

CONSENT ORDER

COMES NOW the Oklahoma Board of Governors of Licensed Architects, Landscape Architects and Registered Commercial Interior Designers (the "Board") and Respondent, RAMTECH BUILDING SYSTEMS, INC. ("RamTech" or "Respondent") state as follows:

FINDINGS OF FACT

1. On June 30, 2013, RAMTECH's Certificate of Authority was cancelled.
2. RAMTECH's website, as of the date of the Complaint, contained references to RAMTECH's "full in-house architectural and engineering design," team, "architectural capabilities," and "team of architectural designers."
3. As of the date of this Consent Order, RAMTECH has removed all references to "architecture" from its website.
4. RAMTECH designed plans for the United Community Action Program's Office/Classroom project (the "Project").
5. The Project has a Code Use Group of E and an occupancy load of 89.
6. The Project was required to be designed by an Oklahoma licensed architect.

CONCLUSIONS OF LAW

1. The Board of Governors of Licensed Architects, Landscape Architects and Registered Commercial Interior Designers of Oklahoma has jurisdiction of this case pursuant to:
 - a. Oklahoma State Architectural and Registered Commercial Interior Designers Act, 59 Okla. Stat. §46.1 et. seq. (the "Act").
 - b. Rules of the Board as recorded in the Oklahoma Administrative Code 55:10-1-1 (the "Rules").
2. 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.

3. The Act, at 46.8a(A), provides that:

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 practice architecture, unless the person is licensed under the provisions of this act.

4. The Act, at 59 Okla. Stat. § 46.3(2), further provides that:

'Practice of Architecture' means 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 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.

5. The Act, at 59 Okla. Stat. §§ 46.9(A)(1)-(4), provides that:

The practice of architecture or land scape 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, . . . provided:

- (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 or principal is duly licensed under the [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 [Act]; and
- (4) Said partnership, firm, association, corporation, limited liability company or limited liability partnership

6. The Act, at 59 Okla. Stat. § 46.3(6), defines “Certificate of authority” as “the authorization granted by the Board for persons to practice or offer to practice architecture, or landscape architecture, through a partnership, firm, association, corporation, limited liability company or limited liability partnership.”

7. The Act, at 59 Okla. Stat. § 46.21b(C)(1) provides that “the construction, addition or alteration of a building. . . with a code-defined occupancy of [] more than fifty (50) persons for... Code Use Group E—Education,” is required to be designed by an Oklahoma licensed Architect.

8. 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 or landscape architecture” constitutes “grounds for probation, denial, revocation, suspension, refusal to renew, orders, injunctions, civil and/or criminal penalties[.]”

9. 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.

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

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

Prima facie evidence. *Prima facia* 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, 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 of a conviction without evidence of a general course of conduct. The Board shall determine if other legal procedures in addition to the injunction or other such orders issued.

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. The Board filed a complaint (“Complaint”) alleging that RAMTECH’S conduct is grounds for civil and/or criminal penalties under the Oklahoma State Architectural Act, 59 Okla. Stat. § 46.18, 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.

14. Respondent was properly notified of the potential violation and acknowledged its right to counsel.

15. The Complaint makes allegations against Ramtech which, if proven, would constitute a violation of the State Architectural and Registered Commercial Interior Designers Act and the Rules of the Board as recorded in the Oklahoma Administrative Code 55:10, pertaining to the professional practice of architecture and registered interior design upon which the Board may take disciplinary action against Respondent.

16. Without admitting the truth of the allegations in the Complaint, and in an effort to resolve the alleged violations without a formal hearing, Respondent does not contest (*nolo contendere*) the alleged violations of the State Architectural and Registered Commercial Interior Designers Act and the Rules of the Board as recorded in the Oklahoma Administrative Code 55:10 and, in lieu of a proceeding of a formal disciplinary action, hereby agrees that the Board may enter this final Consent Order against it as set forth below.

17. Pursuant to Oklahoma Administrative Code (OAC) 55:10-15-9(4), the Secretary-Treasurer has the authority to seek informal resolution of matters referred to the Board.

18. Pursuant to Oklahoma Administrative Code (OAC) 55:10-15-10, the Secretary-Treasurer submits the following Consent Order to the Board for approval of the informal resolution and final disposition of this matter.

CONSENT

Respondent, by affixing its signature hereto, acknowledges that:

1. Respondent understands this Consent Order is subject to the approval of the Board and has no force and effect until a final decision based upon it is rendered by the Board.

2. Respondent has been specifically advised to seek the advice of counsel prior to signing this Consent Order, and

3. Respondent acknowledges that it has the following rights, among others:

a. The right to a formal fact-finding hearing before the Board;

b. The right to reasonable notice of said hearing;

c. The right to compel the testimony of witnesses;

d. The right to cross-examine witnesses against themselves;

e. The right to obtain judicial review of the Board's decisions; and,

f. The right to counsel.

4. Respondent waives its right to the representation of counsel in this matter.

5. Respondent waives its other rights to a formal hearing as set forth above in paragraph three (3).

6. Respondent understands in order to make a decision relative to approving this Consent Order discussions must take place between Board members, Board Staff and Board Counsel. These discussions may include the Board's review of any and all previously enumerated exhibits or referenced project materials. Respondent understands that these discussions will take

place at the Board's next regularly scheduled meeting in Oklahoma City, Oklahoma. Respondent understands it has the right to be present when this matter is discussed, but hereby waives that right.

7. Respondent, for the purpose of avoiding further administrative action with respect to this cause, executes this Consent Order. Should the Consent Order not be accepted by the Board, it is agreed that presentation to and consideration of the Consent Order by the Board shall not unfairly or illegally prejudice the Board or any of its members from further participation in or resolution of these proceedings. Likewise, if this Consent Order is not accepted, the Board shall not take into consideration the contents of this Consent Order as evidence of an admission.

8. Respondent expressly waives all further procedural steps, and expressly waives all rights to seek judicial review or to challenge or contest the validity of the Consent Order, the stipulated facts, conclusions of law and imposition of administrative action contained herein, and the final decision of the Board incorporating said Consent Order.

9. This Consent Order contains the entire agreement between the parties. Respondent is not relying on any other agreement or representation of any kind, verbal or otherwise.

10. The parties understand and agree that Portable Document Format (PDF) and facsimile copies of this Consent Order, including PDF and facsimile signatures thereto, shall have the same force and effect as the originals.

11. This Consent Order is intended by the parties to be an integrated writing representing the complete, final, and exclusive embodiment of their agreement. It supersedes any and all prior or contemporaneous agreements, understandings, discussions, negotiations, and commitments (written or oral). This Consent Order may not be altered, amended, modified,

supplemented or otherwise changed except by a writing executed by an authorized representative of each of the parties.

12. Respondent consents to the entry of this Consent Order.

ORDER

In accordance with the foregoing findings of facts and conclusions of law, and the agreement and consent of the Respondent, IT IS THEREFORE ORDERED:

Respondent is REPRIMANDED by the Board for its actions in providing architectural services in connection with the Project despite RAMTECH not possessing a Certificate of Authority by the Board to practice architecture in the state of Oklahoma.

Respondent is assessed a civil penalty in the amount of seven-thousand, five-hundred dollars (\$7,500.00) for providing architectural services in connection with the Project in the state of Oklahoma without a valid Certificate of Authority.

As of the date of this Order, Respondent has taken the necessary steps to remedy the violation of holding itself out as being able to practice architecture in the state of Oklahoma without a certificate of authority. Accordingly, Respondent is REPRIMANDED by the Board for holding itself out as being able to practice architecture in the state of Oklahoma on RAMTECH's website despite RAMTECH not being issued a Certificate of Authority by the Board.

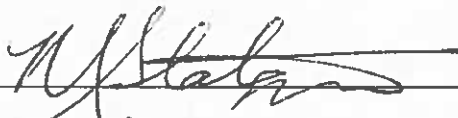
These civil penalty shall be paid within thirty (30) days from the date of the approval of this Consent Order by the Board.

DISCLOSURE

Pursuant to the Oklahoma Open Records Act, 51 Okla. Stat. § 24-A.1 through 24-A.21, the signed original of this Consent Order shall remain in the custody of the Board as a public record and shall be made available for public inspection, publication, and copying upon request, and may

make any use it deems appropriate of the contents of this Consent Order, which shall include the Board's ability to share the content of this Consent Order with any state or federal governmental or professional board or organization, publication of a summary in the Board newsletter, posting on the Board website, reporting to state and national databanks, including databanks maintained by associations to which the Board is a member.

RAMTECH BUILDING SYSTEMS, INC.

Signature: 
Position: President
Date: 1/31/2024

CERTIFICATION OF BOARD ATTORNEY

I believe this Consent Order to be in the best interests of the Oklahoma Board of Governors of Licensed Architects, Landscape Architects and Registered Commercial Interior Designers and the State of Oklahoma for the alleged violations of the State Architectural and Registered Commercial Interior Designers Act and the Rules of the Board as recorded in the Oklahoma Administrative Code 55:10.

Dated this 2nd day of February 2024.



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Registered Commercial Interior Designers*

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ORDER OF THE BOARD

NOW on this 7th day of February, 2024, Respondent has agreed voluntarily, with knowledge of its rights under law, to the entrance of this Consent Order for his purported actions which, if proven, violate the State Architectural and Registered Commercial Interior Designers Act as defined in 59 Okla. Stat. § 46.1 et. seq., and the Rules of the Board recorded in the Oklahoma Administrative Code (OAC) 55:10-1-1 et. seq. It further appears that

the foregoing Consent Order is just and equitable in order to safeguard life, health, and property, and to promote the public welfare in the State of Oklahoma.

IT IS THEREFORE ORDERED that this Consent Order with respect to the alleged violation of the State Architectural and Registered Commercial Interior Designers Act as defined in 59 Okla. Stat. § 46.1 et. seq., and the Rules of the Board recorded in the Oklahoma Administrative Code (OAC) 55:10-1-1 et. seq., are accepted, and the above Consent Order incorporated herein shall be the order of the Oklahoma Board of Governors of Licensed Architects, Landscape Architects and Registered Commercial Interior Designers.

Dated this 7th day of February, 2024.

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

By: _____

Name: Nathan Baker, Chair