

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

IN THE MATTER OF THE COMPLAINT
AGAINST:

MATTHEW BEN SMITH
1405 LUKE LANE
NORMAN, OKLAHOMA 73072

Respondent.

Case No. 2023-672

CONSENT ORDER

COMES NOW the Oklahoma Board of Governors of Licensed Architects, Landscape Architects and Licensed Interior Designers (the "Board"), and Respondent, Matthew Ben Smith ("Mr. Smith" and/or "Respondent") state as follows:

FINDINGS OF FACTS

1. Respondent was employed by Architects in Partnership, LLC ("AIP") under one or more employment agreements. In late 2017 through April 27, 2018, Respondent, through his employer, AIP, performed architectural services on a project for the Kingfisher County Justice Center ("Kingfisher County Project"). During his employment with AIP and with the knowledge of AIP, Respondent used his personal file share account to send various project documents to various third parties, including documents related to the Kingfisher County Project.
2. Subsequent to the Kingfisher County Project, and while employed by AIP, on or about September 3, 2019, Respondent formed the entity Principle Design, LLC. AIP was not aware of the creation and/or operation of Principle Design.
3. From September 3, 2019, through early 2021, Respondent operated Principle Design, LLC, which performs architectural services while Respondent Mr. Smith was employed by AIP. Respondent performed architectural services on approximately one (1) project through his entity, Principle Design, LLC, unbeknownst to AIP, while Respondent was employed by AIP.
4. In early 2021, Respondent's employment with AIP was terminated.
5. On or about September 20, 2023, Respondent prepared and stamped documents for the Blaine County Justice Center ("Blaine County Project"), through his entity, Principle Design, LLC. The "general project information" section of the Blaine County Project documents state that the project is a "new jail facility and sheriff's office for the county of Kingfisher."

6. Approximately 27 of the 57 pages of the Blaine County Project documents contain information that is similar or identical to information from AIP's Kingfisher Project documents, including references to pages, details, and/or rooms that do not exist and/or will not be constructed as part of the Blaine County Project.

7. Mr. Smith copied AIP's CAD files for the Kingfisher County Project, and used those CAD files as Mr. Smith's own in connection with preparing the Blaine County Project documents and did not revise portions of the Kingfisher County Project's documents prior to signing and sealing the same.

8. The incorrect references to pages, details, and/or rooms for the Blaine County Project are similar or identical to references to pages, details, and/or rooms that were contained in the Kingfisher County Project Plans prepared by AIP.

9. Mr. Smith did not have express written authorization from AIP, after the termination of his employment, to copy and/or use any of AIP's documents and/or electronic files including the Kingfisher County Project plans.

CONCLUSIONS OF LAW

1. The Board of Governors of Licensed Architects, Landscape Architects and Licensed Interior Designers of Oklahoma has jurisdiction of this case pursuant to:

- a. Oklahoma State Architectural and Licensed 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 Rules, at OAC 55:10-1-4, provides that "[p]rovisions of the Act charge the Board with enforcement and adoption of all reasonable and necessary Rules which it may deem advisable."

4. The Rules, at OAC 55:10-11-6(c), provides that “[a] Licensee, Registrant, or Entity shall comply with the licensing laws, rules and/or regulations governing their professional practice in any jurisdiction.”

5. The Rules, at OAC 55:10-15-4, provide that “[f]raud shall include copying any documents from an employer without specific written authorization.”

6. 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[.]”

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

8. The Findings of Facts stipulated to by Respondent, if proven, constitute violations of the State Architectural and Licensed 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 licensed interior design upon which the Board may take disciplinary action against Respondent.

9. Respondent does not contest (pleads nolo contendere) to the alleged violations of the State Architectural and Licensed 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 hearing, hereby agrees that the Board may enter a final order against Respondent as set forth below.

10. 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.

11. 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

Upon approval and execution of this Consent Order by both Respondent and the Board, Respondent, acknowledges that:

1. Respondent understands this Consent Order is subject to the approval of the Board and has no force and effect unless and until executed by both Respondent and 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 he 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 his rights to a formal hearing as set forth above in paragraph three (3).

5. 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 he has the right to be present when this matter is discussed, but hereby waives that right, provided that Counsel for the Board shall notify counsel for Respondent of when this matter will be discussed in order to allow the same to be present for any such discussions should they so desire.

6. 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 by the Board, the Consent Order shall not be construed as an admission by Respondent and the Board shall not use or take into consideration the contents of this Consent Order as evidence of an admission. Respondent and the Board agree that this Consent Order shall only take effect upon approval and execution by both Respondent and the Board.

7. 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.

8. 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.

9. 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.

10. 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.

11. 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:

12. Respondent Mr. Smith is REPRIMANDED by the Board for failing to comply with the licensing laws, rules, and/or regulations governing his professional practice by copying documents and electronic files for the Kingfisher County Project from AIP, Respondent's previous employer, without obtaining AIP's written authorization.

13. Respondent Mr. Smith is assessed a civil penalty in the amount of ten thousand dollars (\$10,000.00), which shall be paid within thirty (30) days from the date of the entry of this Consent Order.

14. Respondent Mr. Smith is ordered to take twelve (12) hours of Continuing Education Units (CEU) covering ethics topics related to the practice of Architecture ("Additional CEUs"). Mr. Smith shall complete the Additional CEUs no later than May 1, 2025. In the event Mr. Smith does not complete the Additional CEUs by May 1, 2025, Mr. Smith's license shall be suspended pending completion of the Additional CEUs. The Additional CEUs shall be completed in addition to the required CEUs necessary for biannual renewal of Mr. Smith's Oklahoma Architect License

(i.e., the Additional CEUs shall not count towards the CEUs required for renewal of Mr. Smith's license). The Additional CEUs shall be selected from the list provided by the Board, and attached to this Consent Order as **Exhibit A**.

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.

MATTHEW BEN SMITH

Signature: MB Smith

Date: 01/28/25

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CERTIFICATION OF BOARD ATTORNEY

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

Dated this 29 day of January 2025.



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

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ORDER OF THE BOARD

NOW on this 5th day of February, 2025, 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 Licensed 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 the Respondent's plea of no contest to the alleged violations of the State Architectural and Licensed 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., as set forth in the Notice of Complaint and Hearing, are accepted, and the above Consent Order incorporated herein shall be the order of the Oklahoma Board of Governors of Architects, Landscape Architects and Licensed Interior Designers.

Dated this 5th day of February, 2025

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

By: 

EXHIBIT A

PREAPPROVED ETHICS CONTINUING EDUCATION UNIT COURSES:

-<https://www.architectstraininginstitute.com/product/arc-ce-ethics-and-morality-in-the-professional-setting-2hr-ce-aiablti45622/>

-<https://www.pacepdh.com/index.cfm?fuseaction=custom.courseDetail&id=624&boardID=29>

-<https://www.redvector.com/training-for-individuals/course-search/detail/?course=c1f593a7-d22e-409f-8cf4-c24502437d95>

-<https://www.redvector.com/training-for-individuals/course-search/detail/?course=6dbd0e1b-247b-4062-a6ee-6dfa4377a019>

-<https://www.redvector.com/training-for-individuals/course-search/detail/?course=24870298-ace5-4e74-a738-9775cf0f9409>

-<https://aiau.aia.org/course/details/upholding-ethical-obligations-to-clients-in-architecture-design>

-<https://aiau.aia.org/course/details/ethics-and-professionalism-understanding-the-aia-code-of-ethics-and-professional-conduct>

-https://www.titance.com/module_detail.asp?ModuleID=110

-<https://www.ncarb.org/ncarb-certificate/continuing-education/professional-conduct>