



**BEFORE THE BOARD OF  
EXAMINERS OF ARCHITECTS, STATE OF OHIO**

**IN THE MATTER OF  
JOSEPH A. TAMULEWICZ**

:

DATE: April 12, 2000

:

Certified Mail: P 348 909 623

Cert. No. 3086

**ADJUDICATION ORDER**

Pursuant to a meeting of the Ohio Board of Examiners of Architects, the following matter came before the Board on March 24, 2000. Members of the Board present were: John W. Spencer, Joseph E. Vetter, Richard H. Kaplan, Gerald S. Hammond, and Merle M. Myers.

An administrative hearing was held on the charges contained in the Board's letter of June 8, 1999. The issue to be determined by the Board was whether or not Mr. Tamulewicz aided and abetted an unlicensed person in the practice of architecture by placing his architectural seal and signature on documents where Mr. Tamulewicz was not the author or actual architect, where he was not in responsible charge of the preparation of the documents, and for which he did not have direct professional knowledge and direct supervisory control.

**FINDINGS OF FACT**

The parties submitted joint stipulations of fact that were received into evidence. The Board adopts the joint stipulation of facts as presented.

**CONCLUSIONS OF LAW**

1. Because he offers professional architectural services in Ohio, Joseph A. Tamulewicz is subject to the jurisdiction of the Ohio State Board of Examiners of Architects, and to the provisions of Chapter 4703 of the Ohio Revised Code and Chapter 4703 of the Ohio Administrative Code.

2. In Ohio an architect offering professional architectural services may work with others who provide architectural services, but must not aid or abet in the unauthorized practice of architecture. R.C. 4703.15 provides in pertinent part:

The state board of examiners of architects may by three concurring votes deny renewal of, revoke, or suspend any certificate of qualification to practice architecture, issued or renewed under sections 4703.10, 4703.13, and 4703.14 of the Revised Code, or any certificate of authorization, issued or renewed under sections 4703.13 and 4703.18 of the Revised Code, if proof satisfactory to the board is presented in any of the following cases:

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(E) In case the holder of the certificate has been found guilty by the board of aiding and abetting another person or persons not properly registered as required by sections 4703.01 to 4703.19 of the Revised Code, in the performance of activities that in any manner or extent constitute the practice or architecture.

Thus, if Mr. Tamulewicz aided and abetted Mr. Louie M. Tomaro in the practice of architecture, the Board has authority to take action against his certificate of qualification to practice architecture in Ohio, if Mr. Louie M. Tomaro is not properly registered with the Board as required by R.C. 4703.01 to 4703.19.

3. As used in this context, the "practice of architecture" is defined in the Ohio Administrative Code as section 4703-1-01(B) as follows:

(B) "Practice of architecture"-Except as otherwise permitted by divisions (C) and (D) of section 4703.18 and by section 4703.182 of the Revised Code or the preparation of manufacturer's technical documents, shop drawings, assembly or erection drawings or graphic descriptions used to detail or illustrate a portion of the work required to construct the building in accordance with the plans, rendering or offering to render any one or combination of the following: advice, consultation, evaluation, planning, any type of architectural plans, designs, or specifications, or administration of construction contracts in connection with the erection, enlargement or alteration of any building or buildings, or the equipment or utilities thereof, or the accessories thereto.

4. The preponderance of the evidence shows that Mr. Louie M. Tomaro is not licensed to practice architecture in Ohio. Mr. Louie M. Tomaro prepared construction plans consisting of architectural plans, designs, or specifications, and has engaged in the practice of architecture. Mr. Tamulewicz aided Mr. Louie M. Tomaro by reviewing the plans before signing the plans and placing his architectural seal on the plans and presenting the plans for permit approval. Therefore, Mr. Tamulewicz aided and abetted Mr. Louie M. Tomaro, an unlicensed individual, in the performance of activities that constitute the practice of architecture in this State in violation of R.C. 4703.15(E).

5. The Revised Code requires compliance with the administrative regulations promulgated by the Board. R.C. 4703.151 provides “the [Board] may revoke or suspend licenses or reprimand licenses...in accordance with the seriousness of the charge, for violation of rules governing the standards of service, conduct, and practice to be followed in the profession of architecture...” One such rule requires that the architect have professional control over projects completed by others:

Ohio Administrative Code 4703-3-01 Seal requirements: (D) The architect shall imprint documents only if the architect was the author of such drawings, specifications and other contract documents or was in responsible charge of their preparation.

Thus, if an architect registered with the Board imprints his or her professional seal on a document, he or she must have been either the author of the drawings, specifications and other contracted for documents, or if he or she was not the author, then he or she must have been in responsible charge of the preparation of the documents.

6. Another rule promulgated by the Board requires that the architect exercise control over documents he or she intends to seal and sign:

Ohio Administrative Code 4703-7-03 Code of Conduct (E) Professional conduct. (1) An architect shall not sign or seal drawings, specifications, reports, or other professional work for which he or she does not have direct professional knowledge and direct supervisory control; provided, however, that in the case of the portions of such professional work prepared by the architect’s consultants, registered under this or another professional law of this jurisdiction, the architect may sign or seal that portion of the professional work if the architect has reviewed such portion, has coordinated its preparation, and intends to be responsible for its adequacy.

7. The preponderance of the evidence in this case shows that Mr. Tamulewicz placed his professional seal and has signed plans, drawings, and specifications for the office addition to Wallings Office Building, located in North Royalton, Ohio, and Mr. Tamulewicz was not the author of the drawings, specifications, and other contracted for documents, and he was not in responsible charge of the author of the drawings, Mr. Louie M. Tomaro, and therefore Mr. Tamulewicz has violated section 4703-3-01(D) of the Ohio Administrative Code.

8. The preponderance of the evidence also shows that Mr. Tamulewicz imprinted his seal on drawings and specifications of which he did not have direct professional knowledge and direct supervisory control and did not constitute the professional work of a professional consultant, in violation of section 4703-3-07(E)(1) of the Ohio Administrative Code.

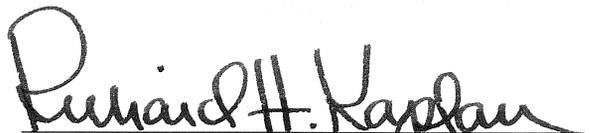
**ORDER OF THE BOARD**

After the hearing, the Board conducted deliberations, and based upon the foregoing findings and conclusions, and taking into consideration the mitigating and aggravating circumstances, including the nature and severity of the act under consideration, the actual or potential harm to any consumer, client, or the general public, the prior disciplinary record, the number and/or variety of current violation, rehabilitation evidence, time passed since the act occurred, cooperation with the investigation, and recognition of wrongdoing, the Board took the following action:

1. Mr. Tamulewicz's certificate of qualification to practice architecture, No. 3086, is *suspended* for a period of six months, beginning on June 12, 2000 and running through December 12, 2000.
2. That following the expiration of the period of suspension, Mr. Tamulewicz's certificate of qualification to practice architecture will be automatically restored and placed on a six-month period of *probation*.

This order may be appealed in accordance with Section 119.12 of the Ohio Revised Code by filing a Notice of Appeal with the Ohio State Board of Examiners of Architects, 77 South High Street, 16th Floor, Columbus, Ohio 43266, and **also a copy** of that Notice of Appeal with the Court of Common Pleas in the county of the respondent's place of business, or in the county in which the respondent is a resident, or with the Court of Common Pleas in Franklin County, Ohio if not a resident of Ohio. Such Notice of Appeal shall contain the Order appealed from and the grounds of such an appeal. Such Notice of Appeal and copy shall be filed and must be received within fifteen (15) days after the mailing of this Adjudication Order.

BY ORDER OF THE BOARD,

  
RICHARD H. KAPLAN, PRESIDENT

Joseph A. Tamulewicz, Cert. No. 3086  
April 12, 2000  
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cc: Henry I. Reder, Esq.  
Julie P. Emch, Esq.  
Kristen J. Davidson, Esq.

**BEFORE THE BOARD OF  
EXAMINERS OF ARCHITECTS, STATE OF OHIO**

**IN THE MATTER OF** : Certificate No. 3086  
**JOSEPH A. TAMULEWICZ** : Hearing Officer Christopher B. McNeil

**JOINT STIPULATION OF FACTS**

Now comes the parties, and hereby stipulate to the following facts in this matter:

1. Joseph A. Tamulewicz is authorized under Certificate No. 3086 to practice the profession of architecture in Ohio. Mr. Tamulewicz has been licensed to offer architectural services in Ohio since 1960. Mr. Tamulewicz maintains his professional practice at JAT Associates Architects, 5413 Pearl Road, Parma, Ohio 44129.
2. By letter dated June 8, 1999, State's Exhibit 1, the Ohio Board of Examiners of Architects advised Mr. Tamulewicz that it proposed to take action against Mr. Tamulewicz's certificate of qualification to practice architecture in Ohio, based upon alleged violations of R.C. 4703.15(E), 4703.151, Ohio Administrative Code 4703-3-01(A),(B),(C),(D), and Ohio Administrative Code 4703-3-07(E)(1).
3. The charges relate to documents prepared by Louie M. Tomaro, of Tomaro Architecture, 1001 Sixth Street, Suite 100, Manhattan Beach, California, 90266, for an office addition to Wallings Office Building, located at 6785 Wallings Road, North Royalton, Ohio, on or about October, 1998.
4. Mr. Tamulewicz is alleged to have aided and abetted an unlicensed person in the practice of architecture by placing his architectural seal and personal signature on the documents for the Wallings Office Building where Mr. Tamulewicz was not the actual architect, and where Mr. Tamulewicz did not have direct professional knowledge and direct supervisory control of such documents.
5. Mr. Tamulewicz acknowledges he placed his professional seal and his signature on the Wallings Office Building drawings shown in State's Exhibit 2.
6. Mr. Tamulewicz was not the author of the drawings.
7. The drawings were prepared by Louie M. Tomaro, of Tomaro Architecture. At all relevant times, Louis<sup>S</sup>M. Tomaro did not hold a certificate of qualification to practice architecture in the State of Ohio. At all relevant times, Tomaro Architecture did not have a certificate of authorization to provide architectural services in the State of Ohio. Mr. Louie M. Tomaro is licensed as an architect in the state of California. HIR
8. Mr. Tamulewicz reviewed the Wallings Office Building drawings, found the drawings to be in order, and then sealed the drawings.

9. The drawings were submitted to the City of North Royalton Building Department for a building permit to be issued.
10. A building permit was issued by the North Royalton Building Department. ✓ H.I.R.
11. Mr. Tamulewicz invoiced and was paid by the owner of the project, Louis B. Tomaro, father of Louie M. Tomaro of Tomaro Architecture.
12. Mr. Tamulewicz did not have a written contract with the contractor or the owner for the project.
13. The property is owned by Louis B. Tomaro as trustee. He is also the contractor for the project and father of Louie M. Tomaro, AIA. H.I.R.
14. Louis M. Tomaro is one of the beneficiaries of the trust, and therefore, is a beneficial owner of the property. H.I.R.
15. In his 39 years of practice, including 20 years on his own, with a practice in 13 different states, Mr. Tamulewicz has never been involved in any litigation, arbitrations or prior disciplinary matters.
16. Mr. Tamulewicz has resolved never to engage in any similar activities.
17. Mr. Tamulewicz does not have any criminal record.
18. Mr. Tamulewicz has fully and completely cooperated with the Board's investigation.

Respectfully submitted,

BETTY D. MONTGOMERY (0007102)  
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 JULIE P. EMCH (0063762)  
 Assistant Attorney General  
 Business and Government Regulation  
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 HENRY I. REDER (0008436)  
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 Suite 202  
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 (216) 765-0007

*Counsel for the Ohio Board of Examiners  
 of Architects*

*Counsel for Respondent-Certificate  
 Holder Joseph A. Tamulewicz*



STATE OF OHIO STATE BOARD OF EXAMINERS OF ARCHITECTS

77 South High Street, 16th Floor Columbus, OH 43266-0303 614/466-2316 Fax: 614-644-9048

IN RE: JOSEPH A. TAMULEWICZ

Cert. No. 3086

TO: Joseph A. Tamulewicz  
JAT Associates Architects  
5413 Pearl Road  
Cleveland, Ohio 44129

DATE: June 8, 1999

This is to advise you that the State Board of Examiners of Architects proposes to take action against your certificate of qualification to practice architecture pursuant to O.R.C. Sections 4703.15 and 4703.151. The Board may take action to reprimand, suspend or revoke your certificate of qualification to practice architecture in Ohio.

The Board proposes this action based upon several allegations. Specifically, it is alleged that you have *aided and abetted* an unlicensed person or persons in the practice of architecture by placing your Ohio registration seal on documents where you were not the *actual architect*, and did not possess *direct professional knowledge* and *direct supervisory control* of such documents.

These allegations are directly related to an office addition for the "*Wallings Office Building*" located at 6785 Wallings Road, North Royalton, Ohio on or about October of 1998. The drawings in question were allegedly designed and prepared by "Tomaro Architecture" of Manhattan Beach, California.

The Board proposes this action on the basis that you may have violated the following sections of the Ohio Revised Code and Administrative Code:

The State Board of Examiners of Architects may by three concurring votes deny renewal of, revoke, or suspend any certificate of qualification to practice architecture, issues or renewed under sections 4703.10, 4703.13, and 4703.14 of the Revised Code, or any certificate of authorization, issued or renewed under sections 4703.13 and 4703.18 of the Revised Code, if proof satisfactory to the Board is presented in any of the following cases:

(1) **O.R.C. 4703.15 (E)** *In case the holder of the certificate has been found guilty by the Board of aiding and abetting another person or persons not properly registered as required by sections 4703.01 to 4703.19 of the Revised Code, in the performance of activities that in any manner or extent constitute the practice of architecture;*

(2) **O.R.C. 4703.151** *The state board of examiners of architects may revoke or suspend licenses or reprimand licenses, and may revoke or suspend the certificate of authorization provided for in division (L) of section 4703.18 of the Revised Code, in accordance with the seriousness of the charge, for violation of rules governing the standards of service, conduct, and practice to be followed in the practice of the profession of architecture in the state, as adopted by the board pursuant to Chapter 4703. of the Revised Code, and*

(3) **O.A.C. 4703-3-01 (A)** *Each architect shall obtain an individual embossing seal (two inches in diameter), of a design approved by the board, and a rubber stamp or other reproducible facsimile of the seal to be used as hereinafter directed in paragraphs (B) and (C) of this rule on all documents prepared by him or under his direct supervision for use in the state of Ohio, for the purpose of properly imprinting the drawings, specifications, and other contract documents as required by section 4703.12 of the Revised Code.*

(B) *The application of the embossing seal impression, over an ink signature, to the title or first sheet of bound sets of drawings, to the title page of bound specifications and to other drawings and contracts documents required for official filing with building permit agencies shall constitute the imprinting required by section 4703.12 of the Revised Code;*

(C) *The rubber stamp or other reproducible facsimile of the seal shall be applied on all tracings to produce legible reproduction on all copies or prints made from said tracings. This provision does not modify in any manner the use of the seal as required in paragraph (B) of this rule;*

(D) *The architect shall imprint his seal only if he was the author of such drawings, specifications and other contract documents or was in responsible charge of their preparation and,*

(4) **O.A.C. 4703-3-07 (E) (1)** *An architect shall not sign or seal drawings, specifications, reports or other professional work for which he or she does not have direct professional knowledge and direct supervisory control; provided, however, that in the case of the portions of such professional work prepared by the architect's consultants, registered under this or another professional registration law of this jurisdiction, the architect may sign or seal that portion of the professional work if the architect has reviewed such portion, has coordinated its preparation, and intends to be responsible for its adequacy.*

So that you may more fully understand the factual allegations supporting this disciplinary action, a partial copy of the documents involved in this complaint made against you is attached to this notice. Also enclosed is a copy of the Laws and Rules Governing the Practice of Architecture and the Disciplinary/Complaint Guide Book.

You are hereby advised that in accordance with O.R.C. Chapter 119 you may request a formal administrative hearing before the Board to show cause why the proposed action should not be imposed. Your request for an administrative hearing must be in writing to the State Board of Examiners of Architects, and must be made within thirty (30) days of the mailing of this notice.

At that administrative hearing you may appear in person, and/or be represented by an attorney, or you may present your position, arguments and contentions in writing. You will be permitted to present evidence on your behalf, and to examine witnesses appearing for and against you.

Failure to request a formal administrative hearing within thirty (30) days will result in the Board taking such action as it deems appropriate based solely upon the charges set forth herein and the information currently available to the Board.

In addition to the opportunity for a formal administrative hearing, the Board would like to extend to you (and your legal counsel, if you wish), the opportunity to meet with the Board's investigative staff in an informal meeting prior to going forward with a formal administrative proceeding.

The purpose of such a meeting would be to further discuss the facts and circumstances involved, as well as the possibility of an alternative resolution to this matter. Additionally, the rules, procedures and policies of an administrative hearing will be explained. The informal meeting will be held in Columbus and will be attended by Investigator, Chad B. Holland, Assistant Attorney General, Julie P. Emch and myself.

Should you have any questions about the disciplinary process, hearings, informal meetings or what is expected of you at this time, please call the Board immediately.

Mr. Tamulewicz  
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Sincerely,

STATE OF OHIO  
STATE BOARD OF EXAMINERS OF ARCHITECTS



William N. Wilcox  
Executive Director

Enclosures

**Cert. Mail P 348 908 926**

cc: Julie P. Emch, Office of the Attorney General