

STATE OF MAINE
BOARD OF ARCHITECTS, LANDSCAPE ARCHITECTS
AND INTERIOR DESIGNERS

In re: *2007-ARC-3780*)
WILLIAM T. CONWAY) CONSENT AGREEMENT

INTRODUCTION

This document is a Consent Agreement concerning the license of William T. Conway to practice landscape architecture in the State of Maine. The parties to this Consent Agreement are: William T. Conway ("Respondent"), the Maine Board of Architects, Landscape Architects and Interior Designers ("the Board"), and the Maine Department of the Attorney General ("the Attorney General"). This Consent Agreement is entered into pursuant to 10 M.R.S.A. § 8003(5)(B).

STATEMENT OF FACTS

1. Respondent was a landscape architect licensed with the Board until June 30, 1991 when his license expired. He did not file a renewal application until November 20, 2006. Due to the fact that his license had expired more than two years before, Respondent was treated as a new applicant. He did not qualify for licensure under 32 M.R.S.A. § 223-A(3), which is the method he chose to be considered under. At a license denial appeal hearing held on September 18, 2007, the Board voted to deny his license application. Respondent re-applied for licensure on 10/01/2007 and has

demonstrated that he meets the requirements of 32 M.R.S.A. § 220(2)(B) and that he has taken the exam that CLARB considers meets the present exam requirements.

2. During the period of time from his license expiration date to his application for licensure, Respondent did not realize that his license had expired until an office manager at the firm in which he works raised the issue. He incorrectly thought that his renewals had been handled directly by his employer. Regardless of the fact that he did not intend to practice without a license, Respondent acknowledges that he did violate the Board's licensing law under 32 M.R.S.A. § 211, *et seq.*, throughout this period.

AGREEMENT

In order to fully resolve this matter without instituting the formal disciplinary process, it is hereby agreed among the parties that:

1. Respondent acknowledges that the facts set forth in the factual statement above are true and accurate and constitute a violation of 32 M.R.S.A. §220(2)(A);

2. Respondent agrees to pay a fine pursuant to 10 M.R.S.A. § 8003(5-A)(B)(5) in the amount of \$5,680.00 by check made out to "Treasurer, State of Maine" and delivered to the Board Clerk, Kimberly Baker-Stetson, at Department of Professional and Financial Regulation, 35 State House Station, Augusta, ME 04333. The amount of this fine was arrived at by combining the licensing and late application fees for the seventeen (17) years in which he practiced without a license (totaling \$1,430.00) with a

reinstatement fee he would have had to pay if he had filed in a timely manner (\$50.00) and \$300.00 a year for the fourteen (14) years of unlicensed practice that occurred subsequent to the two (2) year window for re-application contained in 32 M.R.S.A. § 224. Payment of that amount shall occur within thirty (30) days of the last signature on this Consent Agreement;

3. Upon execution of this consent agreement by all parties, the Board will grant the Respondent's pending application for licensure;

4. The Respondent agrees to an order, which the Board hereby issues, that he make a reasonable effort to determine any clients for whom he sealed any documents using his landscape architect's seal during the time period in which he did not have a license from the Board, and to notify them in writing that when he sealed the drawing his license had expired. Said notification shall occur within sixty (60) days of the date this Consent Agreement is signed by the Board and sent to the last known address for each client, which includes an obligation to use reasonable efforts to obtain updated addresses of any notifications that are returned as no longer valid addresses.

5. The Board agrees to take no further disciplinary action against Respondent based on the conduct of Respondent described in the Statement of Facts above, but the Board reserves the right to take any action, including disciplinary action, which it deems appropriate and which is allowed by law, if Respondent fails to fully comply with the terms of this Consent Agreement. In taking any action, including

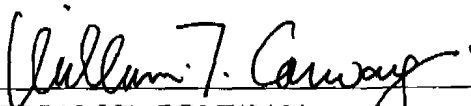
disciplinary action, based on Respondent's failure to fully comply with this Consent Agreement the Board may consider the circumstances surrounding the incident described in the Statement of Facts above and the various acknowledgements that the Respondent has made in this agreement. Furthermore, the Board may consider the conduct described above as evidence of a pattern of conduct in the event that similar allegations are brought against Respondent in the future. Additionally, the Board may consider this agreement as a factor in determining appropriate discipline should any misconduct allegations be proven against Respondent in the future;

6. The parties also agree to the following:
 - (a) This Consent Agreement may not be appealed.
 - (b) The terms of this Consent Agreement may only be amended by written agreement of all the parties hereto.
 - (c) This Consent Agreement is a public record within the meaning of 1 M.R.S.A. § 402.
 - (d) Nothing in this Consent Agreement shall be construed to affect any right or interest of any person not a party hereto.
 - (e) Respondent acknowledges by his signature hereto that he has read and understands this Consent Agreement; that he has had the opportunity to consult with an attorney before he signed this Consent Agreement; that he

has signed this Consent Agreement of his own free will; and that, by signing this Consent Agreement, he agrees to abide by all the terms and conditions as set forth herein.

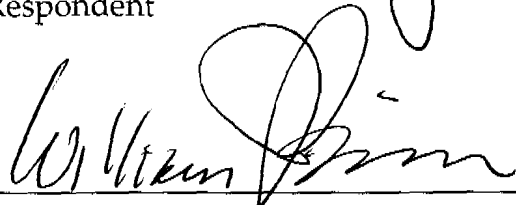
DATED:

10/23/07


WILLIAM T. CONWAY
Respondent

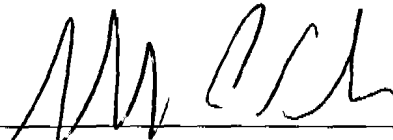
DATED:

10/26/07


WILLIAM J. BISSON, Chairperson
Maine Board of Architects, Landscape
Architects and Interior Designers

DATED:

10/26/07


ROBERT C. PERKINS
Assistant Attorney General