

1. Defendants admit that, in Texas, a license is not required in order to perform the same services that registered interior designers perform but deny that anyone may lawfully work as an "interior designer" regardless of qualifications or credentials. Defendants admit that only licensed individuals may use the specific terms "interior designer" and "interior design" to describe their work. Defendants admit that Texas law prohibits non-licensees from calling themselves "interior designers" or referring to their work as "interior design" but deny that those terms accurately describe the services non-licensees perform. Defendants deny that such regulation constitutes censorship of truthful commercial speech, deny that such regulation is repugnant to the Constitution, and deny that such regulation cannot stand.

Jurisdiction and Venue

2. Defendants deny that the laws cited in paragraph number two interfere with Plaintiff's First Amendment rights. Defendants deny that it is accurate for Plaintiffs to describe themselves as rendering services of "interior designers." The remainder of paragraph number two states the nature of the case and requires neither an admission nor a denial.
3. Defendants admit this Court has jurisdiction.
4. Defendants admit venue lies in this Court.

Parties

5. Defendants have insufficient knowledge or information to admit or deny the allegations of paragraph number five regarding Plaintiff Vickee Byrum.
6. Defendants have insufficient knowledge or information to admit or deny the allegations of paragraph number six regarding Plaintiff Joel Mozersky.

7. Defendants have insufficient knowledge or information to admit or deny the allegations of paragraph number seven regarding Plaintiff Veronica Koltuniak.
8. Defendants have insufficient knowledge or information to admit or deny the allegations of paragraph number eight regarding Plaintiff Nancy Pell.
9. Defendants admit the averments of paragraph nine except Defendants deny that Defendant Gordon Landreth is the President of the Board. Gordon Landreth serves as Chair and not as President of the Board.
10. Defendants admit the averments of paragraph ten.
11. Defendants admit the averments of paragraph eleven.
12. Defendants admit the averments of paragraph twelve regarding the members of the Board and their official status.

Statement of Facts

13. Defendants admit the averments of paragraph thirteen.
14. Defendants deny that the laws cited impose a complete ban on commercial speech that is both truthful and non-misleading.
15. Defendants admit that the law imposes the sanctions stated in paragraph number fifteen but deny that the law criminalizes communicating non-misleading speech.
16. Defendants admit that becoming licensed involves obtaining a prescribed level of education and/or experience as well as passage of the examination administered by the National Council of Interior Design Qualification (“NCIDQ”). Whether becoming licensed in Texas requires “substantial” time, effort, and expense is a subjective matter which Defendants cannot admit or deny.

17. Defendants admit the averments made in paragraph seventeen regarding the duration and cost of the examination.
18. Defendants admit the averments in paragraph eighteen regarding the registration status of the Plaintiffs. Defendants admit that Plaintiffs may not lawfully refer to themselves as “interior designers” or describe their services as “interior design.” Defendants have insufficient knowledge or information to admit or deny what services Plaintiffs can and do perform. Defendants deny that the services Plaintiffs perform are lawfully to be considered “interior design” services.
19. Defendants have insufficient knowledge or information to admit or deny the allegations made in paragraph nineteen.
20. Defendants are without sufficient knowledge to admit or deny allegations regarding Plaintiff Byrum’s talent, experience and education in paragraph twenty. Defendants have insufficient knowledge or information to admit or deny the allegation that Plaintiff Byrum is foreclosed from sitting for the licensing exam. Defendants deny the allegation that the title “interior designer” is an accurate description of what Plaintiff Byrum does.
21. Defendants have insufficient knowledge or information to admit or deny the allegations made in paragraph twenty-one.
22. Defendants are without sufficient knowledge to admit or deny allegations regarding the business, skill, education or experience of Plaintiff Mozersky made in paragraph twenty-two, except that Defendants deny he is and has lawfully practiced as an interior designer. Defendants admit that it is unlawful for Plaintiff Mozersky, who is not registered as an interior designer, to refer to himself as an “interior designer” in Texas.

23. Defendants are without sufficient knowledge to admit or deny the averments made in paragraph twenty-three.
24. Defendants are without sufficient knowledge to admit or deny the averments made in paragraph twenty-four regarding the background or experience of Plaintiff Koltuniak. Defendants admit that the Board sent a letter to Plaintiff Koltuniak warning her to refrain from using the title "interior designer." Defendants deny threatening her.
25. Defendants admit that Plaintiff Koltuniak made attempts to register as an interior designer and admit that her application was rejected at least in part due to her failure to establish sufficient education. Defendants deny that Plaintiff is ineligible for registration as an interior designer as she may fulfill the requirements for registration in the future. Defendants cannot admit or deny Plaintiffs' collective desire, or lack thereof, to possess a degree in interior design.
26. Defendants are without sufficient knowledge to admit or deny allegations regarding Plaintiff Pell's experience or business operations made in paragraph twenty-six. Defendants admit sending a warning letter to Plaintiff but deny threatening Plaintiff. Defendants deny that Plaintiff's services are accurately described as "interior design" services.
27. Defendants are without sufficient knowledge to admit or deny allegations made in paragraph twenty-seven regarding the education, experience, or desire for education of Plaintiff Pell.
28. Defendants are without sufficient knowledge to admit or deny allegations of Plaintiffs' intents or fears. Defendants deny that it is accurate for Plaintiffs to represent themselves as "interior designers" and their work as "interior design."

29. Defendants admit that Plaintiffs are not registered as interior designers in Texas.

Defendants admit that, like all Texas residents, Plaintiffs are subject to the code provisions cited. Defendants deny that it is accurate for Plaintiffs to use the terms “interior design” or “interior designer” to describe themselves or their services.

30. Defendants admit the allegations in paragraph thirty.

Injury to Plaintiffs

31. Defendants deny that Texas has censored truthful speech about Plaintiffs and their businesses. Defendants are without sufficient knowledge to admit or deny any injury to Plaintiffs arising from enforcement of the law.

32. Defendants deny that Plaintiffs cannot advertise their services “accurately” as alleged in paragraph thirty-two. Defendants deny the terms Plaintiffs may use to describe themselves and their services signal lower level of skill and ability than they actually possess.

33. Defendants deny Plaintiffs’ allegation that they are “marginalized and degraded” by Texas law. Defendants admit that only licensed interior designers may lawfully represent that they are interior designers.

34. Defendants deny that Texas law has caused or will continue to cause irreparable harm to Plaintiffs. Defendants deny that Plaintiffs are forbidden from truthfully describing themselves and the services they perform.

Count One

35. No need for Defendants to admit or deny.

36. Defendants admit that the First Amendment guarantees Plaintiffs the right to free speech and the right to speak truthfully about their businesses and the services they perform.

37. Defendants admit that the code provisions cited prohibit unlicensed persons from using the title "interior designer" and the term "interior design" but do not prohibit the performance of the same services that registered interior designers perform.
38. Defendants deny they have violated Plaintiffs' right to free speech. Defendants deny that Defendants prohibit Plaintiffs from accurately and truthfully advertising their services.
39. Defendants deny that Plaintiffs are suffering irreparable harm to their constitutional rights and that Plaintiffs have no other adequate remedy.
40. Defendants deny the allegations made in paragraph forty.

Request for Prayer

41. Defendants are not required to respond to Plaintiffs' prayer for relief, but deny that Plaintiffs are entitled to any relief whatsoever.

DEFENDANTS' AFFIRMATIVE DEFENSES

Defendants allege that the Complaint fails to state a cause of action upon which relief may be granted. Defendants assert the right to raise additional defenses that become apparent throughout the factual development of this case.

WHEREFORE, Defendants pray that the Court dismiss the Original Complaint, deny Plaintiffs' request for declaratory and injunctive relief, enter summary judgment for Defendants, and award Defendants all fees, costs, and expenses to which they may be justly entitled.

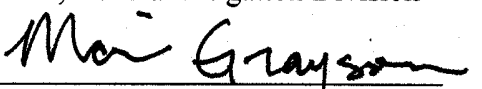
Respectfully submitted,

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CERTIFICATE OF SERVICE

I certify that on June 22, 2007, a true and correct copy of the foregoing document was sent via certified mail, return receipt requested to:

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