

STATE OF OHIO
STATE BOARD OF EXAMINERS OF ARCHITECTS



OFFICE OF THE BOARD
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COLUMBUS, OHIO 43266-0303
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BEFORE THE OHIO STATE BOARD
OF EXAMINERS OF ARCHITECTS

IN RE: JOHN D. BELTZ
Cert. No. 8207

DATE: February 15, 1996

TO: John D. Beltz
1002 Shepherds Glen Lane
Batavia, OH 45103

ADJUDICATION ORDER

Pursuant to a meeting of the Ohio Board of Examiners of Architects, the following matter came before the Board on January 31, 1996. Members of the Board present were: John W. Spencer, Richard H. Kaplan, Harold Rasmussen, and Merle M. Myers.

An administrative hearing was held on the question of whether or not Mr. Beltz improperly signed plans for the construction of a building as a "registered architect" where he was not the actual architect of such and where he was without prior written consent of the architect originating the design and other documents used in the plans in violation of sections 4703.12(A) and 4703.15(D) of the Revised Code.

The hearing also addressed the charge concerning whether or not Mr. Beltz 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.

Finally, the hearing concerning whether or not Mr. Beltz 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

John D. Beltz is an individual licensed to practice architecture in the State of Ohio as an Architect or Registered Architect. At the time of his hearing he maintained a valid certificate of qualification issued by the Board as No. 8207.

On or before March 23, 1988, Denis L. Back & Associates produced plans, specifications, and other contract and design documents for a condominium complex and condominium unit build-outs for the St. James in the Park condominium complex in Cincinnati, Ohio.

On or before January 19, 1990, Denis L. Back & Associates produced plans, specifications, and other contract and design documents for a condominium complex and condominium unit build-outs for The Meridian condominium complex in Cincinnati, Ohio.

On June 28, 1991, Mr. Beltz produced construction plans, specifications and documents pertaining to the build-out of a condominium unit, Unit No. 804, located in the St. James in the Park complex in Cincinnati, Ohio. Mr. Beltz signed and sealed these plans as a "registered architect."

On May 14, 1991, Mr. Beltz also produced construction plans, specifications and documents pertaining to The Meridian condominium complex in Cincinnati, Ohio. Mr. Beltz signed and sealed these plans as a "registered architect."

From the Board's considerable experience and expertise in the practice of architecture, it was abundantly obvious from the record that the vast majority of the plans and specifications produced by Mr. Beltz for The Meridian Condominium project, which were introduced, into evidence were traced from earlier work originated by Back & Associates. The tracings were so similar and often identical in both general conception and detail that the Board finds that the work produced by Mr. Beltz constituted copies of the drawings originated by Back & Associates. Further, the work produced by Mr. Beltz was so similar and often identical in both general conception and detail that the Board finds that the work produced by Mr. Beltz constituted copies of the designs originated by Back & Associates. Therefore, Mr. Beltz was not the actual architect or author of the plans he produced for this project, was not in responsible charge of their preparation, and lacked direct professional knowledge and direct supervisory control regarding the drawings and designs he produced.

Mr. Beltz contended that Exhibits 5, 6, and 7 were not plans for the construction of a building, but rather an as-built representation of a building which already existed. The Board rejects that contention. It is important to note that the construction of The Meridian was ongoing at the time Mr. Beltz produced his plans for The Meridian, and that during his work on the project, the construction manager considered Mr. Beltz to be the Registered Architect. Further, the Board notes that Mr. Beltz admitted that Exhibit 4, produced prior to Exhibits 5, 6 and 7, was a construction document. The Board concludes that Mr. Beltz's statements regarding Exhibits 5, 6 and 7 lack any credibility and therefore should be given no weight. Finally, even if Mr. Beltz's statements regarding these exhibits were true, there is sufficient identity in detail and general conception between the site plan of Mr. Beltz's Exhibit 4 and the site plan on Exhibit 14 produced by Back & Associates to find that the work produced by Mr. Beltz constituted the copies of the drawings and design originated by Back & Associates.

From the Board's considerable experience and expertise in the practice of architecture, it was abundantly obvious from the record that the vast majority of the plans and specifications produced by Mr. Beltz for Unit No. 804 of the St. James Condominium project which were introduced into evidence were traced from earlier work originated by Back & Associates. The tracings were so similar and often identical in both general conception and detail that the Board finds that the work produced by Mr. Beltz constituted copies of the drawings originated by Back & Associates. Further, the work produced by Mr. Beltz was so similar and often identical in both general conception and detail that the Board finds that the work produced by Mr. Beltz constituted copies of the designs originated by Back & Associates. Therefore, Mr. Beltz was not the actual architect or author of the plans he produced for this project, was not in responsible charge of their preparation, and lacked direct professional knowledge and direct supervisory control regarding the drawings and designs he produced.

The Board specifically finds that the testimony of John D. Beltz was not credible with respect to the issue concerning whether or not his plans constituted tracings of the plans and specifications produced by Back & Associates. The Board finds that the construction plans and specifications produced by him were traced, and that his statements that the plans were not traced from the plans and specifications of Back & Associates were untrue.

At no time did Back & Associates give Mr. Beltz or any member of his firm permission of any kind to copy the work of Back & Associates. **No written permission,**

specifically, was ever given by Back & Associates to John Beltz to allow Beltz to use the designs or drawings of Back & Associates.

Back & Associates never acted as a consultant to Mr. Beltz or his firm on either the St. James or Meridian projects.

CONCLUSIONS OF LAW

Mr. Beltz improperly signed plans for the construction of a building as a "registered architect" where he was not the actual architect of such and where he was without prior written consent of the architect originating the design and other documents used in the plans in violation of sections 4703.12(A) and 4703.15(D) of the Revised Code.

Mr. Beltz 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. Beltz 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.

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. Beltz's certificate of qualification to practice architecture, No. 8207, is suspended for a period of six (6) months, beginning from the date this Order is received by Mr. Beltz.
2. That following the expiration of the six month suspension of his certificate of qualification, Mr. Beltz's certificate will be automatically reinstated, subject to conditions of probation. At the time his certificate is reinstated, Mr. Beltz will be subject to a further six (6) month period of

probation. The terms of probation will be those set and maintained by the Board at the time Mr. Beltz's certificate suspension expires. Upon the satisfactory completion of probation, Mr. Beltz's certificate of qualification will be fully reinstated.

John D. Beltz 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 the 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 such a practitioner within Ohio should be stopped.

The Board hereby orders John D. Beltz and his firm 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 himself or itself out to be qualified and permitted to offer architectural services 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 an architect or your firm as an architectural firm within Ohio should be stopped during the period of your suspension.

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 of its proceedings on January 31, 1996.

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 delivered within fifteen (15) days after the mailing of this Adjudication Order.

BY ORDER OF THE BOARD
 OF EXAMINERS OF ARCHITECTS

John W. Spencer
 John W. Spencer
 President

Certified Mail: P 290 305 181

P 290 305 181

RECEIPT FOR CERTIFIED MAIL

NO INSURANCE COVERAGE PROVIDED
 NOT FOR INTERNATIONAL MAIL

(See Reverse)

Sent to: <i>John Beltz</i>	
Street and No: <i>1002 Shepherdstown Ln</i>	
P.O., State and ZIP Code: <i>Batawa, OH 45103</i>	
Postage	\$
Certified Fee	
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt showing to whom and Date Delivered	
Return Receipt showing to whom, Date, and Address of Delivery	
TOTAL Postage and Fees	\$
Postmark or Date	

U.S.G.P.O. 1989-234-555

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5. Signature (Addressee)
John Beltz

6. Signature (Agent)
[Signature]

3. Article Addressed to:
John Beltz
1002 Shepherdstown Ln.
Batawa, OH 45103
 #8207

4a. Article Number
 P290-305 181

4b. Service Type
 Registered
 Certified
 Express Mail
 Insured
 COD
 Return Receipt for Merchandise

7. Date of Delivery
 FEB 15 1996

8. Addressee's Address (Only if requested and fee is paid)

1. Also wish to receive the following services (for an extra fee):
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 Restricted Delivery
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