

**CERTIFIED TRUE COPY**

STATE OF NEW JERSEY  
DEPARTMENT OF LAW & PUBLIC SAFETY  
DIVISION OF CONSUMER AFFAIRS  
STATE BOARD OF ARCHITECTS

IN THE MATTER OF THE LICENSE OF	:	Administrative Action
	:	
ANDRE SZALAY, R.A.	:	FINAL ORDER
	:	OF DISCIPLINE
TO PRACTICE ARCHITECTURE	:	
IN THE STATE OF NEW JERSEY	:	
	:	

This matter was opened to the New Jersey State Board of Architects upon receipt of information which the Board has reviewed and on which the following findings of fact and conclusions of law are made;

FINDINGS OF FACT

1. Respondent, Andre Szalay, R.A., is an architect licensed in the State of New Jersey.

2. On or about April 13, 2010, the Board forwarded a letter by certified and regular mail to the Respondent requesting additional information concerning a complaint. A follow-up letter was sent to the Respondent on May 13, 2010 by certified and regular mail.

### CONCLUSIONS OF LAW

1. The Respondent's failure to respond to the Board's letters in furtherance of an investigation provides grounds to take disciplinary action against his license to practice architecture in the State of New Jersey pursuant to N.J.S.A. 45:1-21(e) and N.J.A.C. 13:45C-1.3(a)(1) and (2) in that Respondent has a duty to cooperate and failed to do so and, further, that Respondent's failure to cooperate constitutes professional misconduct.

### DISCUSSION ON FINALIZATION

Based on the foregoing findings and conclusions, a Provisional Order of Discipline ("POD") was entered by this Board on June 18, 2010 and served upon Respondent. The Respondent responded on July 16, 2010 by submitting a document entitled "Architectural Response to the NJ Board." A handwritten notation on Respondent's "Architectural Response to the NJ Board" indicated that this information was previously submitted on January 11, 2010.

The Board reviewed its records and noted that a complaint dated October 25, 2009 was filed against Respondent and received by the Board Office on or about October 27, 2009. Thereafter, by letter dated October 27, 2009, the Board requested that Respondent provide a response to the complaint, as well as a copy of his entire file, including construction documents. The letter was sent to Respondent's address of record by certified and regular mail, but he did not respond.

Thereafter, the same letter was sent on November 19, 2009 to Respondent at the address listed in the complaint by certified and regular mail; again, he did not respond. A follow-up letter was sent on December 16, 2009. Finally, on or about January 17, 2010, the Respondent submitted an "Architectural Response to the NJ Board."

Upon review of the complaint and response, it was unclear to the Board whether the plans submitted by Respondent were the final plans used to obtain the permit. Accordingly, by letter dated April 13, 2010, the Board requested that Respondent submit a copy of the signed and sealed final set of plans/drawings which were used to obtain the permit. Respondent failed to respond. As a result, a follow-up letter dated May 13, 2010 was sent to Respondent. Respondent again did not respond. Accordingly, upon review of the entire matter, the Board issued the POD.

The Board finds that Respondent was properly served with the letters dated April 13, 2010 and May 13, 2010, but that he failed to respond. The Board further finds that Respondent was properly served with the POD and that he did respond by providing information previously submitted. Taking into consideration that Respondent has responded to the POD, the Board does not find that a suspension is warranted. However, the Board finds that Respondent should have responded to its April 13, 2010 and May 13, 2010 letters, even if to simply advise that the plans previously

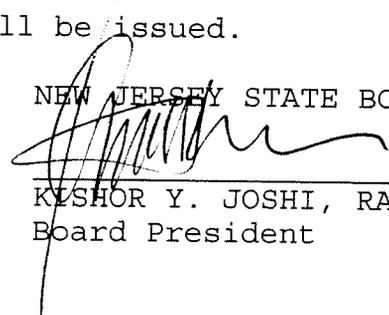
submitted were the final plans used to obtain the permit. He did not do so which necessitated that the Board expend additional time and resources to obtain the requested information. Accordingly, the Board finds that Respondent had a duty to cooperate and failed to do so. Therefore, while the Board determined that a suspension is not warranted, it voted to finalize the POD with the contingent provisions as set forth therein.

ACCORDINGLY, IT IS on this 9<sup>th</sup> day of September, 2010,  
ORDERED that:

1. Respondent shall be, and hereby is, reprimanded for the actions indicated above; and

2. Respondent shall pay a civil penalty in the amount of \$500.00 (Five Hundred Dollars and 00/100) within thirty (30) days of the entry of a Final Order of Discipline. If Respondent fails to pay the civil penalty within the stated time period, then a Certificate of Debt shall be issued.

NEW JERSEY STATE BOARD OF ARCHITECTS

By: 

KESHOR Y. JOSHI, RA  
Board President