

State Board of Architects * **BEFORE THE**
*
v. * **STATE BOARD OF**
* **ARCHITECTS**
Barbara Mullenex *
* **Agency Case No.: 16-AR-04**
Respondent *

* * * * *

Consent Order

This matter comes before the State Board of Architects ("Board") as the result of an audit of continuing education professional competency hours conducted by the Board in connection with the 2015 renewal application of Barbara Mullenex ("Respondent"). As a result of the audit, it was determined that the Respondent did not complete the required hours of continuing education for renewal of the license. As a means of resolving this matter, the Board and the Respondent have agreed to enter into this Consent Order, and agree and stipulate to the following:

1. The Respondent is an architect (registration number 04-6341). At all times relevant to the matters set forth in this Consent Order, the Board has had jurisdiction over the subject matter and the Respondent.
2. On April 1, 2015, the Respondent submitted an application for the renewal of her architect's license (04-6341) for the renewal period of 2015-2017.
3. Pursuant to Section 3-309.1, Business Occupations and Professions Article ("BOP"), Maryland Annotated Code, the Board was required to adopt regulations to require the Respondent to demonstrate that she had completed at least

State Board of Architects	*	RECORD THE
W	*	STATE BOARD OF
Sanitary Engineer	*	ARCHITECTS
Respondent	*	Regulatory Code Section 10-211.01

Consent Order

This matter comes before the State Board of Architects ("Board") as the result of an audit of continuing education professional compliance records conducted by the Board in connection with the 2012 renewal application of Respondent ("Respondent"). As a result of the audit it was determined that the Respondent did not complete the required hours of continuing education for renewal of the license. As a means of resolving this matter, the Board and the Respondent have agreed to enter into this Consent Order, and agree and stipulate to the following:

- The Respondent, as an architect (registration number 03-0741) at all times relevant to the matter set forth in this Consent Order, the Board has had jurisdiction over the subject matter and the Respondent.

- The Respondent's license (03-0741) for the renewal period of 10/1/12 to 9/30/13.
- Pursuant to Section 10-211.01, Business Occupations and Professions Article ("BOP") and Administrative Code, the Board was required to notify Respondent to complete the required continuing education hours by the date the audit was completed in full.

24 hours of continuing education instruction during the 24 month period preceding the renewal date of April 1, 2015.

4. The Board did adopt regulations such regulations and based on Code of Maryland Regulations (“COMAR”) 09.21.05.01 *et seq.*, the Respondent was required to take 24 hours of continuing education, all of which were required to be in health, safety, and welfare subjects during the 24 month renewal period preceding the renewal date of April 1, 2015.

5. The Respondent has demonstrated that she completed 24 hours of continuing education, but that only 12.5 of those hours were in the required health, safety, and welfare subjects. However, on the application for renewal, she certified that the continuing education requirements for renewal of the license had been fulfilled. The Respondent’s failure to obtain the required number of “learning unit[s] (LU)” as required in COMAR 09.21.05.02 is in violation of BOP § 3-309.1, 3-311 and COMAR 09.21.05.01 *et seq.* COMAR 09.21.05.02 defines LU as “...one continuous instructional hour spent attending and completing the professional development activity in health, safety, and welfare subjects.”

6. Pursuant to BOP §3-311, subject to the hearing provisions of §3-313, the Board may reprimand a license, or suspend or revoke a license if “(iv) the ... licensee violates any regulation adopted by the Board” or “(v) the ... licensee violates any provision of this title.” Pursuant to BOP §3-311(a)(2)(i) “[i]nstead of or in addition to reprimanding the licensee or suspending or revoking a license under this subsection, the Board may impose a penalty not exceeding \$5,000 for each violation.”

7. The Respondent agrees that she will complete 3.5 hours of additional health, safety, and welfare ("HSW") continuing education hours as required by the Board. While the total number of LU hours for the renewal of the Respondent's license is now 24 LU in HSW subjects, when the Respondent's renewal period began, the requirement was only for 16 hours to be in HSW subjects. Therefore, while the Board advises the Respondent that she will be responsible for all of her continuing education to be in HSW subjects moving forward, the Board is only requiring her to take 3.5 additional HSW hours at this time. These hours may not be used for any other renewal period, and are above and beyond the requirements for any present or future renewals.

8. The hours must be completed within thirty (30) days of the date of this Consent Order, and upon completion of the required hours, the Respondent agrees to provide the Board with the original completion certificates or transcript from the Continuing Education System of the AIA verifying completion in accordance with Section 3-309(c)(4).

9. The Respondent further agrees to pay a fine in the amount of One Hundred and Seventy-Five Dollars (\$175) in connection with the violation of Section 3-309 Business Occupations and Professions Article, Maryland Annotated Code and COMAR 09.21.05.01 *et seq.* The fine is to be paid within thirty (30) days of the date of this Consent Order.

10. The Respondent, by entering into the Consent Order, expressly waives the right to have the charges reduced to writing, to an administrative hearing on the charges, the making of Findings of Fact and Conclusions of Law, any and all further proceedings

before the Board to which the Respondent may be entitled in this matter, and any rights to appeal from this Order.

11. The Respondent agrees that if the Respondent fails to comply with the terms of this Consent Order, the Respondent's license will immediately be suspended by the Board, without a hearing on the suspension, and that the suspension will continue until the Respondent evidences compliance. The Respondent recognizes that should the license be suspended, the Board is required to notify the National Council of Architectural Registration Boards of the suspension of license.

12. The Respondent and the Board understand that this Consent Order will serve as the Final Order in this matter and be a part of the Respondent's licensing record that is maintained by the Board. The Board's records and publications will reflect the terms of the Consent Order.

13. The Respondent enters this Consent Order freely, knowingly and voluntarily.

WHEREFORE, based on these stipulations and agreements, it is hereby this

16th day of May, 2016, **ORDERED** by the State Board of

Architects:

- I. That the Respondent has been found to have violated Section 3-311, Business Occupations and Professions Article, Maryland Annotated Code and COMAR 09.21.05.01 *et seq*;
- II. That the Respondent shall complete 3.5 hours of continuing education in the HSW areas required by the Board and that the hours must be completed within thirty (30) days of the date of this Consent Order;

- III. That upon completion of the hours, but no later than thirty (30) days from the date of this Consent Order, the Respondent shall provide the Board with the original certificates of completion or transcript from the Continuing Education System of the AIA verifying the completion of the continuing education courses;
- IV. That the Respondent shall pay a fine of One Hundred and Seventy-Five Dollars (\$175) in connection with the violation, within thirty (30) days of the date of this Consent Order;
- V. That in the event the terms and conditions of this Consent Order are not met by the Respondent, the Board shall immediately suspend the Respondent's architect's license, without a hearing on the suspension, and that the suspension will continue until such time as the Respondent evidences compliance with the terms of this Consent Order, and that the National Council of Architectural Registration Boards be notified of the suspension of license; and,
- VI. That the records of the Board shall reflect that this matter was resolved with this
/ Consent Order.

Signatures on File