

BEFORE THE MISSISSIPPI STATE BOARD OF ARCHITECTURE

IN THE MATTER OF:
Karen Murray and Tim Van Meter
333 Bryant Street #300
San Francisco, CA 941107

CAUSE NO. 17-5

CONSENT AGREEMENT

You are hereby notified that:

1. This matter came before the Mississippi State Board of Architecture concerning the entry of a Consent Order with Karen Murray and Tim Van Meter, partners of the firm Van Meter Williams Pollack LLP. Having considered the matter, the parties, by consent, enter this Order and make the following Findings of Fact and Conclusions of Law, to-wit:
2. The parties to this action are the Mississippi State Board of Architecture (Board), which is a duly constituted Board existing within the executive branch of the government of the State of Mississippi located at 2 Professional Parkway, #2B, Ridgeland, Mississippi 39157, and Respondents, Karen Murray and Tim Van Meter.
3. The Board proceeds in its official capacity as the licensing entity as authorized by Title 73, Chapter 1 of the Mississippi Code of 1972, as amended.
4. Karen Murray is an applicant of the Board. At the request of Tim Van Meter, Ms. Murray submitted an application for licensure on September 12, 2017.
5. The Board has considered the Respondents' involvement in the project known as the Mississippi Hardware Building and/or Mississippi Innovation and Tech Transfer ("the Project"), which is in Vicksburg, Mississippi.

- a. Elevations and program floor plans for the Project were issued on the Van Meter Williams Pollack, LLP title block in May and June, 2017.
- b. These elevations and program floor plans were included with a historic preservation application to the United States Department of the Interior in June 2017.
- c. The Project was advertised on the Firm's website, in the "On the Boards" section. Within the feature was a link to a project sheet, published in July 2017.
- d. The Board finds that Tim Van Meter engaged in the practice of architecture as defined in *Miss. Code Ann.* §73-1-3, and did so absent licensure.
- e. At Mr. Van Meter's request, Ms. Murray submitted an application for licensure on September 12, 2017, four months after the elevations and floor plans were first issued. Because Ms. Murray had no involvement in the project prior to submitting her application for licensure, Ms. Murray did not comprehend that what Mr. Van Meter and the firm had done on the Project constituted the practice of architecture as defined in *Miss. Code Ann.* §73-1-3.
- f. On the application for licensure, having had no prior involvement in the Project, Ms. Murray indicated "no" to the statement, "Have you, or any firm or business at which you practice architecture, provided a proposal to a client, entered into a contract or agreement with a client, prepared drawings for a client, or otherwise performed architectural work for a project located or contemplated in Mississippi absent a current architectural license in Mississippi?"

- g. Records of the Board indicate that no partner or employee of Van Meter Williams Pollack, LLP is licensed as an architect in Mississippi.
6. Respondents have had the opportunity at all times to seek advice from competent counsel of their choice, and have done so. No coercion has been exerted upon Respondents, nor have any promises been made other than those reflected in this Consent Order. Respondents have freely and voluntarily entered into this agreement, motivated only by a desire to resolve the issues addressed herein.
7. Respondents are fully aware of their right to contest charges made against them in a formal hearing. These rights include the right to representation by an attorney at Respondents' expense, the right to a public hearing on the charges filed, the right to confront and cross examine witnesses called to testify against them, the right to present evidence in Respondents' own behalf, the right to receive written findings of fact and conclusions of law supporting the decision of the merits of the accusations, and the right to obtain judicial review of the Board's decision. These rights are voluntarily waived by Respondents in exchange for the Board's acceptance of this Consent Order.
8. Having considered all the information and evidence presented to it, Board has determined that there is clear and convincing evidence to make a finding that the acts of Tim Van Meter, as described above in Paragraph Five, constitute unintended violations by Tim Van Meter of:
- a. *Miss. Code Ann. §73-1-1* which states, "In order to safeguard life, health and property, no person shall practice architecture in this state, or use the title

"architect," or any prefix, suffix or other form thereof, or any title, sign, card or device to indicate that such person is practicing architecture, or is an architect, unless such person shall have secured from the board a license as hereinafter set forth, as architect, in the manner hereinafter provided, and shall thereafter comply with the provisions of this chapter."

- b. *Miss. Code Ann. §73-1-3*, which defines architect as "a person who engages in the practice of architecture as hereinafter defined", and which goes on to provide that, "a person engaging in the practice of architecture, within the meaning and intent of this chapter, is one who holds himself out as able to perform any professional service such as planning, design, including aesthetic and structural designs, and consultation in connection therewith, or responsible inspection of construction, in connection with (except as specifically exempted herein) any buildings, structures, or projects, or the equipment or utilities thereof, or the accessories thereto, wherein the safeguarding of life, health or property is concerned or involved, when such professional service requires the application of the art and science of construction based upon the principles of mathematics, aesthetics, functional planning, and the physical sciences."
- c. Due to the mitigating factor of Karen Murray's lack of involvement in the project at the time she applied, the Board has determined that the acts of Karen Murray in submitting and completing her application do not constitute a violation of Rule 4.4.5. Karen Murray's erroneous responses were neither a "deliberate" materially false statement nor a "deliberate" failure to declare

accurately and completely a material fact requested in her application. Rule 4.4.5 states that "an architect shall not deliberately make a materially false statement or fail deliberately to disclose accurately and completely a material fact requested in connection with the architect's application for registration or renewal or otherwise lawfully requested by the Board."

9. Tim Van Meter has consented to a finding of conduct in violation of State Law and Board Rules cited herein.
10. The Board finds that the Respondents have acknowledged this conduct and have explained to the Board's understanding that they did not intend to violate, nor perceive that they were violating, the above laws or regulations. Respondents have expressed regret for any violations of law or regulation arising from their actions, made efforts to rectify the improper conduct, and have willingly cooperated with the Board in resolving this matter.
11. Tim Van Meter is assessed a fine in the amount of \$7,500, with payment to be remitted in full within thirty (30) calendar days from entry of this order.
12. Upon entry of this order and payment of the fine, the Board shall grant Respondent Murray's request to withdraw her application for licensure without any disciplinary action being taken against her.
13. The Respondents acknowledge that the Board has jurisdiction over them and the subject matter which precipitated this Consent Order.
14. WHEREFORE PREMISES CONSIDERED, the Consent Order is submitted, and is the order of the Board in this matter, with the following conditions:

- a. Should the Board decline the entry of this Order, the Respondents by signature below stipulates and agrees that:
 - i. They are entitled to a fair hearing before the Board on this matter;
and
 - ii. This Order is not binding upon the Board or the Respondents, nor is it of any effect or consequence whatsoever, until signed by all parties; and
 - iii. Both the Board and the Respondents are free to either accept or reject this Order prior to their acceptance and signatures.
- b. If accepted and entered by the Board, the Respondents and the Board by their signatures acknowledge and understand that:

- i. This document constitutes a reprimand as to Tim Van Meter and is public record. This disciplinary action shall be reported to and posted with the National Council of Architectural Registration Boards, shall be posted on the Board's disciplinary report, and shall be spread upon the Minutes of the Board as its official act and deed; and
- ii. This Order is the final disposition of this matter and no hearing before the Board will be granted or held on this matter; and
- iii. There is no right of appeal.

15. The Respondents, by signature, waive any and all objections or legal challenges they may have regarding or arising out of this matter, the entry of this Consent Order or any of its terms.

16. Respondents agree to and waive any legal objections that may otherwise be available to them as to the Board taking this matter up preliminarily for purposes of considering this Consent Order.

SO ORDERED this the 10 day of April, 2018.

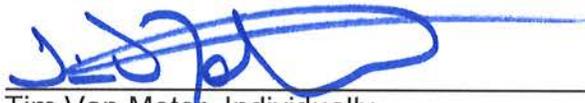


Greg L. Durrell, President, Mississippi State Board
of Architecture

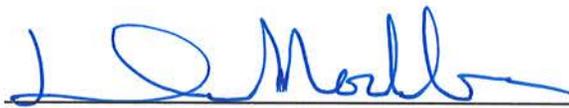
Respondents:



Karen Murray, Individually



Tim Van Meter, Individually



David W. Mockbee, Counsel for
Respondents