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BEFORE THE BOARD OF ARCHITECTURAL EXAMINERS

STATE OF IDAHO

In the Matter of the License of:	)	
	)	Case No. ARC-2004-1
RICHARD B. MEYER,	)	
License No. AR-673,	)	**STIPULATION AND**
	)	**CONSENT ORDER**
Respondent.	)	
	)	

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WHEREAS, information having been received by the Idaho State Board of Architectural Examiners (hereinafter the "Board") which constitutes sufficient grounds for the initiation of an administrative action against Richard B. Meyer (hereinafter "Respondent"); and

WHEREAS, the parties mutually agree to settle the matter pending administrative Board action in an expeditious manner; now, therefore,

IT IS HEREBY STIPULATED AND AGREED between the undersigned parties that this matter shall be settled and resolved upon the following terms:

A.

1. The Board may regulate the practice of architecture in the State of Idaho in accordance with title 54, chapter 3, Idaho Code.

2. Respondent Richard B. Meyer is a licensee of the Idaho State Board of Architectural Examiners and holds License No. AR-673 to practice architecture in the State of Idaho. Respondent's license is subject to the provisions of title 54, chapter 3, Idaho Code, and the Board's rules promulgated at IDAPA 24.01.01, *et seq.*

3. Board Rule 550.04 (IDAPA 24.01.01.550.04) requires that, when an architect is performing direct supervision over the work of another where the architect has both control over, and detailed professional knowledge of, the work prepared under his or her supervision, the primary contract or agreement for the project must be between the

architect of record and the entity for which architectural services are provided, not between the person being supervised and the entity for which the services are provided.

4. Board Rule 750 (IDAPA 24.01.01.75) adopts the National Council of Architectural Registration Boards (NCARB) Rule of Conduct as the Code of Ethics for all Idaho licensed architects and provides that the Board will take action against a licensee under Idaho Code § 54-305(h) who is found in violation of the Code of Ethics. NCARB Rule 5 provides that an architect may sign and seal technical submissions only if the technical submission were prepared by persons under the architect's responsible control, and "responsible control" is defined as:

> [T]hat amount of control over and detailed professional knowledge of the content of technical submissions during their preparation as is ordinarily exercised by architects applying the required professional standard of care. Reviewing, or reviewing and correcting, technical submissions after they have been prepared by others does not constitute the exercise of responsible control because the reviewer has neither control over nor detailed knowledge of the content of such submissions throughout their preparation. Any registered architect signing or sealing technical submissions not prepared by that architect but prepared under the architect's responsible control by persons not regularly employed in the office where the architect is resident, shall maintain and make available to the board upon request for at least five years following such signing and sealing, adequate and complete records demonstrating the nature and extent of the architect's control over and detailed knowledge of such technical submissions throughout their preparation.

In addition, Idaho Code § 54-305(e) prohibits a licensed Idaho architect from affixing his signature to, or impressing his seal upon, any plans, drawings, specifications, or other instruments of service which have not been prepared by him, or under his immediate and responsible direction, or has permitted his name to be used for the purpose of assisting any person, not a licensed architect, to evade the provisions of the Architect Act, title 54, chapter 3, Idaho Code.

5. On or about September 27, 2002, Kirk Squier, dba Kirk Squier Design,

began work for Chris and Rebecca Kastner for the design of CK's Real Food restaurant in Hailey, Idaho ("the project"). By verbal agreement, the parties to the primary contract for the project were Mr. Squier and the Kastners. The terms of the contract required Mr. Squier to be paid hourly, not to exceed a certain amount, billed monthly, net 15 days. Mr. Squier was paid a total of $33,450.25 for his work on the project. Mr. Squier is not a licensed architect in the State of Idaho.

6. On or about November 24, 2002, Respondent began work on the project. By verbal agreement between the Kastners and Respondent, Respondent agreed to review, check and redline Mr. Squier's drawings for the project. Respondent stamped and signed the building permit plans for the project which were submitted to the City of Hailey. Respondent was paid a lump-sum total of $650.00 for his work on the project.

7. Respondent, the architect of record for the project, was not a party to the primary contract for the project, in violation of Board Rule 550.04 and Idaho Code § 54-305(h).

8. Respondent's review, check, and redline of Mr. Squier's drawings for the project do not constitute "responsible control" over Mr. Squier. Respondent affixed his signature to and impressed his seal upon the building permit plans for the project which were not prepared by him, or under his immediate and responsible direction, and Respondent is unable to provide any records demonstrating the nature and extent of his control over and detailed knowledge of technical submissions for the project throughout their preparation, all in violation of NCARB Rule of Conduct 5.2, Board Rule 750, and Idaho Code §§ 54-305(e) and (h).

9. Respondent permitted his name to be used for the purpose of assisting Kirk Squier, who is not a licensed Idaho architect, to evade the provisions of the Architect Act, title 54, chapter 3, Idaho Code, in violation of Idaho Code § 54-305(e) and (g).

10. The above-stated allegations, if proven, would constitute a violation of the laws and rules governing the practice of architecture and would constitute grounds for

disciplinary action against Respondent's license to practice architecture in the State of Idaho.

11. Respondent, in lieu of proceeding with a formal disciplinary action to adjudicate the allegations as set forth above, hereby admits the violations and agrees to the discipline against his license as set forth in Section C below.

B.

I, Richard B. Meyer, by affixing my signature hereto, acknowledge that:

1. I have read and admit the allegations pending before the Board, as stated above in section A. I further understand that these allegations constitute cause for disciplinary action upon my license to practice architecture in the State of Idaho.

2. I understand that I have the right to a full and complete hearing; the right to confront and cross-examine witnesses; the right to present evidence or to call witnesses, or to so testify myself; the right to reconsideration; the right to appeal; and all rights accorded by the Administrative Procedure Act of the State of Idaho and the laws and rules governing the practice of architecture in the State of Idaho. I hereby freely and voluntarily waive these rights in order to enter into this stipulation as a resolution of the pending allegations.

3. I understand that in signing this consent order I am enabling the Board to impose disciplinary action upon my license without further process.

C.

Based upon the foregoing stipulation, it is agreed that the Board may issue a decision and order upon this stipulation whereby:

1. Respondent shall pay to the Board an administrative fine in the amount of One Thousand and No/100 Dollars ($1,000.00) within thirty (30) days of the entry of the Board's Order.

2. Respondent shall pay investigative costs and attorney fees in the amount of One Thousand Four Hundred Sixty-Two and No/100 Dollars ($1,462.00) within thirty

(30) days of the entry of the Board's Order.

3. Respondent's License No. AR-673 shall be placed on probation for a period of one (1) year from the date of entry of the Board's Order. The conditions of probation are as follows:

a. Respondent's license shall be suspended for ten (10) days, but the suspension shall be withheld so long as the Respondent successfully completes his probation.

b. Respondent shall comply with all state, federal and local laws, rules and regulations governing the practice of architecture in the State of Idaho.

c. Respondent shall inform the Board in writing of any change of place of practice or place of business within 15 days of such change.

d. In the event Respondent should leave Idaho for three (3) continuous months, or to reside or practice outside of the state, Respondent must provide written notification to the Board of the dates of departure, address of intended residence or place of business, and indicate whether Respondent intends to return. Periods of time spent outside Idaho will not apply to the reduction of this period or excuse compliance with the terms of this Stipulation.

e. Respondent shall fully cooperate with the Board and its agents, and submit any documents or other information within a reasonable time after a request is made for such documents or information.

f. Respondent shall make all files, records, correspondence or other documents available immediately upon the demand of any member of the Board's staff or its agents.

4. The violation of any of the terms of this Stipulation by Respondent will warrant further Board action. The Board therefore retains jurisdiction over this proceeding until all matters are finally resolved as set forth in this Stipulation.

D.

1. It is hereby agreed between the parties that this Stipulation shall be presented to the Board with a recommendation for approval from the Deputy Attorney General responsible for prosecution before the Board at the next regularly scheduled meeting of the Board.

2. Respondent understands that the Board is free to accept, modify with Respondent's approval, or reject this Stipulation, and if rejected by the Board, a formal complaint may be filed against Respondent. Respondent hereby agrees to waive any right Respondent may have to challenge the impartiality of the Board to hear the disciplinary complaint if, after review by the Board, this Stipulation is rejected.

3. If the Stipulation is not accepted by the Board, it shall be regarded as null and void. Admissions by Respondent in the Stipulation will not be regarded as evidence against Respondent at the subsequent disciplinary hearing.

4. The Consent Order shall not become effective until it has been approved by a majority of the Board and endorsed by a representative member of the Board.

5. Any failure on the part of Respondent to timely and completely comply with any term or condition herein shall be deemed a default.

6. Any default of this Stipulation and Consent Order shall be considered a violation of Idaho Code § 54-305. If Respondent violates or fails to comply with this Stipulation and Consent Order, the Board may impose additional discipline pursuant to the following procedure:

a. The Chief of the Bureau of Occupational Licenses shall schedule a hearing before the Board. Within twenty-one (21) days after the notice of hearing and charges is served, Respondent shall submit a response to the allegations. If Respondent does not submit a timely response to the Board, the allegations will be deemed admitted.

b. At the hearing before the Board upon default, the Board and Respondent may submit affidavits made on personal knowledge and argument based upon

the record in support of their positions. Unless otherwise ordered by the Board, the evidentiary record before the Board shall be limited to such affidavits and this Stipulation and Consent Order. Respondent waives a hearing before the Board on the facts and substantive matters related to the violations described in Section A, and waives discovery, cross-examination of adverse witnesses, and other procedures governing administrative hearings or civil trials.

c. At the hearing, the Board will determine whether to impose additional disciplinary action, which may include conditions or limitations upon Respondent's practice or suspension or revocation of Respondent's license.

7. The Board shall have the right to make full disclosure of this Stipulation and Consent Order and the underlying facts relating hereto to any state, agency or individual requesting information subject to any applicable provisions of the Idaho Public Records Act, title 9, chapter 3, Idaho Code.

8. This Stipulation and Consent Order contains the entire agreement between the parties, and Respondent is not relying on any other agreement or representation of any kind, verbal or otherwise.

I have read the above stipulation fully and have had the opportunity to discuss it with legal counsel. I understand that by its terms I will be waiving certain rights accorded me under Idaho law. I understand that the Board may either approve this stipulation as proposed, approve it subject to specified changes, or reject it. I understand that, if approved as proposed, the Board will issue an Order on this stipulation according to the aforementioned terms, and I hereby agree to the above stipulation for settlement. I understand that if the Board approves this stipulation subject to changes, and the changes are acceptable to me, the stipulation will take effect and an order modifying the terms of the stipulation will be issued. If the changes are unacceptable to me or the Board rejects this stipulation, it will be of no effect.

DATED this 13 day of JUNE, 2005.

Richard B. Meyer
Respondent

DATED this 13th day of June, 2005.

KNEELAND, KORB, COLLIER & LEGG

By
Robert Korb
Of Attorneys for Respondent

I concur in this stipulation and order.

DATED this 15th day of JUNE, 2005.

STATE OF IDAHO
OFFICE OF THE ATTORNEY GENERAL

By
Kenneth F. Stringfield
Deputy Attorney General

ORDER

Pursuant to Idaho Code § 54-312, the foregoing is adopted as the decision of the Board of Architectural Examiners in this matter and shall be effective on the 18th day of August, 2005. **IT IS SO ORDERED.**

IDAHO STATE BOARD
OF ARCHITECTURAL EXAMINERS

By
~~Stanley A. Cole~~, Chair
R. ALLAN GILTZOW

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 18th day of August, 2005, I caused to be served a true and correct copy of the foregoing by the following method to:

Richard B. Meyer P.O. Box 627 Sun Valley, ID 83353	☒ U.S. Mail ☐ Hand Delivery ☒ Certified Mail, Return Receipt Requested ☐ Overnight Mail ☐ Facsimile: _____ ☐ Statehouse Mail
Robert Korb KNEELAND, KORB, COLLIER & LEGG P.O. Box 249 Ketchum, ID 83340	☒ U.S. Mail ☐ Hand Delivery ☐ Certified Mail, Return Receipt Requested ☐ Overnight Mail ☐ Facsimile: _____ ☐ Statehouse Mail
Kenneth F. Stringfield Deputy Attorney General P.O. Box 83720 Boise, ID 83720-0010	☐ U.S. Mail ☐ Hand Delivery ☐ Certified Mail, Return Receipt Requested ☐ Overnight Mail ☐ Facsimile: _____ ☒ Statehouse Mail

Rayola Jacobsen

Rayola Jacobsen, Chief
Bureau of Occupational Licenses