

Before the  
N.H. Board of Architects  
Concord, N.H. 03301

In the Matter of :

Albert Masone, #2084  
(Disciplinary Matter)

Docket No. 14-02

**FINAL DECISION AND ORDER**

Before the New Hampshire Joint Board of Licensure & Certification, Board of Architects ("Board") is an adjudicatory/disciplinary proceeding in the Matter of Albert Masone, Licensed Architect #2084 ("Respondent" or "Mr. Masone") in Docket Number 14-02.

**BACKGROUND INFORMATION**

This proceeding was commenced by an Order to Show Cause issued October 4, 2013 by the Board of Architects ("the Board"), to determine whether the Respondent engaged in unprofessional or dishonorable conduct violative of RSA 310-A:46-a and RSA 310-A:47 by: 1) failing to comply with the continuing education requirements of Arch 403 and RSA 310-A:46-a for his October 2012 license renewal; 2) failing to submit proof of compliance for the Board's 2013 continuing education audit required per administrative rule Arch 403.01 (c) and RSA 310-A:46-a; 3) misrepresenting that he complied with the continuing education requirements of 12 continuing education hours per year required pursuant to Arch 403.01 (a) and (c) on his 2012 license renewal in violation of RSA 310-A:46-a and administrative rule 501.02 (b) and 501.03 (ah) and 4) failing to cooperate with requests for information by the Board in violation of administrative rule Arch 501.02 (b) and Arch 501.03 (ah).

An Order to Show Cause was sent to Mr. Masone via US Mail return receipt requested dated October 4, 2013 signed for by Mr. Masone on October 9, 2013. A Show Cause hearing was held on Monday, December 2, 2013 at the Board office at 9:30 a.m. Mr. Masone failed to

appear at the hearing nor did Mr. Masone notify the Board in writing that he would not attend the hearing. Due to Mr. Masone's failure to attend the hearing; the hearing was held in absentia. Testimony was received at the hearing from Louise Lavertu, Executive Director of the Joint Board. Ms. Lavertu is the Joint Board staff member that is responsible for overseeing the audit of continuing education compliance on behalf of the Board.

Board members present were<sup>1</sup>

David Udelsman, Chairperson, Presiding Officer  
Wayne Richardson, Public Member, Vice-Chairperson  
William Schoonmaker, Board Member  
Christopher Williams, Board Member  
Sheldon Pennoyer, Board Member

The following exhibits were introduced into evidence and accepted into the record:

1. Mr. Masone's 2012 architect's license renewal.
2. A letter dated May 6, 2013 addressed to Mr. Masone regarding the requirement to comply with the Board's 2013 continuing education audit.
3. A voluntary surrender agreement and cover letter dated August 9, 2013 and a certified US mail return receipt signed for dated August 16, 2013.

#### FINDINGS OF FACT

1. The Respondent was granted a license to practice architecture in the State of New Hampshire on May 7, 1991 and said license was current through November 30, 2014.
2. The Respondent indicated that he complied with the continuing education requirements of Arch 403 on his 2012 license renewal.
3. Mr. Masone was notified by letter on May 6, 2013 that he was chosen by random audit to participate in the Board's 2013 audit of licensees for compliance with continuing education requirements per administrative rule Arch 403. Mr. Masone was instructed to provide proof to

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<sup>1</sup> The same Board members also deliberated and voted on this Final Final Decision and Order.

the Board of 24 Continuing Education Hours claimed on his last renewal by June 21, 2013. Mr. Masone did not respond to the request for documentation of continuing education required per Arch 403.

4. On July 22, 2013 Mr. Masone was contacted by telephone by Joint Board investigator Thomas McCabe regarding his failure to respond to the continuing education audit. Mr. Masone informed Mr. McCabe that he had not taken any continuing education courses and that he would not renew his license in 2014. Mr. McCabe advised the Respondent that he had certified on his October 14, 2012 license renewal that he did comply with the continuing education requirements of Arch 403 and that not renewing in the future was not sufficient.

5. On August 9, 2013 a Voluntary Surrender of License Agreement and cover letter was sent to Mr. Masone by US mail return receipt requested. The US Mail return receipt was signed for on August 16, 2013. The cover letter instructed Mr. Masone to sign the agreement and return it to the Board office no later than September 1, 2013. Mr. Masone did not respond to the Board's letter or sign and return the Voluntary Surrender of License agreement.

6. A Show Cause Order was issued on October 1, 2013 by the New Hampshire Board of Architects sent via US mail return receipt requested in which the Respondent was afforded the opportunity to appear before the Board on December 2, 2013 and show cause why any and all rights he may have to practice architecture in New Hampshire should not be suspended or subject to disciplinary action. The Show Cause Order was sent via US mail; return receipt requested and was signed for by Mr. Masone on October 9, 2013.

7. A Show Cause hearing was held on Monday, December 2, 2013 at the Board office at 9:30 a.m. Mr. Masone was absent from the hearing therefore the hearing was held in absentia.

## CONCLUSIONS OF LAW

- I. The license renewal process relies heavily on accurate and honest self-reporting of continuing education by licensees. The Respondent violated the terms of the continuing education requirements for his 2012 license renewal by failing to provide proof of compliance with continuing education requirements of administrative rules Arch 403.01 in violation of administrative rule Arch 403.04 (a)-(c) and RSA 310-A:46-a;
- II. The Respondent indicated that he complied with the continuing education requirements of 24 Continuing Education Hours pursuant to Arch 403, on his 2012 renewal. The Respondent failed to provide proof for the 2013 random audit of licensees that he complied with the continuing education requirements set forth in administrative rule Arch 403 in violation of administrative rules Arch 403.04 (b), RSA 310-A:46-a and 310-A:47, II (a), the practice of fraud and deceit in procuring or attempting to procure or renew a license; and
- III. The Respondent failed to respond to the Board's repeated requests for information regarding his compliance with continuing education requirements in violation of Arch 501.02 (b) and and 501.03 (ah) which requires licensees to cooperate with requests for information from the Board or Board representatives.

The Board finds that Respondent committed the acts as described above and concludes that, by engaging in such conduct, Respondent violated RSA 310-A:46-a, RSA 310-A:47 (a), and (c) and Arch 501.03 (ah).

THEREFORE, IT IS ORDERED, pursuant to RSA 310-A:47 the Board imposes the following sanctions:

The license to practice architecture in the State of New Hampshire of Albert Masone #02084 is hereby revoked.

A. This order shall become a permanent document in the Respondent's file which is maintained by the Board as a public document.

B. This Order shall take effect on the date it is signed by an authorized representative of the Board.

C. A motion for rehearing, reconsideration, or clarification shall be filed within 30 days of the effective date of this Order. This motion shall be in accordance with Arch part 213. Filing a motion for rehearing or reconsideration shall be a prerequisite to appealing this Order.

BY ORDER OF THE BOARD

Dated: December 2, 2013

A handwritten signature in cursive script, appearing to read "Louise Lavertu", written over a horizontal line.

Louise Lavertu  
Executive Director