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BEFORE THE WEST VIRGINIA STATE BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS

IN RE: ARIC MARGOLIS ARCHITECTURE, PLLC **C2025-07**

CONSENT ORDER

Comes now the West Virginia State Board of Registration for Professional Engineers (hereinafter "the Board") by Garth E. Thomas, Jr., P.E., its President, for the purpose of agreeing to resolve a Complaint seeking disciplinary action against Aric Margolis Architecture, PLLC, (hereinafter "Respondent Firm"). As reflected in this document, the parties have reached an agreement concerning the proper disposition of this matter, and the Board, upon approval of this agreement, does hereby **FIND** the following:

1. The matters set forth herein are within the jurisdiction of the Board, which is the state entity with the power and duty to regulate the practice of engineering in the State of West Virginia.
2. Respondent Firm is a corporation organized under the laws of the State of West Virginia, with its principal place of business in Charleston, West Virginia.
3. At all times material hereto, Respondent Firm has never held a West Virginia Certificate of Authorization issued by the Board.
4. At all times material hereto, no servant, agent, employee and/or member of the Respondent Firm held a West Virginia Professional Engineer registration.
5. At all times Respondent Firm was acting by and through the actions of its member(s).
6. In January 2024, the Board became aware that on or about August 26, 2023, a servant, agent, employee and/or member of Respondent Firm sealed drawings for the Project (hereinafter "Project" or "Pool") known as the *"Calhoun County Community Center Pool, Calhoun County, West Virginia."* Thereafter, Respondent Firm caused to be delivered said drawings to its servant, agent, employee, and/or client, Stanley Wyatt, for

permitting purposes with the State of West Virginia, Office of Environmental Health Services, Charleston, WV.

7. These drawings were sealed with a West Virginia Architect seal and not that of an active registered West Virginia Professional Engineer. The person sealing the drawings was at times material hereto a servant, agent, employee and/or member of Respondent Firm.

8. These drawings, containing both architectural and engineering elements, were submitted to the State for permitting of the Project.

9. These drawings submitted for the aforesaid permitting purposes were not sealed by a West Virginia licensed Professional Engineer in violation of West Virginia Engineering Law.

10. The Office of Environmental Health only accepts drawings for permit sealed by a West Virginia licensed Professional Engineer, not a West Virginia licensed Architect, and it denied the permit.

11. This preparation of drawings by Respondent Firm resulted in a Board-initiated investigation, which resulted in the allegations set forth in the Complaint that Respondent Firm had provided engineering services in the State of West Virginia without holding a COA, and that Respondent Firm aided or assisted another person, who was not duly registered, in providing engineering services in the State of West Virginia, and it caused drawings to be submitted to the State for permitting purposes which were not sealed by a West Virginia Professional Engineer.

12. The Board initiated Complaint Number C2025-07 at its regular meeting on March 25, 2025, which was filed and served on or about March 27, 2025.

13. Respondent Firm denies the Board's allegations and avers that the drawings contained both architectural and engineering elements, and that the engineering within was incidental to the architectural plans. Further, the plans were sealed by an architect rather

than an engineer, all of which comports with W.Va. Code §5G-1-2; and W.Va. Code R. §§2-1-9.1.3 and 87-4-4.3.

14. Notwithstanding the above, the Board and Respondent Firm have agreed to settle this matter through the entry of this Consent Order, wherein, Respondent Firm would forgo the filing of its formal Response, waive its rights to an administrative hearing, and its right to appeal, and by making certain statements set forth herein.

15. The Board has taken into account the following factors in reaching this settlement: the violation did not pose harm to the public; the corrective measures taken by Respondent Firm; and Respondent Firm has cooperated in the resolution of this Complaint.

16. The Board, in its discretion, will not assess administrative costs although it is within its power to assess such costs and administrative costs were incurred in the investigation, initiation and resolution of this complaint.

CONCLUSIONS OF LAW

17. The Board is the state entity with the power and duty to regulate the practice of engineering in the State of West Virginia, and matters related to such practice are within the jurisdiction of the Board. W.Va. Code §30-13-1 et seq.

18. Aric L. Margolis, Member of Respondent Firm, has the power and authority to make admissions and otherwise act on behalf of Respondent Firm, and for Respondent Firm he makes such admissions, knowingly, freely voluntarily, and without any threat of harm or act of coercion.

19. Failure to comply with any of the provisions of W.Va. Code §30-13-1 et seq., or any of the rules promulgated under West Virginia Code Chapter 30, Article 13, is a basis for disciplinary action by the Board. W.Va. Code §30-13-21(a)(4).

20. The Board is authorized to "assess civil penalties against any person who violates any provision of this article or any rule promulgated by the board for each offense in an amount determined by the board." W.Va. Code §30-13-21(b). See also W.Va. Code §30-13-21(d) and W.Va. Code R. §7-1-15.

21. The Board may reprimand, suspend or revoke or refuse to issue, restore or renew an engineering certificate of registration or authorization, or place on probation, impose a civil penalty or reprimand any professional engineer or firm, who has failed to comply with any of the provisions of this article or any of the rules promulgated under it. W.Va. Code §30-13-21(a)(4), (b) and (d), W.Va. Code R. §7-1-15.

22. It is unlawful for any firm to practice or offer to practice engineering, as defined by West Virginia Code §30-13-3(e), in the State of West Virginia unless that firm has obtained a COA under the provisions of West Virginia Engineering Law. W.Va. Code §30-13-17.

23. Practicing engineering, or offering to practice engineering as defined by W.Va. Code §30-13-3(e), without a valid COA is an action that may subject a firm to discipline by the Board, including a civil penalty up to Five Thousand Dollars ($5,000.00) for each offense. W.Va. Code R. §7-1-15.1.

24. It is unlawful for any person to practice or offer to practice engineering, as defined by West Virginia Code §30-13-3(e) in the State of West Virginia unless that person is duly registered under the provisions of West Virginia Engineering Law. W.Va. Code §30-13-2.

25. Practicing engineering, or offering to practice engineering, as defined by W.Va. Code §30-13-3(e), without a license is an action that may subject a person to discipline by the Board, including a civil penalty up to Five Thousand Dollars ($5,000.00). W.Va. Code R. §7-1-15.1.

26. It is unlawful for any person to aid or assist the unlicensed offer of engineering services, and/or the unlicensed practice of engineering. W.Va. Code §30-13-21(a)(8) and W.Va. Code §30-13-2.

27. The penalty for aiding and assisting a violation of West Virginia Engineering Law and its rules shall be no more than the maximum penalty set forth in the Board rule, W.Va. Code R. §§7-1-15.1. and 7-1-15.2.

28. A person, so aiding or assisting, shall be disciplined in the same manner and extent as the actor committing the offense. In this case, the underlying violation is practicing engineering, as defined by W.Va. Code §30-13-3(e), without a license. Such action subjects a person to discipline by the Board, including a civil penalty up to Five Thousand Dollars ($5,000.00). W.Va. Code R. §7-1-15.1.

29. A registrant's seal is used to identify his or her professional work. W.Va. Code §30-13-16(a).

30. A registrant's seal and signature shall appear on the first or title page of all final and/or record documents presented to a client or any public or governmental agency to certify that the work was done by a registrant or under the control of a registrant. W.Va. Code R. 7-1-7.3(a).

31. It is unlawful for any person to aid or assist another to misuse one's seal. W.Va. Code §30-13-16(c) and W.Va. Code §30-13-21(a)(4) and (8).

32. Failure to affix a seal and signature on a final drawing presented to a client in violation of W.Va. Code R. 7-1-7.3.(a) is a form of misuse of seal which constitutes a general violation of applicable statutes and rules.

33. The penalty for aiding and assisting a violation of West Virginia Engineering Law and its rules shall be no more than the maximum penalty set forth in the Board rule, W.Va. Code R. §§7-1-15.1. and 7-1-15.2. A person, so aiding or assisting, shall be disciplined in the same manner and extent as the actor committing the offense. In this case, the

underlying violation is the misuse of seal. Such action subjects a person to discipline by the Board, including a civil penalty up to Five Thousand Dollars ($5,000.00). W.Va. Code R. §7-1-15.1.

34. The provisions of W.Va. Code §30-13-21(a) are applicable as appropriate to unlicensed persons and firms. W.Va. Code §30-13-21(b) and (d).

35. In determining the amount of a civil penalty to be assessed, the Board may consider such factors as the circumstances leading to the violation; the nature and severity of the violation and the risk of harm to the public; the extent to which the cited person or firm has cooperated with the Board and the Board's investigation; and other matters as may be appropriate. W.Va. Code R. §7-1-15.4.

36. The assessment of administrative costs is within the Board's sole discretion. W.Va. Code §30-13-21(d)(4) and W.Va. Code R. §7-1-14.4. Respondent Firm has the power and authority to make admissions, and otherwise act on its own behalf, and it makes such admissions herein, knowingly, freely, voluntarily, and without any threat of harm or act of coercion.

CONSENT OF RESPONDENT FIRM

Aric L. Margolis, Member of Respondent Firm, by affixing his signature hereon, agrees to the following on behalf of Aric Margolis Architecture, PLLC:

37. Respondent Firm is represented by counsel. Respondent Firm consents to this agreement upon consult with counsel and is aware of its rights to pursue this matter through appropriate administrative and/or court procedures, including its right to a formal hearing before the Board, and Respondent Firm knowingly, freely and voluntarily waives these rights provided the Board accepts the terms and conditions set forth in this Consent Order.

38. Respondent Firm admits, for this action only, that it never held a Certificate of Authorization to practice engineering or offer engineering services in the State of West Virginia. Respondent Firm further does not contest, for this action only, that its servant, agent, employee and/or member provided engineering services to its client for the Project. By doing so, it aided and/or assisted another person in violating West Virginia Engineering Law, W.Va. Code §30-13-1 et seq. and/or the rules promulgated under it; the practice of engineering.

39. Respondent Firm does not contest that the aforesaid drawings for the Project were not sealed by a WV registered Professional Engineer. By doing so, it aided and/or assisted another person in violating West Virginia Engineering Law, W.Va. Code §30-13-1 et seq., and/or the rules promulgated under it; failing to have the drawings sealed by a West Virginia Professional Engineer.

40. Respondent Firm maintains it believed it was following applicable statutes and regulations, and that it behaved reasonably and within accepted standards of its profession in that Respondent Firm viewed the technical submission as incidental engineering. However, for purposes of resolving this Complaint, Respondent Firm states, for this action only, that the designing, specifying and/or engineering of the Pool's concrete structure, and its vacuuming, pumping and chemical-delivery systems were not acts of incidental engineering by its servants', agents', employees' and/or members' lawful practice of architecture in the State of West Virginia.

41. Based on the findings of fact set forth above, the consent of Respondent Firm, and the legal citations set forth herein, the Board **FINDS** that Respondent Firm violated W.Va. Code §30-13-17 for one count of providing engineering services in West Virginia without the required Certificate of Authorization, W.Va. Code §30-13-21(a)(8) for one count of aiding or assisting another person in violating West Virginia Code §30-13-1 et seq. and/or the promulgated rules of the Board, and W.Va. Code R. §7-1-7.3.(a) for one

count of failing to have the engineered drawings sealed by a West Virginia Professional Engineer.

42. Respondent Firm accepts the findings set forth above and consents to the entry of this Consent Order knowingly, freely and voluntarily, and not under duress, restraint or compulsion.

43. If the Board does reject this proposal, any statements or admissions made by Respondent Firm herein are deemed null and void.

44. Respondent Firm acknowledges that this Consent Order is being executed for the purpose of avoiding further administrative action with respect to the above-styled matter.

45. Should the Board not approve this Consent Order, Respondent Firm waives any objections to the Board or any of its members participating in the adjudication of this matter solely due to the purpose of the Board not consenting to this Consent Order. This paragraph is binding on Respondent Firm even if the Board does not approve this Consent Order.

46. Respondent Firm acknowledges that the Board may reject this proposal, notice and hold a hearing, and, upon adjudication, impose such sanctions of a disciplinary nature as it deems appropriate.

47. Respondent Firm understands that this Consent Order constitutes a full and final settlement of this matter, and nothing in this Consent Order or the circumstances giving rise to the same may be the subject of any appeal or other civil or administrative actions except an action by the Board to enforce the terms of this Consent Order, but that nothing in this Consent Order prohibits the Board from considering this disciplinary action or the circumstances giving rise to same with regard to any future disciplinary matter involving Respondent Firm which may be before this Board.

48. Respondent Firm understands that the Complaint and this Consent Order are public records which, together with other public documents in the file, must be made available upon legal request in accordance with the State's Freedom of Information Act.

49. Respondent Firm agrees that the sum and substance of the Complaint and this agreement in part or in their entirety will be set forth in Board publications and on the Board's website, as well as other appropriate placements, including the non-public enforcement exchange database administered by the National Council of Examiners for Engineering and Surveying (NCEES).

50. Respondent Firm acknowledges that non-compliance with this Consent Order may result in the rescission of this agreement, the reinstatement of the Complaint, the summary revocation, non-renewal or non-reinstatement of any Certificate of Authorization issued to Respondent Firm by the Board, and the addition of any other charges which may arise or ensue from Respondent Firm's non-compliance with this Consent Order.

51. Respondent Firm acknowledges that proof of any material misstatement or misrepresentation made in connection with this matter will result in the rescission of this agreement, the reinstatement of the Complaint, the summary revocation, non-renewal or non-reinstatement of any Certificate of Authorization issued to Respondent Firm by the Board, and the addition of any other charges which may arise or ensue from providing false information to the Board in violation of West Virginia Engineering Law.

52. Respondent Firm **AGREES** to refrain in the future from designing, specifying and/or engineering vacuuming systems, pumping systems and/or chemical-delivery systems for any structure or facility, including swimming pools, which are to be situated in the State of West Virginia.

53. Respondent Firm **UNDERSTANDS** and **RATIFIES** that this Consent Order disciplines Respondent Firm for its actions and those actions/inactions of its servants, agents, employees and/or members which violate West Virginia Engineering Law.

ORDER

After due and mature consideration of the facts, the statements, and the applicable law governing this action, and being, otherwise fully informed of the premises, the Board hereby **DISCIPLINES** Aric Margolis Architecture, PLLC, Respondent Firm, for violating West Virginia Engineering Law as follows:

1. On the basis of the foregoing, and upon entry of this Consent Order, the Board hereby **ORDERS** that this Consent Order shall serve as settlement of Complaint Number C2025-07 pursuant to West Virginia Code §30-13-22(b).
2. The Board **ORDERS** Respondent Firm to pay a civil penalty in the amount of Two Hundred Fifty Dollars ($250.00) for providing engineering services without a Certificate of Authorization.
3. The Board **ORDERS** Respondent Firm to pay a civil penalty in the amount of Two Hundred Fifty Dollars ($250.00) for aiding or assisting a person in the practice of engineering in West Virginia without a license.
4. The Board **ORDERS** Respondent Firm to pay a civil penalty in the amount of Five Hundred Dollars ($500.00) for aiding or assisting another in the failure to seal the aforesaid engineered drawings in accordance with West Virginia Engineering Law.
5. The total civil penalty imposed herein is One Thousand Dollars ($1,000.00), and must be paid within thirty (30) days of the date of entry set forth below, and such amount to be made payable to the "**W. Va. P.E. Board**" for transfer to the general fund of the State of West Virginia upon receipt.
6. The sum and substance of the Complaint and this agreement in part or in their entirety shall be set forth in Board publications and on the Board's website, as well as other appropriate placements, including the non-public enforcement exchange database administered by the National Council of Examiners for Engineering and Surveying (NCEES).

7. Any violation of the terms of this Consent Order shall be immediate cause for further disciplinary action by the Board.

8. This Consent Order may be summarily enforced in the Circuit Court of Kanawha County, West Virginia, without further notice to Respondent Firm upon application by the Board for the entry of a Judgment Order for the total amount of payment agreed to herein of One Thousand Dollars ($1,000.00), together with pre-judgment interest from the date of the Board President's signature hereon, post-judgment interest from the date of entry of the Judgment Order, and all costs of any enforcement action(s), which judgment shall be fully executable in accordance with applicable law.

9. This matter shall be closed upon execution of this Consent Order by both parties and the full payment of the civil penalty agreed to herein.

10. This Consent Order constitutes a full and final settlement of this matter, and nothing in this Consent Order or the circumstances giving rise to the same may be the subject of any appeal or other civil or administrative actions except an action by the Board to enforce the terms of this Consent Order. This shall not prohibit the Board from considering this disciplinary action or the circumstances giving rise to the same with regard to any future disciplinary matter involving Respondent Firm which may come before this Board.

11. This Consent Order relates solely to matters set forth in West Virginia Engineering Law and does not evidence compliance with any other laws of the State of West Virginia or its political subdivisions, nor should any such compliance be implied.

12. The Board **RATIFIES** Respondent Firm's Agreement that Respondent Firm will refrain in the future from designing, specifying and/or engineering vacuuming systems, pumping systems, and/or chemical-delivery systems for any structure or facility, including swimming pools, which are to be situated in the State of West Virginia.

AGREED TO BY:

RESPONDENT FIRM

_____ 6/30/25

ARIC MARGOLIS ARCHITECTURE, PLLC **DATE**
By ARIC L. MARGOLIS, MEMBER

ENTERED into the records of the West Virginia State Board of Registration for Professional Engineers this 7th day of July, 2025.

WEST VIRGINIA STATE BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS

By: _____
GARTH E. THOMAS, JR., P.E.
BOARD PRESIDENT