CHRIS CHRISTIE
Governor

KIM GUADAGNO
Lt. Governor

New Jersey Office of the Attorney General

Division of Consumer Affairs
New Jersey State Board of Architects
124 Halsey Street, 3rd Floor, Newark, NJ 07102

JOHN J. HOFFMAN
Acting Attorney General

STEVE C. LEE
Acting Director

CERTIFIED TRUE COPY

September 14, 2015

FILED
October 13, 2015
BOARD OF ARCHITECTS
CHARLES F. KIRK
For the Board

Mailing Address:
P.O. Box 45001
Newark, NJ 07101
(973) 504-6385

By Certified RRR & Regular Mail

Darin Smith, Owner
Heritage Construction Enterprises Corp.
256 W. 9th Street - Suite D
Ship Bottom, NJ 08008

Re: Complaint #105384
I/M/O: Darin Smith, Owner
Heritage Construction Enterprises Corp.
Advertisement & Unlicensed Practice
Uniform Penalty Letter - AMENDED
NOTICE OF CHARGES for Unlicensed Practice

Dear Mr. Smith:

This letter is to advise you that the New Jersey State Board of Architects (the "Board") has had an opportunity to review charges that although you are not a New Jersey licensed architect, you have used the term "architect" or its substantial equivalent in violation of N.J.S.A. 45:3-10 and N.J.A.C. 13:27-3.3 as evidenced by the attached advertisement. Please note that this Uniform Penalty Letter and Acknowledgment are public documents.

To avoid further proceedings, the Board has determined that it will first offer you an opportunity to amicably resolve this matter. Should you wish to do so, then you should "check" the first option on the attached Acknowledgment and sign and return it to the above address within thirty (30) days of the date of this letter. If you choose this option, then you agree to the charge(s): (1) immediately cease and desist from use of the word "architect" or its substantial equivalent; and (2) the immediate payment of a civil penalty in the amount of Five Hundred Dollars ($500.00) by a bank cashier check or money order payable to the "State of New Jersey" which shall accompany the fully executed Acknowledgment.

Alternatively, if you do not wish to resolve this matter without further proceedings, then you should check one of the remaining options on the Acknowledgment and sign and return it for consideration by the Board within thirty (30) days of the date of this letter. Once the Board has considered your selection, you will be notified of the outcome. Please note that if you request a hearing, then this letter will serve as notice of the charges against you.

As previously stated, the Acknowledgment should be completed and returned to the Board within thirty (30) days of date of this letter. **If you do not complete and return the Acknowledgment within thirty (30) days, then the charges set forth above shall be deemed uncontested and a default shall be entered against you on the 31st day.** You shall be notified of the entry of a default by the Board which shall include that you must cease and desist from use of the term "architect" or its substantial equivalent, and pay the civil penalty of $500.00 within ten (10) days or a Certificate of Debt shall be issued.

Should you have any questions concerning this letter or the options offered in the Acknowledgment, then you should seek the advice of your legal counsel.

STATE BOARD OF ARCHITECTS

By: _____
CHARLES KIRK,
Acting Executive Director

cc: B. Michelle Albertson,
Deputy Attorney General

Complaint
105384
Heritage Construct.

ARCHITECTS

2015 OCT -2 P 1:02

ACKNOWLEDGMENT

I, Darin Smith, hereby acknowledge that I have read the above charge(s) against me and my firm. I am also aware that the Board's letter and Acknowledgment, as well as any action taken against me by the Board, is a matter of public record.

PLEASE CHECK ONE:

X I acknowledge the conduct which has been charged and agree to immediately cease and desist from the use of the word "architect" or its substantial equivalent. I further agree to immediately pay a civil penalty of $500.00 by a bank cashier check or money order payable to the "State of New Jersey", which said payment is attached to this fully executed acknowledgment.

____ I hereby waive any rights I may have to a hearing in this matter and defend myself against any charge(s), but ask the Board to consider my enclosed written explanation before rendering its final decision. I understand that the Board may order any of the terms specified in its letter and that if it does so I will be obligated to comply. Failure to comply may subject me to further action and any failure to make a required payment will result in the filing of a Certificate of Debt.

____ I request a formal administrative hearing to be held before the Board at a future date to contest the charge(s) of unlicensed practice. In support of my hearing request, I have enclosed a fully responsive answer to the charge(s) of unlicensed practice, including any reasons why the charge(s), facts giving rise to those charge(s), or proposed actions and/or penalties, as set forth above in the Board's letter should be modified and/or dismissed. I understand that my answer shall be reviewed by the Board, and that the Board will determine whether there are material facts in dispute which require a hearing. If a hearing is not required, then a final order of the Board shall be issued, which may be appealed to the New Jersey Appellate Division. If a hearing is required, then a date and time for a formal hearing shall be set. I am aware that I may be represented by an attorney and that at the time of the hearing I may submit testimony and evidence relevant to the charge(s). I understand that in making its final decision, the Board may, if the charge(s) are proven, assess civil penalties and/or costs in an amount greater than that herein offered in its letter and may order such other remedies as it may deem appropriate.

Darin Smith

Dated: 9/30/15

I/M/O complaint

105384