



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: BRETT A. MILLER : DATE: March 4, 1999
Suhar & Miller Architects :
6507 Stewart Road :
Cincinnati, OH 45236-4103 :

Cert. No. 10815 : Certified Mail: P 348 908 905

ADJUDICATION ORDER

Pursuant to Chapter 119 of the Ohio Revised Code an administrative hearing was held on December 11, 1998. The administrative hearing was held before Hearing Officer Christopher B. McNeil. On February 2, 1999, the Hearing Officer issued his Report and Recommendation. Objections to the Report and Recommendation were filed by Mr. Miller and by the State. The above matter came before the Ohio Board of Examiners of Architects on February 26, 1999, for consideration by the Board of the Hearing Examiner's Report and Recommendation. The objections were considered by the Board before determining whether to approve, modify, or disapprove the Report and Recommendation. Members of the Board present on February 26, 1999, were: John W. Spencer, Joseph E. Vetter, Richard H. Kaplan, and Merle M. Myers.

ORDER OF THE BOARD

The Board conducted its review of the Hearing Examiner's Report and Recommendation, and took the following actions:

1. The Board approves and confirms the findings of fact in the Report and Recommendation, with the following modifications; the Board approves and confirms the conclusions of law in the Report and Recommendation, except as they relate to the following modifications:
 - a. The Board determined that Mr. Miller was not charged with a violation of R.C. 4703.15 (D), and accordingly Mr. Miller is not in violation of R.C. 4703.15(D).

- b. The Board determined that the testimony presented by Mr. Miller (as further explained in Mr. Miller's Objections to the Report and Recommendation), indicated that Mr. Miller had an oral agreement with Mercantile for the project.
- c. The Board determined from the testimony and exhibits presented, as set forth in the State's Objections to the Report and Recommendation, that CML Design, Inc. did not possess a certificate of authorization to provide architectural services in the state of Ohio.

2. The Board approves and confirms the recommendation of the Hearing Examiner to the extent that it suspends Mr. Miller's Certificate of Qualification to practice architecture for a period of thirty (30) days from the date of this order. Following the expiration of the suspension of his certificate of qualification, Mr. Miller's certificate will be automatically reinstated.

Brett A. Miller 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 during your suspension.

CERTIFICATION

I hereby certify that the foregoing Adjudication Order of the Ohio State Board of Examiners of Architects is true and accurate as it appears in the journal of the Board of its proceedings on February 26, 1999.

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

BY ORDER OF THE BOARD,



William N. Wilcox
Executive Director

cc: Luther L. Liggett, Jr.
Julie P. Emch, Office of the Attorney General