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

11 In the Matter of the Accusation Against:

Case No. LA 2013-14

12 **CHRISTOPHER IAN GUSTARD**
13 **5145 Providence Road**
14 **Virginia Beach, Virginia 23464**

A C C U S A T I O N

15 **Landscape Architect License No. LA 4882,**
16 Respondent.

17
18 Complainant Douglas R. McCauley alleges:

19 **PARTIES**

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

23 2. On or about December 17, 2003, the Board issued Landscape Architect License
24 Number LA 4882 to respondent Christopher Ian Gustard. This landscape architect license
25 expired on December 31, 2013, and has not been renewed.

26 **JURISDICTION**

27 3. This accusation is brought before the Board for the Landscape Architects
28 Technical Committee under the authority of the following laws. All section references are to the

1 Business and Professions Code unless otherwise indicated.

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

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

10 5. Section 5629 states in part:

11 "The board shall prosecute all persons guilty of violating the provisions of this chapter."

12 6. Section 5676 states:

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

21 7. California Code of Regulations, title 16, section 2655, states:

22 "For the purpose of denial, suspension, or revocation of the license of a landscape
23 architect pursuant to Division 1.5 (commencing with Section 475) of the Business and
24 Professions Code, a crime or act shall be considered substantially related to the qualifications,
25 functions, and duties of a landscape architect if to a substantial degree it evidences present or
26 potential unfitness of a landscape architect to perform the functions authorized by his or her
27 license in a manner consistent with the public health, safety, or welfare. Such crimes or acts shall
28 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
2 Professions Code.”

3 **STATUTORY AUTHORITY**

4 8. Section 490, subdivision (a), states:

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

9 9. Section 5675 states:

10 “The conviction of a felony in connection with the practice of landscape architecture
11 constitutes a ground for disciplinary action. The record of a conviction shall be conclusive
12 evidence thereof.”

13 **COST RECOVERY**

14 10. Section 125.3, subdivision (a), states:

15 “Except as otherwise provided by law, in any order issued in resolution of a disciplinary
16 proceeding before any board within the department or before the Osteopathic Medical Board,
17 upon request of the entity bringing the proceedings, the administrative law judge may direct a
18 licensee found to have committed a violation or violations of the licensing act to pay a sum not
19 to exceed the reasonable costs of the investigation and enforcement of the case.”

20 **CAUSE FOR DISCIPLINE**

21 **Conviction**

22 **Business and Professions Code sections 490, subdivision (a), and 5675**

23 11. Respondent has subjected his landscape architect license to discipline for being
24 convicted of a crime. (Bus. & Prof. Code, §§ 490, subd. (a), 5675.)

25 12. On March 12, 2012, in *United States of America v. Christopher Ian Gustard*,
26 United States District Court, Southern District of California, Case No. 11CR1838-BEN,
27 respondent pled guilty to distribution of images of children engaged in sexually explicit conduct
28 (18 U.S.C. 2252(a)(2)(B)), a felony. His sentence included 120 months’ imprisonment and the
requirement to register as a sex offender.

1 PRAYER

2 WHEREFORE, complainant requests that a hearing be held on the matters alleged in this
3 accusation, and that following the hearing, the Board issues a decision:

4 1. Revoking or suspending Landscape Architect License Number LA 4882 issued to
5 respondent Christopher Ian Gustard;

6 2. Ordering respondent Christopher Ian Gustard, to pay the Board the reasonable
7 costs of the investigation and enforcement of this case under Business and Professions Code
8 section 125.3; and

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

10
11 DATED: 5/11/16

DOUGLAS R. McCAULEY
Executive Officer
Landscape Architects Technical Committee
Department of Consumer Affairs
State of California
Complainant

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