

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

IN THE MATTER OF THE COMPLAINT
AGAINST:

FORESTIS CONSTRUCTION, LLC
C/O DONDRAYA WILLIAMS
3000 W. MEMORIAL DRIVE, STE 123-735
OKLAHOMA CITY, OKLAHOMA 73120

RESPONDENT.

Case No. 2022-630

FINAL AGENCY ORDER

The Board of Governors of the Licensed Architects, Landscape Architects, and Registered Commercial Interior Designers of Oklahoma ("Board") met on Tuesday, January 24, 2023, at Board's Offices located at 220 N.E. 28th Street 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 RUSSELL C. LISSUZZO, III, PLLC, appeared as the Board Prosecutor, and Forestis Construction, LLC, Respondent ("Forestis" and/or "Respondent") did not appear. 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. A permanent record of the hearing will be maintained at the Board's office.

FINDINGS OF FACT

1. The Notice of Complaint and Hearing was officially filed on December 16, 2022. *See* December 16, 2022 Notice of Complaint and Hearing. Service of the Notice of Complaint and Hearing was achieved on December 19, 2022. *See* December 19, 2022 US Postal Service Greencard Mailing Receipt, attached to the Notice of Complaint and Hearing as **Exhibit 7**.
2. At all relevant times, Respondent has not held a certificate of authority to practice Architecture in the state of Oklahoma.
3. Respondent has unlawfully held itself out as having the ability to practice architecture in the state of Oklahoma through the use of the terms “full service architectural and interior design firm,” “architectural visualizations,” “architectural design,” “multi-disciplined architects,” “architectural spaces,” and “architecture” on Forestis’ website (copies of screenshots are attached to the Notice of Complaint and Hearing as **Exhibit 1, Exhibit 2, Exhibit 3, and Exhibit 4**).
4. On October 19, 2022, the Board’s Enforcement and Compliance Officer, Lauren Vaughan, provided written notice (“Notice”) to Forestis that Forestis’ website included the use of the terms “full service architectural and interior design firm,” “architectural visualization,” “architectural design,” “multi-disciplined architects,” “architectural spaces,” and “architecture.” *See* October 19, 2022 Correspondence, attached to the Notice of Complaint and Hearing as **Exhibit 5**. Furthermore, the Notice gave Forestis 30 days to remove those terms from Forestis’ website in order to resolve the matter informally and avoid any formal disciplinary action. *See id.*
5. On October 24, 2022, Forestis’ agent received and signed to accept the Notice at Forestis’ principal place of business (which is also Forestis’ registered agent’s address). *See* Certified Mailing Receipt, attached to the Notice of Complaint and Hearing as **Exhibit 6**.

6. Despite this, as of the date of this Notice of Complaint and Hearing, Forestis' website still includes the terms "full service architectural and interior design firm," "architectural visualization," "architectural design," "multi-disciplined architects," "architectural spaces," and "architecture," in violation of the Act.

7. Forestis did not appear at the Board meeting despite being served with a copy of the Notice of Complaint and Hearing as provided for by OAC 55:10-15-15(a)(1). See Hearing Transcript, at p. 3, lines 8-9.

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

CONCLUSIONS OF LAW

1. The Oklahoma State Architectural and Registered 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. The Act, at 59 Okla. Stat. § 46.8a(A), provides as follows:

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.

3. The Act, at 59 Okla. Stat. § 46.9(A), further provides that:

The practice of architecture or landscape architecture or offering to practice these professions for others by persons licensed under the 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 . . . provided [that]:

- (1) One or more of the directors, partners, officers, shareholders, managers, members or principals of said partnership, firm, association, corporation, limited liability company or limited liability partnership is designated as being responsible for the entity's activities and decisions of said partnership, firm, association, corporation, limited liability company or limited liability partnership;
- (2) Such director, partner, officer, shareholder, manager, member of principal is duly licensed under the State Architectural and Registered Commercial Interior Designers Act;
- (3) All personnel of said partnership, firm, association, corporation, limited liability company or limited liability partnership which act on behalf of the entity for these professions in the state are licensed under the State Architectural and Registered Commercial Interior Designers act; *and*
- (4) Said partnership, firm, association, corporation, limited liability company or limited liability partnership has been issued a certificate of authority by the Board.

4. The Rules, at OAC 55:10-15-2(2), provide that “[v]iolating the Act, or any Rule or order issued by the Board, including the unlicensed practice of architecture of landscape architecture,” constitutes “grounds for probation, denial, revocation, suspension, refusal to renew, orders, injunctions, civil and/or criminal penalties.”

5. 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 Commercial 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 Commercial 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 Commercial Interior Designers Act or of the rules, orders or final decisions of the Board.

6. The Rules of the Board, recorded in the Oklahoma Administrative Code, at OAC

55:10-15-1, provides as follows:

Prima facie evidence. *Prima facie* evidence shall be construed or attempting to construe to practice, perform or offer architecture, landscape architecture or services as a Registered Commercial Interior Designer within the meaning and intent of the Act by display or verbal claim, sign, advertisement, contract, card or other printed, engraved, or written instrument or device, or by electronic means bearing an individual's or entities name or in any other way represent to be licensed or registered under the Act. *Prima facie* evidence is also defined as an individual or Entity representing as able to contract, offer, perform, services or use the restricted titles defined under the Act as requiring a License, Registration, or Certificate of Authority or a Certificate of Title. Any such action noted by this Section shall be sufficient to justify an injunction or any other order or a conviction without evidence of a general course of conduct. The Board shall determine if other legal procedures and penalties are necessary and shall have the power to proceed with any and all legal procedures in addition to the injunction or other such orders issued.

7. 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.

8. Respondent Forestis' conduct is grounds for civil and/or criminal penalties under the Oklahoma State Architectural Act, 59 Okla. Stat. § 46.8a including a civil penalty not to exceed

\$100 for each day that said violation continues and a maximum not to exceed \$10,000 per violation.

9. 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.

10. Considering all the evidence presented and the testimony offered, it is more probably true than not that Respondent violated the Act and the Rules in using the “full service architectural and interior design firm,” “architectural visualization,” “architectural design,” “multi-disciplined architects,” “architectural spaces,” and “architecture,” on Respondent’s website despite not having a Certificate of Authority issued by the Board.

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

ORDER

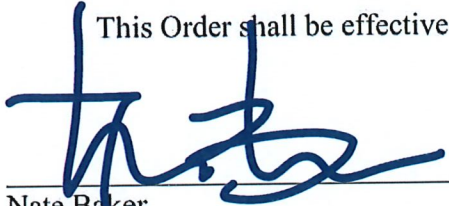
It is therefore **ADJUDGED, DECREED, AND ORDERED** that Forestis has, contrary to the Act and the Board’s administrative Rules, unlawfully used the terms “full service architectural and interior design firm,” “architectural visualization,” “architectural design,” “multi-disciplined architects,” “architectural spaces,” and “architecture,” on Forestis’ website because Forestis does not have a Certificate of Authority to practice Architecture in the state of Oklahoma.

It is therefore **FURTHER ORDERED**, having weighed all factors under 59 Okla. Stat. § 46.18(B), that Respondent is hereby assessed a civil penalty of ten-thousand dollars (\$10,000.00).

IT IS SO ORDERED.

On January 24, 2023, a sufficient number of members to constitute a quorum of the Oklahoma State Board of Governors of Licensed Architects, Landscape Architects, and Registered Commercial Interior Designers voted 9-0 to find Respondent guilty of unlawfully using the terms “full service architectural and interior design firm,” “architectural visualization,” “architectural design,” “multi-disciplined architects,” “architectural spaces,” and “architecture,” on Forestis’ website despite Forestis not possessing a Certificate of Authority to practice architecture in the state of Oklahoma and impose a civil penalty of ten-thousand dollars (\$10,000.00).

This Order shall be effective as of this 22 day of March, 2023



Nate Baker
Presiding Officer

03.22.23

Date

CERTIFICATE OF SERVICE

This is to certify that on the 22 day of March, 2023, a true and correct copy of the above Final Agency Order was sent by US Mail to:

FORESTIS CONSTRUCTION, LLC
C/O DONDRAYA WILLIAMS
3000 W. MEMORIAL DRIVE, STE 123-735
OKLAHOMA CITY, OKLAHOMA 73120
RESPONDENT

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***Attorney for the Oklahoma Board of Governors
of Licensed Architects, Landscape Architects
and Registered Commercial Interior Designers***



Leslie Hanska
Executive Director