

BEFORE THE MARYLAND STATE BOARD OF ARCHITECTS

STATE BOARD OF ARCHITECTS

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v.

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Agency Case No.: 02-AR-23

EDWARD L. COPELAND

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License Registration No. 04-15084

Respondent

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SETTLEMENT AGREEMENT AND CONSENT ORDER

This matter comes before the Maryland State Board of Architects ("Board") as the result of the Board opening Complaint 02-AR-23 against EDWARD L. COPELAND ("Respondent") based upon the Respondent's violations of the Maryland Architects Act ("Act"), codified at Md. Code Ann., Business Occupations and Professions Article ("BOP") §§ 3-101 to 3-702. To resolve this matter without a formal hearing, the Board and the Respondent (collectively "Parties") have agreed to enter into this Settlement Agreement and Consent Order ("Consent Order") to provide for the imposition of disciplinary measures that are fair and equitable in these circumstances and that are consistent with the best interests of the citizens of the State of Maryland.

THE PARTIES AGREE AND STIPULATE THAT:

1. At all times relevant to the Complaint, the Board has had, and continues to have, jurisdiction to regulate persons who practice architecture in Maryland pursuant to the Act at BOP §§3-601; 3-101(l).
2. The Act provides at BOP §3-601, "Except as otherwise provided in this title, a person may not practice, attempt to practice, or offer to practice architecture in the State unless licensed by the Board."
3. The Act defines the practice of architecture at BOP §3-101(l) as follows:

Practice architecture

- (1) "Practice architecture" means to provide any service or creative work:
 - (i) in regard to an addition to, alteration of, or construction of a building or an integral part of a building; and
 - (ii) that requires education, training, and experience in architecture.
- (2) "Practice architecture" includes:
 - (i) architectural design and preparation of related documents;
 - (ii) consultation;
 - (iii) design coordination;
 - (iv) evaluation;

- (v) investigation; and
- (vi) planning.

Md. Code Ann., Bus. Occ. & Prof. §3-101(l) (West).

4. The Act at BOP §3-103 delineates the types of contracts and services that require a licensed architect and the types of contracts and services which do not require a licensed architect. BOP §3-103 provides as follows:

Architectural documents requiring signature and seal of licensed architect

- (a) Except as otherwise provided in this section, all architectural documents prepared in connection with the addition, alteration, construction, or design of a building, an integral part of a building, or a group of buildings which are intended for public use or residential use shall be signed, sealed, and dated by a licensed architect in accordance with § 3-501 of this title.

Design coordination for projects

- (b) A licensed architect may perform design coordination for a project or portion of a project provided that the licensed architect:

- (1) holds a current license issued by the Board; and
- (2) has adequate experience in, and understanding of, achieving the purpose of the project or portion of the project being coordinated.

Contracts and services not requiring licensed architect

- (c) This title does not limit the right of:

- (1) a construction contractor to administer construction contracts;
- (2) a developer, builder, or contractor to provide design services related to the developer's, builder's, or contractor's own construction of new or existing single-family or two-family dwellings, or structures ancillary to them, or farm buildings;
- (3) a certified interior designer or other individual to provide interior design services as that term is defined in Title 8 of this article; or
- (4) an individual to prepare plans, drawings, and other documents in connection with the addition, alteration, construction, design, or repair of a single-family dwelling and appurtenances that are for the personal use of that individual or a member of the immediate family of that individual.

Alterations or repairs not requiring licensed architect

- (d)(1) A person may not be required to employ a licensed architect in connection with the alteration or repair of an existing building or structure in a municipal corporation if the alteration or repair:

- (i) does not adversely affect the structural system of the building, including foundations, footings, walls, floors, roofs, bearing partitions, beams, columns, joists, or the mechanical, electrical, or plumbing systems; and

- (ii) 1. complies with the Maryland Rehabilitation Code and does not exceed \$25,000 in estimated costs, including labor and materials for alterations or repairs limited to:
 - A. minor interior alterations or cosmetic or similar repairs; and
 - B. fixtures, cabinetwork or furniture; or
- 2. does not exceed \$10,000 in estimated costs, including labor and materials, for alterations or repairs limited to:
 - A. Storefronts, facades, or similar replacements;
 - B. exterior stairways, landings, decks, or ramps;
 - C. joists; or
 - D. a mechanical, electrical, or plumbing system.
- (2) Any work performed under this subsection shall be in compliance with the Americans with Disabilities Act¹ and the Maryland Building Performance Standards set forth in Title 12, Subtitle 5 of the Public Safety Article.
- (3) The exclusion provided for in this subsection shall be used only once per building or structure in a 12-month period.
- (4) A building permit issued under this subsection:
 - (i) shall contain an affidavit signed by the person who has submitted the permit stating that the repair or alteration is in compliance with this subsection; and
 - (ii) may not be amended or revised in any way to cause the alteration or repair to exceed the maximum amount in total costs authorized under paragraph (1) of this subsection, including labor and materials.
- (5) Any building permit issued under this subsection that contains technical submissions that fail to conform to the requirements of this subsection shall be invalid.

Md. Code Ann., Bus. Occ. & Prof. § 3-103 (West).

- 5. Pursuant to the Act at BOP §3-601, only persons licensed to practice architecture by the Board are lawfully permitted to practice architecture in Maryland.
- 6. The Act provides at BOP §3-603 that “Unless authorized under this title to practice architecture, a person may not represent to the public, by use of a title, including ‘architect’, ‘licensed architect’, or ‘registered architect’, by description of services, methods, or procedures, or otherwise, that the person is authorized to practice architecture in the State.”
- 7. From June 28, 2007 through June 28, 2021, Respondent was licensed by the Board to practice architecture in Maryland pursuant to license number 04-15084 (“State license”).
- 8. After Respondent’s State license number 04-19510 expired on June 28, 2021, the Respondent failed to timely submit a renewal application. Accordingly, the Respondent

has not been licensed by the Board to practice architecture in Maryland since June 28, 2021.

9. In February of 2023, the Respondent sent correspondence to the Board advising that he inadvertently allowed his State license to lapse and that he signed and sealed drawings for a commercial project in Maryland since his State license expired. Additionally, the Respondent requested to have his State license reinstated.
10. Pursuant to the Board's consideration of the Respondent's reinstatement request, the Board instructed the Respondent to provide documentation regarding commercial projects that he signed and sealed in Maryland since his license expired.
11. In response to the Board's inquiry, the Respondent advised the Board that he signed and sealed, as a licensed architect, one (1) commercial project, for which a Board issued license was required in accordance with the Act at BOP §3-103, after his license expired on June 28, 2021.
12. Pursuant to the Act at BOP § 3-311(a)(1), subject to the hearing provisions of § 3-313, the Board may reprimand a licensee, or suspend or revoke a license if "(v) the applicant or licensee violates any provision of this title." The Act at BOP § 3-311(a)(2)(i) further provides that "[i]nstead of or in addition to reprimanding the licensee or suspending or revoking a license under this subsection, the Board may impose a penalty not exceeding \$5,000 for each violation."
13. To resolve this matter, the Respondent hereby admits to a finding, and consents to the Board entering a reflective Order, that the Respondent violated the Act at BOP §3-601 and BOP §3-603, and that within 30 days of signing this Consent Order, the Respondent shall pay to the Board a civil monetary penalty in the amount of FIVE HUNDRED DOLLARS (\$500.00) by certified check, cashier's check, or money order made payable to the "State Board of Architects."
14. The Respondent agrees and acknowledges that the Board will not consider his application for reinstatement of his State license until he has fully complied with this Consent Order's terms.
15. The Respondent agrees and acknowledges that he shall remain unlicensed and prohibited from practicing architecture or holding himself out to the public as a licensed architect in Maryland until such time as the Board, in its discretion pursuant to the Act at BOP § 3-310, reinstates Respondent's State license.
16. The Respondent recognizes that the Board is obligated to notify the State's Attorneys for Prince George's County, Maryland of the foregoing violations of the Act at BOP §3-601 and BOP §3-603 in accordance with BOP §3-606.
17. The Respondent recognizes that the Board may need to notify the National Council of Architectural Registration Board of this disciplinary action.

18. The Parties agree that a waiver of any of the rights or duties provided herein must be in writing, and that any such waiver shall constitute a one-time waiver on a case-by-case basis and shall not constitute a waiver of this entire Consent Order or the subject provision(s) unless expressly so stated in writing.
19. The Parties intend that this Consent Order represents the final expression of the Parties' intent and agreement between the Parties relating to the subject matter of this Consent Order. The Parties further intend that this Consent Order contains all the terms the Parties agreed to on the subject matter of this Consent Order and intend for this Consent Order to replace all the Parties' previous discussions, understandings, and agreements relating to the subject matter.
20. By entering this Consent Order, the Respondent, in relation to this matter, expressly waives the right to have charges reduced to writing, to an administrative hearing before the Board or its designee on any charges, to the making of Findings of Fact and Conclusions of Law, to all other proceedings before the Board or its designee on this matter, and to any rights to appeal from this Consent Order to any court of competent jurisdiction.
21. The Respondent agrees that this Consent Order shall constitute a Final Order of the Board and shall be enforceable as such.
22. The Respondent agrees that he is knowingly, freely, voluntarily, and intelligently entering this Consent Order after having had the opportunity to consult with, or after having consulted with, a licensed Maryland attorney at his expense and of his choosing.
23. The Respondent agrees and acknowledges that this Consent Order will serve as the Final Order in Complaint case 02-AR-23, will be a part of the Respondent's licensing record maintained by the Board, and the Board's records and publications will reflect this Consent Order's terms.

BASED ON THESE STIPULATIONS AND AGREEMENTS, IT IS THIS 21 DAY OF June, 2023, BY THE STATE BOARD OF ARCHITECTS HEREBY:

- I. **ORDERED**, that pursuant to Respondent's violation of BOP § 3-601 for practicing architecture without a current license and Respondent's violation of BOP § 3-603 for representing to the public that he was a licensed architect when he did not hold valid license, the Respondent shall pay to the Board a civil monetary penalty in the amount of FIVE HUNDRED DOLLARS (\$500.00) by certified check, cashier's check, or money order made payable to the Maryland State Board of Architects within 30 days of this Consent Order; and it is further
- II. **ORDERED**, that if the Respondent shall not be eligible to apply for reinstatement of his license until such time as the Respondent fully complies with the Consent Order's terms and provides proof satisfactory to the Board of that compliance; and it is further

- III. **ORDERED**, that the Respondent shall remain unlicensed and prohibited from practicing architecture or holding himself out to the public as a licensed architect until such time as the Board, in its discretion pursuant to BOP § 3-310, reinstates Respondent's State license; and it is further
- IV. **ORDERED**, that unless otherwise specified in this Consent Order, each provision herein shall remain in effect and enforceable as herein agreed unless the Board in writing stays, modifies, terminates, or suspends it; and it is further
- V. **ORDERED**, that this document shall constitute a Final Order of the Board, and the Board may consider this Settlement Agreement and Consent Order and the facts set forth herein in connection with, and in deciding, any subsequent action or proceeding before the Board, and that this Settlement Agreement and Consent Order may, if relevant, be admitted into evidence in any matter before the Board, its designee, and/or any court; and it is further
- VI. **ORDERED**, that the Board's records and publications shall reflect that the Respondent and the Board resolved this matter through this Settlement Agreement and Consent Order.

MARYLAND BOARD OF ARCHITECTS

Signatures on File