

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

In the Matter of:

Case No.: P23-016

**Kristopher Ontiveros
Non-Registrant**

**CONSENT AGREEMENT
and
ORDER OF DISCIPLINE**

**312 Architect and Design
Firm No. 23979**

Respondents

In the interest of a prompt and judicious resolution of the above-captioned matter before the Arizona State Board of Technical Registration ("Board") and consistent with the public interest, statutory requirements, and the responsibilities of the Board, and pursuant to A.R.S. § 32-101 *et seq.*, and A.A.C. R4-30-120(G), the undersigned party, Kristopher Ontiveros ("Respondent"), Non-Registrant, and 312 Architect and Design ("Respondent Firm"), Firm Registration No. 23979, and the Board enter into the following Recitals, Findings of Fact, Conclusions of Law and Order ("Consent Agreement") as a final disposition of this matter.

RECITALS

1. Respondent has read and understands this Consent Agreement and has had the opportunity to discuss this Consent Agreement with an attorney, or has waived the opportunity to discuss this Consent Agreement with an attorney.
2. Respondent understands that he has a right to a public administrative hearing concerning this case. He further acknowledges that at such formal hearing he could present evidence and cross-examine witnesses. By entering into this Consent Agreement, Respondent knowingly, voluntarily, and irrevocably waives his right to such an administrative hearing, as well as rights of rehearing, review, reconsideration, appeal, judicial review or any other administrative and/or judicial action concerning the matters set forth herein.
3. Respondent affirmatively agrees that this Consent Agreement shall be

1 irrevocable.

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

4 5. The Consent Agreement, any record prepared in this matter, all investigative
5 materials prepared or received by the Board and all related exhibits and materials, are
6 public records upon acceptance by the Board of this Consent Agreement and may be
7 retained in the Board's files pertaining to this matter.

8 6. Respondent understands this Consent Agreement deals with Board case
9 number P23-016 involving allegations that Respondent engaged in conduct that would
10 subject him to discipline under the Board's statutes and rules. The investigation into
11 these allegations against Respondent shall be concluded upon the Board's adoption of
12 this Consent Agreement.

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

17 8. Respondent also understands that acceptance of this Consent Agreement does
18 not preclude any other agency, subdivision, or officer of this State from instituting any
19 other civil or criminal proceedings with respect to the conduct that is the subject of this
20 Consent Agreement.

21 9. Respondent acknowledges and agrees that, upon signing this Consent
22 Agreement and returning this document to the Board's Executive Director, he may not
23 revoke his acceptance of the Consent Agreement or make any modifications to the
24 document regardless of whether the Consent Agreement has been signed on behalf of the
25 Board. Any modification to this original document is ineffective and void unless
26 mutually agreed by the parties in writing.

27 10. This Consent Agreement is subject to the approval of the Board and is
28 effective only when accepted by the Board and signed on behalf of the Board. If the

1 Board does not accept this Consent Agreement. the Board retains its authority to hold a
2 formal administrative hearing pursuant to A.R.S. § 32-128(E). In the event that the
3 Board does not approve this Consent Agreement, it is withdrawn and shall be of no
4 evidentiary value and shall not be relied upon nor introduced in any action by any party,
5 except that the parties agree that should the Board reject this Consent Agreement and this
6 case proceeds to hearing, Respondent shall assert no claim that the Board was prejudiced
7 by its review and discussion of this document or any records relating thereto.

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

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

14 13. Respondent agrees that the Board will adopt the following Findings of Fact.
15 Conclusions of Law and Order.

16 **FINDINGS OF FACT**

17 1. The Board is the duly constituted authority for the regulation and control of
18 the practice of Professional Architecture in the State of Arizona.

19 2. Respondent is a non-registrant and co-owner of Respondent Firm.

20 3. Respondent Firm was originally incorporated with the Arizona Corporation
21 Commission on February 5, 2020 and holds ACC entity ID number 23059334.

22 4. On or about February 5, 2020 until April 29, 2022, Respondent Firm offered
23 to provide architectural services through Respondent firm website without firm
24 registration from the Board.

25 5. On or about April 29, 2022, Respondent Firm was registered with the Board
26 with registration no. 23979 with Jeffery A. Pierce, R.A. #35237, listed as Principal.
27 Board records show that Respondent Firm became registered with the Board after Notice
28 of Investigation was sent related to cases P22-051 and P22-052.

1 6. At its August 22, 2022 Board meeting, the Board directed staff to open an
2 investigation into Respondent Firm and Respondent Firm co-owners, Respondent and
3 Mr. Jaydee Woods, for offering to practice a board regulated profession without firm
4 registration with the Board between February 5, 2020 and April 29, 2022.

5 7. On or about September 28, 2022, Respondent provided a written response to the
6 complaint accepting responsibility for the firm's initial lack of registration reporting that
7 he was not aware of the requirement.

8 **CONCLUSIONS OF LAW**

- 9 1. The Board has jurisdiction in this matter pursuant to A.R.S. § 32-101, et seq.
10 2. The conduct alleged in the Findings of Fact constitutes grounds for discipline
11 pursuant to A.R.S. 32-121, A.R.S. 32-141 and A.R.S. 32-128(C)(4) as it relates to A.A.C.
12 R4-30-301(4), in that Respondent and Respondent Firm offered to provide architectural
13 services without Firm registration with the Board.

14 **ORDER**

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

- 17 1. **CIVIL PENALTY.** Within thirty (30) days from the effective date of this
18 Consent Agreement, Respondent shall pay a civil penalty of Two Hundred and Fifty
19 Dollars (\$250.00) by certified check or money order made payable to the State of
20 Arizona Board of Technical Registration.
21 2. **COST OF INVESTIGATION.** Within thirty (30) days from the effective
22 date of this Consent Agreement, Respondent shall pay the cost of investigation of this
23 case to the Board in the amount of Seventy-Two Dollars (\$72.00) by certified check or
24 money order made payable to the State of Arizona Board of Technical Registration,
25 according to the provisions of A.R.S. § 32-128(H).
26 3. **OBEY ALL LAWS.** Respondent shall obey all federal, state and local
27 laws, as well as, all rules governing the practice of Architecture in the State of Arizona.
28 The Board shall consider any violation of this paragraph to be a separate violation of the

1 rules and statues governing the Arizona Board of Technical Registration. The Board may
2 also consider Respondent's non-compliance with this Order as a separate violation of
3 A.R.S. § 32-150.

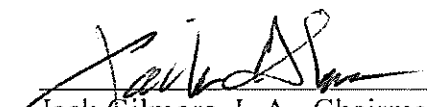
4 4. RENEWAL OF REGISTRATION. Respondent Firm shall timely renew
5 their Arizona registration as an Architectural Firm, and timely pay all required
6 registration fees.

7 5. EFFECTIVE DATE. The effective date of this Consent Agreement is the
8 date the Respondent and Board sign the Consent Agreement. If the dates are different, the
9 effective date is the later of the two dates.

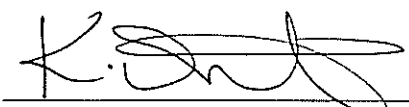
10 6. COSTS OF COMPLIANCE. Respondent shall pay all costs associated
11 with complying with this Consent Agreement.

12 7. NONCOMPLIANCE. If Respondent violates this Order in any way or fails
13 to fulfill the requirements of this Order, the Board, after giving notice and the opportunity
14 to be heard, may revoke, suspend or take other disciplinary actions against the
15 registration. The issue at such a hearing will be limited solely to whether this Order has
16 been violated.

17 ACCEPTED and ORDERED this 1 day of NOVEMBER, 2022.

18
19 
20 Jack Gilmore, L.A., Chairman
21 Arizona State Board of
22 Technical Registration

23 Consent Agreement and Order, No. P23-016 accepted this 19th day of
24 October, 2022.

25 
26 Kristopher Ontiveros, on behalf of
27 himself and 312 Architect and Design,
28 Respondents

1 ORIGINAL filed this 1st day of

2 November, 2022, with:

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

6 COPY of the foregoing mailed via Certified Mail

7 No. 9214 8901 9434 4600 0898 50 and

8 First Class mail this 1st day of November, 2022, to:

9 Kristopher Ontiveros
10 312 Architect and Design
11 1100 E. Washington Street, Suite 125
12 Phoenix, Arizona 85034

13
14 By: Kaitlyn Crawford