

**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:

JUSTIN REYES
10413 ABERDEEN DRIVE
YUKON, OKLAHOMA 73099

Respondent.

Case No. 2021-611

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 Justin Reyes, Respondent (“Mr. Reyes” and/or “Respondent”) appeared in person. 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 Notice of Complaint and Hearing was officially filed on October 11, 2021. *See* Notice of Complaint and Hearing, **Exhibit 1**. Service of the Notice of Complaint and Hearing was achieved on October 11, 2021. *See* Proof of Service, **Exhibit 4**. .

2. At all relevant times, Respondent did not hold a license to practice Architecture in the state of Oklahoma. *See* Hearing Transcript, at p. 12, lines 12-13.

3. On or about August 6, 2021, Respondent affixed an Oklahoma Licensed Architect stamp to a set of plans for the HydroFire project located at 4190 N. Meridian, Ave., Oklahoma City, OK 73107 (the “Project”). *See* Hearing Transcript, at p. 17, lines 16 – 23; *see also* Project Plans, attached as **Exhibit 1** to the Notice of Complaint and Hearing.

4. Mr. Reyes stamped the plans so that the plans could get permitted and construction could commence on the Project. *See* Hearing Transcript, at p. 17, lines 16-23.

5. Mr. Reyes knew that because he is not a licensed Architect, he did not have the authority to stamp architectural plans with the Oklahoma Licensed Architect stamp that is affixed to the plans for the Project. *See id.*, at p. 17, lines 1-7.

6. Mr. Reyes did not draw the plans for the Project that Mr. Reyes affixed the Oklahoma Licensed Architect seal to. *See id.*, at p. 24, lines 24-25 and p. 25, lines 1-5.

7. Mr. Reyes held himself out as the Architect of record in the Project’s Application. *See* Application No. BLDC-2021-05056, attached as **Exhibit 2** to Notice of Complaint and Hearing.

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

II. CONCLUSIONS OF LAW

1. The State Architectural and Registered Commercial Interior Designers Act (the “Act”), Title 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. 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.

5. Mr. Reyes has unlawfully practice Architecture within the state of Oklahoma by affixing an Oklahoma Licensed Architect stamp to the Project plans and in identifying himself as

the architect of record in connection with the Project despite the fact that Mr. Reyes does not have a license to practice Architecture in the state of Oklahoma.

6. The Rules of the Board, recorded in the Oklahoma Administrative Code, at OAC 55:10-15-7, provide as follows:

Dishonest practice means the following practices, among others, may be deemed dishonest practice:

- (1) Acts which evidence violation, or attempts to violate, any laws or Rules of this or any other state relating to licensing or the practice architecture or landscape architecture....
- (3) Acts which evidence attempts through commission or omission, to mislead or defraud any party....
- (8) Acts evidenced by exaggerated, misleading, deceptive or false statements or claims about professional qualifications.

7. Mr. Reyes has committed dishonest practice by affixing the Oklahoma Licensed Architect stamp to the Project plans because Mr. Reyes is not licensed to practice Architecture in the state of Oklahoma, knew that he did not have the authority to affix the Oklahoma Licensed Architect stamp to the Plans, and affixed the Oklahoma Licensed Architect stamp to the plans despite this knowledge with the intent to get the plans for the Project permitted.

8. The Rules of the Board, recorded in the Oklahoma Administrative Code, at OAC 55:10-15-4, provide as follows:

Any Architect, Landscape Architect, Registered Interior Designer, Entity or any other party who shall make oral or written fraudulent, false or misleading statements on any document, report, statement, examination, investigation, plans or specifications shall, upon conviction, be deemed guilty of fraud or misrepresentation.

9. Mr. Reyes made a fraudulent, false, and misleading statement by affixing the Oklahoma Licensed Architect stamp to the Project plans despite knowing that he did not have the authority to affix said stamp to the plans with the intent to obtain permitting of the plans for the Project, knew that he was not a licensed Architect, and did not prepare the plans

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 Act or any rule or order issued pursuant to the provisions of the 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 Mr. Reyes violated the Act by unlawfully affixing an Oklahoma Licensed Architect stamp to the Project plans without being a licensed Architect to practice architecture in the state of Oklahoma, knew that he did not have authority to stamp the plans for the Project but did so in order to get the plans permitted, and held himself out as the architect of record for the Project despite not being licensed under the Act.

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

III. ORDER

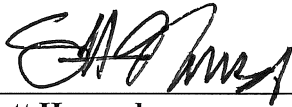
It is therefore **ADJUDGED, DECREED, AND ORDERED** that Mr. Reyes has, contrary to the Act and the Board's administrative rules, affixed an Oklahoma Licensed Architect seal to the Project plans despite knowing he did not have the authority to affix the stamp to the plans, was not a licensed architect in the state of Oklahoma, and held himself out as the architect of Record for the Project.

It is **FURTHER ORDERED**, having weighed all factors under 59 Okla. Stat. § 46.18(B), that Mr. Reyes is hereby assessed a civil penalty of thirty-thousand dollars (\$30,000.00) (the maximum allowable penalty of \$10,000.00 per violation). Additionally, Mr. Reyes shall relinquish the Oklahoma Licensed Architect stamp that was affixed to the Project plans.

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 Mr. Reyes guilty of unlawfully practicing architecture in the state of Oklahoma without a valid license to do so, unlawfully affixed the Oklahoma Licensed Architect stamp to the Project plans despite having no authority to do so and knowing that he had not authority to do so and impose a civil penalty of thirty thousand dollars (\$30,000.00) and requiring Mr. Reyes to relinquish to the Board the Oklahoma Licensed Architect stamp in his possession.

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



Scott Howard
Presiding Officer

Date



CERTIFICATE OF SERVICE

This is to certify that on the 1 day of February, 20 22, a true and correct copy of the above Complaint and Notice of Complaint and Hearing was sent by certified mail, postage prepaid, to:

Justin Reyes
10413 Aberdeen Drive
Yukon, Oklahoma 73099

RESPONDENT

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

**PROSEECUTOR FOR THE BOARD
OF GOVERNORS**



Leslie Hanska
Executive Director