

**Before the West Virginia Board of Architects**

**Michael T. Kissam,**

**Complainant,**

**v.**

**Certificate No. 5461**

**West Virginia Board of Architects,**

**Respondent.**

**Consent Agreement and Order**

On August 10, 2023, the West Virginia Board of Architects (“Board”), considered Michael Kissam’s application for reinstatement in accordance W. Va. Code R. § 2-1-8.8 (Inactive Status - Renewal of Registration). Mr. Kissam disclosed that he engaged in the practice of architecture while there was a lapse in his registration which is a violation W. Va. Code § 2-1-8.9.

The parties have reached an agreement as to the disposition of this matter in controversy, and do hereby agree to the following.

**Findings of Fact**

1. The Board is a state entity charged with regulating the practice of architecture pursuant to W. Va. Code § 30-12 *et seq.*
2. The Board is empowered to review and act upon license/registration applications, renewals, and reciprocity registrations pursuant to W. Va. Code § 30-12 *et seq.*, and W. Va. Code R. § 2-1 *et seq.*
3. The Board may deny an application for reinstatement upon satisfactory proof that the applicant 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 § 30-12 *et seq.*, or applicable rules. See W. Va. Code R. § 2-1-10.

4. Mr. Kissam is a licensed or registered architect (Certificate No. 5461) in the State of West Virginia. He is considered to be on inactive status.

5. Mr. Kissam is seeking reinstatement of his registration.

6. Mr. Kissam disclosed that he had practice architecture while there was a lapse in his registration.

7. The Board alleges that by practicing architecture while on inactive status, Mr. Kissam violated W. Va. Code § 2-1-8.9 and is subject to disciplinary action pursuant to W. Va. Code R. § 2-1-10.

#### **Conclusions of Law**

1. The Board is empowered to review and act upon license/registration applications, renewals, and reciprocity registrations pursuant to W. Va. Code § 30-12 *et seq.*, and W. Va. Code R. § 2-1 *et seq.*

2. The Board has jurisdiction to take disciplinary action against Mr. Kissam.

3. The Board is mandated by W. Va. Code § 30-12-1 *et seq.* to safeguard the life, health, proper and public welfare of the people of this State and to protect the people against the unauthorized, or improper practice of architecture.

4. The Board may deny an application for reinstatement upon satisfactory proof that the applicant 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 § 30-12-1 *et seq.*, or applicable rules. See W. Va. Code R. § 2-1-10.

5. The conduct alleged against Mr. Kissam, if proven at a hearing of this matter, constitutes a violation of W. Va. Code § 2-1-10, in that he practiced architecture while on inactive status.

### Consent of Licensee

Complainant, Michael Kissam, by affixing his signature hereto, acknowledges the following:

1. Mr. Kissam has been given the opportunity to consult with counsel of his choice with regard to this matter.

2. Mr. Kissam executes this Consent Agreement and Order voluntarily, freely, without compulsion or duress and mindful that it has legal consequences.

3. No person or entity has made any promise or given any inducement whatsoever to encourage Mr. Kissam to make this settlement other than as set forth herein.

4. Mr. Kissam acknowledges that he is aware he may pursue this matter through appropriate administrative and/or court proceedings, and is aware of his legal rights regarding this matter, but intelligently, knowingly and voluntarily waive such rights.

5. Mr. Kissam acknowledges that he is aware this Consent Agreement and Order is a public document, available for inspection at any time by any member of the public under W. Va. Code § 29B-1 *et seq.*, Freedom of Information Act, and may be reported to other governmental, professional Boards or organizations.

6. Mr. Kissam waives any defense of laches, statute of limitations, estoppel, lack of jurisdiction, lack of due process, and waiver that he may have otherwise claimed as a condition of this Consent Agreement and Order.

7. Without admitting that his conduct violates W. Va. Code §30-12 *et seq.*, or applicable rules, Mr. Kissam consents to this Consent Agreement and Order; however, this is not an admission by Mr. Kissam to the Board's allegations, findings of fact or conclusions of law and shall not be construed as such.

8. Mr. Kissam, by affixing his signature hereon, consents and agrees to the following terms and conditions:

**ORDER**

On the basis of the foregoing, the Board does hereby **ORDER** and **DECREE**:

1. The Board shall reinstate Mr. Kissam license or registration upon execution and entry of this Consent Agreement and Order;


2. Mr. Kissam shall pay a reinstatement fee of \$250.00.

3. Mr. Kissam shall pay a late renewal fee (July 1, 2022 – June 30, 2023) of \$150.00.

4. Fees shall be paid within 30 days of the execution and entry of this Consent Agreement.

5. Mr. Kissam's failure to comply with the terms and conditions of this Consent Agreement and Order hereby imposed shall be deemed a violation of this Consent Agreement and Order, and should Mr. Kissam violate any of the terms of this Consent Agreement and Order, the Board may take further disciplinary action against Mr. Kissam's license.


Entered this 22<sup>nd</sup> day of AUGUST, 2023.

 , President  
West Virginia Board of Architects

Reviewed and Agreed to by:

  
Michael T. Kissam

8/17/2023  
Date

  
Legal Counsel or Witness



8/17/2023  
Date

11/1/00

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