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DEC 4 2017

Before the West Virginia Board of Architects

WV BOARD OF  
Architects  
Paul Graf, 1076

**Complainant,**  
v.

**(Reciprocity Application)**

**West Virginia Board of Architects,**

**Respondent.**

**Consent Agreement and Order**

By letter dated October 16, 2017, the West Virginia Board of Architects (“Board”), pursuant to W. Va. Code R. § 2-1-6 (Reciprocal Registration) and W. Va. Code R. § 2-1-9 (Rules of Professional Conduct), denied Complainant Paul Graf’s reciprocal license application because Mr. Graf failed to disclose relevant information during the application process. Pursuant to W. Va. Code R. § 2-2-5, Mr. Graf has requested a hearing in this matter.

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 a reciprocal application upon satisfactory proof that the applicant has failed to submit a complete Board application containing information satisfactory to the Board concerning the applicant. See W. Va. Code R. § 2-1-6.1.2.

4. The Board may deny a reciprocal application upon satisfactory proof the applicant deliberately failed to disclose accurately and completely a material fact requested in connection with his or her application for a registration or renewal thereof or otherwise lawfully requested by the Board. W. Va. Code R. § 2-1-9.3.4.

5. The Board may deny a reciprocal application upon satisfactory proof that the applicant made misleading, deceptive or false statements or claims. W. Va. Code R. § 2-1-9.5.5.

6. Mr. Graf is a licensed or registered architect in the Commonwealth of Pennsylvania.

7. On or about September 22, 2017, Mr. Graf submitted a Uniform Application for Architect Registration to the Board, with Affidavit and Notarization, seeking reciprocity registration in West Virginia.

8. During the review of Mr. Graf's reciprocity application, the Board learned that Mr. Graf failed to disclose he had been issued a citation in July 2011, for engaging in the practice of architecture in Pennsylvania during a period when his license had lapsed or expired. He subsequently paid a civil penalty.

9. The Board alleges that by failing to disclose this citation and civil penalty during the application process, Mr. Graf made misleading, deceptive or false statements or claims, which is cause to deny his reciprocity application under W. Va. Code R. § 2-1-9.5.5.

10. The Board alleges that by failing to disclose this citation and civil penalty during the application process, Mr. Graf deliberately failed to disclose accurately and completely a material fact requested in connection with his application, which is cause to deny his reciprocity application under W. Va. Code R. § 2-1-9.3.4.

11. Mr. Graf asserts he did not act deliberately and that it was an innocent oversight on his part.

5. Mr. Graf 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. Graf 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 the Rules of Professional Conduct of the Board, Mr. Graf consents to this Consent Agreement and Order; however, this is not an admission by Mr. Graf to the Board's allegations, findings of fact or conclusions of law and shall not be construed as such.

8. Mr. Graf, 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 issue a reciprocal registration upon execution and entry of this Consent Agreement and Order;

2. Mr. Graf shall be placed on probation for a period of six months commencing on the date the Board issues Mr. Graf's reciprocal registration;

3. During the probationary period, Mr. Graf shall be entitled to engage in the practice of architecture, provided that he adheres to all of the following terms and conditions:

- a. Mr. Graf shall comply with all provisions of W. Va. Code § 30-12 *et seq.*, and the rules, regulations, and codes of conduct promulgated thereunder.
- b. Mr. Graf shall immediately disclose to the Board any disciplinary actions by any occupational licensing boards;


c. Mr. Graf shall immediately disclose to the Board any investigations by any occupational licensing boards concerning his license or his architect firm's license; and

d. Mr. Graf shall timely renew all licenses and timely pay all fees required for license renewal and comply with all other requirements necessary to maintain his license in this State.


4. Mr. Graf shall reimburse the Board for administrative and legal expenses incurred by the Board in the investigation and disposition of this matter in the amount of \$1,000, which is to be paid within 30 days of the execution and entry of this Consent Agreement and Order;

5. Mr. Graf'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. Graf violate any of the terms of this Consent Agreement and Order, the Board may take further disciplinary action against Mr. Graf's license.


Entered this 7 day of DEC, 2017.

  
\_\_\_\_\_, President  
West Virginia Board of Architects

**Reviewed and Agreed to by:**

  
\_\_\_\_\_  
Paul Graf, Petitioner

11/17/17  
Date

  
\_\_\_\_\_  
Legal Counsel or Witness

11/17/17  
Date

# WVBA - Receive Payments

Certificate Number: 4939 Receipt Number 181255  
Annual Number: 181255 Date Received 12/8/2017  
Year: 2017-18 Deposit Date 12/8/2017

Name: PAUL GRAF  
Title: PRINCIPAL  
Firm: AVON GRAF ARCHITECTS, LLC  
Address: 9800 B MCKNIGHT ROAD, SUITE 104  
City/State/Zip: PITTSBURGH, PA 15237

Total Payment \$: 1000.00 Check Number: 1245

Description of Payment: Legal & Administrative Costs

WEST VIRGINIA BOARD OF ARCHITECTS  
405 CAPITOL ST., MEZZANINE SUITE 3  
CHARLESTON, WEST VIRGINIA 25301  
PHONE (304) 558-1406

No 181255

## RECEIPT OF PAYMENT

Received From:  
PAUL GRAF  
9800 B MCKNIGHT ROAD, SUITE 104  
PITTSBURGH, PA 15237

The Sum of \$: 1000.00  
Date Received: 12/8/2017  
Check Number: 1245  
Deposit Date: 12/8/2017

Description of Payment: Legal & Administrative Costs