



**BEFORE THE BOARD OF  
EXAMINERS OF ARCHITECTS, STATE OF OHIO**

**IN THE MATTER OF  
DARYL E. MAPSON**

:

DATE: January 10, 2001

:

Certified Mail: 9264 4117

Cert. No. 9510

**ADJUDICATION ORDER**

Pursuant to a meeting of the Ohio Board of Examiners of Architects, the following matter came before the Board on January 5, 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 October 17, 2000. The issue to be determined by the Board was whether or not Mr. Mapson aided and abetted an unlicensed person in the practice of architecture by placing his architectural seal and signature on documents where Mr. Mapson 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**

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

**CONCLUSIONS OF LAW**

1. Because he offers professional architectural services in Ohio, Daryl E. Mapson 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:

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(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. Mapson aided and abetted Mr. Ed Ford in the practice of architecture, the Board has authority to take action against his certificate of qualification to practice architecture in Ohio, if Mr. Ed Ford 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 Mr. Ed Ford is not licensed to practice architecture in Ohio. Mr. Ed Ford prepared commercial kitchen exhaust hood drawings for a pizza shop and has engaged in the practice of architecture. Mr. Mapson aided Mr. Ed Ford by placing his architectural seal on the plans and presenting the plans for permit approval. Therefore, Mr. Mapson aided and abetted Mr. Ed Ford, 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 standards 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 the Board requires that the architect exercise 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. Mapson placed his professional seal on the commercial kitchen exhaust hood drawings for *Old Towne Pizza*, located in Amherst, Ohio, and Mr. Mapson 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, Mr. Ed Ford, and therefore Mr. Mapson has violated section 4703-3-01(D) of the Ohio Administrative Code.

8. The preponderance of the evidence also shows that Mr. Mapson 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, 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 violation, rehabilitation evidence, time passed since the act occurred, cooperation with the investigation, and recognition of wrongdoing, the Board took the following action:

1. Mr. Mapson's certificate of qualification to practice architecture, No. 9510, is placed on probation for a period of six months, beginning immediately.
2. That during that six-month period of probation, Mr. Mapson is to complete the Professional Conduct Monograph as published by the National Council of Architectural Registration Boards. Mr. Mapson is to successfully pass the corresponding test and submit his certificate of completion to this office within the six-month period of probation.

### 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 5, 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.

Mr. Mapson  
January 10, 2001  
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BY ORDER OF THE BOARD,

A handwritten signature in black ink, appearing to read 'William N. Wilcox', written over a horizontal line.

WILLIAM N. WILCOX,  
EXECUTIVE DIRECTOR

Page 6- Addendum  
Daryl E. Mapson, Cert. No. 9510  
January 10, 2001

I hereby certify that this document is a true and accurate copy of the Decision and Order of the State Board of Examiners of Architects entered on its record of proceedings on January 5, 2001.

  
William N. Wilcox  
Executive Director

Date: 1/10/2001

cc: Julie P. Emch, Office of the Attorney General