

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

IN THE MATTER OF THE COMPLAINT
AGAINST:

Case No. 2023-659

JEFFREY G. FRY
108 S. DIVISION STREET, SUITE 201
GUTHRIE, OK 73044

JGF DESIGN STUDIOS, LLC
C/O JEFFREY G. FRY
115 N. 2ND STREET
GUTHRIE, OK 73044

FRY DESIGN COMPANY, LLC
C/O JEFFREY G. FRY
108 S. DIVISION STREET
GUTHRIE, OK 73044

Respondents.

FINAL AGENCY ORDER

The Board of Governors of the Licensed Architects, Landscape Architects, and Registered Commercial Interior Designers of Oklahoma (“Board”) met on Wednesday, November 1, 2023, at the Board’s Office, located at 220 NE 28th Street, Suite 150, Oklahoma City, Oklahoma 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 Chansolme Harroz Hays, PLLC, appeared as the Board Prosecutor. Respondents, Jeffrey G. Fry (“Mr. Fry”), JGF Design Studios, LLC (“JGF Design”), and Fry Design Company, LLC (“Fry Design”) (collectively, Mr. Fry, JGF Design, and Fry Design are referred to as “Respondents”) 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 and by court reporter. 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 October 10, 2023. *See* October 10, 2023 Notice of Complaint and Hearing, attached as **Exhibit 1** to Hearing Transcript.

2. Service of the Notice of Complaint and Hearing was achieved on October 11, 2023. *See* Proof of Service, attached as **Exhibit 2** to Hearing Transcript; *see also* Hearing Transcript, at p. 6, lines 12 -23.

3. Respondents did not appear at the Board's November 1, 2023, Board Meeting. *See* Hearing Transcript, at pg. 2, lines 1-25.

4. On September 9, 2021, Respondent Fry, on behalf of all of the Respondents, entered into a Consent Order in Case No. 2020-600 pending in front of the Board. *See* Case No. 2020-600 Consent Order, attached as **Exhibit 1** to Exhibit 1 to Hearing Transcript.

5. Pursuant to the Consent Order, Respondents "jointly and severally," agreed to "a civil penalty in the amount of five-thousand dollars (\$5,000.00), which shall be paid within sixty (60) days from the date of entry of this Consent Order." *See id.*

6. Despite demand, Respondents have failed and refused to remit the amounts owed pursuant to the parties' agreement. *See* Hearing Transcript, at p. 5, lines 1-7.

7. 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 Commercial Interior Designers Act (the “Act”), Title 59 Okla. Stat. § 46.7(17), 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 Rules of the Board, recorded in the Oklahoma Administrative Code (OAC) 55:10-1-1, *et seq.* (the “Rules”), provide that “[v]iolating the Act, or any Rule or order issued by the Board, including the unlicensed practice of architecture or landscape architecture” constitutes “grounds for probation, denial, revocation, suspension, refusal to renew, orders, injunctions, civil and/or criminal penalties[.]” OAC 55:10-15-2.

3. Respondents are in violation of OAC 55:10-15-2(2) by violating the Board’s order issued in connection with Case No. 2020-600 by failing to remit payment for the civil penalties levied against Respondents.

4. The Rules, at OAC 55:10-15-2(2) and (14) provide that the following are “grounds for probation, denial, revocation, suspension, refusal to renew, orders, injunctions, civil and/or criminal penalties are as follows:”

(2) Violating the Act, or any Rule or order issued by the Board, including the unlicensed practice of architecture or landscape architecture; . . .

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 pursuant 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. 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 violation. . .

7. 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, regulation, or to enforce any order issued by the Board.

8. Considering all the evidence presented and the testimony offered, it is more probably true than not that Respondents violated the Act and the Rules in failing to comply with the Board's order issued in Case No. 2020-600.

9. 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 Respondents have, contrary to the Act and the Board's administrative Rules, unlawfully failed to pay the civil penalties issued by the Board against Respondents pursuant to Case No. 2020-600.

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

IT IS SO ORDERED.

On November 1, 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 Respondents guilty for violating the Board's previous order in failing to remit payment for civil penalties issued, and impose a civil penalty of ten-thousand dollars (\$10,000.00).

This Order shall be effective as of this 4th day of January, 2024.



Nate Baker
Presiding Officer

01.04.24

Date

CERTIFICATE OF SERVICE

This is to certify that on the 3 day of January, 2024, a true and correct copy of the above Final Agency Order was sent by US Mail to:

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Respondents

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of Licensed Architects, Landscape Architects
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Leslie Hanska
Executive Director