



District of Columbia Government  
Advisory Neighborhood Commission 6A  
Box 75115  
Washington, DC 20013



May 10, 2014

Mr. Matthew Le Grant  
Zoning Administrator  
Department of Consumer and Regulatory Affairs  
1100 Fourth Street, SW, Room 3102  
Washington, DC 20024

Re: Additional Indication of Potential Zoning Violation (1511 A Street, NE)

Dear Mr. LeGrant,

At a regularly scheduled and properly noticed meeting<sup>1</sup> on May 8, 2014, our Commission voted 5-0-0 (with 4 Commissioners required for a quorum) to write to you again regarding the proposed construction of an 18-unit apartment building at 1511 A Street, NE and, specifically, to bring to your attention several significant issues related to the attached plans for the proposed structure. The developer has stated that these plans are the plans currently under review by your office.

First, the attached drawings show that the existing front porch will be retained and further denote that the property “grade” is located at a level almost immediately below that of the front porch. In reality, however, and as the attached photograph of 1511 A Street, NE shows, the property grade is in fact several feet below the front porch. The fact that the drawings do not accurately depict the location of the grade is highly significant, because it suggests that the basement floor of the proposed development would not count against the permissible FAR for the structure. If the basement floor were to count against the structure’s FAR (which it would appear should be the case), it would result in a FAR greater than 3.0 and necessitate zoning relief.

Second, the attached drawings show the “curb” from which the building height is measured at a level far above the location of the existing curb. If the building height were measured from where the relevant curb is actually located, the building would be far in excess of the fifty-foot limit on building height in a C-2A zone. Accordingly, the structure as currently designed cannot be constructed on a by-right basis for that reason as well.

Finally, we would like to bring to your attention the fact that it appears that the professional engineer whose stamp can be seen on the plans, Suresh R. Baral, is the same Suresh R. Baral who had his professional engineer’s license revoked in Virginia in September 2013. As the attached documents show, the Virginia board that revoked Mr. Baral’s license found that he had affixed his stamp to drawings not prepared under his direct control and personal supervision. The board concluded that “Baral’s utter disregard for his professional and regulatory responsibilities in conjunction with his total lack of candor demonstrates he cannot be trusted with the responsibilities of being a licensee,” and that “Baral also fails to appreciate the risk to the public created by his actions.” In view of these findings by the Virginia board, we are obviously troubled by Mr. Baral’s involvement in this project.

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<sup>1</sup> ANC 6A meetings are advertised electronically on the [anc6a-announce@googlegroups.com](mailto:anc6a-announce@googlegroups.com), ANC-6A and NewHillEast yahoogroups, on the Commission’s website, and through print advertisements in the Hill Rag.



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Advisory Neighborhood Commission 6A  
Box 75115  
Washington, DC 20013



We again ask that you closely scrutinize the plans provided by the developer and determine whether any zoning relief is required, particularly with regard to the FAR and height of the proposed structure. We believe such scrutiny is particularly warranted in view of Mr. Baral's involvement with this project. I would appreciate a response regarding this issue at your earliest convenience. I can be contacted at [6A04@anc.dc.gov](mailto:6A04@anc.dc.gov).

On Behalf of the Commission,

Nicholas Alberti  
Chair, Advisory Neighborhood Commission 6A

Enclosures



2626 TUNLAW RD., #304  
 WASHINGTON, DC. 20007  
 TEL: 202 338 8074  
 FAX: 202 338 5501

PROJECT TITLE

1511 A STREET, NE.  
 WASHINGTON, DC.

PROJECT NUMBER

PROJECT STATUS

SHEET TITLE

PROPOSED  
 ELEVATION



DRAWN BY

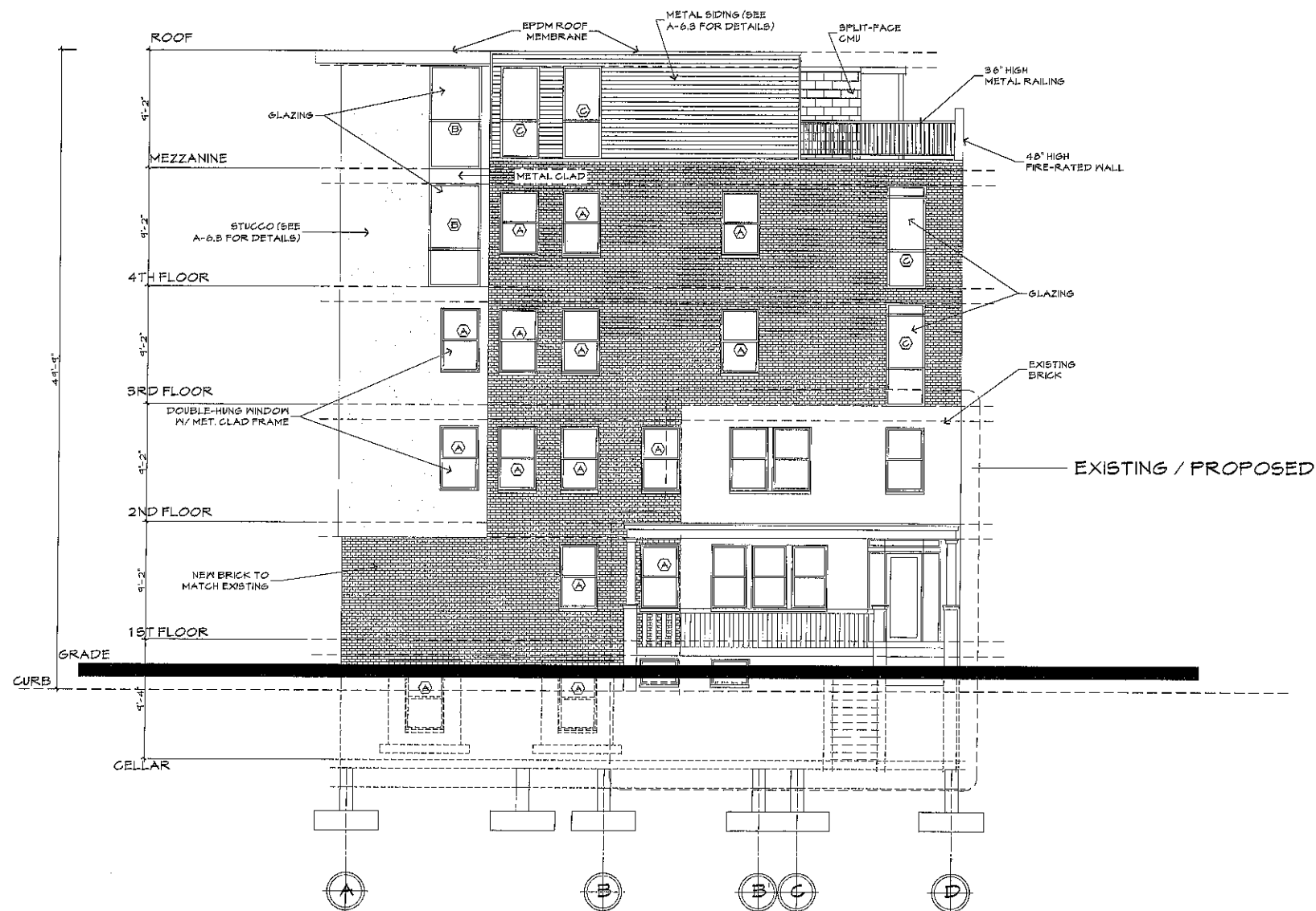
APPROVED BY

REVISION		
NO.	DATE	DESCRIPTION

SCALE: 3/16" = 1'-0"

A-3.1

DATE: JUNE 06, 2013



1 NORTH ELEVATION  
 SCALE: 3/16" = 1'-0"



ARCHITECTURAL  
DESIGN  
GRAPHICS

2626 TUNLAW RD., #304  
WASHINGTON, DC, 20007

TEL: 202 338 8074  
FAX: 202 338 5301

PROJECT TITLE

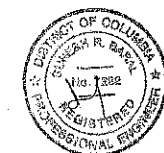
1311 A STREET, NE.  
WASHINGTON, DC.

PROJECT NUMBER

PROJECT STATUS

SHEET TITLE

PROPOSED  
ELEVATION



DRAWN BY

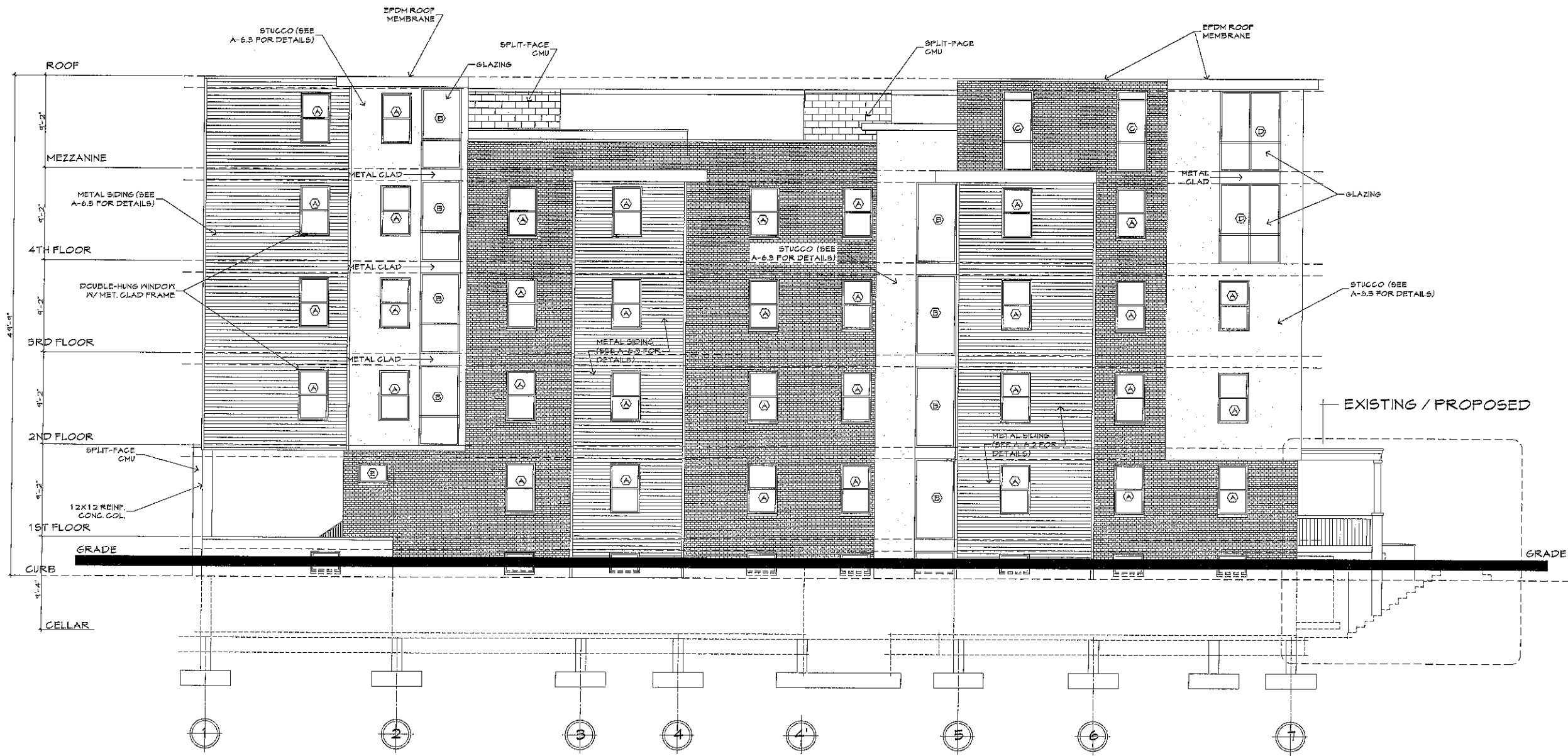
APPROVED BY

REVISION		
NO.	DATE	DESCRIPTION

SCALE: 3/16" = 1'-0"

A-3.2

DATE: JUNE 06, 2015



**2 EAST ELEVATION**  
SCALE: 3/16" = 1'-0"



ARCHITECTURAL  
DESIGN  
GRAPHICS

2626 TUNLAW RD., #304  
WASHINGTON, DC, 20007

TEL: 202 333 8074  
FAX: 202 333 5301

PROJECT TITLE

1511 A STREET, NE.  
WASHINGTON, DC.

PROJECT NUMBER

PROJECT STATUS

SHEET TITLE

PROPOSED  
ELEVATION



DRAWN BY

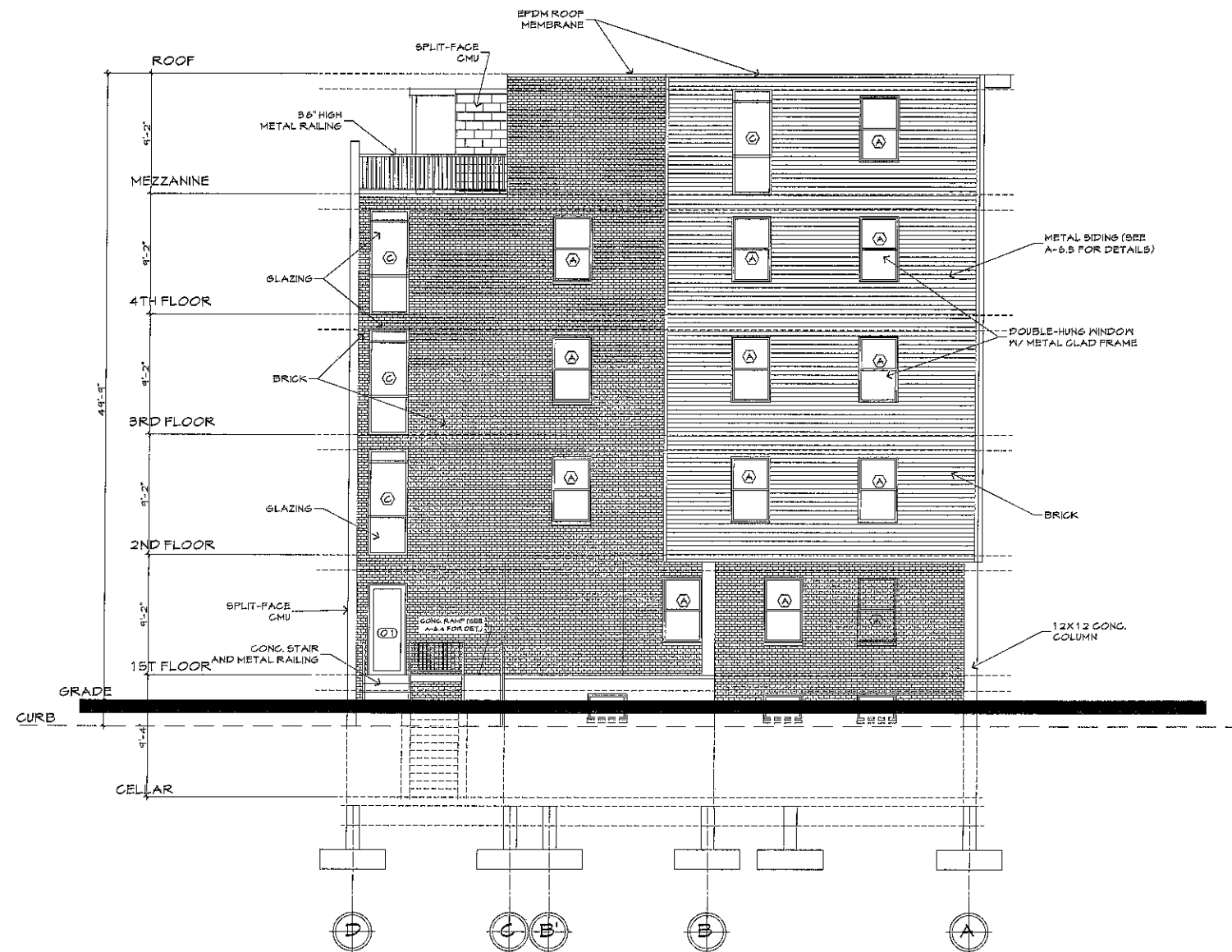
APPROVED BY

REVISION		
NO.	DATE	DESCRIPTION

SCALE: 3/16" = 1'-0"

**A-3.3**

DATE: JUNE 06, 2013



**3** SOUTH ELEVATION  
SCALE: 3/16" = 1'-0"





ARCHITECTURAL  
DESIGN  
GRAPHICS

2626 TUNLAW RD., #304  
WASHINGTON, DC. 20007

TEL: 202 338 8074  
FAX: 202 338 5301

PROJECT TITLE

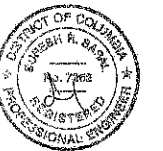
1511 A STREET, NE.  
WASHINGTON, DC.

PROJECT NUMBER

PROJECT STATUS

SHEET TITLE

BUILDING SECTION



DRAWN BY

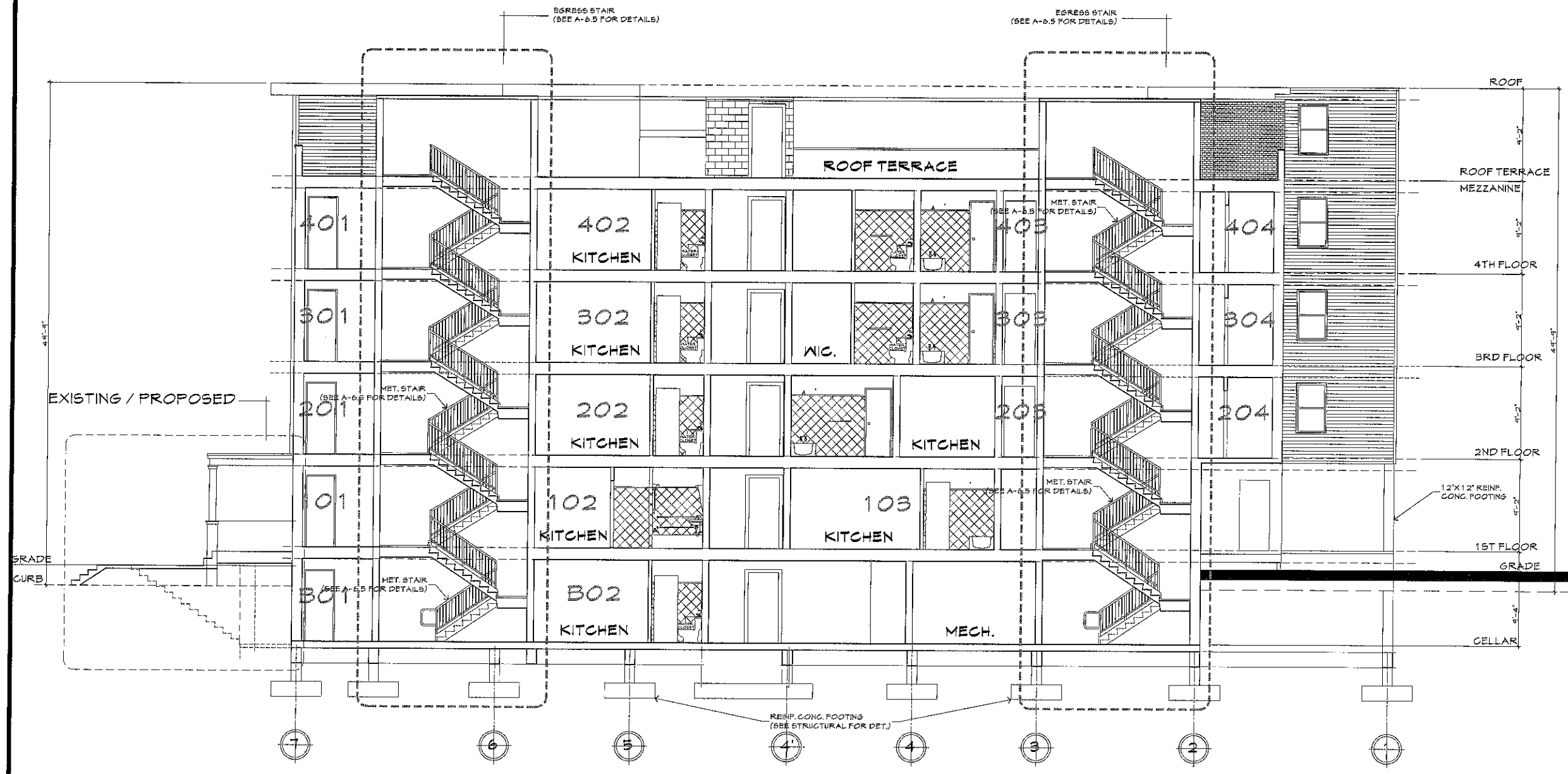
APPROVED BY

REVISION		
NO.	DATE	DESCRIPTION

SCALE: 3/16" = 1'-0"

A-4.1

DATE: JUNE 06, 2013



**A** SECTION A-A  
SCALE: 3/16" = 1'-0"



2626 TUNLAW RD., #B04  
WASHINGTON, DC, 20007  
TEL: 202 338 5074  
FAX: 202 338 5301

PROJECT TITLE

1511 A STREET, NE.  
WASHINGTON, DC.

PROJECT NUMBER

PROJECT STATUS

SHEET TITLE

PROPOSED  
FLOOR PLAN



DRAWN BY

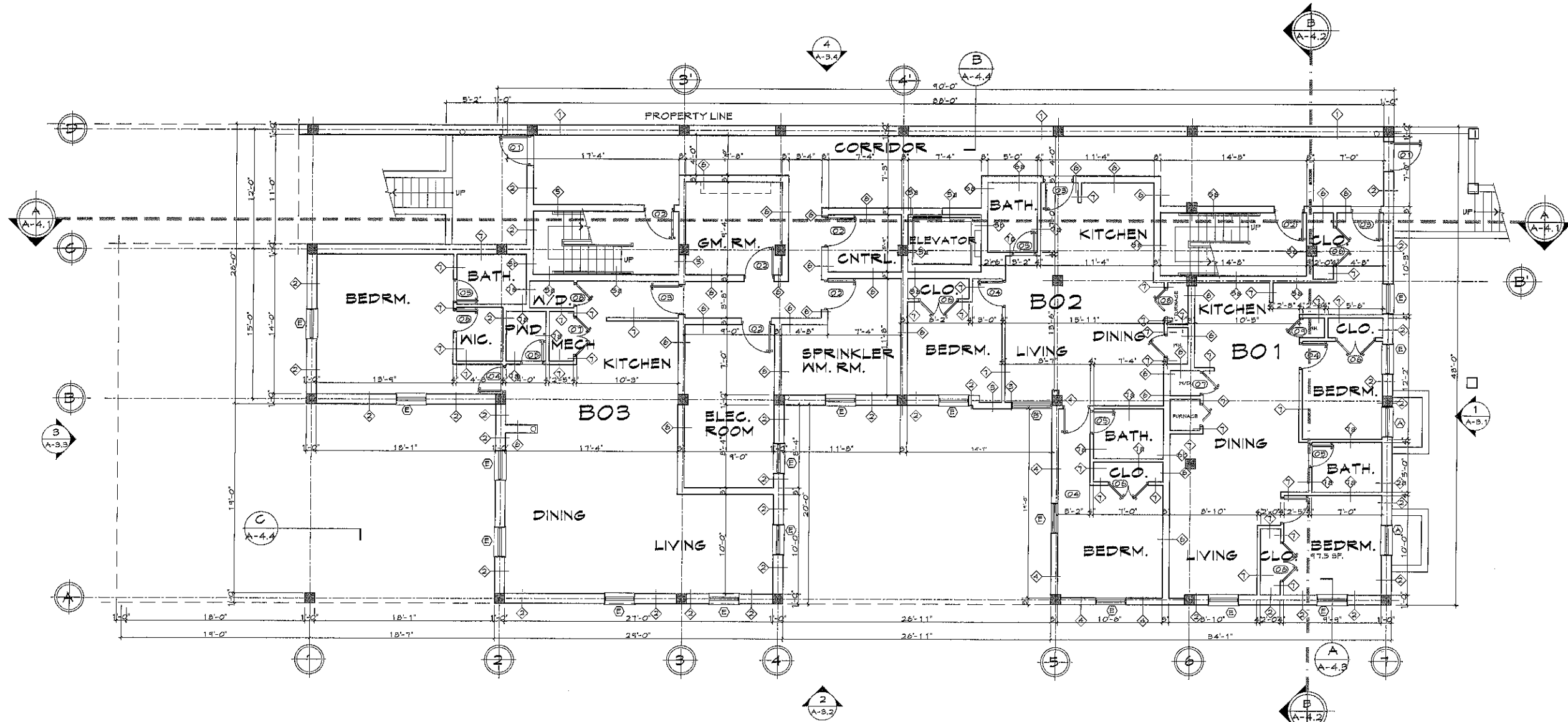
APPROVED BY

REVISION	
NO.	DESCRIPTION

SCALE 3/16" = 1'-0"

A-1.1

DATE: JUNE 06, 2013



**CELLAR PLAN**  
SCALE: 3/16" = 1'-0"

**NOTE:**  
ALL BEDROOMS (I.E. SLEEPING ROOMS) SHALL HAVE AN EMERGENCY ESCAPE WINDOW (IBC 2006, 1009; IRC 2000, 310). THIS WINDOW SHALL HAVE A MINIMUM NET CLEAR OPENING OF 5.7 SQ.FT. WITH A MINIMUM CLEAR HEIGHT OF 24 INCHES AND A CLEAR WIDTH OF 20 INCHES. THE MAXIMUM HEIGHT OF THE CLEAR OPENING FROM THE FLOOR IS 44 INCHES (IBC 2006, SECTION 1009.3; IRC 2006, SECTION 310.1)

ALL BATHROOM WINDOWS ARE SAFETY GLAZING.











**PROPOSED  
FLOOR PLAN**



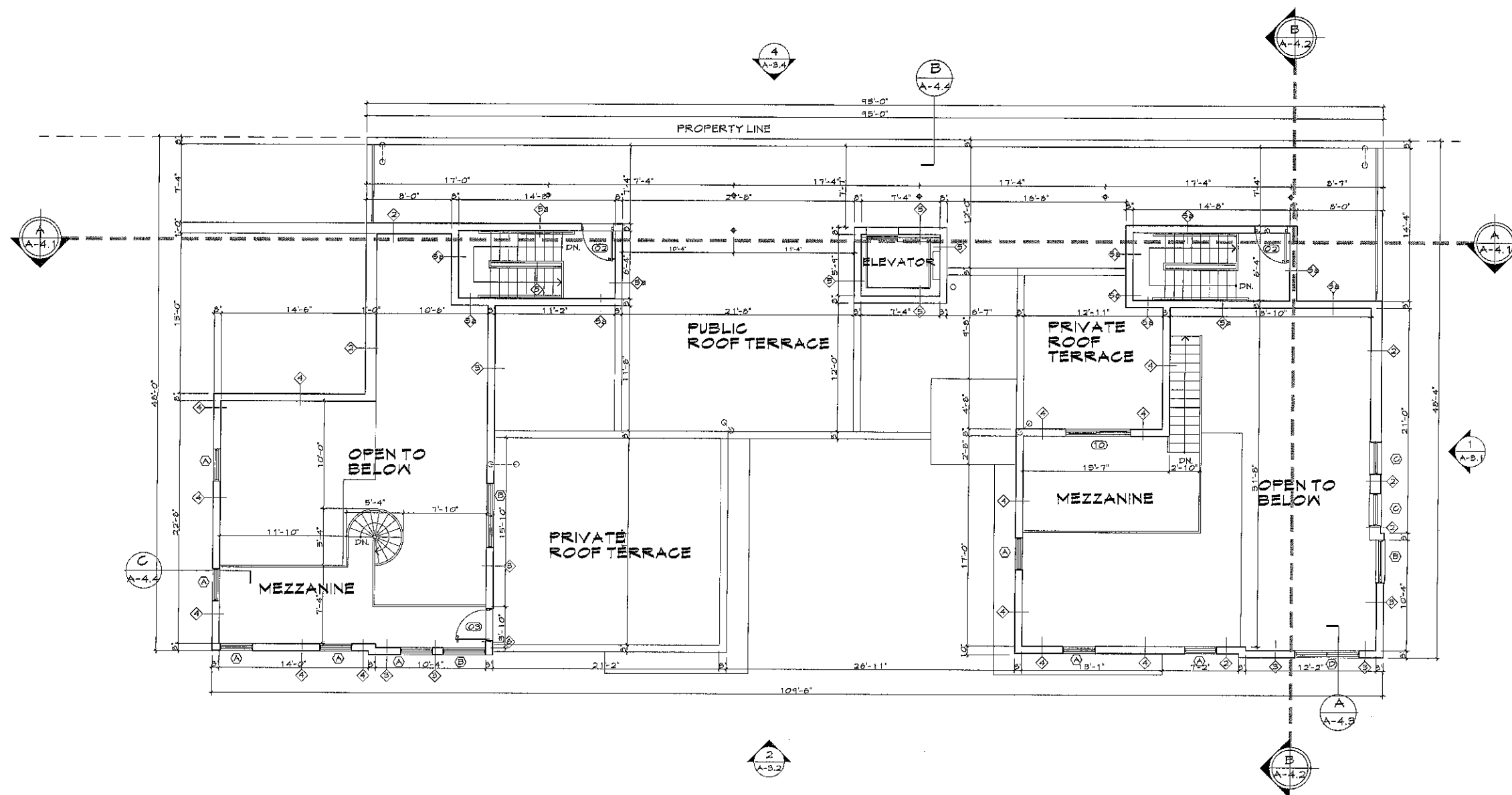
DRAWN BY

APPROVED BY

REVISION		
NO.	DATE	DESCRIPTION

SCALE: 3/16" = 1'-0"

**A-1.6**



**MEZZANINE/ROOF TERRACE PLAN**  
SCALE: 3/16" = 1'-0"

**NOTE:**  
ALL BEDROOMS (I.E. SLEEPING ROOMS) SHALL HAVE AN EMERGENCY ESCAPE WINDOW (IBC 2006, 1009; IRC 2000, 310). THIS WINDOW SHALL HAVE A MINIMUM NET CLEAR OPENING OF 5.7 SQ.FT. WITH A MINIMUM CLEAR HEIGHT OF 24 INCHES AND A CLEAR WIDTH OF 20 INCHES. THE MAXIMUM HEIGHT OF THE CLEAR OPENING FROM THE FLOOR IS 44 INCHES (IBC 2006, SECTION 1009.3; IRC 2006, SECTION 310.1)  
ALL BATHROOM WINDOWS ARE SAFETY GLAZING.



Address **1510 A St NE**

Address is approximate



**IN THE  
COMMONWEALTH OF VIRGINIA  
BOARD FOR ARCHITECTS, PROFESSIONAL ENGINEERS, LAND  
SURVEYORS, CERTIFIED INTERIOR DESIGNERS AND LANDSCAPE  
ARCHITECTS**

Re: Suresh Ranjan Baral  
Fairfax, VA 22030

File Number           2012-02121  
License Number       0402015039

**FINAL OPINION AND ORDER**

On August 20, 2013, the Summary of the Informal Fact-Finding Conference ("the Summary") and notification of the Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects ("the Board") September 24, 2013 meeting was mailed, via United Parcel Service ("UPS"), to Suresh Ranjan Baral ("Baral") at the address of record. The mail was delivered.

On September 24, 2013, the Board met and reviewed the record, which consisted of the investigative file, the transcript, and exhibits from the Informal Fact-Finding Conference ("IFF"), and the Summary. Baral did appear at the Board meeting in person.

The Board adopts the Report of Findings, which contains the facts regarding the regulatory and/or statutory issues in this matter, and adopts the Summary. The Report of Findings and Summary are incorporated as part of this Order.

The Board finds substantial evidence that Baral violated the following sections of its Regulations:

(Effective July 1, 2010)  
Count 1: 18 VAC 10-20-760 A  
Count 2: 18 VAC 10-20-760 B 3  
Count 3: 18 VAC 10-20-760 B 1

The Board imposes the following monetary penalties:



Count 1:	18 VAC 10-20-760 A	\$ 2,500.00
Count 2:	18 VAC 10-20-760 B 3	\$ 500.00
Count 3:	18 VAC 10-20-760 B 1	\$ 1,000.00
	TOTAL	----- 4,000.00

The Board also imposes the following sanctions:

Revocation of the license for violation of Count 1.

THE TOTAL MONETARY PENALTY ASSESSED HEREIN SHALL BE PAID WITHIN SIXTY (60) DAYS FROM THE DATE OF ENTRY OF THIS FINAL ORDER. FAILURE TO PAY THE TOTAL MONETARY PENALTY ASSESSED WITHIN SIXTY (60) DAYS OF THE DATE OF ENTRY OF THIS FINAL ORDER WILL RESULT IN THE AUTOMATIC SUSPENSION OF YOUR LICENSE (LICENSE NO. 0402015039) UNTIL SUCH TIME AS SAID AMOUNT IS PAID IN FULL.

FAILURE TO COMPLY WITH ANY OTHER TERMS WITHIN THE STATED TIMEFRAMES FROM THE DATE OF ENTRY OF THIS FINAL ORDER WILL RESULT IN THE AUTOMATIC SUSPENSION OF YOUR LICENSE (LICENSE NO. 0402015039) UNTIL SUCH TIME AS COMPLIANCE IS OBTAINED. BARAL UNDERSTANDS THE RIGHT TO HAVE THIS AUTOMATIC SUSPENSION CONSIDERED IN AN INFORMAL CONFERENCE PURSUANT TO THE ADMINISTRATIVE PROCESS ACT §§ 2.2-4019 AND 2.2-4021 OF THE 1950 CODE OF VIRGINIA, AS AMENDED.

AS PROVIDED BY RULE 2A:2 OF THE SUPREME COURT OF VIRGINIA, YOU HAVE THIRTY (30) DAYS FROM THE DATE OF SERVICE (I.E. THE DATE YOU ACTUALLY RECEIVED THIS DECISION OR THE DATE THE DECISION WAS MAILED TO YOU, WHICHEVER OCCURRED FIRST) WITHIN WHICH TO APPEAL THIS DECISION BY FILING A NOTICE OF APPEAL, SIGNED BY EITHER YOU OR YOUR COUNSEL, WITH GORDON N. DIXON, SECRETARY OF THE BOARD FOR ARCHITECTS, PROFESSIONAL ENGINEERS, LAND SURVEYORS, CERTIFIED INTERIOR DESIGNERS AND LANDSCAPE ARCHITECTS. IN THE EVENT THAT THE DECISION WAS SERVED ON YOU BY MAIL, THREE (3) DAYS SHALL BE ADDED TO THE THIRTY (30) DAY PERIOD.



IF A PETITION FOR APPEAL IS FILED WITH THE CLERK OF THE CIRCUIT COURT, AS PROVIDED BY RULE 2A:4 OF THE SUPREME COURT OF VIRGINIA, THEN THE AUTOMATIC SUSPENSION OF YOUR LICENSE FOR FAILURE TO PAY THE TOTAL ASSESSED MONETARY PENALTY WILL BE STAYED PROVIDED THE FOLLOWING INFORMATION IS RECEIVED BY GORDON N. DIXON, SECRETARY OF THE BOARD FOR ARCHITECTS, PROFESSIONAL ENGINEERS, LAND SURVEYORS, CERTIFIED INTERIOR DESIGNERS AND LANDSCAPE ARCHITECTS:

1. A SIGNED COPY OF THE NOTICE OF APPEAL; AND
2. A COPY OF THE SURETY AGREEMENT OR A COPY OF THE RECEIPT FROM THE CLERK OF THE CIRCUIT COURT WHERE THE APPEAL HAS BEEN FILED INDICATING THAT A BOND HAS BEEN POSTED OR CASH PAID INTO THE COURT IN THE AMOUNT OF THE TOTAL MONETARY PENALTY ASSESSED IN THE FINAL ORDER.

**SO ORDERED:**

Entered this 24<sup>th</sup> day of September, 2013.

Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects

BY:   
Gordon N. Dixon, Secretary

**IN THE  
COMMONWEALTH OF VIRGINIA**

**BOARD FOR ARCHITECTS, PROFESSIONAL ENGINEERS,  
LAND SURVEYORS, CERTIFIED INTERIOR DESIGNERS  
AND LANDSCAPE ARCHITECTS**

Re: Suresh Ranjan Baral

File Number: 2012-02121  
License Number: 0402015039

**SUMMARY OF THE INFORMAL FACT-FINDING CONFERENCE**

On May 24, 2013, the Notice of Informal Fact-Finding Conference ("Notice") was sent by the United Parcel Service to Suresh Ranjan Baral ("Baral") at the address of record. The Notice included the Revised Report of Findings, which contained the facts regarding the regulatory and/or statutory issues in this matter. The Notice was delivered.

On June 27, 2013, the Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects ("the Board") convened an Informal Fact-Finding Conference ("IFF") at the Department of Professional and Occupational Regulation ("the Department").

The following individuals participated at the IFF: Baral, Respondent; Eric Mays ("Mays"), Complainant; Doug Schroder and Caroline Pruett, Staff Members; and Wiley V. Johnson, III, Presiding Board Member.

**RECOMMENDATION**

Based upon the evidence in the record, the following is recommended regarding the Counts as outlined in the Revised Report of Findings:

On March 18, 2011, Rohit C. Thakkar ("Thakkar") submitted a set of plans and a building permit application to Prince William County ("PWC") for the interior build out design of a Boost Mobile Store located at the subject property in Manassas, Virginia. The plans were sealed and signed by Thakkar as a registered design professional.<sup>1</sup>

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<sup>1</sup> Thakkar submitted the plans under PWC's Expedited Commercial Review Program ("ECRP"), which requires plans to be signed and sealed by a registered design professional. The plans may otherwise have been exempted under Section 54.1-402 of the Code of Virginia from the requirement to be signed and sealed. However, PWC's requirements applied in this case, and PWC reviewed the plans on this basis. Further, Board regulation 18 VAC 10-20-760.B.4 requires design professionals to seal their work even if one of the Section 54.1-402 exemptions applies.



As part of PWC's plan review process, Iran Scott ("Scott") generated Architectural Review Comments ("ARC") for the subject property, dated March 21, 2011. Among other issues, the initial ARC posted by Scott stated that Thakkar was not licensed to practice architecture or engineering in the State of Virginia.<sup>2</sup> Therefore, PWC returned the drawing to Thakkar and told him that he would need a licensed architect to stamp and approve the drawings.

On March 25, 2011, Thakkar submitted a letter to PWC withdrawing the plans and application he submitted for the subject property.

Count 1: Board Regulation

On March 25, 2011, Baral submitted to PWC for review the same plans for the subject property previously submitted by Thakkar; however, the plans were now sealed and signed by Baral. Baral's seal was not dated. The title block of the plans contained the date of March 18, 2011. Further, the title block indicated, "Architect Rohit C. Thakkar" and the address of Thakkar's firm in Washington, D.C.

The record contains several different explanations for the circumstances under which Baral came to seal, sign, and submit these plans. The Board must consider Baral's credibility when deciding which version of events to accept. I had the opportunity to observe Baral's appearance and demeanor during the IFF. My observations, taken together with the information in the record, raise serious concerns regarding Baral's truthfulness.

At the IFF, Baral repeatedly gave vague, evasive, and inconsistent answers. His account of the timeline of his involvement with the Boost Mobile project, the extent of the work he performed, and his business arrangement with Thakkar continued to change and evolve as he was confronted with specific questions. On several occasions, Baral evaded direct questions, giving answers that were nonresponsive. On other occasions he made statements that directly contradicted his previous written responses or other statements during the IFF. As demonstrated below, this information makes it difficult to believe Baral's account of events.

In his initial written response to the Board's agent, dated February 29, 2012, Baral stated that he worked with Thakkar on the subject property "extensively" and that he reviewed and marked up all drawings "with direct supervision on the project." He also stated that he contracted with Thakkar on March 20, 2011. (Exh. R-1) In a later response dated February 6, 2013, Baral repeated that the design work "was reviewed and supervised by me in its entirety" and that it was "checked by me thoroughly prior to sign and seal." (Exh. R-2) On May 16, 2013, Baral wrote, "The drafting of design work was done by Mr. Thakkar with my direct supervision and back check." (Exh. R-3)

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<sup>2</sup> Thakkar was issued an architect's license in 1982. However, the registration for his license expired on June 2, 1992 and had not been renewed when the plans were submitted to PWC in March 2011. On June 13, 2012, Thakkar's registration was renewed. (Exh. I-2)



The written responses listed above create confusion regarding Baral's specific role in the project. He repeatedly states that he supervised the work but it is difficult to determine what this supervision consisted of. According to Baral's account, Thakkar did the drafting, while Baral "reviewed" and "checked [the design] thoroughly". Together with the statement that they worked together "extensively," these statements seem intended to give the impression that Baral was involved at all stages of the design project.

Furthermore, in May 2013, Baral submitted to the Board's agent a proposal from Baral to Thakkar, dated March 10, 2011, stating that for a fee of \$2,000.00, Baral would provide Thakkar with a "complete review, mark up and supervise all design drawings. You will do drawings, we will back check and respond to all county comments during permit reviews." (Exh. I-4)

At the IFF, when Baral was questioned regarding his role in the project, a different picture emerged. He stated that on "other jobs," he and Thakkar had worked together, but this was a "small job." In this case, Thakkar originally planned to do the job himself because he either "could not afford" the fee Baral would have charged (Transcript, p. 17) or Thakkar "didn't want to spend the money for the consult" because the job was so small. (Transcript, p. 19) However, when Thakkar discovered his own license was not current and PWC would not accept the plans, Thakkar asked for Baral's help on the project. According to Baral, Thakkar stated, "I have to use you." Thakkar requested Baral to "go through everything and stamp it for me." (Transcript, pp. 11-12)

It is important to note the difference in these two versions of events. If Thakkar intended to do the job himself then there would have been no need for Baral to be involved at all before March 21, 2011, the date PWC notified Thakkar that his plans were rejected because his license was not in good standing. This calls into question why they entered into a contract on March 20, 2011.

Baral stated that Thakkar dropped off the drawings and Baral started his review either the same day or the next day.<sup>3</sup> (Transcript, p. 15) Initially Baral stated that on his first review, he went through all the drawings and "it was more or less okay," but he made some marks and corrected two things. (Transcript, p. 9) Later in the IFF, Baral said that he reviewed the plan and found it "quite okay," and didn't make any corrections.<sup>4</sup> He stated that he felt "comfortable" stamping the plans because he had "been working with [Thakkar on] so many projects before." (Transcript, pp. 12-13) On another

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<sup>3</sup> On page 15 of the transcript, Baral stated he looked at the set of plans the next day after it was dropped off. After being asked a clarifying question, Baral immediately contradicted himself and said he started on the same day. He concluded, "I don't know what day he came back. He gave me a couple of days, I think." Later, he stated without qualification that Thakkar gave him "a couple of days." (Transcript, p. 18) Still later in the IFF, Baral said that Thakkar gave him "four, five, six days" to conduct the review, and that Baral spent two days conducting the review. (Transcript, p. 38) This represents one of many instances during the IFF in which Baral seemed to have difficulty relating a consistent version of events.

<sup>4</sup> Mays, who attended the IFF as a representative of PWC, confirmed that "not one thing was changed" between the plans that PWC rejected on March 18, 2011 (the plans sealed by Thakkar) and the plans submitted on March 25, 2011 (the plans sealed by Baral). (Transcript, p. 43)



occasion, Baral stated that he did not feel the need to change "much" of Thakkar's work. (Transcript, p. 18)

A review of both sets of plans leads me to conclude that Baral did not perform any review at all prior to sealing the plans that he submitted on March 25, 2011. The plans that Baral claims to have spent two days reviewing contained basic errors that should have been caught by simple proofreading. For instance, the plans identified the property as being located in Maryland, when it was actually located in Prince William County, Virginia.<sup>5</sup>

Furthermore, Mays stated that this set of plans needed to be reviewed four times by PWC before it could be approved. The average number of reviews to approve a layout plan in PWC is "roughly between 2.2 and 2.5 reviews." (Transcript, p. 43). The four reviews of this project were related to the electrical systems. Mays expressed concern that "it takes [Baral] four [reviews] to get the electrical plans correct," particularly in light of Baral's statement that his expertise is in structural and civil engineering rather than electrical engineering. (Transcript, p. 13 and p. 44) Moreover, Baral considered this job a simple one.

Baral repeatedly asserted during the IFF that this project was "not complicated." He also emphasized that this job was small and inexpensive. Baral did not explain why a small, simple job required so many reviews. It appears either that Baral was unable to perform the job competently or that, rather than conducting a thorough review himself, he chose to pass the responsibility for review on to PWC. Baral acknowledged that a significant portion of the project was electrical engineering, which is not his area of specialty. At the IFF, Baral stated that "from now on" he will "not touch" electrical work but will hire an electrical engineer to "look at it and stamp it." (Transcript, p. 45) This raises the question of why Baral chose to do this electrical engineering work when he acknowledges it is outside his area of expertise.

Only when PWC prompted or directed him to correct or examine the plans thoroughly did he do so.<sup>6</sup> In discussing the PWC review, Baral first stated that PWC reviews "thoroughly, which is very good." (Transcript, p. 11) However, later he stated that some county reviews are "more reasonable. They say it works just fine. But there are some reviewers who are very strict, they want to see the number in the reports. . . It all depends on who is reviewing it at the time." (Transcript, p. 28) It seems that since

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<sup>5</sup> The cover sheet of the plans contains various errors including, but not limited to, Scope of Work note 4 states, "All work to comply with Prince Georges [sic] County, State of Maryland and Fedral [sic]." General Note 18 states, in part, "Final payment will include but not restricted to following documents, certificate of occupancy approved by Howard County." (Exh. C-4) Of further concern, when his attention was called to these errors, Baral stated that similar errors "happen all the time" and repeated, "It just happened." These statements show a disturbing lack of concern by Baral regarding the quality of his professional work product. (Transcript, p. 39)

<sup>6</sup> The record contains one version of the plans with a revision date of April 12, 2011. This revision was performed at the request of PWC. (Exh. W-1) Mays stated that the plan was approved, inclusive of all revisions, on May 24, 2011, and the building permit issued on May 31, 2011. (Transcript, p. 32)



Baral knew PWC was very strict he would have put in his best effort. If his best effort resulted in the need for four reviews on a small, simple project, this is concerning<sup>7</sup>.

The above circumstances create a reason for great concern regarding the public welfare. Baral and Mays both stated that PWC conducts a particularly rigorous level of review. This raises the question of what would have occurred if Baral had submitted the plans to a locality with a less rigorous standard of review. Essentially, Baral has abdicated his responsibility as a design professional and left it to the locality to perform the review that Baral was supposed to do. This is especially troubling in light of Mays's statement that most of the problems with the plans were related to electrical engineering. Improper electrical design can pose a particular danger to public safety.

The Board's regulation 18 VAC 10-20-760.A allows a licensed professional to seal work prepared by another under certain circumstances: If the work is done by an employee of the same firm as the licensed professional or the person was under a written contract to the same firm as the licensed professional. Thakkar was neither an employee nor under contract at the time the work was performed.

Further, the Board's regulation allows for work done by another professional to be sealed after a thorough review equating to direct control and personal supervision. However, this provision likewise does not apply as Thakkar does not meet the qualification of a professional. His license was not in good standing in the Commonwealth at the time he did the work.<sup>8</sup>

Upon review of all the evidence, I must conclude that the plans Baral signed, sealed and submitted on March 25, 2011 were not work performed under his direct control and personal supervision. Thakkar was not an employee or under contract to Baral, and Baral did not exercise direct control and personal supervision over the work. In fact he did not even conduct an adequate review. Given these circumstances, Baral should not have attached his seal to the plans. When he did so, he created the false impression that the plans had been prepared by a licensed design professional when they were not. In fact, the plans submitted under Baral's seal on March 25, 2011 were actually the work of Thakkar that was done on March 18, 2011.

Baral's actions are a violation of Board Regulation 18 VAC 10-20-760.A. Baral's utter disregard for his professional and regulatory responsibilities in conjunction with his total lack of candor demonstrates he cannot be trusted with the responsibilities of being a licensee. Baral also fails to appreciate the risk to the public created by his actions. Thankfully, this project was submitted to PWC, which staffs its Building Official office

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<sup>7</sup> Baral's repeated emphasis on this being a small job with a small budget suggests Baral gauges the level of his professional responsibility to the size of the budget.

<sup>8</sup> "Professional" is defined in 18 VAC 10-20-10 as "an architect, professional engineer, land surveyor, landscape architect or interior designer who is licensed or certified, as appropriate, pursuant to the provisions of this chapter and **is in good standing** with the board to practice his profession in this Commonwealth." [emphasis added]

with well trained, qualified professionals. If these plans had been submitted to a county that would accept the plans as is, based on the strength of Baral's seal, it is possible that defective plans would have been used to complete the build out. Therefore, I recommend a monetary penalty of \$2,500.00 and license revocation be imposed.

Count 2: Board Regulation

In addition to the recommendations outlined above:

The sealed plans submitted by Baral did not contain his firm name or address.

At the IFF, Baral stated that his failure to include this information was "a mistake."  
(Transcript, p. 40)

Baral's action is a violation of Board Regulation 18 VAC 10-20-760.B.3. Therefore, I recommend a monetary penalty of \$500.00 be imposed.

Count 3: Board Regulation

In addition to the facts stated above:

The imprinted seal on the cover sheet of the plans Baral submitted to PWC bears Baral's signature, but fails to contain a date.

At the IFF, Baral stated that his failure to include this information was "a mistake."  
(Transcript, p. 40)

Baral's action is a violation of Board Regulation 18 VAC 10-20-760.B.1. In some circumstances, this could be viewed as a technical violation. However, the larger context of Baral's misstatements and dishonest actions raises a concern that Baral was attempting to obscure the issue of when the plans were reviewed and stamped. As outlined in Count 1 above, Baral's failure to include the date fits into a larger pattern of dishonesty and reflects negatively on his character and fitness to be a licensee. Therefore, I recommend a monetary penalty of \$1,000.00 be imposed.



By:

\_\_\_\_\_  
Wiley V. Johnson, III  
Presiding Board Member

Board for Architects, Professional Engineers, Land Surveyors, Certified Interior  
Designers and Landscape Architects

Date: July 22, 2013



VIRGINIA DEPARTMENT OF PROFESSIONAL  
AND OCCUPATIONAL REGULATION  
COMPLIANCE & INVESTIGATIONS DIVISION  
9960 MAYLAND DRIVE, SUITE 400  
RICHMOND, VA 23233

REVISED REPORT OF FINDINGS

BOARD: Board for Architects, Professional Engineers, Land  
Surveyors, Certified Interior Designers and Landscape  
Architects  
DATE: August 24, 2012 (Revised Kimberly Robinson May 22,  
2013  
FILE NUMBER: 2012-02121  
RESPONDENT: Suresh Ranjan Baral  
LICENSE NUMBER: 0402015039  
EXPIRATION: October 31, 2013  
SUBMITTED BY: Kimberly Robinson, Investigations Supervisor  
APPROVED BY:

COMMENTS:

Companion to File No. 2012-02119; Respondent Rohit C. Thakkar

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Suresh Ranjan Baral ("Baral") was at all times material to this matter a licensed Professional Engineer in Virginia (No. 0402015039).

Based on the analysis and/or investigation of this matter, there is probable cause to believe the respondent has committed the following violation(s) of the Code of Virginia and/or Board's regulation(s):

BACKGROUND:

On January 10, 2012, the Compliance & Investigations Division of the Department of Professional & Occupational Regulation received written complaints from Eric M. Mays ("Mays"), Building Official for Prince William County ("PWC"), regarding Baral and Rohit C. Thakkar ("Thakkar"). (Exh. C-1 and C-2)

On September 15, 1982, Thakkar was issued an architect license, number 0401005176. The registration for license number 0401005176 expired June 2, 1992. On June 13, 2012, the registration for license number 0401005176 was reinstated. (Exh. I-2)



On October 1, 1984, Baral was issued a professional engineer license, number 0402015039. (Exh. I-1)

On March 18, 2011, Thakkar submitted a set of plans and a building permit application to PWC for the interior build out design of a Boost Mobile Store located at 10346 Festival Lane, Manassas, Virginia 20109 ("subject property"). The plans were sealed and signed by Thakkar. Thakkar's Commonwealth of Virginia seal listed license #005176. (Exh. C-1 and C-3)

On March 18, 2011, PWC issued permit number BLD2011-04721 for work to be performed at the subject property. (Exh. C-3 and W-2)

The subject property is classified as: M Use Group; Type 2B; Building Area 1,540 square feet, with an Occupant Load of 46, which is exempted under Section 54.1-402 of the Code of Virginia from the requirement that a registered design professional sign and seal the plans. However, the plans and application submitted by Thakkar were submitted under PWC's Expedited Commercial Review Program ("ECRP"), which does require the plans be signed and sealed by a registered design professional. (Exh. C-5) Further, Board Regulation 18 VAC 10-20-760.B.3 states, in part, "If one of the exemptions found in § 54.1-402 of the Code of Virginia is applicable, a professional licensed or certified by this Board shall nevertheless apply his seal to the exempt work."

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1. Board Regulation

18 VAC 10-20-760. Use of seal.

- A. The application of a professional seal shall indicate that the professional has exercised direct control and personal supervision over the work to which it is affixed. Therefore, no professional shall affix a name, seal or certification to a plat, design, specification or other work constituting the practice of the professions regulated which has been prepared by an unlicensed or uncertified person unless such work was performed under the direct control and personal supervision of the professional while said unlicensed or uncertified person was an employee of the same firm as the professional or was under written contract to the same firm that employs the professional. If the original professional of record is no longer employed by the regulant or is otherwise unable to seal completed professional work, such work may be sealed by another professional, but only after a thorough review of the work by the professional affixing the professional seal to verify that the work has been accomplished to the same extent that would have been exercised if the work had been done under the direct control and personal supervision of the professional affixing the professional seal.

Historical Notes:

*Derived from VR130-01-2 §12.8, eff. October 18, 1985; amended, Virginia Register Volume 4, Issue 8, eff. March 1, 1988; Volume 6, Issue 20, eff. September 1, 1990; Volume 7, Issue 14, eff. May 8, 1991; Volume 8, Issue 7, eff. February 1, 1992; Volume 10, Issue 15, eff. May 19, 1994; Volume 13, Issue 23, eff. October 1, 1997; Volume 16, Issue 3, eff. December 1, 1999; Volume 18, Issue 7, eff. March 1, 2002; Volume 23, Issue 1, eff. February 1, 2007; Volume 25, Issue 3, eff. December 1, 2008; Volume 26, Issue 4, eff. July 1, 2010..*

Print Date: July 1, 2010

FACTS:

Board Regulation 18 VAC 10-20-10 states, in part:

"Direct control and personal supervision" shall be that degree of supervision by a person overseeing the work of another whereby the supervisor has both control over and detailed professional knowledge of the work prepared under his supervision and words and phrases of similar import mean that the professional shall have control over the decisions on technical matters of policy and design, and exercises his professional judgment in all professional matters that are embodied in the work and the drawings, specifications, or other documents involved in the work; and the professional has exercised critical examination and evaluation of an employee's, consultant's, subcontractor's, or project team members' work product, during and after preparation, for purposes of compliance with applicable laws, codes, ordinances, regulations and usual and customary standards of care pertaining to professional practice. Further, it is that degree of control a professional is required to maintain over decisions made personally or by others over which the professional exercises direct control and personal supervision. "Direct control and personal supervision" also includes the following:

1. The degree of control necessary for a professional to be in direct control and personal supervision shall be such that the professional:
  - a. Personally makes professional decisions or reviews and approves proposed decisions prior to their implementation, including the consideration of alternatives, whenever professional decisions that could affect the health, safety and welfare of the public are made; and
  - b. Determines the validity and applicability of recommendations prior to their incorporation into the work, including the qualifications of those making the recommendations.



2. Professional decisions which must be made by and are the responsibility of the professional in direct control and personal supervision are those decisions concerning permanent or temporary work that could affect the health, safety, and welfare of the public, and may include, but are not limited to, the following:
  - a. The selection of alternatives to be investigated and the comparison of alternatives for designed work; and
  - b. The selection or development of design standards and materials to be used
3. A professional shall be able to clearly define the scope and degree of direct control and personal supervision and how it was exercised and to demonstrate that the professional was answerable within said scope and degree of direct control and personal supervision necessary for the work for which the professional has signed and sealed;

"Professional" means an architect, professional engineer, land surveyor, landscape architect or interior designer who is licensed or certified, as appropriate, pursuant to the provisions of this chapter and is in good standing with the board to practice his profession in this Commonwealth.

On March 18, 2011, Thakkar submitted a set of sealed/signed plans and a building permit application to PWC for the subject property. According to Thakkar, he developed the plans, but Baral looked them over and made some changes.<sup>9</sup> (Exh. C-1, C-2, C-3, and I-3) Thakkar hired Baral to stamp and approve the drawing. According to Thakkar, Baral had already been involved in the project performing the engineering work on the job while Thakkar performed the architectural drawing.<sup>10</sup> Thakkar further indicated he could provide emails showing he and Baral worked on the project together. However,

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<sup>9</sup> The plans, which included the HVAC plan and the electrical plan, indicated Thakkar was the architect of record. The plans contained an original date of March 18, 2010, but it was hand-corrected to indicate March 18, 2011. (Exh. C-3)

<sup>10</sup> Baral did not seal any of the sheets on Thakkar's original submission but he may not need to if the engineering work was incidental to Thakkar's architecture work.

Thakkar later acknowledged he had no documentation to show that Baral worked on the project prior to the submission of the plans to PWC on March 18, 2011, because all of the emails between him and Baral had been deleted. (Exh. I-3)

On March 20, 2011, Baral was "contracted by" Thakkar.<sup>11</sup> According to Baral, he "worked with Architect Rohit C. Thakkar extensively, reviewed and marked up all drawings with direct supervision on the project and then signed and sealed the drawings." (Exh. R-1)

On March 21, 2011, Iran Scott, PWC Plan Reviewer, posted to the PWC website the Architectural Review Comments ("ARC") for the subject property. The initial ARC posted by Scott listed five comments. The first comment stated, in part:

The seal provided on the drawing identifies the licensed design professional as Rohit C. Thakkar. A license search of the Department of Professional and Occupational Regulation indicates that Mr. Thakkar is not licensed to practice architecture or engineering in the State of Virginia. (Exh. C-6a)

Thakkar indicated he stamped the drawing because he thought he would have renewed his license by that time, but had not done so. When PWC returned the drawing to Thakkar, PWC told Thakkar he would need a licensed architect to stamp and to approve the drawing. (Exh. I-3)

According to Baral, he supervised the architectural work for the subject property and he did not use anyone's work without their knowledge or permission. (Exh. I-4)

On March 25, 2011, Thakkar submitted a letter to PWC withdrawing the plans and application he submitted for the subject property. (Exh. C-7 and W-2)

On March 25, 2011, Baral submitted the same plans for the subject property previously submitted by Thakkar to PWC for review; however, the plans were now sealed and signed by Baral. Baral's seal was not dated. The title block of the plans contained the date of March 18, 2011. Further, the title block indicated, "Architect Rohit C. Thakkar" and the address of Thakkar's firm in Washington, D.C. Thakkar indicated he gave Baral the same set of drawings that he submitted to PWC on March 18, 2011, so that Baral could stamp and resubmit the drawings to PWC. (Exh. C-4, C-6, and I-3)

During the investigation, Thakkar provided Investigator Gary Jenkins, the Board's agent, with the HVAC and electrical plans and details for the subject property which listed Baral as the engineer. The plans indicated a revision date of April 12, 2011. (Exh. W-1)

Baral indicated that he did not find out about Thakkar's expired license until Thakkar

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<sup>11</sup> The fee proposal from Baral to Thakkar indicates, in part, "The fee is for a complete review, mark up and supervise all design drawings. You will do the drawings, *we will back check* and respond to all county comments during permit review." Exh R-4



explained to him that the plans were rejected because his [Thakkar's] license was expired. (Exh. I-4)

On April 18, 2011, Thakkar paid Baral \$1,000.00 for his service. (Exh. R-1 and I-3)

Baral, a licensed professional engineer, inappropriately sealed the drawings as they were architecture work; as Thakkar was not an employee or under contract with Baral at the time the work was performed; as Thakkar does not qualify as a professional of record; and as Baral did not exercise direct control and personal supervision over the plans submitted on March 25, 2011.

## 2. Board Regulation

18 VAC 10-20-760. Use of seal.

B. An appropriately licensed or certified professional shall apply a seal to final and complete original cover sheets of plans, drawings, plats, technical reports and specifications and to each original sheet of plans, drawings or plats, prepared by the professional or someone under his direct control and personal supervision.

3. All plans, drawings or plats prepared by the professional shall bear the professional's name or firm name, address and project name.

### FACTS:

In addition to the facts outlined above:

On March 18, 2011, Thakkar submitted a set of sealed/signed plans and a building permit application to PWC for the subject property. The title block of the plans Thakkar submitted indicated, "Architect Rohit C. Thakkar" and the address of Thakkar's firm in Washington, D.C. (Exh. C-1, C-2, C-3, and I-3)

On March 21, 2011, Iran Scott, PWC Plan Reviewer, rejected Thakkar's plans because Thakkar was not properly licensed. (Exh. C-6a)

Thakkar hired Baral to stamp and approve the drawing. (Exh. C-1, C-2, C-3, and I-3)

On March 25, 2011, Baral submitted the same plans for the subject property previously submitted by Thakkar to PWC for review; however, the plans were now sealed and signed by Baral. Baral's seal was not dated. The title block of the plans contained the date of March 18, 2011. Further, the title block indicated, "Architect Rohit C. Thakkar" and the address of Thakkar's firm in Washington, D.C.<sup>12</sup> Thakkar indicated he gave

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<sup>12</sup> The cover sheet of the plans contains various errors including, but not limited to, Scope of Work note 4 states, "All work to comply with Prince Deorge County, State of Maryland and Fedral." General Note 18

Baral the same set of drawings that he submitted to PWC on March 18, 2011, so that Baral could stamp and resubmit the drawings to PWC. (Exh. C-4, C-6, and I-3)

The sealed plans submitted by Baral did not contain his firm name or address.

3. Board Regulation

18 VAC 10-20-760. Use of seal.

- B. An appropriately licensed or certified professional shall apply a seal to final and complete original cover sheets of plans, drawings, plats, technical reports and specifications and to each original sheet of plans, drawings or plats, prepared by the professional or someone under his direct control and personal supervision.
1. All seal imprints on the cover or first sheet of final documents shall bear an original signature and date. "Final Documents" are completed documents or copies submitted on a client's behalf for approval by authorities or recordation. In such cases, the cover sheet of the documents or copies shall contain a list of drawings or plats included in the set on which a seal, original signature and date shall be affixed for all regulated disciplines. Every page of the submission, other than the cover, may be reproduced from originals which contain the seal, original signature and date by each discipline responsible for the work.

Historical Notes:

*Derived from VR130-01-2 §12.8, eff. October 18, 1985; amended, Virginia Register Volume 4, Issue 8, eff. March 1, 1988; Volume 6, Issue 20, eff. September 1, 1990; Volume 7, Issue 14, eff. May 8, 1991; Volume 8, Issue 7, eff. February 1, 1992; Volume 10, Issue 15, eff. May 19, 1994; Volume 13, Issue 23, eff. October 1, 1997; Volume 16, Issue 3, eff. December 1, 1999; Volume 18, Issue 7, eff. March 1, 2002; Volume 23, Issue 1, eff. February 1, 2007; Volume 25, Issue 3, eff. December 1, 2008; Volume 26, Issue 4, eff. July 1, 2010..*

Print Date: July 1, 2010

FACTS:

In addition to the facts stated above:

The imprinted seal on the cover sheet of the plans Baral submitted to PWC bears Baral's signature, but fails to contain a date. (Exh. C-4)

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states, in part, "Final payment will include but not restricted to following documents, certificate of occupancy approved by Howard County." (Exh. C-4)

In his written response dated February 29, 2012, Baral stated, "Date within the seal was missed on the first submission, but was dated in subsequent submission. The drawings had been dated on the right hand side at this submission, but were missed within the seal."<sup>13</sup> In my opinion, there is no violation." (Exh. R-1)

Baral failed to date his seal.

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<sup>13</sup> The date on the right hand side of the plans is March 18, 2011, the same date Thakkar submitted his version of the plans to PWC. (Exh. C-4)