

**Before the West Virginia Board of Architects**

**West Virginia Board of Architects,**

**Complainant,**

v.

**Case No. 05-14-2019**

**Daniel L. Hart,**

**Respondent.**

**Consent Agreement and Order**

Pursuant to W. Va. Code § 30-12 *et seq.*, the West Virginia Board of Architects (“Board”) commenced an investigation involving Respondent Daniel Lucas Hart, Certificate No. 1424, and possible practices or acts in violation of accepted standards as set forth in the Board’s Rules of Professional Conduct, W. Va. Code R. § 2-1-9 *et seq.*, and W. Va. Code R. § 2-1-2.29. Respondent was provided with written notice of the allegations against him pursuant to the rules of the Board and the laws of the State.

The parties have reached an agreement as to the disposition of this matter in controversy, with consideration to necessary safeguards for protection of the public, and do hereby agree as follows:

**Jurisdiction/Allegations before the Board**

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. Respondent is a licensed or registered architect in the State of West Virginia, Certificate No. 1424, and therefore is subject to the jurisdiction and authority of the Board and applicable licensing requirements.

3. In order to carry out its regulatory duties, the Board may suspend, revoke, or otherwise discipline 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.

4. During the relevant time period, Respondent engaged in the professional practice of architecture in West Virginia, either individually as Daniel Lucas Hart, AIA, Architect, or under the company name of DLH, PLLC.

5. It has been alleged that during the relevant time period, DLH, PLLC, at times, engaged in the professional practice of architecture without having a certificate of authority from the West Virginia Secretary of State's Office.

6. It has been alleged that during the relevant time period, DLH, PLLC engaged in the professional practice of architecture in West Virginia, without filing annual reports and paying annual business fees to the Secretary of State in violation of W. Va. Code § 59-1-2A *et seq.*

7. It has been alleged that during the relevant time period, DLH, PLLC, engaged in the professional practice of architecture in West Virginia, without having a business franchise registration certificate or without paying business franchise registration tax in violation of W. Va. Code §§ 11-9-11 and 11-9-12.

8. It has been alleged that during the relevant time period, Respondent or DLH, PLLC, failed to observe business or company formalities in the professional practice of architecture, including following employment formalities relating to his work relationship with Michael David Parriski.

9. It has been alleged that during the relevant time period, Respondent or DLH, PLLC, failed to adhere to West Virginia state tax and revenue laws.

10. It has been alleged that Respondent may not have been accurately representing the scope of his responsibility in connection with work for which he was claiming credit, including

accurately representing the scope of involvement by employed or consulting architects or engineers in violation of W. Va. Code R. § 2-1-9.3.2.

11. The Board alleges its review of this matter indicates Respondent may have engaged in conduct in violation of applicable standards, statutes or rules, including, but not limited to W. Va. Code § 30-12 *et seq.* and W. Va. Code R. § 2-1-9 *et seq.* (Rules of Professional Conduct).

12. The Board is mandated by W. Va. Code § 30-12-1 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.

13. The Board is empowered by W. Va. Code §30-12-8 to deny, suspend, revoke or otherwise discipline a registered architect for violation of W. Va. Code §§ 30-12-1 to 30-12-15, and the rules promulgated thereunder, which include the Rules of Professional Conduct set forth in W. Va. Code R. § 2-1-9 *et seq.*

14. 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.

15. A registered architect shall comply with the registration laws and rules governing his or her professional practice in this state and other jurisdictions in which he or she practices. W. Va. Code R. § 2-1-9.4.3.

16. Pursuant to W. Va. Code R. §2-1-10.1, the Board may take disciplinary action against a registered architect upon satisfactory proof that an architect, in his or her professional capacity, engaged in conduct, practices or acts constituting 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.”

17. Rather than moving forward with the administrative hearing process, the Board and Respondent are entering into the following Consent Agreement:

**Consent of Respondent**

Respondent Daniel L. Hart, by affixing his signature hereto, acknowledges the following:

1. Respondent acknowledges the Board has jurisdiction over him and the conduct which has precipitated this Consent Agreement and Order.

2. Respondent has been given the opportunity to consult with legal counsel of his choice regarding this matter.

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

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

5. Respondent acknowledges that he is aware he may pursue this matter through appropriate administrative and/or court proceedings, where he can call witnesses and present evidence, and he is aware of his legal rights regarding this matter, but intelligently, knowingly and voluntarily waive such rights.

6. The parties expressly acknowledge that this Consent Agreement and Order constitutes the entire agreement between them related to the allegations contained above and the no representations, promises, or inducements have been made by or to Respondent other than as appear in this Consent Agreement and Order.

7. Respondent acknowledges that he is aware this Consent Agreement and Order is a public record or 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 agencies, data banks, professional boards or organizations.

8. Without admitting that his conduct violated any statutes or Rules of Professional Conduct of the Board, Respondent consents to this Consent Agreement and Order; however, this is not an admission by Respondent to the Board's allegations, findings or conclusions and shall not be construed as such.

9. Respondent, 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** that:

1. Respondent agrees to abide by all federal, state and local law, and all laws and regulations governing the practice of architecture in West Virginia.

2. Beginning on the date of execution of this Consent Agreement and Order, Respondent's license shall be placed on probation for a period of nine (9) months.

3. As condition of practicing as a registered architect, Respondent shall provide written verification to the Board that he currently maintains applicable state and local business licenses and registrations.

4. During this probationary period, for each project, Respondent shall submit written verification to the Board that he has written agreements in place for the use of consulting architects and engineers, if applicable, disclosing the use of such consultants to clients, and that he is following applicable business licensure, registration, payroll, and tax laws and regulations.

5. Prior to completing his probationary period, Respondent shall, at his own expense, enroll in and successfully complete eight (8) hours of *AIA* and Board-approved continuing education as follows:

- How to Talk About Architecture with Your Clients and the Public (1.00 LU)
- How to Manage Your Client (1.5 LUs)
- Lean (Financial) Management for Architectural Firms (1.00 LU)
- Pro Series: Leveraging Successful Business Strategies (2.00 LUs)
- Finance of Architecture: Finance and Risk Management for Architects (1.5 LUs)
- Emerge by AIAU: Ethics in Architecture (1 LU)

If the aforementioned classes or course are not available, Respondent may submit alternatives for Board approval.

6. Respondent shall submit a written verification to the Board of his enrollment and shall submit proof of having successfully completed the continuing education hours. Respondent acknowledges these continuing education hours are in addition to hours that may be needed in the normal course of renewing his license or registration.

7. Respondent shall be subject to a mandatory audit of his continuing education hours needed prior to his next renewal of license in June 2020. Respondent shall contact the Board prior to submitting a renewal application to allow the Board to confirm he has the necessary continuing education hours for renewal.

8. Within 120 days from the entry of this Consent Agreement and Order, Respondent shall reimburse the Board for administrative expenses incurred by the Board in the investigation and disposition of this matter in the amount of \$1,500.

9. During the last month of the probationary period, Respondent shall appear before the Board to document and assure the Board he has met all requirements of the Consent Agreement and Order and provide medical certification that he is fit for independent practice.

10. After meeting with the Board, Respondent shall be fully reinstated in good standing, provided he has complied with all requirements of the Consent Agreement and Order and met all continuing education requirements needed in the normal course of renewing his license.

11. Respondent hereby releases the Board, its members, employees, agents and officers jointly and severally from any and all liability from the within matter.

12. Respondent shall at all times cooperate with the Board, and any of its agents or employees, in the monitoring or investigation of Respondent's compliance with all terms and conditions of this Consent Agreement and Order.

13. Respondent'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 in the event that Respondent violates any of the terms of this Consent Agreement and Order, the Board may initiate proceedings to take additional disciplinary actions against Respondent's registration or license.

14. Respondent reserves all defenses he may possess as against any further disciplinary action.

15. This Consent Agreement and Order shall be interpreted in accordance with the laws of the State of West Virginia, and venue of any lawsuit filed by any party arising in whole or in part out of this Consent Agreement and Order, shall be in the Circuit Court of Kanawha County, West Virginia, and further, in the event any part of this Consent Agreement and Order is invalidated by order of a court of competent jurisdiction or by legislative action, the remainder of this Consent Agreement and Order shall remain in binding effect.

Entered this 26<sup>TH</sup> day of JUNE, 2020.

[Signature], President  
West Virginia Board of Architects

Reviewed and Agreed to by:

[Signature]  
Daniel L. Hart, Respondent

6-24-20  
Date

Sworn and subscribed before me this 24<sup>th</sup> of June, 2020

My commission expires: June 25, 2020



[Signature]  
Notary Public