

PRACTICE NOTES



Professional Misrepresentation Carries Risk of Legal Penalties

Individuals Who Hold Themselves Out as Architects May Face Fines, Jail Time

by David Blake and Jamison Weinbaum

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In Maryland, Virginia, and the District of Columbia, there are significant, adverse legal consequences to practicing architecture, attempting to practice architecture, or even claiming to be an architect without a valid architecture license.

In Maryland, a person may not practice architecture unless licensed by the Maryland State Board of Architects. Similarly, absent such a license, a person may not represent to the public by use of a title such as “architect,” “licensed architect,” or “registered architect” that he or she is authorized to practice architecture. A person who violates these statutory provisions is guilty of a misdemeanor and is subject to a fine of up to \$3,000 and/or imprisonment of up to one year. In determining the penalty, the Board will consider the following factors: 1) the seriousness of the violation; 2) the harm caused by the violation; 3) the good faith of the violator; 4) any history of previous violations by the violator; and 5) any other relevant factors.

In Virginia, a person must hold a valid license prior to engaging in the practice of architecture. Any person offering to practice architecture without a license is guilty of a Class 1 misdemeanor and is subject to a fine of up to \$2,500 and/or a prison term of not more than one year. Any subsequent violation during a 36-month period constitutes a Class 6 felony, which may result in imprisonment for a term of one to five years.

In the District of Columbia, no person shall engage in the practice of architecture or use the title “architect,” “registered architect,” “licensed architect,” or even “architectural designer” unless that person is licensed to practice architecture. Any person

who violates this licensure requirement is subject to a fine of up to \$10,000 and/or imprisonment of up to one year.

Beyond the obvious, what constitutes a violation of these statutes? An individual who works with the Maryland State Board of Architects identified the following frequent situations that are considered to be violations: interior designers who refer to their services as “architecture;” design-build companies that state they are providing “architectural design” or “architectural services” when they do not employ licensed architects; and licensed professional engineers who sign and seal architectural drawings that should only be stamped by a licensed architect. Evidence of violations are frequently found on corporate letterhead and firm Web sites, so it would be worthwhile to review those materials to verify that your firm conforms to the law.

Many architecture firms, in an effort to present the qualifications of their employees to clients and prospective clients in the most favorable light, will refer to certain staff members as “project architects” or “staff architects” even when those individuals are not actually licensed architects. These individuals may be highly competent and have many years of experience, but unless they are duly licensed, they and their employers should exercise great care not to misrepresent their professional qualifications, as doing so could unnecessarily increase a firm’s risk of an adverse judgment in a professional liability suit, and expose the firm and individual to severe penalties under state statutes. Moreover, it is not in the interests of the architecture profession for architecture firms to create confusion about the title “architect” among the public. A better policy would be to encourage those staff members eligible for licensure to complete their license requirements and to provide incentives for them to do so.

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