

**STATE OF NEW HAMPSHIRE  
OFFICE OF PROFESSIONAL  
LICENSURE AND CERTIFICATION**

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**BOARD OF ARCHITECTS**

**In Re: Paul Davies,  
License #0798**

Docket No. 20-0-3

**FINAL DECISION AND ORDER**

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**I. ATTENDEES:**

The following Commission members were present and, pursuant to Rule Arch 212.08, deliberated in this matter:

Sheldon Pennoyer, Presiding Officer  
Adam Wagner, Board Member  
Sonya Misiaszek-Monterose, Board Member  
Wayne Richardson, Board Member

Also present were:

Victoria Barnard, Esq., Hearing Counsel for the OPLC  
Paul Davies, Respondent

**II. CASE SUMMARY/PROCEDURAL HISTORY:**

The New Hampshire Board of Architects ("Board") first granted an architect's license in the State of New Hampshire to Respondent Paul Davies on October 26, 1973. Respondent's architect license number #00798 is currently active. Respondent's last known address is 635 Rogers Street, Unit 4, Lowell, Massachusetts 01842. On or about 03/03/20, the Board filed a complaint against the Respondent for alleged violations of RSA 310-A and N.H. Admin. R., Arch 100-500, as set out below. Respondent did not reply to the complaint. The Board commenced an investigation and the information gathered during the investigation provided a reasonable basis to commence an adjudicatory/disciplinary proceeding against Respondent pursuant to RSA 310-A:47(I)(a), RSA 310-A:48, and Rule Arch 200 et seq. On or about 06/30/2020, the Board commenced this proceeding to determine whether Respondent committed certain violations of statutory law and rules governing his practice, alleged as follows:

- (A) Whether Respondent violated RSA 310-A:46-a by failing to complete the required 12 units of continuing education each year in the area of health, safety, and welfare. Also, whether Respondent failed to maintain evidence of his or her continuing education units and failed to submit such evidence of continuing education units to the board biennially upon renewal of his or her license.
- (B) Whether Respondent violated RSA 310-A:47(II)(c) by committing misconduct sufficient to support disciplinary proceedings, including engaging in any unprofessional conduct or dishonorable conduct unworthy of, and affecting the practice of the profession.
- (C) Whether Respondent violated RSA 310-A:47(II)(k) by committing misconduct sufficient to support disciplinary proceedings by failing to provide, within 30 calendar days of receipt of notice by certified mail, return receipt requested, information requested by the Board as a result of any formal complaint to the board alleging a violation of this subdivision.
- (D) Whether Respondent violated N.H. Admin. R., Arch 403.01(b) by submitting a renewal application, sworn to under penalty of unsworn falsification, that he or she has completed the minimum required units of approved education required by Arch 403.01 (c).
- (E) Whether Respondent violated Rule Arch 501.03(c) by issuing a statement in a non-objective and untruthful manner.
- (F) Whether Respondent violated Rule Arch 501.03(f) by failing to conduct himself/herself honorably, responsibly, ethically, and lawfully so as to enhance the honor, reputation, and usefulness of the profession.
- (G) Whether Respondent violated Rule Arch 501.03(l) by failing to be objective and truthful in all professional reports, statements or testimony, and include all relevant and pertinent information in such reports, statements or testimony

### **III. SUMMARY OF THE EVIDENCE:**

The Board received the following evidence pursuant to RSA 541-A:33 and Rule Arch. 212.04:

A. Exhibits submitted by Hearing Counsel, numbered as follows:

1. Order to Show Cause
2. Show Cause Order
3. Complaint 20-0-03
4. Notice of Hearing

Respondent provided no exhibits

B. Testimony was received from:

1. Bobbie Mayo, Supervisor II, OPLC-Board of Architects

#### **IV. CONDUCT OF THE HEARING AND EVIDENCE PRESENTED:**

Based on the testimony and evidence presented, the Board found the following facts: Bobbie Mayo appeared and testified credibly as to the facts stated herein. The above-referenced exhibits were also presented by the prosecution and accepted during the hearing. On 10/29/19, Respondent was selected for random audit and a letter was sent to him via U.S. regular mail to his last known address in Lowell, MA. The letter required him to comply with the audit no later than 11/22/19. Respondent and staff member Bobbie Mayo communicated repeated via email on these issues. On 11/19/19, Respondent replied by email and sent an attachment to staff member Bobbie Mayo. After review on 11/25/19, Bobbie Mayo sent Respondent an email reiterating that his CEU audit period was from 6/1/16 to 5/31/18 and requesting that Respondent send proof of his 12 CEU's per year by 11/29/19. On 11/25/19, Respondent responded that he was not in the office and asked for an additional period of time. On 11/25/19, Bobbie Mayo responded and agreed to the one-week extension from November 25th to December 2nd.

On 12/02/19, Respondent sent additional documentation via email to Bobbie Mayo. Once again, after review on 12/03/19, Bobbie Mayo responded and reiterated that Respondent's CEU period was from 6/1/16 to 5/31/18. On 12/03/19, Respondent sent more documentation to Bobbie Mayo, and on 12/04/19, Bobbie Mayo responded that she would let him know if anything further was needed. Based on the documentation received, Respondent was deficient in his CEUs during the audit period. On 12/18/19, the Board granted a motion to authorize Respondent to obtain the additional 18 hours and report them to the Board no later than 01/31/20 and sent notice to Respondent via U.S. mail on the same date. In case Respondent failed to comply, the Board requested a notice to show cause be issued in the matter.

On 12/27/19, Respondent sent Bobbie Mayo an email questioning how he was deficient when he had sent in proof of CEU's for 3 years. On 01/06/20, Bobbie Mayo replied that Respondent's CEUs must cover "Health Safety and Welfare" subject matter and within the requested audit time frame of

6/1/16 to 5/31/18, during which Respondent had only provided proof of 6 CEUs. On 01/06/20, Respondent replied to Bobbie Mayo by email, saying he would be away but would work on acquiring the missing hours. On that same date, Bobbie Mayo reminded Respondent again that he had until January 30th to submit the remaining hours. On 01/08/20, Respondent sent Bobbie Mayo CEU transcripts from May 2013 to May 2016 and asked if that would work. On 01/08/20, Bobbie Mayo asked Respondent to clarify if he was trying to use these CEUs to satisfy his audit. She then informed him that these CEU hours were not earned during the correct audit time period. On 01/08/20, Respondent stated that if he had to obtain all 18 deficient hours then he "...will be unable to do that. Your Board will have to take whatever action they deem necessary."

On 01/10/20, Respondent emailed Bobbie Mayo and asked about a medical waiver, stating that he had dealt with a medical condition between May 31, 2015 and May 31, 2016. On 01/10/20, Bobbie Mayo responded that this was not the audit period for CEUs that the Board was looking for. Respondent did not appear at his initial show cause hearing and the Board voted to file a formal complaint. On 03/03/20, staff member Bobbie Mayo mailed an official complaint with a cover letter requesting response no later than 15 days from the date of the letter. Respondent did not reply.

Pursuant to Rules 202.01(h) and 212.02, the burden of proof rests on the prosecution to prove, by a preponderance of the evidence, that Respondent's actions constitute violations of statute or rules as set forth in this matter. Based on the evidence submitted in this matter, the prosecution has established, by a preponderance of the evidence that Respondent has committed statutory and rules violations governing licensed architects in the State of New Hampshire.

## **V. FINDINGS OF FACTS AND CONCLUSIONS OF LAW:**

- A. Pursuant to RSA 310-A:46-a, Respondent violated his obligation to complete 12 units of continuing education each year in the area of health, safety, and welfare.
- B. Likewise, pursuant to RSA 310-A:46-a, Respondent violation his obligation to maintain evidence of his or her continuing education units and submit such evidence of continuing education units to the board biennially upon renewal of his or her license.

- C. Pursuant to Rule Arch 403.01(b), Respondent violated his obligation to file a truthful renewal application, under penalty of unsworn falsification, indicating that he or she has completed the minimum required units of approved education required by Rule Arch 403.01.
- D. Pursuant to Rule Arch 501.03(c), Respondent violated his obligation to only issue statements in an objective and truthful manner when he certified under penalty of unsworn falsification that he had complied with the requirements of continuing education.
- E. Pursuant to Rule Arch 501.03(f), Respondent violated his obligation to conduct himself/herself honorably, responsibly, ethically, and lawfully so as to enhance the honor, reputation, and usefulness of the profession, by making a false statement on his continuing education requirements.
- F. Pursuant to Rule Arch 501.03(l), Respondent violated his obligation to be objective and truthful in all professional reports, statements or testimony, and include all relevant and pertinent information in such reports, statements or testimony, when Respondent failed to disclose that he was not in compliance with his continuing education requirements.
- G. Pursuant to RSA 310-A:47(II)(c), there was insufficient evidence presented to find, by a preponderance of the evidence, that Respondent engaged in unprofessional conduct or dishonorable conduct unworthy of, and affecting the practice of the profession.
- H. Pursuant to RSA 310-A:47(II)(k), there was insufficient evidence presented to find, by a preponderance of the evidence, that Respondent failed to provide, within 30 calendar days of receipt of notice by certified mail, return receipt requested, information requested by the board as a result of any formal complaint.

## **VI. CONCLUSION AND DECISION:**

WHEREAS, pursuant to the Board's authority under RSA 310-A:47-a, it is hereby Ordered, by unanimous vote of the Board members who participated in the deliberations in this matter, that:

- (A) Pursuant to RSA 310-A:47-a(I)(f) and Rule Arch 402.03, Respondent shall pay Four-Thousand Five Hundred Dollars (\$4,500.00) as an administrative fine to be paid within ninety (90) days of the effective date of this Order, made payable to the Treasurer, State of New Hampshire.
- (B) Pursuant to RSA 310-A:47-a(I)(b) and Rule Arch 402.02(d), Respondent's license shall be **SUSPENDED** until such time he submits proof of his deficient 18 hours of continuing education.
- (C) Pursuant to RSA 310-A:47(II)(c), if Respondent fails to comply with any terms or conditions imposed by this Final Decision and Order, said failure shall constitute unprofessional conduct pursuant to Arch 500 and constitute separate and sufficient basis for further disciplinary action by the Board against the Respondent.

(D) Pursuant to RSA 310-A:47-a(IV), this Final Decision and Order shall become a permanent part of the Respondent's disciplinary file, which is maintained by the Board as a public document.

(E) Pursuant to RSA 310-A:47-a(II), if this decision is not appealed within 30 days of the effective date it shall become final.

(F) The effective date of this Final Decision and Order is the date set forth below.

DATED:

11/24/20



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Joseph G. Shoemaker, Director  
Division of Technical Professions  
NH Office of Professional Licensure and Certification  
Authorized Representative of the NH Board of Architects