VIRGINIA ACTS OF ASSEMBLY -- 2007 SESSION

CHAPTER 618

An Act to amend the Code of Virginia by adding a section numbered 54.1-402.2, relating to the Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers, and Landscape Architects; powers; cease and desist orders; penalty.

[H 1801]

Approved March 20, 2007

Be it enacted by the General Assembly of Virginia:
1. That the Code of Virginia is amended by adding a section numbered 54.1-402.2 as follows:

§ 54.1-402.2. Cease and desist orders for unlicensed activity; civil penalty.

A. Notwithstanding § 54.1-111, the Board may issue an order requiring any person to cease and desist from (i) practicing or offering to practice as an architect, professional engineer, or land surveyor when such person is not licensed or registered by the Board in accordance with this chapter or (ii) holding himself out as a landscape architect or certified landscape architect or certified interior designer when such person is not certified or registered by the Board in accordance with this chapter. The order shall be effective upon its entry and shall become final unless such person files an appeal with the Board in accordance with the Administrative Process Act (§ 2.2-4000 et seq.) within 21 days of the date of entry of the order.

B. If the person fails to cease and desist the unlicensed, uncertified, or unregistered activity after entry of an order in accordance with subsection A, the Board may refer the matter for enforcement pursuant to § 54.1-306.

C. Any person engaging in unlicensed, uncertified, or unregistered activity shall be subject to further proceedings before the Board and the Board may impose a civil penalty not to exceed $2,500. Any penalties collected under this section shall be paid to the Literary Fund after deduction of the administrative costs of the Board in furtherance of this section.

D. Nothing contained in this section shall apply to any person engaged in activity exempted from the provisions of this chapter.