

**BEFORE THE BOARD OF GOVERNORS
OF LICENSED ARCHITECTS, LANDSCAPE ARCHITECTS
AND REGISTERED INTERIOR DESIGNERS OF OKLAHOMA
STATE OF OKLAHOMA**

IN THE MATTER OF THE COMPLAINT
AGAINST:

DEWAYNE HAVENS
123 NORTH MAIN STREET
BROKEN ARROW, OKLAHOMA 74012

AND

ARIS DESIGN GROUP
123 NORTH MAIN STREET
BROKEN ARROW, OKLAHOMA 74012

Respondents.

Case No. 2019-551

FINAL AGENCY ORDER

The Board of Governors of the Licensed Architects, Landscape Architects, and Registered Interior Designers of Oklahoma (“Board”) met on Wednesday, November 3, 2021, at the Oklahoma History Center, 800 Nazih Zuhdi Dr., Oklahoma City, OK 73105 at 9:30 a.m., in a properly noticed meeting under the Oklahoma Open Meeting Act, 25 Okla. Stat. § 301 *et seq.* At the meeting, a sufficient number of members of the Board to constitute a quorum held a hearing in the above-captioned matter. Russell C. Lissuzzo III of MCAFEE TAFT, P.C., appeared as the Board Prosecutor, and Dewayne Havens, Respondent (“Mr. Havens”) appeared in person and on behalf of Respondent, Aris Design Group (“Aris”) (collectively, Mr. Havens and Aris are referred to herein as “Respondents”). The proceeding was brought under the provisions of Article II of the Administrative Procedures Act, 75 Okla. Stat. § 308a *et seq.* All testimony was taken under oath. The meeting was recorded electronically and by court reporter. A permanent record of the hearing will be maintained at the Board’s office.

I. FINDINGS OF FACT

1. The Third Notice of Complaint and Hearing was officially filed on August 30, 2021. *See* Third Amended Notice of Complaint and Hearing, **Exhibit 1**. Service of the Third Amended Notice of Complaint and Hearing was achieved on August 30, 2021. *See* Russell Lissuzzo's August 30, 2021 Email Correspondence, **Exhibit 2**; *see also* Dewayne Havens August 30, 2021 Email Correspondence, **Exhibit 3**.

2. At all relevant times, Mr. Havens did not hold a license to practice Architecture in the state of Oklahoma. *See* Hearing Transcript, at p. 12, lines 16-18.

3. At all relevant times, Aris did not have a Certificate of Authority to practice Architecture in the state of Oklahoma. *See* Hearing Transcript, at p. 13, lines 19-22.

4. Mr. Havens is the only employee of Aris. *See* Hearing Transcript, at p. 11, lines 7-12.

5. On or about June 7, 2019, Respondents prepared plans for the Carpe Diem wedding facility located in Owosso, Oklahoma. *See* Carpe Diem Project Plans, **Exhibit 1** to Notice of Complaint and Hearing; *see also* Hearing Transcript, at p. 12, lines 9-15.

6. On February 15, 2019, Respondents held Mr. Havens out as having the authority to practice Architecture in the state of Oklahoma on Aris' Facebook website by referring to Mr. Havens as Aris' "Principal Architectural Designer." *See* Screenshot of Aris' Facebook Website, attached as **Exhibit 2** to the Notice of Complaint and Hearing.

7. As of February 26, 2021, Respondent Aris held itself out as having the authority to practice Architecture in the state of Oklahoma through the use of the term "Architectural Renderings & Investment Studies." *See* February 26, 2021 Aris Design Group Website Screenshot, attached as **Exhibit 3** to the Notice of Complaint and Hearing.

8. Any conclusion of law below that is more property characterized as a finding of fact is hereby incorporated as a finding of fact.

I. CONCLUSIONS OF LAW

1. The Oklahoma State Architectural and Registered Interior Designers Act (the "Act"), at 59 Okla. Stat. § 46.7, states:

[T]he Board shall have the power and duty to... [p]romulgate rules of conduct governing the practice of licensed architects and landscape architects.

2. 59 Okla. Stat. § 46.2 provides as follows:

[i]t is unlawful for any person to practice or offer to practice architecture or landscape architecture in this state, as defined in the provisions of the State Architectural and Registered Interior Designer Act, use in connection with the person's name, or otherwise assume the title of architect, landscape architect or registered commercial interior designer, or advertise any title or description tending to convey the impression that the person is a licensed architect or landscape architect or registered commercial interior designer unless that person is duly licensed or exempt from licensure or registration under the State Architectural and Registered Commercial Interior Designers Act.

3. The Act, at 59 Okla. Stat. § 46.3(2) defines the practice of architecture as:

rendering or offering to render certain services, in connection with the design and construction, enlargement or alteration of a building or a group of buildings and the space surrounding such buildings, including buildings which have as their principal purpose human occupancy or habitation. The services referred to include planning, providing preliminary studies, designs, drawings, specifications, investigations and other technical submissions, the administration of construction contracts, and the coordination of any elements of technical submissions prepared by other consultants including, as appropriate and without limitation, consulting engineers and landscape architects; provided, that the practice of architecture shall include such other professional services as may be necessary for the rendering of or offering to render architectural services.

4. Mr. Havens has unlawfully practiced architecture by preparing the plans for the Carpe Diem wedding venue in Owosso, Oklahoma, without having a license to practice architecture in the State of Oklahoma.

5. Aris has unlawfully practiced architecture by preparing the plans for the Carpe Diem wedding venue in Owosso, Oklahoma, without having a certificate of authority to practice architecture in the State of Oklahoma.

6. The practice of architecture is subject to the Act, 59 Okla. Stat. § 46.8a, which states:

It shall be unlawful for any person to directly or indirectly engage in the practice of architecture in this state or use the title "Architect", "Registered or Licensed Architect", "Architectural Designer", or display or use any words, letters, figures, titles, signs, cards, advertisements, or other symbols or devices indicating or tending to indicate that such person is an architect or is practicing architecture, unless the person is licensed under the provisions of this act. No person shall aid or abet any person, not licensed under the provisions of this act, in the practice of architecture.

7. Mr. Havens has unlawfully held himself out as being able to provide architectural services in the state of Oklahoma through the use of the term "Principal Architectural Designer" on Aris' Facebook page because Mr. Havens does not have a license to practice Architecture in the State of Oklahoma.

8. The Act, at 59 Okla. Stat. § 46.9, provides that:

The practice of architecture or landscape architecture or offering to practice these professions for others by persons licensed under this act through a partnership, firm, association, corporation, limited liability company or limited liability partnership as directors, partners, officers, shareholders, employees, managers, members or principals is permitted, subject to the provisions of the State Architectural and Registered Commercial Interior Designers Act, provided: . . . 4. [s]aid partnership, firm, association, corporation, limited liability company or limited liability partnership has been issued a certificate of authority by the Board.

9. Aris has unlawfully held itself out as being able to provide architectural services in the state of Oklahoma through the use of the term "Architectural Renderings & Investment Studies" on Aris' website because Aris does not have a Certificate of Authority to practice Architecture in the State of Oklahoma.

10. Pursuant to 59 Okla. Stat. § 46.7, in addition to the other powers and duties imposed by law, the Board shall have the power and duty to:

(13) Levy civil penalties plus the legal costs incurred by the Board to prosecute the case against any person or entity who shall violate any of the provisions of the State Architectural and Registered Interior Designers Act or any rule promulgated thereto;

(15) Initiate disciplinary action, prosecute and seek injunctions against any person or entity who has violated any of the provisions of the State Architectural and Registered Interior Designers Act or any rule of the Board promulgated pursuant to said act and against the owner/developer of the building type not exempt;

(16) Investigate alleged violations of the State Architectural and Registered Interior Designers Act or of the rules, orders or final decisions of the Board.

11. Pursuant to 59 Okla. Stat. § 46.18(A), any person or entity who has been determined by the Board to have violated any provision of The State Architectural Act or any rule or order issued pursuant to the provisions of The State Architectural Act may be liable for a civil penalty of not more than One Hundred Dollars (\$100.00) for each day that said violation continues. The maximum civil penalty shall not exceed Ten Thousand Dollars (\$10,000.00) for any related series of violations.

12. Pursuant to OAC 55:10-15-3, civil penalties may be levied by the Board separately or in addition to other penalties determined by the Board. The Board may seek criminal and injunctive relief through the courts for any violation of the Act, rules in this Chapter, regulation, or to enforce any order issued by the Board.

13. Considering all the evidence presented and testimony offered, it is more probably true than not true that Respondents violated the Act by holding themselves out as being able to perform Architectural services in the state of Oklahoma without having a valid license and certificate of authority to do so as well as in creating the plans for the Carpe Diem wedding venue located in Owosso, Oklahoma without having a valid license and/or certificate of authority to do so.

14. Any finding of fact above that is more properly characterized as a conclusion of law is hereby incorporated as a conclusion of law.

II. ORDER

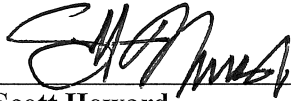
It is therefore **ADJUDGED, DECREED, AND ORDERED** that Respondents, contrary to the Act and the Board's administrative rules, were not licensed and/or authorized to perform architectural services in the state of Oklahoma, did perform those services through the creation of plans for the Carpe Diem wedding venue located in Owosso, Oklahoma, and held themselves out as having the ability to perform architectural services in the state of Oklahoma without having a valid license and/or certificate of authority to do so.

It is **FURTHER ORDERED**, having weighed all factors under 59 Okla. Stat. § 46.18(B), that Respondents are hereby assessed a civil penalty of two thousand dollars (\$2,000.00) (\$500.00 per violation).

IT IS SO ORDERED.

On November 3, 2021, a sufficient number of members to constitute a quorum of the Oklahoma State Board of Governors of Licensed Architects, Landscape Architects, and Registered Interior Designers voted 6-0 to find the Respondents unlawfully practiced architecture in the state of Oklahoma without a valid license and/or certificate of authority to do so and held themselves out as being able to perform architectural services in the state of Oklahoma without having a valid license and/or certificate of authority to do so, and impose a civil penalty of two thousand dollars (\$2,000.00).

This Order shall be effective as of this 1st day of February, 2022.



Scott Howard
Presiding Officer

CERTIFICATE OF SERVICE

This is to certify that on the 1 day of February, 2022, a true and correct copy of the above Complaint and Notice of Complaint and Hearing was sent by certified mail, postage prepaid, to:

Dewayne Havens
123 North Main Street
Broken Arrow, OK 74012

Aris Design Group
123 North Main Street
Broken Arrow, OK 74012

RESPONDENTS

Russell C. Lissuzzo, III
McAfee Taft, P.C.
Williams Center Tower II
Two W. Second Street
Tulsa, OK 74103

**PROSECUTOR FOR THE BOARD
OF GOVERNORS**



Leslie Hanska
Executive Director