action under this chapter.”

20 **STATUTORY AND REGULATORY AUTHORITY**

21 7. Section 490 states in part:

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

26 “(b) Notwithstanding any other provision of law, a board may exercise any authority to
27 discipline a licensee for conviction of a crime that is independent of the authority granted under
28 subdivision (a) only if the crime is substantially related to the qualifications, functions, or duties

1 of the business or profession for which the licensee's license was issued.

2 “(c) A conviction within the meaning of this section means a plea or verdict of guilty or a
3 conviction following a plea of nolo contendere. An action that a board is permitted to take
4 following the establishment of a conviction may be taken when the time for appeal has elapsed, or
5 the judgment of conviction has been affirmed on appeal, or when an order granting probation is
6 made suspending the imposition of sentence, irrespective of a subsequent order under Section
7 1203.4 of the Penal Code.”

8 8. Section 498 states:

9 “A board may revoke, suspend, or otherwise restrict a license on the ground that the
10 licensee secured the license by fraud, deceit, or knowing misrepresentation of a material fact or
11 by knowingly omitting to state a material fact.”

12 9. Section 5577 states:

13 “The conviction of a crime substantially related to the qualifications, functions, and duties
14 of an architect by the holder of a license constitutes a ground for disciplinary action. The record
15 of conviction, or a certified copy thereof certified by the clerk of the court or by the judge in
16 whose court the conviction is obtained, is conclusive evidence of the conviction.

17 “A plea or verdict of guilty or a conviction following a plea of nolo contendere is deemed
18 to be a conviction within the meaning of this section. The board may order the license suspended
19 or revoked, or may decline to issue a license, when the time for appeal has elapsed, the judgment
20 of conviction has been affirmed on appeal, or an order granting probation is made suspending the
21 imposition of sentence, irrespective of a subsequent order under the provisions of Section 1203.4
22 of the Penal Code allowing the person to withdraw his or her plea of guilty and to enter a plea of
23 not guilty, or setting aside the verdict of guilty, or dismissing the accusation, information, or
24 indictment.”

25 10. Section 5579 states:

26 “The fact that the holder of a license has obtained the license by fraud or
27 misrepresentation, or that the person named in the license has obtained it by fraud or
28 misrepresentation constitutes a ground for disciplinary action.”

11. Section 5588 states in part:

“(a) A licensee shall report to the board in writing within 30 days of the date the licensee has knowledge of any civil action judgment, settlement, arbitration award, or administrative action resulting in a judgment, settlement, or arbitration award against the licensee in any action alleging fraud, deceit, negligence, incompetence, or recklessness by the licensee in the practice of architecture if the amount or value of the judgment, settlement, or arbitration award is five thousand dollars (\$5,000) or greater.

“(d) Failure of a licensee to report to the board in the time and manner required by this section shall be grounds for disciplinary action.”

12. California Code of Regulations, title 16, section 110, states:

“For the purposes of denial, suspension, or revocation of the license of an 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 an architect if to a substantial degree it evidences present or potential unfitness of an architect to perform the functions authorized by his/her license in a manner consistent with the public health, safety or welfare. Such crimes or acts shall include, but not be limited to, those involving the following:

“(a) Any violation of the provisions of Chapter 3, Division 3 of the Business and Professions Code.”

COST RECOVERY

13. Section 125.3, subdivision (a), states:

“Except as otherwise provided by law, in any order issued in resolution of a disciplinary proceeding before any board within the department or before the Osteopathic Medical Board, upon request of the entity bringing the proceedings, the administrative law judge may direct a licensee 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.”

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1 **CAUSES FOR DISCIPLINE**

2 **FIRST CAUSE FOR DISCIPLINE**

3 **Failure to Report Settlement**

4 **Business and Professions Code section 5588, subdivision (a)**

5 14. Respondent has subjected his architect license to discipline for failing to report to
6 the Board in writing within 30 days of the date of a civil settlement against the licensee in any
7 action alleging fraud, deceit, negligence, incompetence, or recklessness by the licensee in the
8 practice of architecture if the amount of the settlement is five thousand dollars (\$5,000) or greater
(Bus. & Prof. Code, § 5588, subd. (a)).

9 15. On or about April 21, 2010, respondent, d/b/a BCA Architects, contracted with the
10 Southwestern Community College District (District) to provide architectural services on a project
11 for approximately \$3,162,500.00.

12 16. On or about July 30, 2012, plaintiff San Diegans for Open Government filed Case
13 No. 37-2012-00101391-CU-MC-CTL in San Diego Superior Court against respondent and other
14 named defendants who also had contracted to perform services to the District for the same
15 project. According to the complaint, respondent had sought to provide architectural services to
16 the District, a public agency. In the weeks and months leading up to the making of the contract
17 with the District, respondent gave food, entertainment, and other gifts of substantial value to the
18 District's vice president for business and financial affairs (vice president), and the senior director
19 of business, facilities, and planning (senior director). These District's officials would be involved
20 in the making of the contract, or would make recommendations that would carry substantial
21 weight by District's final decision maker as to whom to award the contract. As a quid pro quo
22 exchange, these officials would affirmatively lobby and encourage the District's governing board
23 to enter into a contract with respondent.

24 17. The complaint also alleged that respondent engaged in a civil conspiracy to bribe
25 public officials. Respondent, along with other named defendants who also sought contracts with
26 the District, agreed to take the vice president on a golf and wine-tasting trip to Napa Valley.
27 Respondent and the other defendants literally wined and dined the vice president; they bought
28 him food and drinks in order to curry favor with him so that he would look favorably upon the

1 contracts with respondent and the other defendants, or otherwise recommend to the final decision
2 maker that the contracts be made. Respondent and the other defendants also encouraged the vice
3 president not to officially disclose these expenditures made for his personal benefit.

4 18. On or about April 22, 2014, respondent and the other defendants entered into a
5 stipulation in which plaintiff released and discharged all claims against respondent and the other
6 defendants. Respondent, for its part in the stipulation, agreed to pay \$250,000.00 to the District.
7 Respondent however did not report this settlement to the Board within 30 days.

8 **SECOND CAUSE FOR DISCIPLINE**

9 **Conviction**

10 **Business and Professions Code sections 490, subdivision (a), and 5577**

11 19. The allegations of paragraphs 15-18 are realleged and incorporated by reference as
12 if fully set forth.

13 20. Respondent has subjected his architect license to discipline for being convicted of
14 a crime substantially related to the qualifications, functions, and duties of an architect (Bus. &
15 Prof. Code, §§ 490, subd. (a), 5577).

16 21. On March 23, 2012, the San Diego District Attorney filed a criminal complaint
17 against respondent based on his contract with the District. On March 26, 2012, in *The People of*
18 *the State of California v. Paul Curtis Bunton*, San Diego County Superior Court Case No.
19 CD239827, respondent pled guilty to aiding the commission of a misdemeanor (Pen. Code,
20 § 659), a misdemeanor. He was placed on summary probation.

21 22. On September 30, 2014, the court ordered respondent's probation terminated, his
22 conviction withdrawn, and the criminal accusation against him dismissed under Penal Code
23 section 1203.4.

24 **THIRD CAUSE FOR DISCIPLINE**

25 **False Statement on Renewal Application**

26 **Business and Professions Code sections 498 and 5579**

27 23. The allegations of paragraphs 15-22 are realleged and incorporated by reference as
28 if fully set forth.

29 24. Respondent has subjected his architect license to discipline for submitting a false
statement under penalty of perjury on an application to renew his architect license (Bus. & Prof.

1 Code, §§ 499, 5579).

2 25. On or about July 31, 2013, respondent submitted an application to renew his
3 architect license. He signed this application "under penalty of perjury under the laws of the State
4 of California that all of [his] representations on [the] renewal application are true, correct, and
5 contain no material omissions of fact to the best of [his] knowledge and belief." On this
6 application, he answered "no" to the following question: "In the preceding renewal period, have
7 you been disciplined by a public agency or have been convicted of a crime in any state, the USA
8 and its territories, federal jurisdiction, military court, or other country, which involved a plea of
9 verdict of guilty or a conviction following a plea of nolo contendere?" However, on March 26,
10 2012, in *The People of the State of California v. Paul Curtis Bunton*, San Diego County Superior
11 Court Case No. CD239827, respondent pled guilty to aiding the commission of a misdemeanor
12 (Pen. Code, § 659), a misdemeanor.

13 14 OTHER DISCIPLINARY CONSIDERATIONS

15 26. In 2004, respondent's insurance carrier entered into the following two settlements
16 on behalf of respondent d/b/a BCA Architects:

- 17 • Sonoma Indian Health v. BCA Architects, in which the BCA's insurance carrier
18 paid \$40,000.00
- 19 • San Leandro Unified School District v. BCA Architects, in which BCA's
20 insurance's carrier paid \$101,926.61

21 PRAYER

22 WHEREFORE, complainant requests that a hearing be held on the matters alleged in this
23 accusation, and that following the hearing, the California Architects Board issue a decision:

- 24 1. Revoking or suspending Architect License No. C-18659 issued to respondent Paul
25 Curtis Bunton;
- 26 2. Ordering respondent Paul Curtis Bunton to pay the California Architects Board the
27 reasonable costs of the investigation and enforcement of this case under Business and Professions
28 Code section 125.3; and

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3. Taking such other and further action as deemed necessary and proper.

DATED: April 8, 2015

DOUGLAS R. McCauley
DOUGLAS R. McCAULEY

Executive Officer
California Architects Board
Department of Consumer Affairs
State of California
Complainant

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