

Before the West Virginia Board of Architects

D. Ronald Brasher, AIA, NCARB

Complainant,

v.

Case No.

West Virginia Board of Architects,

Respondent.

Consent Agreement and Order

The West Virginia Board of Architects ("Board") considered but has not yet acted upon D. Ronald Brasher's application for registration based on reciprocity in accordance with West Virginia Code R. § 2-1-8. Mr. Brasher disclosed facts which could be construed as engaging in the practice of architecture while not having a certificate of registration in that he offered to render architecture services or pursued architecture projects in violation of West Virginia Code § 30-12-11, although Mr. Brasher states that he notified the clients at issue that he would need to reactivate his prior West Virginia registration.

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 § 30-12-1 *et seq.*
2. The "practice of architecture" means rendering or offering to render those services, hereinafter described, in connection with the design and construction, enlargement or alteration of a building or group of buildings and the space within and surrounding such buildings, which have as their principal purpose human occupancy or habitation; the services referred to include planning,

providing preliminary studies, designs, drawings, specifications and other technical submissions and administration of construction contracts. (W. Va. Code§ 30-12- 2(5)).

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

4. No person may directly or indirectly engage in the practice of architecture in West Virginia or use the title "architect," "registered architect," "architectural designer," or display or use any words, letters, figures, titles, sign, card, advertisement or other symbol or device indicating that such person is an architect or is practicing architecture, unless he or she is registered under the provisions of W. Va. Code§ 30-12 *et seq.* (W. Va. Code§ 30-12-11).

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

6. The Board may deny reciprocal registration upon satisfactory proof the applicant practiced architecture in West Virginia without having a certificate of registration or license.

7. Mr. Brasher is licensed to practice architecture in multiple states.

8. Mr. Brasher applied for registration in West Virginia based on reciprocity for the Board's consideration.

9. During the Board's review process, Mr. Brasher disclosed facts which could be construed as engaging in the practice of architecture in West Virginia without first obtaining a certificate of registration, although Mr. Brasher states that he notified the clients at issue that he would need to reactivate his prior West Virginia registration.

10. The Board alleges that by practicing architecture without having a certificate of registration, Mr. Brasher violated W. Va. § 30-12-11. and W. Va. Code R. § 2-1-9.3.2 (Rules of

Professional Conduct).

Conclusions of Law

1. The Board is empowered to review and act upon license/registration applications, reinstatements, 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 is mandated by W. Va. Code § 30-12-1 *et seq.* to safeguard the life, health, property and public welfare of the people of this State.
3. The Board is empowered to deny, suspend, revoke or otherwise discipline a license or licensee for violation of W. Va. Code § 30-12 *et seq.*, and the rules promulgated thereunder.
4. The conduct alleged against Mr. Brasher, if proven at a hearing on this matter, could constitute a violation of applicable Board statutes and/or rules, thus providing grounds for denying an application for registration based on reciprocity.

Consent of Licensee

D. Ronald Brasher, by affixing his signature hereto, acknowledges the following:

1. Mr. Brasher has been given the opportunity to consult with counsel of his choice about this matter and has consulted with legal counsel.
2. Mr. Brasher executes this Consent Agreement and Order voluntarily, freely, without compulsion or duress and he is mindful that the Consent Agreement and Order has legal consequences.
3. No person or entity has made any promise or given any inducement whatsoever to encourage Mr. Brasher to make this settlement other than as set forth herein.
4. Mr. Brasher acknowledges that he is aware he may pursue a denial of application for registration based on reciprocity through appropriate administrative and/or court proceedings, and is aware of his legal rights regarding this matter, but intelligently, knowingly and voluntarily

waives such rights.

5. Mr. Brasher 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 West Virginia Code § 29B-1 *et seq.*, Freedom of Information Act, and may be reported to other governmental, professional Boards or organizations.

6. Mr. Brasher 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 applicable statutes or rules of the Board, Mr. Brasher consents to this Consent Agreement and Order; however, this is not an admission by Mr. Brasher to the Board's allegations, findings of fact or conclusions of law and shall not be construed as such.

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

ORDER

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

1. The Board shall approve Mr. Brasher's application for registration based on reciprocity provided Mr. Brasher completes the following within 60 days of entry of this Consent Agreement and Order:

- a. Mr. Brasher shall reimburse the Board with the amount of \$1,000.00 for actual, reasonable administrative costs, including the cost of investigating this matter, and a civil penalty of \$500.00.
- b. Mr. Brasher shall document to the Board that he has completed 12 hours of continuing education in ethics, health, safety, and welfare in calendar year 2024.

2. Mr. Brasher shall not practice architecture as defined in West Virginia Code§ 30-12-2(5), until the Board approves his application for registration based on reciprocity or other grounds of approval.

3. 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. Brasher violate any of the terms of this Consent Agreement and Order, the Board shall deny his application for registration based on reciprocity.

Entered this 13th day of FEBRUARY, 2025.

KORK President
West Virginia Board of Architects

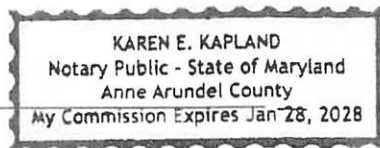
Reviewed and agreed to by:

D. Donald Brasher
R. Donald Brasher

12 FEB 25
Date

Sworn and subscribed before me this 12th day of February 2025.

My Commission expires: _____



Karen E. Kapland
Notary Public