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July 9, 2015
BOARD OF ARCHITECTS
[Signature]
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For the Board

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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
ALBERT BIRCH, JR., RA	:	
License No. AI13166	:	CONSENT ORDER
	:	OF SUSPENSION
TO PRACTICE ARCHITECTURE	:	OF LICENSURE
IN THE STATE OF NEW JERSEY	:	
	:	

THIS MATTER was opened to the New Jersey State Board of Architects ("Board") upon receipt of information concerning the professional conduct of Albert Birch, Jr., RA ("Respondent") in connection with an architectural project in East Orange and an architectural project in West Orange, New Jersey, as well as Respondent's continued relationship with Christian Designs Limited,

an unlicensed corporation, and Claud Jones, an unlicensed person, (collectively "CDL").

By Consent Order entered by the Board on or about September 6, 2001 ("September 6, 2001 Consent Order"), Respondent agreed to cease and desist from practicing architecture through CDL, an unlicensed entity, unless and until CDL obtained a Certificate of Authorization to practice architecture in New Jersey. Respondent further agreed to cease and desist from aiding and abetting the unlicensed practice of architecture by CDL and/or Claud Jones. To date, CDL has never sought and/or obtained a Certificate of Authorization from the Board.

Despite the provisions set forth in the September 6, 2001 Consent Order, evidence and testimony reveal that in or about 2011 Respondent signed and sealed architectural plans in the title block of CDL for the architectural project in East Orange. Thereafter, in or about 2014, Respondent signed and sealed architectural plans in the title block of CDL for the architectural project in West Orange. Additionally, as to the West Orange project, Respondent permitted Claud Jones of CDL, on behalf of Respondent, to appear at a zoning board meeting at which time he provided testimony regarding that architectural project.

Further, as to the project in East Orange, Respondent admittedly removed a title block on a set of architectural plans prepared by Alan Gaynor, RA. Thereafter, Respondent placed the CDL

title block on those plans and signed and sealed them. He then provided those plans to the City of East Orange, thus misrepresenting that he had prepared them.

Accordingly, based on the foregoing, the Board has determined that Respondent is in violation of:

1. N.J.S.A. 45:1-21(e) in that Respondent engaged in acts of professional misconduct by violating the September 6, 2001 Consent Order in that he: (a) practiced through CDL by signing and sealing architectural plans in the CDL title block, which entity does not have a Certificate of Authorization in violation of N.J.S.A. 45:3-18; and, (b) has engaged in acts of aiding and abetting the unlicensed practice of architecture by permitting Claud Jones of CDL to testify on his behalf in connection with an architectural project in violation of N.J.S.A. 45:1-21(n).

2. N.J.S.A. 45:1-21(h) and N.J.A.C. 13:27-6.1(e) in that Respondent admittedly removed a title block from architectural plans not prepared by him.

3. N.J.S.A. 45:1-21(b) in that by placing the CDL title block on the architectural plans, signing and sealing them and providing them to the City of East Orange, Respondent misrepresented that he prepared them.

IT NOW APPEARING that the parties wish to resolve this matter without recourse to formal proceedings; and that the Respondent hereby waives any right to a hearing in this matter; and the Board

finding the within Order adequately protects the public's health, safety and welfare; and for good cause shown;

IT IS ON THIS 9th day of July, 2015, ORDERED AND AGREED as follows:

1. Respondent's license to practice architecture in the State of New Jersey shall be, and hereby is, **SUSPENDED** for a period of five (5) years, to be stayed in its entirety and served as a period of probation effective the date of the filing of this Consent Order.

2. Respondent shall immediately **CEASE AND DESIST** from practicing through a corporate entity without a Certificate of Authorization and **CEASE AND DESIST** from aiding and abetting the unlicensed practice of architecture.

3. Respondent shall pay a total civil penalty of Ten Thousand Dollars (\$10,000.00) as follows:

- A. \$5,000.00 for violation of N.J.S.A. 45:1-21(e);
- B. \$2,500.00 for violation of N.J.S.A. 45:1-21(h) and N.J.A.C. 13:27-6.1(e); and
- C. \$2,500.00 for violation of N.J.S.A. 45:1-21(b).

Payments shall be made in three (3) installments as set forth hereafter by certified check, bank check or money order payable to the "State of New Jersey" and forwarded to the State Board of Architects, 124 Halsey Street, 3rd Floor, Newark, New Jersey 07102. The first installment of \$3,500.00 is due upon the signing of this

Consent Order. The second installment of \$3,250.00 is due on or before September 1, 2015 and the third installment of \$3,250.00 is due on or before December 1, 2015. In the event that Respondent fails to make any required installment, then the full amount shall become immediately due and owing and a Certificate of Debt shall be issued.

4. Upon signing this Consent Order, Respondent shall pay investigative costs of Four Hundred Ninety Eight and 00/100 (\$498.00). Payment shall be made by certified check, bank check or money order payable to the "State of New Jersey" and forwarded contemporaneously with this Consent Order to the State Board of Architects, 124 Halsey Street, 3rd Floor, Newark, New Jersey 07102.

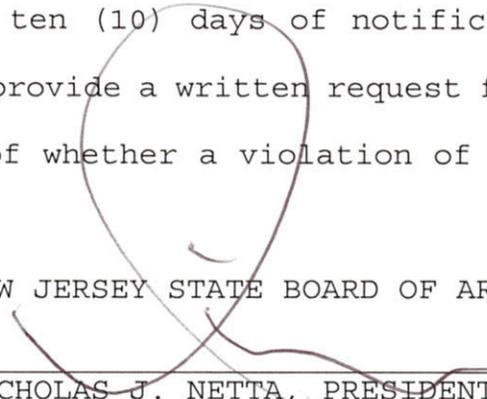
5. No later than six (6) months after the date of filing of this Consent Order, Respondent shall provide proof of successful completion, to the Board's satisfaction, of a minimum of six (6) hours of continuing education in the area of ethics, which must be pre-approved by the Board. Said continuing education shall not count towards the fulfillment of the requirements for any biennial renewal period.

6. Upon signing this Consent Order, Respondent shall submit his title block to the Board for review and approval. Respondent agrees that he shall only utilize the title block approved by the Board. Any changes to Respondent's title block must be pre-approved by the Board prior to use of that title block.

7. During the period of probation, and commencing thirty (30) days after the date of filing of this Consent order, Respondent shall provide detailed quarterly reports summarizing all of his architectural projects, both pending and completed during each quarter, which must be approved and accepted by the Board. Further, Respondent agrees that if the Board, upon receipt of reliable information and in its sole discretion, determines during the probationary period that the Respondent has failed to comply with any provision of this Consent Order, or is in violation of any of this Board's statutes and/or regulations, then the period of stayed suspension provided above shall be activated and Respondent's New Jersey license to practice architecture shall be automatically and immediately suspended without a hearing, in addition to any other limitations or restrictions as the Board deems appropriate. Within ten (10) days of notification of the suspension, Respondent may provide a written request for a hearing limited to the sole issue of whether a violation of this Consent Order has occurred.

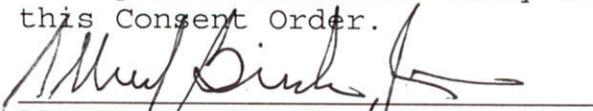
NEW JERSEY STATE BOARD OF ARCHITECTS

BY:



NICHOLAS J. NETTA, PRESIDENT

I have read and I understand
this Consent Order and agree to be
bound by its terms. I further
hereby consent to the entry of
this Consent Order.


ALBERT BIRCH, JR. RA
June 10TH 2015