

Before the West Virginia Board of Architects

West Virginia Board of Architects,

Complainant,

v.

**Case Nos. 07-07-2022
07-28-2022
09-07-2022**

Steven Douglas Dye,

Respondent.

Order Suspending Respondent's License and Notice of Hearing

Pursuant to W. Va. Code § 30-1-8(e)(1), the West Virginia Board of Architects ("Board") hereby summarily suspends the license or registration of Respondent Steven Dye (Certificate No. 4410), prior to having a hearing, because sufficient evidence has been presented showing that Respondent's continuation in the practice of architecture, including carrying out or performing construction administration services (W. Va. Code § 30-12-11a), poses an immediate danger to the public. In support of this suspension, the Board states the following:

1. The Board is a State entity charged with regulating the practice of architecture pursuant to W. Va. Code §§ 30-12-1 to 30-12-14.
2. The Board is mandated by W. Va. Code § 30-12-1 to safeguard the life, health, property and public welfare of the people of this State and to protect the people against the unauthorized, or improper practice of architecture.
3. In engaging in the practice of architecture, a registered architect's primary duty is to protect the public's health, safety, and welfare. In discharging this duty, a registered architect shall act with reasonable care and competence, and shall apply the technical knowledge and skill

which are ordinarily applied by registered architects of good standing, practicing in the same locality. W. Va. Code R. § 2-1-9.1.1.

4. In order to carry out its regulatory duties, the Board may suspend an individual's registration to practice architecture under the authority granted to it by W. Va. Code §§ 30-1-8, 30-12-8, and W. Va. Code R. § 2-1-10, for violation of W. Va. Code §§ 30-12-1 to 30-12-14, and the rules promulgated thereunder, which include the Rules of Professional Conduct set forth in W. Va. Code R. § 2-1-9 *et seq.*

5. If any representation is made by a registered architect to a prospective or existing client with respect to his or her qualifications and the scope of his or her responsibility in connection with work for which he or she is claiming credit, such representation must be accurate. See W. Va. Code R. § 2-1-9.3.2.

6. Pursuant to W. Va. Code R. § 2-1-10.1, "[t]he Board may deny an application for registration; suspend a registration for a specific period of time; revoke or annul a registration issued by the Board; or impose a civil penalty on an architect in an amount not more than two thousand dollars for each violation, upon satisfactory proof that an applicant or architect has been convicted of a felony or is, in his or her professional capacity, engaged in conduct, practices or acts constituting professional negligence or a willful departure from accepted standards of professional conduct, or has violated the provisions of W. Va. Code § 30-1-8, W. Va. Code § 30-12-1 *et seq.*, or the Rules of the Board."

7. "Willful departure from accepted standards of professional conduct" includes, but is not limited to, the "[w]illful failure to substantially perform in accordance with the terms of a contract. . . ." W. Va. Code R. § 2-1-2.2.28.b.

8. A registered architect shall not, in the conduct of his or her practice, knowingly violate any state or federal criminal law. W. Va. Code R. § 2-1-9.4.1 (Compliance with Laws).

9. An architect shall not make misleading, deceptive or false statements or claims. W. Va. Code R. § 2-1-9.5.5 (Professional Practices).

10. In the present case, Respondent is a licensed or registered architect in the State of West Virginia, Certificate No. 4410, and therefore is subject to the jurisdiction and authority of the Board and applicable licensing requirements.

11. During the relevant time period, Respondent owned and operated an architecture design and building contractor business known as Steven Dye Architects.

12. Respondent operated the business as a sole proprietorship.

13. Respondent also maintains a general contractor's license through the West Virginia Division of Labor.

14. Respondent represents to the public that he specializes in the Design/Build approach to a construction project. He produces the construction documents required for design, bid, permit and construction, and then he serves as the general contractor and sees the project to completion.

15. The Board received complaints concerning Respondent and his conduct, or lack thereof, while serving as both the architect and general contractor in two residential build projects. The complainants, Thurman and Jennifer Dickerson and Brad Vladu terminated their residential construction contracts with the Respondent and are owed a significant amount of money as a result.

16. During the time Respondent provided construction administration services and general contractor services for the above-referenced residential builds, his business was undercapitalized. He failed to observe business formalities. He admitted he did not maintain proper construction accounting or bookkeeping records for these projects. He did not track cost/expenses on these projects. He did not maintain invoices, purchase orders or bills submitted

by subcontractors. Also, he admitted to comingling his business and personal funds/purchases/expenses.

17. Moreover, it is upon information and belief that Respondent misrepresented his qualifications, experience or ability to serve as general contractor and that he overextended himself in this regard.

18. Also, respondent engaged in misrepresentation with Thurman and Jennifer Dickerson concerning his experience in ICF (Insulated Concrete Forms) build. He did not update his drawings on their residential project to reflect ICF build. He further represented the Dickerson's were obligated to retain him to provide construction administration services on the project which he later used as justification for not returning money previously paid by them to build their house.

19. Further, Respondent admitted to being ignorant of the statutes and regulations that govern registered architects in West Virginia, including the Rules of Professional Conduct set forth in W. Va. Code R. § 2-1-9.

20. Recently, a criminal complaint was issued in Wyoming County, West Virginia, against Respondent for allegedly violating W. Va. Code § 61-3-24(a)(1) (Obtaining Money Under False Pretense). (See attached Exhibit A – Case No. 22-M55F-00131). It is alleged that Mr. Vladu contracted with Respondent to build a house. Mr. Vladu made payments to Respondent on two separate occasions to buy building materials per the contract. On or about June 4, 2022, Mr. Vladu paid Respondent more than \$17,000.00 to purchase materials to include doors and windows. Respondent did not make such purchases and kept the money. Respondent later represented that he did not have any money left to purchase materials and he essentially abandoned the construction site.

21. It is upon information and belief that a similar criminal complaint will be issued in Mercer County, West Virginia, against Respondent concerning his residential building contract with Thurman and Jennifer Dickerson.

22. The alleged fraudulent conduct bears a rational nexus to the profession or occupation requiring licensure in that registered architects shall not knowingly violate any state criminal laws. Also, a registered architect's primary duty is to protect the public's health, safety, and welfare. The alleged felonies reflect dishonesty on the part of Respondent in general contractor and construction administration duties and responsibilities, which allegedly caused financial loss to clients. Also, he has failed to show good moral character which is a requirement for licensure or registration. See W. Va. Code § 30-12-4.

23. In addition, based on the documents and information obtained and on Respondent's voluntary statements to the Complaint Committee, it is believed Respondent lacks sufficient understanding of applicable statutes or rules, including, but not limited to W. Va. Code § 30-12-1 through 30-12-14 and W. Va. Code R. § 2-1-9 *et seq.* (Rules of Professional Conduct), which could jeopardize the health, safety, and welfare of his clients and the public.

Order

Based on the foregoing the Board hereby concludes that Respondent Steven D. Dye's continuation in the practice of architecture at this time constitutes an immediate danger to the public. Accordingly, his license or registration to practice architecture is hereby **SUSPENDED** pending resolution of the disciplinary complaints and criminal complaints that have been filed against him. Respondent is directed to surrender his registration or license to the Board immediately.

You are hereby notified that at a date, time, and place to be mutually agreed upon, the Board will conduct an administrative hearing by video conference or in person, before an Attorney/Hearing Examiner to address the merits of this summary suspension. The hearing will take place day to day until complete. Hearing procedures are set forth in W. Va. Code R. §§ 2-2-6 to 2-2-12.

Please contact Emily Papadopoulos, Executive Director, at (304) 558-1406 or Emily.B.Papadopoulos@wv.gov, to schedule a hearing in this matter and to address any questions you may have. You may contact or have your attorney contact the Board's legal counsel, Mark S. Weiler, Assistant Attorney General, at (304) 558-8989 and/or Mark. S. [Weiler@wvago.gov](mailto:Mark.S.Weiler@wvago.gov) to schedule a hearing.

Dated this 13th day of December, 2022.

West Virginia Board of Architects



Adam Krason, President