



## *Violation of State Licensing Laws; Holding Out as an Architect When Not Licensed within State*

### **Summary**

---

The National Ethics Council (“Council” or “NEC”) ruled that Architect A violated Rules 4.101 and 4.201 of the Institute’s Code of Ethics and Professional Conduct (“Code of Ethics”), as those provisions read before the Code’s revision in 1997, by holding himself out as an architect although he was not licensed in the state and making misstatements to third parties about his licensure status and education.

**All initials, names, dates, places, and gender references in this decision have been changed.**

### **References**<sup>1</sup>

---

*Code of Ethics and Professional Conduct, Canon IV, Obligations to the Profession*

Rule 4.101 Members shall comply with the registration laws and regulations governing their professional practice.

Rule 4.201 Members shall not make misleading, deceptive, or false statements or claims about their professional qualifications, experience, or performance.

### **Findings of Fact and Analysis**

---

The case against Architect A was initiated with the NEC in 1996, but held in abeyance pending proceedings by the Board of Architectural Examiners (“Board”) in Architect A’s home state. In 1999, the Board concluded that Architect A had violated state law by holding

himself out to the public as an architect without being licensed in the state. In doing so, the Board found that Architect A had become the principal of a firm in January 1993, but had not become licensed in the state until March 1994. In the meantime, the following events occurred:

- In March 1993, in a statement of qualifications for work at various U.S. Army installations, Architect A included his resume showing him as “Design Architect.”
- Later in March 1993, the firm made a presentation to a school district, including Architect A’s resume on letterhead identifying him as “Architect A, Architect.”
- In June 1993, the firm sent materials to another school district, again with a resume bearing the heading or letterhead of “Architect A, Architect.”
- In October 1993, the firm submitted a proposal to another local school district, designating Architect A as “Partner in Charge and Project Architect” for the proposed project.
- In December 1993, the firm issued another statement of qualifications to the Army, identifying Architect A as “Design Architect.”

The Board issued a citation and levied a fine against Architect A for his violation of state law.

The Council held that the Board citation—based on Architect A holding himself out as an architect without being licensed in the state—was sufficient in itself to establish a violation of Rule 4.101 of the pre-1997 Code of Ethics. In



addition, misstatements to third parties concerning Architect A's education and license status were found to violate Rule 4.201, but this violation was considered secondary and was not treated as distinct from the violation of Rule 4.101 for purposes of imposing discipline.

### **Penalty**

---

In determining the appropriate penalty in this case, the Council noted that Architect A had knowingly violated the state's licensing laws repeatedly over a period of a year, and added that Architect A had a particular responsibility, as a principal of his firm, to present accurately his qualifications and those of his firm. It also noted, however, that Architect A had complied with the Board's order and made policy changes within his firm to ensure that the firm's proposals would be accurate in the future. Taking these various factors into account, the Council imposed the penalty of censure.

### Members of the National Ethics Council

Carolyn D. Geise, FAIA  
Phillip H. Gerou, FAIA  
D. Susan O'Brien, AIA  
Ted Tanaka, FAIA  
Peter Piven, FAIA

*The Hearing Officer, Ronald P. Bertone, FAIA, did not participate in the decision of this case, as provided in the Rules of Procedure.*

**August 3, 2000**

---

<sup>1</sup> This case was decided under the Code of Ethics and Professional Conduct prior to the amendments effective March 22, 1997.