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9  
10 **BEFORE THE ARIZONA STATE  
BOARD OF TECHNICAL REGISTRATION**

11  
12 In the Matter of:

13 **Gary Hokanson,**  
14 Registered Architect #51987,

15 Respondent.

OAH Docket No.: 21F-P21-013-BTRCase  
BTR Case No.: P21-013

**CONSENT AGREEMENT**

16 In the interest of a prompt and judicious resolution of the above-captioned matter before  
17 the Arizona State Board of Technical Registration (the "Board") and consistent with the public  
18 interest, statutory requirements, and the responsibilities of the Board, and pursuant to Arizona  
19 Revised Statutes ("A.R.S.") § 32-101, *et seq.*, and Arizona Administrative Code ("A.A.C.") R4-  
20 30-120(G), the Board and the undersigned party, Gary Hokanson ("Respondent"), enter into the  
21 following Recitals, Findings of Fact, Conclusions of Law and Order ("Consent Agreement") as a  
22 final disposition of this matter.

23 **RECITALS**

24 1. Respondent has read and understands this Consent Agreement and has had the  
25 opportunity to discuss this Consent Agreement with an attorney, or has waived the opportunity to  
26 discuss this Consent Agreement with an attorney.

27 2. Respondent understands that he has a right to a public administrative hearing

1 concerning this case. He further acknowledges that, at such formal hearing, he could present  
2 evidence and cross-examine witnesses. By entering into this Consent Agreement, Respondent  
3 knowingly, voluntarily, and irrevocably waives his right to such an administrative hearing, as  
4 well as rights of rehearing, review, reconsideration, appeal, judicial review or any other  
5 administrative and/or judicial action concerning the matters set forth herein.

6 3. Respondent affirmatively agrees that this Consent Agreement shall be irrevocable.

7 4. Respondent understands that this Consent Agreement or any part of the agreement  
8 may be considered in any future disciplinary action by the Board against him.

9 5. The Consent Agreement, any record prepared in this matter, all investigative  
10 materials prepared or received by the Board and all related exhibits and materials, are records (as  
11 defined in A.R.S. § 41-151.18) upon acceptance by the Board of this Consent Agreement and  
12 may be retained in the Board's files pertaining to this matter.

13 6. Respondent understands this Consent Agreement deals with Board case number  
14 P21-013 involving allegations that Respondent engaged in conduct that would subject him to  
15 discipline under the Board's statutes and rules. The investigation into these allegations against  
16 Respondent shall be concluded upon the Board's adoption of this Consent Agreement.

17 7. Respondent understands that this Consent Agreement does not constitute a  
18 dismissal or resolution of any other matters currently pending before the Board, if any, and does  
19 not constitute any waiver, express or implied, of the Board's statutory authority or jurisdiction  
20 regarding any other pending or future investigation, action or proceeding.

21 8. Respondent also understands that acceptance of this Consent Agreement does not  
22 preclude any other agency, subdivision, or officer of this state from instituting any other civil or  
23 criminal proceedings with respect to the conduct that is the subject of this Consent Agreement.

24 9. Respondent acknowledges and agrees that, upon signing this Consent Agreement  
25 and returning this document to the Board's Executive Director, Respondent may not revoke  
26 acceptance of the Consent Agreement or make any modifications to the document regardless of  
27 whether the Consent Agreement has been signed on behalf of the Board. Any modification to

1 this original document is ineffective and void unless mutually agreed by the parties in writing.

2 10. This Consent Agreement is subject to the approval of the Board and is effective  
3 only when accepted by the Board and signed on behalf of the Board. If the Board does not  
4 accept this Consent Agreement, the Board retains its authority to hold a formal administrative  
5 hearing pursuant to A.R.S. § 32-128(E). In the event that the Board does not approve this  
6 Consent Agreement, it is withdrawn, shall be of no evidentiary value, and shall not be relied  
7 upon nor introduced in any action by any party. Respondent agrees that should the Board reject  
8 this Consent Agreement and this case proceeds to hearing, Respondent shall assert no claim that  
9 the Board was prejudiced by its review and discussion of this document or any records relating  
10 thereto.

11 11. If a court of competent jurisdiction rules that any part of this Consent Agreement  
12 is void or otherwise unenforceable, the remainder of the Consent Agreement shall remain in full  
13 force and effect.

14 12. Respondent agrees that any violation of this Consent Agreement may result in  
15 disciplinary action, including suspension or revocation of registration under A.R.S. § 32-150.

16 13. Respondent agrees that the Board will adopt the following Findings of Fact,  
17 Conclusions of Law and Order.

18 **FINDINGS OF FACT**

19 1. The Board is the duly constituted authority for the regulation and control of the  
20 practice of architecture in the State of Arizona pursuant to A.R.S. § 32-101, *et seq.*

21 2. Respondent is the holder of Architect Registration #51987.

22 3. Effective May 18, 2020, the Board executed a Consent Agreement and Order of  
23 Discipline (“Consent Agreement”) in P19-078 and P20-010, which was signed by Respondent,  
24 and which provided for a Letter of Reprimand and a suspension of Respondent’s registration for  
25 six months, with that suspension being stayed on condition that Respondent would:

26 a. Assure the Board that he would not practice, or offer to practice, engineering  
27 without registration as an engineer;

- 1           b.     **Within six months from the effective date of the Consent Agreement, or no later**  
2                   **than November 18, 2020, complete remedial education on the International**  
3                   **Building Code, the International Residential Code, and the International Energy**  
4                   **Code;**
- 5           c.     **Submit his next three architectural projects for peer review during his period of**  
6                   **probation;**
- 7           d.     **Within sixty days from the effective date of the Consent Agreement, or no later**  
8                   **than July 18, 2020, attend a professional ethics class;**
- 9           e.     **Within ninety days from the effective date of the Consent Agreement, or no later**  
10                  **than August 18, 2020, pay an administrative penalty of Two Thousand Dollars**  
11                  **(\$2000.00); and**
- 12           f.     **Within thirty days from the effective date of the Consent Agreement, or no later**  
13                   **than June 18, 2020, pay the Board’s cost of investigation in the amount of Seven**  
14                   **Hundred Eighty-Three dollars) (\$783.00).**
- 15   4.     **Respondent did not complete peer reviews within the period of his probation. Peer**  
16   **reviews were not completed until November 12, 2021.**
- 17   5.     **Respondent did not complete remedial education on the International Building Code until**  
18   **September 30, 2021, more than ten months after compliance was due.**
- 19   6.     **Respondent has failed to complete any remedial education on the International**  
20   **Residential Code and the International Energy Code.**
- 21   7.     **Respondent did not complete a professional ethics course until October 22, 2021, more**  
22   **than fifteen months after compliance was due.**
- 23   8.     **Respondent did not pay the administrative penalty until November 19, 2021, more than**  
24   **fifteen months after payment was due.**
- 25   9.     **Respondent did not pay for the Board’s cost of investigation until November 17, 2021,**  
26   **approximately seventeen months after payment was due.**
- 27

1 **CONCLUSIONS OF LAW**

- 2 1. The Board has jurisdiction in this matter pursuant to A.R.S. § 32-101, *et seq.*  
3 2. Under A.R.S. § 32-150, “[f]ailure to comply with any final order of the board, including  
4 an order of censure or probation, is cause for suspension or revocation of a license.”  
5 3. Respondent’s conduct alleged above constitutes grounds for discipline pursuant to A.R.S.  
6 §§ 32-128(C)(4) and 32-150, by failure to comply with a final order of the Board.

7 **ORDER**

8 Based on the foregoing Findings of Fact and Conclusions of Law, the Board issues the  
9 following Order:

10 1. **STAYED SUSPENSION AND PROBATION.** Respondent’s registration as  
11 architect shall be suspended for six (6) months; however, the suspension is stayed for as long as  
12 Respondent remains in compliance with this Order. During the stay of suspension, Respondent’s  
13 registration as an architect is placed on probation for six (6) months (“Probation Period”). If  
14 Respondent is non-compliant with any terms of this Order during the Probation Period, the stay  
15 of the suspension shall be lifted and Respondent’s registration as an architect may be suspended  
16 or revoked by the Board. If Respondent completes all terms of this Order prior to the end of the  
17 Probation Period, Respondent may be eligible for early termination of the Probation Period.

18 2. **ASSURANCE OF DISCONTINUANCE.** Respondent shall not practice, offer  
19 to practice, or by any implication hold himself out as qualified to practice engineering as defined  
20 by A.R.S. § 32-101(B)(11) until such time as Respondent is registered by the Board as an  
21 engineer and is in full compliance with the Board’s statutes and rules.

22 3. **REMEDIAL EDUCATION.** Within ninety (90) days from the effective date of  
23 this Consent Agreement, Respondent shall provide proof to the Board that he has successfully  
24 completed remedial education in the following areas:

- 25 a. International Residential Code; and the  
26 b. International Energy Code.

27 4. **COST OF INVESTIGATION.** Within ninety (90) days from the Effective Date

1 of this Consent Agreement, Respondent shall pay a portion of the costs of investigation of this  
2 case to the Board in the amount of \$352.00 by certified check or money order made payable to  
3 the State of Arizona Board of Technical Registration.

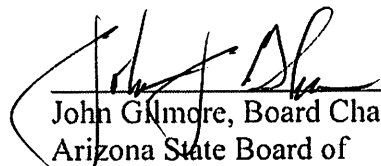
4 5. **ADMINISTRATIVE PENALTY.** Within ninety (90) days from the Effective  
5 Date of this Consent Agreement, Respondent shall pay an administrative penalty in the amount  
6 of \$500.00 by certified check or money order made payable to the State of Arizona Board of  
7 Technical Registration.

8 6. **EFFECTIVE DATE.** The effective date of this Consent Agreement and Order is  
9 the date it was last executed by the Respondent or the Board.

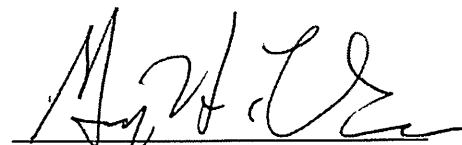
10 7. **FEES AND COSTS.** Each party agrees to pay its own attorney's and expert's  
11 fees and costs.

12 8. **COSTS OF COMPLIANCE.** Respondent shall pay all costs associated with  
13 complying with this Consent Agreement.

14 **ACCEPTED and ORDERED** this 25 day of April, 2022.

15  
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17   
18 John Gilmore, Board Chair  
19 Arizona State Board of  
20 Technical Registration

20 **CONSENT AGREEMENT and ORDER**, Number P21-013, accepted this 29<sup>TH</sup> day of  
21 ~~April~~, 2022.

22  
23   
24 Gary Hokanson, Respondent

1 ORIGINAL of the foregoing filed  
this 26 day of April, 2022, with:

2 Arizona State Board of Technical Registration  
3 1110 W. Washington, Suite 240  
4 Phoenix, AZ 85007

5 COPY of the foregoing served via email, to:

6 Richard J. Herbert  
7 el-rancho-grande@msn.com  
*Attorney for Respondent*

8 COPY of the foregoing e-mailed  
9 this 26 day of April, 2022, to:

10 Deanie Reh  
11 Assistant Attorney General  
deanie.reh@azag.gov  
*Attorney for the State of Arizona*

12  
13 By:   
14

15 #10217273

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