

BEFORE THE MARYLAND STATE BOARD OF ARCHITECTS

STATE BOARD OF ARCHITECTS

*

v.

*

Agency Case No.: 06-AR-22

SHEILA A. GREGG

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Respondent

* * * * *

SETTLEMENT AGREEMENT AND CONSENT ORDER

This matter comes before the Maryland State Board of Architects (“Board”) as the result of the Board opening Complaint 06-AR-22 against Sheila A. Gregg (“Respondent”) based upon the Respondent’s failure to demonstrate having satisfied the continuing professional competency (“CPC”) requirements that are a condition of license renewal. The Board has determined through a random audit and subsequent investigation that administrative charges against the Respondent are appropriate and that the matter should proceed to a hearing. However, to resolve this matter without a formal hearing, the Board and the Respondent (collectively “Parties”) have agreed to enter into this Settlement Agreement and Consent Order (“Consent Order”), and agree and stipulate as follows:

1. At all times relevant to the Complaint, the Board has had, and continues to have, jurisdiction over the Respondent, who holds a license issued by the Board to practice architecture (“license”) under number 04-13687, and the subject matter of this Complaint.
2. The Maryland Architects Act (“Act”), codified at Md. Code Ann., Business Occupations and Professions Article (“BOP”) §§ 3-101 to 3-702, provides at BOP § 3-309.1 that the Board shall adopt regulations to require a licensee to demonstrate continuing professional competency by completing at least 24 hours of professional development activities as a condition of license renewal.
3. The Board adopted and promulgated such regulations at Code of Maryland Regulations (“COMAR”) 09.21.05, and both at the time that the Respondent applied for a license renewal and as it does now,¹ COMAR 09.21.05.03 set forth specific requirements.
4. COMAR 09.21.05.02(B)(4) and COMAR 09.21.05.04(A) further provide, and provided at the time of renewal, that the required Learning Units (“LU”)² must all be in health, safety, and welfare (“HSW”) subjects as defined by COMAR 09.21.05.02(B)(3).

¹ COMAR 09.21.05.03 was amended effective March 7, 2022. Those amendments, however, did not change the general requirement that applicants complete 24 LUs as a condition of license renewal.

² COMAR 09.21.05.02(B)(4) provides, and provided at the time of renewal, that “Learning unit (LU)” means one continuous instructional hour spent attending and completing the professional development activity in health, safety, and welfare subjects. One LU means a minimum of 50 minutes of face-to-face or distance learning instruction per 60-minute hour and is equivalent to a comparable single educational unit that may be utilized by AIA or NCARB.

5. On or about December 10, 2021, the Respondent submitted a license renewal application and certified having satisfied the CPC requirements that are a condition of a license renewal.
6. Based upon that certification, the Board renewed the Respondent's license. At the same time, the Board selected the Responded for a random audit to confirm compliance with the license renewal CPC requirements, which required that the Respondent provide documentation by January 9, 2022.
7. Having not received a response to the audit, on or about March 2, 2022, the Board sent a reminder letter to the Respondent by both Certified Mail and First-Class Mail giving the Respondent an additional 30 days to provide documentation.
8. The Respondent has failed to provide the Board any documentation, so has failed the audit.
9. The Respondent agrees and acknowledges having failed to demonstrate completion of the required 24 LUs needed to meet the CPC requirements for renewal.
10. Pursuant to BOP § 3-311(a)(1), subject to the hearing provisions of § 3-313, the Board may reprimand a licensee, or suspend or revoke a license if "(iv) the . . . licensee violates any regulation adopted by the Board." 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."
11. To resolve this matter, the Respondent hereby admits to a finding, and consents to the Board entering a reflective Order, that the Respondent violated BOP § 3-311(a)(1)(iv) and COMAR 09.21.05.03 by failing to complete the required 24 LUs that were a condition of the Respondent's December of 2021 license renewal, and that:
 - a. Within 90 days of signing this Consent Order, the Respondent shall complete 24 LU hours in HSW subjects, that are allowable under BOP §3-309.1 and any related regulations, and that will not be creditable to any future licensure;
 - b. Within 90 days of this signing this Consent Order, the Respondent shall provide the Board with the original completion certificates or transcripts verifying completion of the above LU hours; and
 - c. Within 90 days of signing this Consent Order, the Respondent shall pay to the Board a civil monetary penalty in the amount of TWO THOUSAND FOUR HUNDRED DOLLARS (\$2,400) by certified check, cashier's check, money order, or escrow check from her attorney Janice Rockwell, Esq., made payable to the "Maryland Board of Architects."
12. The Respondent agrees and acknowledges that if the Respondent fails to fully comply with this Consent Order's terms, the Respondent's license shall be immediately and automatically suspended, without a hearing, and shall remain suspended until such time as

the Respondent fully complies with the Consent Order's terms and provides proof satisfactory to the Board of that compliance.

13. The Respondent recognizes that the Board may need to notify the National Council of Architectural Registration Board of this disciplinary action.
14. The Parties agree that a waiver of any of the rights or duties provided herein must be in writing, and that any such waiver shall constitute a one-time waiver on a case-by-case basis and shall not constitute a waiver of this entire Consent Order or the subject provision(s) unless expressly so stated in writing.
15. The Parties intend that this Consent Order represents the final expression of the Parties' intent and agreement between the Parties relating to the subject matter of this Consent Order. The Parties further intend that this Consent Order contains all the terms the Parties agreed to on the subject matter of this Consent Order, and intend for this Consent Order to replace all the Parties' previous discussions, understandings, and agreements relating to the subject matter.
16. By entering this Consent Order the Respondent, in relation to this matter, expressly waives the right to have charges reduced to writing, to an administrative hearing before the Board or its designee on any charges, to the making of Findings of Fact and Conclusions of Law, to all other proceedings before the Board or its designee on this matter, and to any rights to appeal from this Consent Order to any court of competent jurisdiction.
17. The Respondent agrees that this Consent Order shall constitute a Final Order of the Board and shall be enforceable as such.
18. The Respondent agrees that she is knowingly, freely, voluntarily, and intelligently entering this Consent Order after having had the opportunity to consult with, or after having consulted with, a licensed Maryland attorney at her expense and of her choosing.
19. The Respondent agrees and acknowledges that this Consent Order will serve as the Final Order in Complaint case 06-AR-22, will be a part of the Respondent's licensing record maintained by the Board, and the Board's records and publications will reflect this Consent Order's terms.

BASED ON THESE STIPULATIONS AND AGREEMENTS, IT IS THIS 7th DAY OF February _____, 2023, BY THE STATE BOARD OF ARCHITECTS HEREBY:

- I. **ORDERED**, that the Respondent violated BOP § 3-311(a)(1)(iv) and COMAR 09.21.05.03 by failing to complete the required 24 LUs as a condition of license renewal; and it is further
- II. **ORDERED**, that within 90 days of signing this Consent Order, the Respondent shall complete 24 LU hours in HSW subjects, that are allowable under BOP §3-309.1 and any related regulations, and that will not be creditable to any future licensure; and it is further

- III. **ORDERED**, that within 90 days of this Consent Order, the Respondent shall provide the Board with the original completion certificates or transcripts verifying completion of the above LU hours; and it is further
- IV. **ORDERED**, that within 90 days of this Consent Order, the Respondent shall pay to the Board a civil monetary penalty in the amount of TWO THOUSAND FOUR HUNDRED DOLLARS (\$2,400) by certified check, cashier's check, money order, or escrow check from her attorney Janice Rockwell, Esq., made payable to the Maryland Board of Architects; and it is further
- V. **ORDERED**, that if the Respondent fails to fully comply with this Consent Order's terms, the Respondent's license shall be immediately and automatically suspended, without a hearing, and shall remain suspended until such time as the Respondent fully complies with the Consent Order's terms and provides proof satisfactory to the Board of that compliance; and it is further
- VI. **ORDERED**, that unless otherwise specified in this Consent Order, each provision herein shall remain in effect and enforceable as herein agreed unless the Board in writing stays, modifies, terminates, or suspends it; and it is further
- VII. **ORDERED**, that this document shall constitute a Final Order of the Board, and the Board may consider this Settlement Agreement and Consent Order and the facts set forth herein in connection with, and in deciding, any subsequent action or proceeding before the Board, and that this Settlement Agreement and Consent Order may, if relevant, be admitted into evidence in any matter before the Board, its designee, and/or any court; and it is further
- VIII. **ORDERED**, that the Board's records and publications shall reflect that the Respondent and the Board resolved this matter through this Settlement Agreement and Consent Order.

MARYLAND BOARD OF ARCHITECTS

Signatures on File