

**BEFORE THE LOUISIANA STATE BOARD OF
ARCHITECTURAL EXAMINERS**

IN THE MATTER OF:
MARTIN K. JOHNSON
CASE NO. 2022-04

FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER

A hearing of the captioned matter was held before the Louisiana State Board of Architectural Examiners (“LSBAE”) on July 28, 2023, at the board office, 9625 Fenway Avenue, Suite B, Baton Rouge, LA 70809. The prosecuting attorney was John C. Miller, Butler Snow, City Plaza, 445 North Blvd #300, Baton Rouge, LA 70802, and the LSBAE was represented by W. Carlos Spaht, Alexander Sides Brinson Spaht & Mullins, LLC, 10412 Jefferson Hwy, Baton Rouge, LA 70809. Martin K. Johnson did not appear. On the basis of testimony and other evidence presented, the LSBAE makes the following findings of fact, conclusions of law, and order.¹

FINDINGS OF FACT

1. Martin K. Johnson (“Johnson”) is and at all times material to the facts and matters involved herein was registered as an architect in the State of Louisiana, as evidenced by architectural license no. 6652. His license has been in an expired status since January 1, 2022.

2. On or about November 7, 2020, Johnson applied for renewal of his Louisiana architectural license, certifying thereon that he had completed the CEH (continuing education hours) required by LSBAE Rule §1315(D). Rule §1315(D) requires completion of a minimum of twelve CEH in health, safety and welfare (“HSW”) each calendar year (January 1 – December 31). Relying upon this and other certifications in the renewal application, the Board renewed Johnson’s architectural license for CY 2021.

3. Johnson was subsequently randomly selected for an audit of his continuing education records for CY 2020. Notification of the audit and a request for Johnson’s CE

¹ Board members Ronald B. Blicht, John E. Cardone, Jr., Christian R. Elberson, and Michael F. Holly were present during the hearing and concur in these findings of fact, conclusions of law, and order. Board members David K. Brossett, Kristine Kobilá, and Kevin J. Singh were not present during the hearing; because of their prior involvement with the Complaint Review Committee, Mr. Brossett, Ms. Kobilá, and Mr. Singh recused themselves and did not participate in any way in these findings, conclusions, or order.

records for CY 2020 was sent to and received by Johnson via email on April 14, 2021, and April 29, 2021. No response to these requests was received.

4. A third notification and request for Johnson's CE records for CY 2020 was sent to Johnson *via* U.S. certified mail on July 6, 2021, such certified notice and request delivered on July 8, 2021. No response to this request was received.

5. At least one voicemail requesting a return call was subsequently left at the telephone number for Johnson contained in the Board's records. Again, no response was received.

6. Johnson did not renew his license for CY 2022 in 2021, and his license has been in expired status since January 1, 2022. While his license was expired, Johnson's LinkedIn page listed him as the "Facilities Architect" at Louisiana Children's Medical Center in New Orleans, Louisiana.

7. The matter was assigned Case No. 2022-04, and notification and a request for Johnson's CE records for CY 2020 was sent to Johnson via certified mail on February 9, 2022, delivered on February 12, 2022, at 1:08 p.m. No response to this request was received.

8. Another notification and request for Johnson's CE records for CY 2020 was sent to Johnson via email on April 13, 2022. No response to this request was received.

9. An attempt to reach Johnson by telephone was made on May 11, 2022, by Justin Owens, LSBAE Deputy Director. That attempt was not successful.

10. On June 14, 2022, Mr. Owens, on behalf of the Complaint Review Committee of the Board ("CRC"), mailed a proposed consent order to Johnson *via* U.S. certified mail offering him the opportunity to resolve the matter informally. The proposed consent order was delivered to Johnson's home on June 22, 2022. No response from Johnson was received.

11. A copy of the letter dated June 14, 2022, and the proposed consent order was personally served upon Johnson on September 25, 2022, by a private process server. No response from Johnson was received.

12. On November 2, 2022, the CRC made a formal administrative complaint against Johnson. By letter dated November 2, 2022, mailed that day certified, return receipt

requested, Tyson Ducote, the LSBAE Executive Director, mailed the administrative complaint to Johnson. In his November 2, 2022 letter, Mr. Ducote requested Johnson to provide the LSBAE within thirty days of the mailing of the request all records pertaining to his continuing education activities during calendar year 2018 (January 1, 2018 – December 31, 2018), calendar year 2019 (January 1, 2019 – December 31, 2019), and calendar year 2020 (January 1, 2020 – December 31, 2020). The letter stated that failing to provide the requested information would be a violation of R.S. 37:153(A)(11), which provides:

(11) Failing to provide, within thirty calendar days of mailing the notice by certified mail, information requested by the executive director as a result of a formal complaint to the board alleging a violation of this Chapter.

On November 30, 2022, a private process server served Mr. Ducote's letter dated November 2, 2022, and the formal administrative complaint upon Johnson.

13. Johnson failed to produce any of the information requested by Mr. Ducote in his letter dated November 2, 2022, within thirty calendar days of mailing of the notice. Even as of the date of the hearing, Johnson failed to produce any of the information requested by Mr. Ducote.

14. R.S. 37:145(B) provides that architects may, by rule of the Board, be required to earn annually up to twelve hours of Board-approved continuing education pertaining to building design in connection with public health, safety, and welfare.

15. Board Rule §1301(A) provides that "[a] license for an individual architect shall expire and become invalid on December 31 of each year. An individual architect who desires to continue his or her license in force shall be required annually to renew same."

16. Board Rule §1315(D) requires all architectural licensees, unless exempt, to obtain a minimum of twelve CEH in HSW each calendar year.

17. Board Rule §1315(G)(1) provides, in part:

The Board requires that each architect shall complete the language on the renewal application pertaining to that architect's continuing education activities during the calendar year immediately preceding the license renewal period. Any untrue or false statement or the use thereof with respect to course attendance or any other aspect of continuing educational activity is fraud or misrepresentation and will subject the architect and/or program sponsor to license revocation or other disciplinary activity.

(Emphasis added).

18. Board Rule §1315(G)(2) provides that, to verify attendance at continuing education activities, attendees shall obtain attendance certificates from program sponsors. Other evidence of attendance may be acceptable.

19. Board Rule §1315(G)(3) provides that the Board may audit licensees for verification of compliance, and that, upon request by the Board, evidence of compliance shall be submitted to substantiate compliance with the requirements of the Board rules.

20. R.S. 37:145(A) prohibits persons from using the title “architect,” or any term derived therefrom, or displaying any title, sign, advertisement, or other device to indicate that such person practices or offers to practice architecture, or renders architectural services, or is an architect, unless such person shall have secured from the Board a certificate of registration and license in the manner provided in the Architect Licensing Law, and shall thereafter comply with the provisions of the laws of the state of Louisiana governing the registration and licensing of architects.

21. R.S. 37:153(A)(3) prohibits registrants and certificate holders from engaging in any act constituting the practice of architecture at a time when a current renewal of a Louisiana architectural license has not been obtained.

22. R.S. 37:153(A) provides that the Board may participate in a proceeding to revoke, rescind, or suspend the certificate of, place on probation, reprimand,, admonish, or fine in an amount not to exceed five thousand dollars per violation, any registrant or certificate holder found by the Board to have committed any of the following: (3) using his seal or stamp or engaging in any other act constituting the practice of architecture at a time “when his current renewal has not been obtained in accordance with law”; (6) violating the provisions of the Architect Licensing Law (R.S. 37:141 et seq.) or any lawful rule or regulation adopted by the Board pursuant to law, or (7) practicing any “fraud, deceit, material misstatement, or perjury ... in applying for any renewal certificate provided for in this Chapter.”

CONCLUSIONS OF LAW

23. Board Rule §1315(G)(3) provides that the Board may audit licensees for verification of compliance with the continuing education rules, and that, upon request by the Board, evidence of compliance *shall* be submitted to substantiate compliance with the requirements of the Board rules. By his refusal to provide any evidence of his compliance with the Board continuing education rules, despite repeated requests for same, the LSBAE concludes that Johnson violated Board Rule §1315(G)(3).

24. R.S. 37:153(A)(11) provides that failing to provide, within thirty calendar days of mailing the notice by certified mail, information requested by the executive director as a result of a formal complaint to the board, is a violation of the Architect Licensing Law. By failing to provide any records pertaining to his continuing education activities during calendar year 2018 (January 1, 2018 – December 31, 2018), calendar year 2019 (January 1, 2019 – December 31, 2019), or calendar year 2020 (January 1, 2020 – December 31, 2020), as requested by Tyson Ducote in his letter dated November 2, 2022, the LSBAE concludes that Johnson violated R.S. 37:153(A)(11).

25. R.S. 37:145(B) provides that architects may, by rule of the Board, be required to earn annually up to twelve hours of Board-approved continuing education pertaining to building design in connection with public health, safety, and welfare, and Board Rule §1315(D) requires all architectural licensees, unless exempt, to obtain a minimum of twelve CEH in HSW each calendar year. Johnson has failed to provide the Board with any evidence of his continuing education activities during CY 2020, despite repeated requests for same and his obligation to do so. The LSBAE concludes that Johnson failed to obtain twelve CEH in HSW for CY 2020, and he violated R.S. 37:145(B) and Board Rule §1315(D) for such year.

26. Board Rule §1315(G)(1) provides that any untrue or false statement or the use thereof with respect to course attendance or any other aspect of continuing educational activity is fraud or misrepresentation and will subject the architect and/or program sponsor to license revocation or other disciplinary activity. On or about November 7, 2020, Johnson applied for renewal of his Louisiana architectural license for CY 2021, certifying on his

renewal application that he had completed the CEH (continuing education hours) required by LSBAE Rule §1315(D) for CY 2020. Johnson has failed to provide the Board with any evidence of his continuing education activities during CY 2020, despite repeated requests for same and his obligation to do so. The LSBAE concludes that Johnson misrepresented his continuing education activities for CY 2020 and, in doing so, violated R.S. 37:145(B) and Board Rule §1315(G)(1) and committed fraud and misrepresentation in his renewal application.

27. R.S. 37:145(A) prohibits persons from using the title “architect,” or any term derived therefrom, or displaying any title, sign, advertisement, or other device to indicate that such person practices or offers to practice architecture, or renders architectural services, or is an architect, unless such person shall have secured from the Board a certificate of registration and license in the manner provided in the Architect Licensing Law, and shall thereafter comply with the provisions of the laws of the state of Louisiana governing the registration and licensing of architects. R.S. 37:153(A)(3) prohibits a registrant from using his seal or stamp or engaging in any other act constituting the practice of architecture at a time “when his current renewal has not been obtained in accordance with law.” While his license was expired, Johnson’s LinkedIn page listed him as the “Facilities Architect” at Louisiana Children’s Medical Center in New Orleans, Louisiana. By such listing, the LSBAE concludes that Johnson violated R.S. 37:145(A) and R.S. 37:153(A)(3).

ORDER

1. Johnson is FINED the total sum of \$5,000.00, and IT IS ORDERED that Martin K. Johnson pay this fine; the attorney’s fees incurred by the LSBAE for John C. Miller (\$1,158.75), W. Carlos Spaht (\$495.00), and Paul H. Spaht (\$5,120.00); the costs charged by the court reporter, CRLA Veritext Co., for transcribing this hearing (\$306.20), and the costs and expenses incurred by the LSBAE (\$348.62) related to this case; or the TOTAL SUM of \$12,428.57.

2. IT IS FURTHER ORDERED that the registration in Louisiana and Louisiana license #6652 of Martin K. Johnson are REVOKED.

3. IT IS FURTHER ORDERED that Martin K. Johnson shall cease and desist from representing himself as an architect publicly and privately, including but not limited to in his social media, and shall further provide an acknowledgement from the Louisiana Children's Medical Center in New Orleans that he is not a licensed architect to the reasonable satisfaction of the LSBAE.

3. IT IS FURTHER ORDERED that these findings of fact, conclusions of law, and order shall be posted on the board website; that a summary of this matter and these findings of fact, conclusions of law, and order shall be published in the official newsletter of the LSBAE, *Louisiana Architect*, and that these findings of fact, conclusions of law, and order shall be reported to the National Council of Architectural Registration Boards ("NCARB") Disciplinary Database, all identifying Martin K. Johnson by name.

Baton Rouge, Louisiana, this 1st day of December, 2023.


LOUISIANA STATE BOARD OF
ARCHITECTURAL EXAMINERS



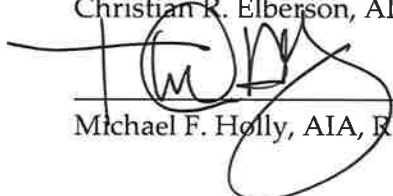
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