



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

BEFORE THE OHIO STATE BOARD  
OF EXAMINERS OF ARCHITECTS

IN RE: CHARLES D. NOVAK : DATE: January 29, 1998  
14750 South Robert Trail  
Rosemount, Minnesota 55068 :  
Cert. No. 5346 : Certified Mail: P 348 908 834

ADJUDICATION ORDER

Pursuant to a meeting of the Ohio Board of Examiners of Architects, the following matter came before the Board on January 16, 1998. Members of the Board present were: John W. Spencer, Harold Rasmussen, Richard H. Kaplan, Joseph E. Vetter, and Merle M. Myers.

An administrative hearing was held on the charges contained in the Board's letter of August 14, 1997. The issue to be determined by the Board was whether Mr. Novak violated O.R.C. Sections 4703.15 and 4703.151, and O.A.C. Section 4703-3-07(D)(3), which provides that "An architect shall comply with the registration laws and regulations governing his or her professional practice in any United States jurisdiction.

FINDINGS OF FACT

Charles D. Novak is an individual licensed to practice architecture in the State of Nevada and the State of Ohio as an Architect or Registered Architect. At the time of his hearing he maintained a valid certificate of qualification issued by the Board as No. 5346.

On or about September 25, 1996, Mr. Novak entered into a Settlement Agreement and Order with the Nevada State Board of Architecture, Interior Design and Residential Design. The Nevada State Board found Mr. Novak violated NRS section 623.207(1)(d)(e). A certified copy of the Nevada Board's decision and order was received into evidence.

The essence of the Nevada violation is that Mr. Novak affixed his seal and signature to plans which were not prepared by him or in his office, or under his direct supervision for the Ben Bridge Jewelry Store in Henderson, Nevada.

The Board received into evidence a letter dated November 17, 1997 on Mr. Novak's behalf by his attorney. The Board finds no mitigating evidence was contained in said letter.

The Board considers such "plan-stamping" to be a very serious violation of architectural standards of conduct, and worthy of substantial discipline.

### CONCLUSIONS OF LAW

Mr. Novak failed to comply with the registration laws and regulations governing his or her professional practice in any United States jurisdiction, namely the jurisdiction of the state of Nevada, in violation of O.A.C. Section 4703-3-07(D)(3).

O.A.C. Section 4703-3-07(D)(3) is a rule which establishes in part the standard of conduct to be followed in the practice of the profession of architecture in the state of Ohio, adopted by the Board pursuant to Chapter 4703. of the Revised Code.

By virtue of his violation of O.A.C. Section 4703-3-07(D)(3), under O.R.C. Section 4703.151 the Board may revoke or suspend Mr. Novak's license, or issue a reprimand to him, in accordance with the Board's assessment of the seriousness of the charge.

### ORDER OF THE BOARD

After the hearing, the Board conducted deliberations, and based upon the foregoing findings and conclusions, the Board took the following action:

1. Mr. Novak's certificate of qualification to practice architecture, No. 5346, is suspended for a period of six (6) months, beginning from the date this Order is issued.
2. That following the expiration of the suspension of his certificate of qualification, Mr. Novak's certificate will be automatically reinstated and Mr. Novak will serve a six (6) month probationary period.

Charles D. Novak is hereby officially informed that Ohio Revised Code Sections 4703.06, 4703.18(A) and 4703.99 make it a criminal violation to assume or use the title or designation of "Architect" or "Registered Architect", or to hold himself out to be any of the above, or to engage in the practice of architecture unless properly licensed to do so by the Board.

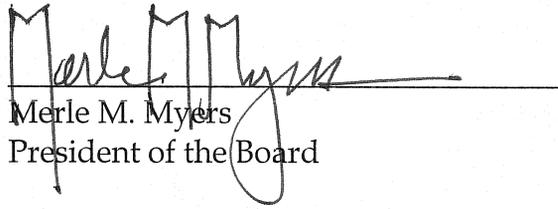
The Board hereby orders you to immediately **cease and desist** any further use of any of the aforementioned designations, performing any of the aforementioned work, or to in any way hold yourself out to be qualified and permitted to practice as an "Architect" in the state of Ohio. The use of any advertisements, letterhead, business cards, signs, or other materials which in any way improperly portray you as such a practitioner within Ohio should be stopped.

The Board hereby orders Charles D. Novak and his firm to immediately **cease and desist** any further use of any of the aforementioned designations, performing any of the aforementioned work, or to in any way hold himself or itself out to be qualified and permitted to offer architectural services in the state of Ohio. The use of any advertisements, letterhead, business cards, signs, or other materials which in any way improperly portray you as an architect or your firm as an architectural firm within Ohio should be stopped during the period of your suspension.

#### CERTIFICATION

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 delivered within fifteen (15) days after the mailing of this Adjudication Order.

BY ORDER OF THE BOARD,



Merle M. Myers  
President of the Board