STATE OF OHIO STATE BOARD OF EXAMINERS OF ARCHITECTS
77 South High Street, 16th Floor Columbus, OH 43266-0303 614/466-2316 Fax: 614-644-9048

BEFORE THE STATE OF OHIO
STATE BOARD OF EXAMINERS OF ARCHITECTS

IN THE MATTER OF	:	DATE: June 15, 1999
MICHAEL J. FITZPATRICK		
	:	
Cert. No. 4586	:	Certified Mail: P 348 908 927

ADJUDICATION ORDER

Pursuant to a meeting of the State Board of Examiners of Architects, the following matter came before the Board on June 4, 1999. Members of the Board present were: John W. Spencer, Joseph E. Vetter, Richard H. Kaplan and Merle M. Myers.

An administrative hearing was held on the charges contained in the Board's letter of October 22, 1998. The issue to be determined by the Board was whether or not Mr. Fitzpatrick imprinted his seal on drawings and specifications of which he was not the author, and of which he was not in responsible charge of their preparation, in violation of section 4703-3-01(D) of the Ohio Administrative Code.

The hearing also concerned whether or not Mr. Fitzpatrick signed and sealed drawings and specifications of which he did not have direct professional knowledge and direct supervisory control and did not constitute the professional work of a professional consultant, in violation of section 4703-3-07(E)(1) of the Ohio Administrative Code.

FINDINGS OF FACT

The parties submitted joint stipulations of fact, which were received into evidence. The Board adopts the joint stipulation of facts as presented.

Richard H. Kaplan, Cleveland • Merle M. Myers, Medina • Harold Rasmussen, Akron
John W. Spencer, Columbus • Joseph E. Vetter, Toledo

CONCLUSIONS OF LAW

Mr. Fitzpatrick imprinted his seal on drawings and specifications of which he was not the author, and of which he was not in responsible charge of their preparation, in violation of section 4703-3-01(D) of the Ohio Administrative Code.

Mr. Fitzpatrick imprinted his seal on drawings and specifications of which he did not have direct professional knowledge and direct supervisory control and did not constitute the professional work of a professional consultant, in violation of section 4703-3-07(E)(1) of the Ohio Administrative Code.

ORDER OF THE BOARD

After the hearing, the Board conducted deliberations, and based upon the foregoing findings and conclusions, the Board took the following action:

1. Mr. Fitzpatrick's certificate of qualification to practice architecture is placed on a *six (6) month period of probation*, beginning from the date this Order is received by Mr. Fitzpatrick.

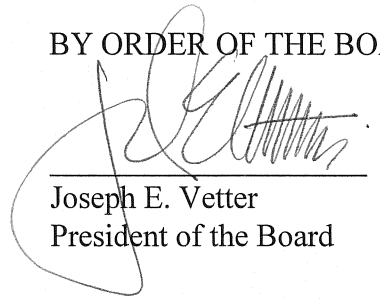
2. The Board *reprimands* Mr. Fitzpatrick for his actions giving rise to the violations.

CERTIFICATION

I hereby certify that the foregoing Adjudication Order of the State Board of Examiners of Architects is true and accurate as it appears in the journal of the Board of its proceedings on June 4, 1999.

This order may be appealed in accordance with Section 119.12 of the Ohio Revised Code by filing a Notice of Appeal with the State Board of Examiners of Architects, 77 South High Street, 16th Floor, Columbus, Ohio 43266, and **also a copy** of that Notice of Appeal with the Court of Common Pleas in the county of the respondent's place of business, or in the county in which the respondent is a resident, or with the Court of Common Pleas in Franklin County, Ohio if not a resident of Ohio. Such Notice of Appeal shall contain the Order appealed from and the grounds of such an appeal. Such Notice of Appeal and copy shall be filed and must be received within fifteen (15) days after the mailing of this Adjudication Order.

BY ORDER OF THE BOARD,



Joseph E. Vetter
President of the Board

cc: Michael L. Close, Esq.
James M. Wiles, Esq.
Christopher B. McNeil, Esq.
Julie P. Emch, Office of the Attorney General