

BEFORE THE BOARD OF
EXAMINERS OF ARCHITECTS, STATE OF OHIO

IN THE MATTER OF : DATE: October 16, 2001
WILLIAM J. MOKRIS :
 : Certified Mail: 9264 0331
Cert. No. 7964 :

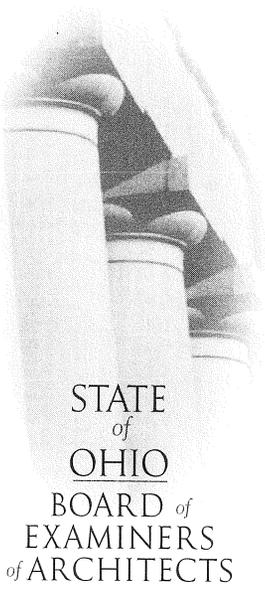
ADJUDICATION ORDER

Pursuant to a meeting of the Ohio Board of Examiners of Architects, the following matter came before the Board on October 10, 2001. Members of the Board present were: John W. Spencer, Christopher J. Ewald, Richard H. Kaplan, Gerald S. Hammond, and Merle M. Myers.

An administrative hearing was held on the charges contained in the Board's letter of May 15, 2001. At this hearing, State's exhibits (1-10) were admitted as part of the evidentiary record. The issue to be determined by the Board was whether or not Mr. Mokris aided and abetted an unlicensed person in the practice of architecture by placing his architectural seal and signature on documents where Mr. Mokris was not the author or actual architect, where he was not in responsible charge of the preparation of the documents, and for which he did not have direct professional knowledge and direct supervisory control.

FINDINGS OF FACT

An owner of a bar named the *American Pie Pub*, located in Reynoldsburg, Ohio, hired a Mr. Seow K. Ng to provide her with architectural services. Mr. Ng is not licensed to practice architecture in the State of Ohio. Mr. Ng nevertheless provided construction drawings to the owner, and the drawings were sealed by Mr. Mokris. Mr. Mokris' supervision of Mr. Ng's work was minimal. Further, Mr. Mokris did not possess a contract for services between himself and the owner of the bar.



77 S. HIGH STREET
SIXTEENTH FLOOR
COLUMBUS, OHIO
43266-0303

614.466.2316 voice
614.644.9048 fax

www.state.oh.us/arc website
cmharch@aol.com e-mail

Mr. Mokris was sent a certified letter by the Board on February 7, 2001 offering him an opportunity to provide a written response to this matter. Mr. Mokris did not respond to the letter. An informal meeting was later held on April 5, 2001 at which time Mr. Mokris was questioned concerning his involvement with the *American Pie Pub* project. Subsequently, the Board proposed to take action against Mr. Mokris' certificate of qualification to practice architecture.

On May 15, 2001, Mr. Mokris was sent via certified mail, notice of his right to a formal administrative hearing concerning the Board's proposal to take action against his certificate of qualification to practice architecture. However, Mr. Mokris did not request a formal administrative hearing. The hearing went forward on October 10, 2001. At the hearing, Mr. Mokris did not have a right to participate pursuant to *Goldman v. State Medical Board of Ohio*, however the Board, in its discretion, did allow Mr. Mokris to present an oral statement.

CONCLUSIONS OF LAW

1. Because he offers professional architectural services in Ohio, William J. Mokris is subject to the jurisdiction of the Ohio State Board of Examiners of Architects, and to the provisions of Chapter 4703 of the Ohio Revised Code and Chapter 4703 of the Ohio Administrative Code.

2. In Ohio, an architect offering professional architectural services may work with others who provide architectural services, but must not aid or abet in the unauthorized practice of architecture. R.C. 4703.15 provides in pertinent part:

The state board of examiners of architects may by three concurring votes deny renewal of, revoke, or suspend any certificate of qualification to practice architecture, issued or renewed under sections 4703.10, 4703.13, and 4703.14 of the Revised Code, or any certificate of authorization, issued or renewed under sections 4703.13 and 4703.18 of the Revised Code, if proof satisfactory to the board is presented in any of the following cases:

(E) In case the holder of the certificate has been found guilty by the board of aiding and abetting another person or persons not properly registered as required by sections 4703.01 to 4703.19 of the Revised Code, in the performance of activities that in any manner or extent constitute the practice or architecture.

Thus, if Mr. Mokris aided and abetted Seow K. Ng in the practice of architecture, the Board has authority to take action against his certificate of qualification to practice architecture in Ohio if Seow K. Ng is not properly registered with the Board as required by R.C. 4703.01 to 4703.19.

3. As used in this context, the "practice of architecture" is defined in the Ohio Administrative Code as section 4703-1-01(B) as follows:

(B) "Practice of architecture"-Except as otherwise permitted by divisions (C) and (D) of section 4703.18 and by section 4703.182 of the Revised Code or the preparation of manufacturer's technical documents, shop drawings, assembly or erection drawings or graphic descriptions used to detail or illustrate a portion of the work required to construct the building in accordance with the plans, rendering or offering to render any one or combination of the following: advice, consultation, evaluation, planning, any type of architectural plans, designs, or specifications, or administration of construction contracts in connection with the erection, enlargement or alteration of any building or buildings, or the equipment or utilities thereof, or the accessories thereto.

4. The preponderance of the evidence shows that Seow K. Ng is not licensed to practice architecture in Ohio. Seow K. Ng prepared construction drawings for a bar and has engaged in the practice of architecture. Mr. Mokris aided Seow K. Ng by placing his architectural seal on the plans and presenting the plans for permit approval. Therefore, Mr. Mokris aided and abetted Seow K. Ng, an unlicensed individual, in the performance of activities that constitute the practice of architecture in this State in violation of R.C. 4703.15(E).

5. The Revised Code requires compliance with the administrative regulations promulgated by the Board. R.C. 4703.151 provides "the [Board] may revoke or suspend licenses or reprimand licenses...in accordance with the seriousness of the charge, for violation of rules governing the standard of service, conduct, and practice to be followed in the profession of architecture..." One such rule requires that the architect have professional control over projects completed by others:

Ohio Administrative Code 4703-3-01 Seal requirements: (D) The architect shall imprint documents only if the architect was the author of such drawings, specifications and other contract documents or was in responsible charge of their preparation.

Thus, if an architect registered with the Board imprints his or her professional seal on a document, he or she must have been either the author of the drawings, specifications and other contracted for documents, or if he or she was not the author, then he or she must have been in responsible charge of the preparation of the documents.

6. Another rule promulgated by the Board requires that the architect exercise exclusive control over documents he or she intends to seal and sign:

Ohio Administrative Code 4703-7-03 Code of Conduct (E) Professional conduct. (1) An architect shall not sign or seal drawings, specifications, reports, or other professional work for which he or she does not have direct professional knowledge and direct supervisory control; provided, however, that in the case of the portions of such professional work prepared by the architect's consultants, registered under this or another professional law of this jurisdiction, the architect may sign or seal that portion of the professional work if the architect has reviewed such portion, has coordinated its preparation, and intends to be responsible for its adequacy.

7. The preponderance of the evidence in this case shows that Mr. Mokris placed his professional seal on the construction drawings for *American Pie Pub*, located in Reynoldsburg, Ohio, and Mr. Mokris was not the author of the drawings, specifications, and other contracted for documents, and he was not in responsible charge of the author of the drawings, Seow K. Ng, and therefore Mr. Mokris has violated section 4703-3-01(D) of the Ohio Administrative Code.

8. The preponderance of the evidence also shows that Mr. Mokris 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.

9. Finally, the preponderance of the evidence shows that Mr. Mokris did not possess a written contract with the owner of the *American Pie Pub*, in violation of section 4703-3-09(A) of the Ohio Administrative Code.

ORDER OF THE BOARD

After the hearing, the Board conducted deliberations, and based upon the foregoing findings and conclusions, and taking into consideration the mitigating and aggravating circumstances, including the nature and severity of the act under consideration, the actual or potential harm to any consumer, client, or the general public, the prior disciplinary record, the number and/or variety of current violations, rehabilitation evidence, time passed since the act occurred, cooperation with the investigation, and recognition of wrongdoing, the Board took the following action:

1. Mr. Mokris' certificate of qualification to practice architecture, Certificate No. 7964, is placed on probation for a period of (18) eighteen-months, beginning immediately.
2. That during the (18) eighteen-month period of probation, Mr. Mokris is to complete the *Professional Conduct Monograph* as published by the National Council of Architectural Registration Boards. Mr. Mokris must also complete two (2) other NCARB monograph's of his choosing and with approval of the Board staff.
3. Mr. Mokris is to successfully pass all of the corresponding tests and submit each of his certificates of completion to this office within the (18) eighteen-month period of probation.

4. Periodically, an *audit* will be conducted on all architectural projects and contracts undertaken by Mr. Mokris either personally or through Construction Design, Inc. Arrangements and scheduling will be made by Board Investigator and staff.

CERTIFICATION

I hereby certify that the foregoing Adjudication Order of the Ohio State Board of Examiners of Architects is true and accurate as it appears in the journal of the Board at its proceedings on October 10, 2001.

This order may be appealed in accordance with Section 119.12 of the Ohio Revised Code by filing a Notice of Appeal with the Ohio 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,



WILLIAM N. WILCOX
EXECUTIVE DIRECTOR

BEFORE THE BOARD OF
EXAMINERS OF ARCHITECTS, STATE OF OHIO

IN THE MATTER OF
WILLIAM J. MOKRIS

: DATE: August 11, 2003

: Certified Mail: 9264 1024

Cert. No. 7964

:

ADJUDICATION ORDER

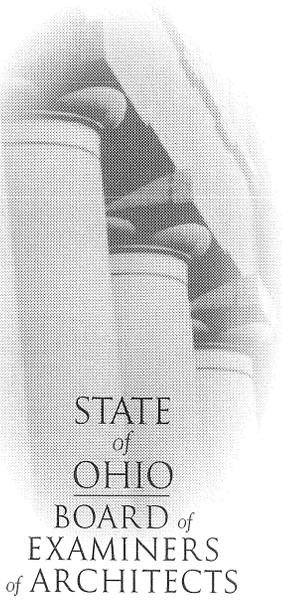
Pursuant to a meeting of the Ohio Board of Examiners of Architects, the following matter came before the Board on August 8, 2003. Members of the Board present were: Merle M. Myers, Christopher J. Ewald, Richard L. Bowen and Gerald S. Hammond.

An administrative hearing was held on the charges contained in the Board's letter of June 2, 2003. At this hearing, State's exhibits (1-5) were admitted as part of the evidentiary record. The issue to be determined by the Board was whether or not Mr. Mokris was guilty of misconduct in the performance of his services as an architect or in the practice of architecture.

Specifically, the Board had to determine whether or not Mr. Mokris failed to successfully complete the terms of probation imposed upon him from an earlier disciplinary action.

FINDINGS OF FACT

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



77 S. HIGH STREET
SIXTEENTH FLOOR
COLUMBUS, OHIO
43215-6108

614.466.2316 voice
614.644.9048 fax

www.state.oh.us/arc website
cmharch@aol.com e-mail

CONCLUSIONS OF LAW

1. Because he offers professional architectural services in Ohio, William J. Mokris is subject to the jurisdiction of the Ohio State Board of Examiners of Architects, and to the provisions of Chapter 4703 of the Ohio Revised Code and Chapter 4703 of the Ohio Administrative Code.

2. In Ohio, an architect would be in violation if they were found guilty by the Board of misconduct in the performance of his services as an architect or in the practice of architecture. R.C. 4703.15 provides in pertinent part:

The state board of examiners of architects may by three concurring votes deny renewal of, revoke, or suspend any certificate of qualification to practice architecture, issued or renewed under sections 4703.10, 4703.13, and 4703.14 of the Revised Code, or any certificate of authorization, issued or renewed under sections 4703.13 and 4703.18 of the Revised Code, if proof satisfactory to the board is presented in any of the following cases:

(C) In case the holder has been found guilty by the Board of gross negligence, incompetency, or misconduct in the performance of his services as an architect or in the practice of architecture.

3. The preponderance of the evidence in this case clearly shows that Mr. Mokris did not successfully complete the terms of probation imposed upon him by the Board in its October 16, 2001 Order. Mr. Mokris admitted to the Board that he had not successfully completed any of the (3) three NCARB professional monographs within the (18) eighteen-month time period established by the Board in its Order dated October 16, 2001. Therefore Mr. Mokris has violated section 4703.15 (C) of the Ohio Revised Code.

4. By virtue of his violation of O.R.C. 4703.15 (C), under O.R.C. section 4703.151, the Board may revoke or suspend Mr. Mokris' certificate of qualification, or issue a reprimand to him, in accordance with the Board's assessment of the seriousness of the charge.

ORDER OF THE BOARD

After the hearing, the Board conducted deliberations, and based upon the foregoing findings and conclusions, and taking into consideration the mitigating and aggravating circumstances, including the nature and severity of the act under consideration, the actual or

potential harm to any consumer, client, or the general public, the prior disciplinary record, the number and/or variety of current violations, rehabilitation evidence, time passed since the act occurred, cooperation with the investigation, and recognition of wrongdoing, the Board took the following action:

1. Mr. Mokris' certificate of qualification to practice architecture, Certificate No. 7964, is *suspended* for a period of (6) six-months, beginning **August 11, 2003 through February 11, 2004**.
2. Mr. Mokris is to successfully complete the following (3) three NCARB monographs: *Professional Conduct, Energy Conscious Design and Sustainable Design*.
3. Mr. Mokris is to successfully pass all of the corresponding tests for the monographs and submit each of his certificates of completion to the Board office **no later than October 14, 2003**. If for some reason Mr. Mokris does not successfully fulfill his professional monograph requirements by this date, his certificate of qualification will be *revoked*.
4. Should Mr. Mokris successfully complete the (3) three professional monographs on time, and otherwise obey the terms of his suspension, a license renewal application will be mailed to him in February 2004 allowing him to renew his certificate of qualification.

William J. Mokris is hereby officially informed that Ohio Revised Code Sections 4703.06, 4703.18 (A) and 4703.99 make it a criminal violation to assume or use title or designation of "Architect" or Registered Architect", or to hold himself out to be any of the above, or to engage in the practice of architecture unless properly licensed to do so by the Board.

The Board hereby orders you to immediately **cease and desist** any further use of any of the aforementioned designations, performing any of the aforementioned work, or to in any way hold yourself out to be qualified and permitted to practice as an "Architect" in the state of Ohio. The use of any advertisements, letterhead, business cards, signs or other materials which in any way improperly portray you as a practitioner within Ohio should be stopped.

CERTIFICATION

I hereby certify that the foregoing Adjudication Order of the Ohio State Board of Examiners of Architects is true and accurate as it appears in the journal of the Board at its proceedings on August 8, 2003.

This order may be appealed in accordance with Section 119.12 of the Ohio Revised Code by filing a Notice of Appeal with the Ohio 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,



WILLIAM N. WILCOX
EXECUTIVE DIRECTOR

William J. Mokris, Cert. No. 7964
August 11, 2003
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I hereby certify that this document is a true and accurate copy of the Decision and Order of the Ohio State Board of Examiners of Architects entered on its record of proceedings on August 8, 2003.



William N. Wilcox
Executive Director

Date: 8/11/2003

cc: Joseph M. Marotta, Office of the Attorney General
Paul L. McKnight, Construction Design, Inc.