

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

BOARD OF ARCHITECTS

**In Re: Treffle LaFleche,
Arch. License# 02802**

Docket No.: 20-0-4

**FINAL DISCIPLINARY DECISION –
02/05/21**

I. ATTENDEES:

Sheldon Pennoyer, Board Chairperson
James Loft, Board Member
Sonya Misiaszek, Board Member
Adam Wagner, Board Member
Attorney Rikhiya Medley, Hearing Counsel
Treffle LaFleche, Licensee
Karen A. Belair, Paralegal for OPLC Enforcement.
Attorney Michael Porter, Observer
Bobbie Mayo, Administrator
Todd H. Prevett, Esq., Presiding Officer

II. CASE SUMMARY/PROCEDURAL HISTORY:

The New Hampshire Board of Architects (“Board”) first granted an architect’s license to Licensee Treffle LaFleche on or about 1987. On or about 10/29/19, Treffle LaFleche (“Licensee”) was subject to an audit of his CEU hours. The alleged deficiency in CEU hours led the Board to file a complaint and commence an adjudicative proceeding on or about 03/02/20. The adjudicative hearing had been continued multiple times for a variety of reasons, most recently on 12/04/20. A final adjudicative hearing was held on 02/05/21, where Licensee appeared. Pursuant to N.H. Code Admin. R., Arch 203.01(a) ("Rules"), Todd H. Prevett, Esq. was appointed by the Board to act as presiding officer.

III. SUMMARY OF THE EVIDENCE:

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

Exhibits submitted by Hearing Counsel, numbered as follows:

1. Notice of Hearing, dated 12/04/20
2. Letter to Licensee, dated 10/29/19
3. Letter to Licensee, dated 11/25/19
4. Letter to Licensee, dated 12/18/19
5. Email to Licensee, dated 12/06/19
6. CEU Transcripts from AIA, c. 2017 to 2020
7. Email from Licensee, dated 01/31/20
8. Complaint against Licensee, dated 03/03/20

Exhibits submitted by Respondent, numbered as follows:

- A. CEU Transcripts from AIA, c. 2021

Testimony was received from:

1. Bobbie Mayo, Supervisor II, OPLC-Board of Architects
2. Treffle LaFleche, Licensee

IV. CONDUCT OF THE HEARING AND EVIDENCE PRESENTED:

After receiving a complaint and ordering an investigation, the Board conducted this adjudicative disciplinary hearing pursuant to RSA 310-A:48 on 02/05/21. Pursuant to Rule 212.02, Hearing Counsel has the burden of proving its case by a preponderance of the evidence, and Hearing Counsel moved to admit all evidentiary exhibits, which was allowed by the Board. The credible evidence presented at the hearing, and the reasonable inferences taken therefrom, allow the Board to find the following facts.

Licensee agreed that Hearing Counsel Attorney Medley could provide a comprehensive offer of proof, based on the anticipated testimony of Board's administrator. On or about 10/29/19, Licensee received notice that the Board was going to subject him to a random audit of his CEUs for the biennium of July 2017 to July 2019. Licensee is responsible for 12 CEU hours per year, including 8 hours of health-safety-welfare related education and 4 hours of sustainable design education. The 10/29/19 letter gave Licensee a deadline of 11/22/19 to provide the documentation. Licensee did not comply. Subsequently, the Board sent Licensee a letter on 11/25/19, reiterating its request for the same audit

documentation and extending the deadline for compliance to 12/06/19. On or about 12/06/19, Licensee responded by email, yet only provided documentation for a handful of CEU hours.

The Board scheduled a show cause hearing for 02/07/20, and gave Licensee another extension until 01/31/20. On or about 01/31/20, Licensee emailed the Board that he could not get the documentation for the rest of his required CEU credits. The Board ended up holding a show cause hearing on 03/02/20, where Licensee failed to appear and the Board chose to begin disciplinary proceedings against him. A final adjudicative hearing was supposed to be held on 12/04/20, but was continued at the request of Hearing Counsel, in order to give Licensee a final chance to complete his CEUs. On or about 02/03/21, Licensee provided further evidence of some recent CEUs that he had taken. Licensee ultimately has failed to complete the required CEUs within the timeframes and the extensions he was offered.

Licensee was sworn and testified on his own behalf. Licensee does not deny that he neglected his CEU obligations over the last several years. Licensee initially had difficulty explaining his actions, indicating he may not have read the notices from the Board or really paid attention to them. Licensee stated that he had hoped that he could catch up on the CEUs prior to the deadlines, but was unable to do so. For the first time at the 02/05/21 hearing, Licensee disclosed that his wife was diagnosed with breast cancer in December 2019 and that his wife was going through treatment during 2020. Between these dire individual circumstances and the added pressures of the COVID-19 pandemic, Licensee states that it has been an insurmountable challenge to comply with his CEU requirements and to provide the Board with a timely explanation. Licensee requests leniency from the Board and some additional time to come into compliance. Licensee acknowledged that he has said that before, but did not follow up.

On cross-examination, Licensee conceded that he has been a licensed architect since 1987, and he understand his CEU annual requirements. Licensee also conceded that the period of non-compliance in 2017-2018 was prior to his wife's diagnosis of breast cancer. Licensee quickly corrected his prior statement to indicate that his wife's diagnosis was actually in December 2018, and not 2019.

V. DISCUSSION AND FINDINGS OF FACTS / CONCLUSIONS OF LAW:

After reviewing all of the evidence, and taking into account the presentation and demeanor of all the witnesses, the Board finds, by a preponderance of the evidence, that the Licensee has committed professional misconduct. The central facts in this matter are clear. Licensee failed to engage in the

required number of CEU units within the required timeframes and was not entirely candid with the Board about his lack of follow up. The Board attempted to engage with Licensee multiple times and considered his stated circumstances by giving him multiple extensions. Licensee argues that his neglect does not reflect his reputation and integrity, but is reflective of his personal family health issues. The Board agrees that his grave family circumstances merit some consideration in this matter. As part of this decision, the Board makes the following specific findings of fact and conclusions of law:

- A. During all relevant times, Licensee was a licensed architect in the state of New Hampshire.
- B. Pursuant to RSA 310-A:46-a and Rule 401.03(j), Licensee committed misconduct by failing to comply with his continuing education requirements.
- C. Pursuant to RSA 310-A:47(II)(a), Licensee committed misconduct, through fraud or deceit, by procuring/attempting to procure/renewing his certificate to practice by falsifying his continuing education statement.
- D. Pursuant to Rule 501.03(c), Licensee committed misconduct by issuing a statement in a non-objective and untruthful truthful manner by falsifying his continuing education statement.
- E. Pursuant to Rule 501.03(f), Licensee committed misconduct by failing to conduct himself/herself honorably, responsibly, ethically, and lawfully to enhance the honor, reputation, and usefulness of the profession by falsifying his continuing education statement.
- F. Pursuant to Rule 501.03(l), Licensee committed misconduct 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, by falsifying his continuing education statement.
- G. Pursuant to RSA 310-A:47-a(I), and upon a finding of professional misconduct under RSA 310-A:47(II) above, the Board orders that Licensee be subject to the following discipline.
- H. Pursuant to RSA 310-A:47-a(I)(f) and Rule 402.03 and 402.04(b), the Board affirmatively imposes a civil penalty of \$2,375.00, which shall be paid by Licensee on or before 07/31/21. Said civil penalty is assessed partially due to the number of missing CEU hours and partially due to Licensee's lack of candor on his continuing education statements.
- I. Pursuant to Rule 402.04(c), failure to tender the \$2,375.00 portion of the civil penalty by 07/31/21 shall constitute independent, future grounds for discipline by the Board.
- J. Pursuant to RSA 310-A:47-a(I)(f) and Rule 402.03, the Board imposes a separate civil penalty of \$7,000.00, which shall be suspended in its entirety until 07/31/2023, as long as Licensee does not

commit any further disciplinary infractions and otherwise fully complies with the terms of this disciplinary decision.

- K. Pursuant to RSA 310-A:47-a(I)(d), Licensee shall complete 22.0 total CEU hours (including 16.0 hours of health-safety-welfare education) that were deficient for the 2017-2019 audit period and provide written proof to the Board on or before 07/31/21.
- L. Pursuant to RSA 310-A:47-a(I)(d), Licensee shall not be allowed to count the above-referenced 22.0 CEU hours towards the required 24 CEU hours for the 2019-2021 biennial renewal period. These obligations shall expressly be considered separate.
- M. Pursuant to RSA 310-A:47-a(III), the Board elects not to subject Licensee to assessment of reasonable costs or expenses related to investigation and enforcement, based on the Licensee's personal family health issues.
- N. Pursuant to RSA 310-A:47-a and Rule 402.02(d), (e), and (f), the Board, in imposing the above-referenced sanctions, considered the following factors: the mild seriousness of the offense, the lack of a prior disciplinary record in this state, the fraudulent state of mind at the time of the offense, the moderate lack of willingness to cooperate with the board, the lack of potential harm to public health and safety, the open acknowledgment of his wrongdoing, and the purpose of the rule or statute violated.

VI. CONCLUSION AND DECISION:

Pursuant to RSA 310-A:47-a, the Board hereby imposes discipline on Treffle LaFleche as outlined above.

DATED: 02/05/21

_____/s/ Todd H. Prevett, Esq.
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