



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

**IN THE MATTER OF
MICHAEL L. MUSIL**

Cert. No. 11608

:

DATE: January 10, 2001

:

Certified Mail: 9264 4179

ADJUDICATION ORDER

Pursuant to a meeting of the Ohio Board of Examiners of Architects, the following matter came before the Board on January 5, 2001. Members of the Board present were: John W. Spencer, Christopher J. Ewald, 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 October 17, 2000. The issue to be determined by the Board was whether Mr. Musil violated registration laws and regulations governing his professional practice in the State of Alaska.

FINDINGS OF FACT

Mr. Musil is licensed in the State of Ohio by the Ohio Board of Examiners of Architects, Certificate No. 11608. By letter dated October 17, 2000, the Board gave notice to Respondent of charges against him and advised him of his right to be heard prior to the Board taking final action based on the charges. There is no record in the file that Mr. Musil requested a hearing. Nonetheless, by notice dated November 28, 2000, the Board set the matter for hearing and evidence was heard on January 5, 2001.

The Assistant Attorney General presented evidence on behalf of the State of Ohio. The following exhibits were submitted and accepted into evidence: State's Exhibit 1: October 17, 2000 charge letter from the Ohio Bd. of Examiners of Architects to Mr. Musil; State's Exhibit 2: November 28, 2000 Ohio Bd. of Examiners of Architects hearing notice to Mr. Musil; State's Exhibit 3: Certified Temporary Cease and Desist Order from State of Alaska; State's Exhibit 4: Certified October 4, 2000 letter from the State of Alaska; and State's Exhibit 5: Certified September 28, 1999 letter from the Ohio Bd. of Examiners of Architects to Mr. Musil.

As reflected in the certified documents in State's Exhibits 3 and 4, the preponderance of the evidence shows that on January 6, 2000, the State of Alaska, Department of Commerce and Economic Development, Division of Occupational Licensing, issued a Temporary Cease and Desist Order to Mr. Musil for violation of Alaska Statute 08.48.281 and 08.48.321, because Mr.

Musil practiced the profession of architecture without being registered in the State of Alaska as a professional architectural corporation. The Musil Group Architects, Inc. did not request a hearing in this matter and the cease and desist order became permanent in the State of Alaska.

CONCLUSIONS OF LAW

Because he holds a certificate of qualification to practice architecture in Ohio, Respondent Michael Musil is subject to the jurisdiction of the Ohio State Board of Examiners of Architects.

Where from the evidence the State proves, at least by a preponderance, that Respondent violated Alaska regulations controlling the practice of architecture, the State has met its burden of establishing that the Respondent has failed to comply with the registration laws and regulations governing Respondent's professional practice, in violation of O.A.C. 4703-3-07(D)(3). The State has met its burden in this matter and Mr. Musil is found to be in violation of O.A.C. 4703-3-07(D)(3).

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. Musil is hereby issued a WARNING and reminded to be more cognizant of the laws and regulations in Ohio or in any jurisdiction in which he or his firm may practice.

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 January 5, 2001.

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,



WILLIAM N. WILCOX,
EXECUTIVE DIRECTOR

STATE OF ALASKA
DEPARTMENT OF COMMERCE AND ECONOMIC DEVELOPMENT
DIVISION OF OCCUPATIONAL LICENSING

In the matter of:]
Musil Group Architects, Inc]
Respondent,]
Case No. 0107-99-002]

TEMPORARY CEASE AND DESIST ORDER
(AS 08.01.087(b)(1))

TO: Musil Group Architects, Inc
19712 MacArthur Blvd, Suite 100
Attn: Larry Musil
Irvine, CA 92612

As a result of an investigation conducted by the State of Alaska, Department of Community and Economic Development, Division of Occupational Licensing, it has been determined that your firm has acted in the capacity of an architectural corporation when in fact your firm is not licensed to provide architectural services in Alaska, to wit:

1. Your firm prepared plans that were submitted to the Municipality of Anchorage, Anchorage, Alaska, regarding construction of the Great Alaska Factory Outlet Mall, Eagle River, Alaska. The Planning and Zoning Commission reviewed the plans for the Municipality of Anchorage.
2. The above referenced plans were not sealed or signed by an architect registered in the State of Alaska, however, the plans bear the business name of "Musil Group Architects, Inc, 19712 MacArthur Boulevard, Suite 100, Irvine, CA 92612".
3. Your action of preparing plans requiring registration as an Architect in Alaska, as described above, constitutes a violation of Alaska Statute (AS) 08.48.281, in that you practiced the profession of architecture without being registered in the State of Alaska as a professional architectural corporation.
4. Your conduct also constitutes a violation of AS 08.48.321.

IT IS THEREFORE ORDERED pursuant to AS 08.01.087(b)(1) that you immediately cease and desist from engaging in the practice of architecture and/or offering to practice architecture. If you fail to stop practicing or offering to practice

1 architecture or otherwise engaging in activities of a licensed architect as directed
2 by Title 08 and 12 AAC 36, the Division of Occupational Licensing may seek an
3 injunction in the superior court to enforce this cease and desist order pursuant to
4 AS 08.01.087 (2).

5 THIS TEMPORARY CEASE AND DESIST ORDER remains in effect until you
6 submit acceptable evidence showing that the violation has been corrected, or if a
7 written request is made, a hearing will be set and thereafter a further order will be
8 entered. If no such written request for a hearing is received, within 15 days of
9 receipt by you of this order, this Cease and Desist order shall become permanent.

10 PURSUANT TO AS 08.48.291 unauthorized practice is a misdemeanor punishable
11 by a fine of not more that \$10,000, or by imprisonment for not more than one year,
12 or by both.

13 FURTHER, AS 08.48.295 provides for a civil fine not to exceed \$5,000 for each
14 offense where a person practices or offers to practice architecture, engineering or
15 land surveying in the state without being registered or authorized to practice in
16 accordance with the provisions of AS 08.48.

17 THIS ORDER IS EFFECTIVE upon receipt by you.

18 DATED this 5th day of January 2000, at Anchorage, Alaska.

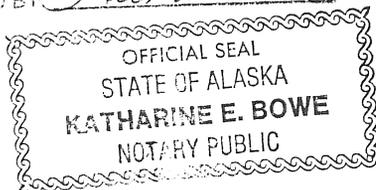
19 BY ORDER OF

20 DEBORAH B. SEDWICK
21 COMMISSIONER
22 DEPARTMENT OF COMMERCE
23 AND ECONOMIC DEVELOPMENT

24 BY: *Gary Veres*
25 Gary Veres, Chief Investigator
26 for Catherine Reardon, Director,
Division of Occupational Licensing

27 I CERTIFY THIS TO BE A TRUE COPY OF
28 THE ORIGINAL DOCUMENT.

29 CERTIFIED BY: *Katharine E. Bowe*



30 My Commission Expires
31 October 17, 2002