

BEFORE THE MISSISSIPPI STATE BOARD OF ARCHITECTURE

IN THE MATTER OF:
EILEEN MARIE KEMP
DHM DESIGN
11815 W 80TH AVENUE
ARVADA, COLORADO 80005

CAUSE NO. 23-12

CONSENT AGREEMENT

You are hereby notified that:

1. This matter came before the Landscape Architecture Advisory Committee of the Mississippi State Board of Architecture concerning the entry of a Consent Order with Eileen Marie Kemp. 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 Respondent is Eileen Marie Kemp.
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. Eileen Marie Kemp (Respondent) is an applicant of the Board, having applied for a reciprocal license on June 12, 2023.
5. The Respondent disclosed in connection with her reciprocal license application that, "Progress plans have been prepared by the design team" for a National Park Service project in Mississippi absent a current landscape architectural license in Mississippi.

6. As mitigating factors, the Board considered that the Respondent has not been previously disciplined by the Board and disclosed the practice prior to licensure on her application.

7. Respondent has had the opportunity at all times to seek advice from competent counsel of her choice. No coercion has been exerted upon Respondent, nor have any promises been made other than those reflected in this Consent Order. Respondent has freely and voluntarily entered into this agreement, motivated only by a desire to resolve the issues addressed herein.

8. Respondent is fully aware of her right to contest charges made against her in a formal hearing. These rights include the right to representation by an attorney at Respondent's expense, the right to a public hearing on the charges filed, the right to confront and cross examine witnesses called to testify against her, the right to present evidence in Respondent's 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 Respondent in exchange for the Board's acceptance of this Consent Order.

9. Having considered all of the information and evidence presented to it, the Board has determined that there is clear and convincing evidence to make a finding that the acts of the Respondent as described above in Paragraph Five constitute a violation of:

- a. *Miss. Code Ann. § 73-2-5*, which provides that no person shall practice landscape architecture in this state unless such person shall have secured from the Board a license as a landscape architect; and
- b. *Miss. Code Ann. § 73-2-16(2)(a)*, which provides that the Board may take disciplinary action for "Violating any of the provisions of Sections

73-2-1 through 73-2-21 or the implementing bylaws, rules, regulations or standards of ethics or conduct duly adopted and promulgated by the board pertaining to the practice of landscape architecture”; and

- c. Rule 2.5.6, which provides, in part, that an individual offering or proposing landscape architectural services prior to licensure shall be prohibited from actually rendering landscape architectural services until the individual has an active license.

10. Respondent has consented to a finding of wrongdoing as to the violations cited herein.

11. The Board finds that the Respondent has acknowledged this conduct, expressed regret for any violations of law or regulation arising from it, made efforts to rectify the improper conduct, and has willingly cooperated with the Board in resolving this matter.

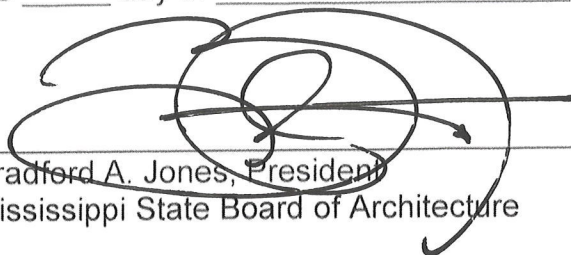
12. In consideration of the foregoing admissions, the Board issues a public reprimand to the Respondent and orders that the Respondent is assessed a fine in the amount of seven hundred and fifty dollars (\$750.00), which must be remitted in full within thirty (30) calendar days from entry of this order. Upon fulfillment of these terms and conditions, which shall be accepted by the Board as clear and convincing evidence of rehabilitation and reform, a landscape architectural license shall be granted to the Respondent.

13. The Respondent acknowledges that the Board has jurisdiction over her and the subject matter which precipitated this Consent Order.


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 Respondent by her signature below stipulates and agrees that:
 - i. She is entitled to a fair hearing before the Board on this matter; and
 - ii. This Order is not binding upon the Board or the Respondent, nor is it of any effect or consequence whatsoever, until signed by both parties; and
 - iii. Both the Board and the Respondent are free to either accept or reject this Order prior to their acceptance and signatures.
- b. If accepted and entered by the Board, the Respondent and the Board by their signatures acknowledge and understand that:
 - i. This document is public record. This disciplinary action shall be reported to and posted with the Council of Landscape Architectural Registration Boards, shall be posted in 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.
- c. The Respondent, by her signature, waives any and all objections or legal challenges she may have regarding or arising out of this matter, the entry of this Consent Order or any of its terms. She agrees to and waives any legal objections that may otherwise be available to her as to the Board taking this matter up preliminarily for purposes of considering this Consent Order.

SO ORDERED this the 17th day of October, 2023.



Bradford A. Jones, President
Mississippi State Board of Architecture



Alan Hoops, Chair
Mississippi Landscape Architecture Advisory Committee



Eileen Marie Kemp, Respondent