



New Jersey Office of the Attorney General



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Governor

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

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Lt. Governor

STEVE C. LEE
Director

October 20, 2016

By Certified RRR and Regular Mail

David J. Markowski, RA - AI 17935
157 Wesley Avenue
Cherry Hill, NJ 08002



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

RE: Complaint # 112835
I/M/O: David J. Markowski, RA - AI 17935
M3 Architectural, LLC
**Offer of Settlement In Lieu of Filing a Formal
Disciplinary Complaint**

Dear Mr. Markowski:

This letter is to advise you that the New Jersey State Board of Architects (hereinafter "Board") has had an opportunity to review information concerning your professional conduct in connection with your relationship with Andrew J. Wood and his company, Designs by Wood, LLC, (hereinafter "Wood") as well as a complaint filed against Wood alleging that he engaged in the unlicensed practice of architecture.

More specifically, evidence and testimony reveal that on or about June 13, 2015 Wood sent a proposal to provide architectural services to Anthony and Stephanie Tonuci for renovations to their residence in Medford, New Jersey. Upon Wood's receipt of an initial payment by check dated June 30, 2015 in the amount of \$500.00, he commenced the "Scope #1 - Construction Documents" phase of the project as set forth in that proposal. Thereafter, Wood prepared the construction plans for your signature and seal.

Evidence and testimony further reveal that you previously hired Wood as a draftsman on your architectural projects. However, this architectural project was handled differently in that Wood offered and provided architectural services, although he is not a New Jersey licensed architect and, further, his company does not have a Certificate of Authorization.

Finally, the Board's records reveal that you obtained a Certificate of Authorization for your company, M3 Architectural, LLC, on January 21, 2010. However, you permitted that Certificate of Authorization to lapse on January 1, 2012, although you have continued to offer and provide architectural services through that company.

Upon review of all available information, the Board has preliminarily found that probable cause exists to support a finding that you are in violation of:

1. N.J.S.A. 1-21(n) in that you engaged in the act of aiding and abetting the unlicensed practice of architecture by Wood and his company as set forth herein above.
2. N.J.S.A. 45:3-18 in that you failed to maintain a Certificate of Authorization for your company.

As a result of the foregoing, the Board has preliminarily determined that the above violations are sufficient to warrant the initiation of formal proceedings against you. Notwithstanding that decision, the Board has determined that it will first offer you an opportunity to settle this matter in an attempt to avoid the initiation of more formal proceedings if you consent to the following terms:

1. Agree to a formal reprimand upon your signing of the acknowledgment at the bottom of this letter in connection with the above violations.
2. Agree to immediately **CEASE AND DESIST** from practicing through a corporate entity or LLC, including M3 Architectural LLC, without a Certificate of Authorization and **CEASE AND DESIST** from aiding and abetting the unlicensed practice of architecture.
3. Payment of a civil penalty totaling **\$6,000.00**; \$5,000.00 for violation of N.J.S.A. 45:1-21(n) and \$1,000.00 for violation of N.J.S.A. 45:3-18, to be paid **immediately** upon your signing of the acknowledgment at the bottom of this letter.
4. Provide proof of successful completion, to the Board's satisfaction, of a minimum of nine (9) hours of continuing education in the area of ethics, **which must be pre-approved by the Board**, within ninety (90) days of your signing of the acknowledgment at the bottom of this letter. **Said continuing education shall not count towards the fulfillment of the requirements for any biennial renewal period.**

In making a determination, you should know that pursuant to N.J.S.A. 45:1-25 any person who engages in conduct which is in violation of any provision of the statutes and regulations administered by the Board shall, in addition to any other sanctions provided by statute, be liable for a civil penalty of not more than \$10,000.00 for the first violation and not more than \$20,000.00 for the second and each subsequent violation. However, in an effort to resolve this matter amicably, the Board offers to settle on the terms stated above. If you are willing to resolve this matter on the offered settlement terms, you may do so by signing the acknowledgment

at the bottom of this letter and returning it to the Board office within 15 days. In such event, this letter shall be a matter of public record.

In the event you are unwilling to settle this matter on the offered terms, it will be referred to the Attorney General's office for the initiation of a disciplinary proceeding. In such event, you will be afforded an opportunity to defend against the alleged violations. If an evidentiary hearing is deemed warranted, the Board will either conduct that hearing at a date and time to be scheduled or refer the matter to the Office of Administrative Law. You are advised, however, that in the event formal charges are filed, the Board may assess civil penalties in an amount greater than that herein offered in settlement should any charges against you be sustained. Additionally, the Board may, if the facts herein or any additional facts are found to so warrant, enter an order requiring you to reimburse certain monies and/or requiring you to pay costs incurred by the Board.

If you elect to settle this matter, you should sign the acknowledgment at the bottom of this letter and return it to the Board within fifteen (15) days following your receipt of this letter. In the event that the Board receives no response from you within fifteen (15) days, the Board's settlement offer shall be considered withdrawn and the matter will be referred to the Attorney General's Office for the initiation of a formal disciplinary proceeding.

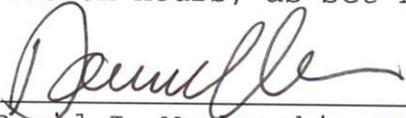
NEW JERSEY STATE BOARD OF ARCHITECTS

By: _____

CHARLES F. KIRK
Acting Executive Director

cc: B. Michelle Albertson,
Deputy Attorney General

ACKNOWLEDGMENT: I, David J. Markowski, RA, hereby acknowledge that I have read and reviewed the settlement proposal set forth in the above letter. I acknowledge the conduct which has been charged. I am aware that, by signing this acknowledgment, I am waiving any rights I may have to defend myself against any charges of wrongdoing at an administrative hearing. I am also aware that the action taken against me by the Board herein is a matter of public record and that this letter is a public document. I hereby agree to a formal reprimand, the immediate payment of a civil penalty totaling \$6,000.00 (attached) and completion of the continuing education hours, as set forth herein above.



David J. Markowski, RA

Dated:

10/31/16