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

16 In the Matter of:

17 **Danny Quihuis,**  
18 Architect Registration No. 29565,  
19 Respondent.

OAH Docket No.: 23F-P22-058-BTR  
BTR Case Nos.: P22-058

**CONSENT AGREEMENT**

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

**RECITALS**

1. The Board has not conducted a hearing nor made a determination on the merits contained herein. Instead, the Board and Respondent have agreed to a full and

1 final settlement of this matter in lieu of formal disciplinary proceedings, pursuant to  
2 A.A.C. R4-30-123(B).

3 2. Respondent has read and understands this Consent Agreement and has had  
4 the opportunity to discuss this Consent Agreement with an attorney, or has waived the  
5 opportunity to discuss this Consent Agreement with an attorney.

6 3. Respondent understands that he has a right to a public administrative  
7 hearing concerning this case. He further acknowledges that, at such formal hearing, he  
8 could present evidence and cross-examine witnesses. By entering into this Consent  
9 Agreement, Respondent knowingly, voluntarily, and irrevocably waives his right to such  
10 an administrative hearing, as well as rights of rehearing, review, reconsideration, appeal,  
11 judicial review, or any other administrative and/or judicial action concerning the matters  
12 set forth herein.

13 4. Respondent affirmatively agrees that this Consent Agreement shall be  
14 irrevocable.

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

17 6. The Consent Agreement, any record prepared in this matter, all  
18 investigative materials prepared or received by the Board, and all related exhibits and  
19 materials, including Respondent's Answer and any exhibits Respondent has filed with the  
20 Board, are records (as defined in A.R.S. § 41-151.18) upon acceptance by the Board of  
21 this Consent Agreement and may be retained in the Board's files pertaining to this matter.

22 7. Respondent understands this Consent Agreement deals with Board case  
23 number P22-058 involving allegations that Respondent engaged in conduct that would  
24 subject Respondent to discipline under the Board's statutes and rules. The investigation  
25 into these allegations against Respondent shall be concluded upon the Board's adoption  
26 of this Consent Agreement.

27 8. Respondent understands that this Consent Agreement is solely to settle case

1 number P22-058, does not preclude the Board from instituting other proceedings as may  
2 be appropriate now or in the future, does not constitute a dismissal or resolution of any  
3 other matters currently pending before the Board, if any, and does not constitute any  
4 waiver, express or implied, of the Board's statutory authority or jurisdiction regarding  
5 any other pending or future investigation, action or proceeding.

6 9. Respondent also understands that, with respect to the conduct that is the  
7 subject of this Consent Agreement, acceptance of this Consent Agreement does not  
8 preclude any other agency, subdivision, or officer of this state from instituting any other  
9 civil or criminal proceedings, investigating claims, or taking legal action as may be  
10 appropriate now or in the future relating to this matter or other matters concerning  
11 Respondent, including but not limited to violations of Arizona's Consumer Fraud Act.  
12 Respondent acknowledges that, other than with respect to the Board, this Consent  
13 Agreement makes no representation, implied or otherwise, about the views or intended  
14 actions of any other state agency or officer or political subdivision of the state relating to  
15 this matter or other matters concerning Respondent.

16 10. Respondent acknowledges and agrees that, upon signing this Consent  
17 Agreement and returning this document to the Board's Executive Director, Respondent  
18 may not revoke acceptance of the Consent Agreement or make any modifications to the  
19 document regardless of whether the Consent Agreement has been signed on behalf of the  
20 Board. Any modification to this original document is ineffective and void unless  
21 mutually agreed by the parties in writing.

22 11. This Consent Agreement is subject to the approval of the Board and is  
23 effective only when accepted by the Board and signed on behalf of the Board. If the  
24 Board does not accept this Consent Agreement, the Board retains its authority to hold a  
25 formal administrative hearing pursuant to A.R.S. § 32-128(E). In the event that the  
26 Board does not approve this Consent Agreement, it is withdrawn, shall be of no  
27 evidentiary value, and shall not be relied upon nor introduced in any action by any party.

1 Respondent agrees that should the Board reject this Consent Agreement and this case  
2 proceeds to hearing, Respondent shall assert no claim that the Board was prejudiced by  
3 its review and discussion of this document or any records relating thereto.

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

7 13. Respondent agrees that any violation of this Consent Agreement may result  
8 in disciplinary action, including suspension or revocation of registration under A.R.S. §  
9 32-150.

10 14. Respondent agrees that the Board will adopt the following Findings of Fact,  
11 Conclusions of Law and Order.

12 **FINDINGS OF FACT**

13 1. The Board is the duly constituted authority for the regulation and control of  
14 the practice of architecture, and the firms under which registrants practice pursuant to  
15 A.R.S. § 32-101, *et seq.*

16 2. Respondent is the holder of Architect Registration # 29565.

17 3. On or about March 24, 2022, the Board received a complaint from Erik  
18 McEwen (“McEwen”) alleging that Respondent prepared and sealed a design plan set for  
19 a residential renovation project which contained an insufficient home elevation, and then  
20 failed to revise his plans after being notified to do so by the Floodplain Management  
21 Division of Pima County.

22 4. A professional assessment of Respondent’s professional performance was  
23 completed by Carlos Murrieta, who concluded that Respondent may not have been  
24 responsible as an architect to insure proper permits were obtained, but that he was  
25 responsible for not obtaining the proper permits as a general contractor.

26 5. A professional assessment of Respondent’s professional performance was  
27 completed by David Brotman, who concluded that Respondent deviated from legal

1 requirements related to his professional practice; that Respondent failed to employ the  
2 technical knowledge and skill required for an architect when he ignored the flood control  
3 requirements; and that Respondent violated the requirement to report to appropriate  
4 officials that his client overruled Respondent's professional judgment.

5 6. On August 16, 2022, an Enforcement Advisory Committee ("EAC")  
6 convened to review the complaint against Respondent.

7 7. McEwen established that:

8 a. McEwen purchased the home after the previous owners, Nomad LLC  
9 ("Nomad"), had completed a renovation project, for which Respondent  
10 was the architect of record and the general contractor;

11 b. It became necessary for McEwen to sell the property when he had to  
12 relocate for a job;

13 c. The proposed sale of the property fell through when the buyer  
14 discovered that the renovations were completed without a required flood  
15 plain use permit;

16 d. McEwen received a Notice of Violation from Pima County Floodplain  
17 Management, outlining the requirements to become compliant, which  
18 were not possible to complete at that time;

19 e. McEwen experienced financial hardship, because he was not able to  
20 immediately clear the floodplain violation, was unable to sell the home,  
21 and had to maintain two mortgage payments.

22 8. Respondent admitted to the following facts to the EAC:

23 a. Respondent submitted plans for approval on the Nomad renovation  
24 project to Pima County Floodplain Management, and the plans were not  
25 approved because of the floodplain issues;

26 b. Respondent advised Nomad LLC of the requirements to obtain the  
27 floodplain permit;

- 1 c. Respondent was instructed by Nomad LLC to terminate his architectural  
2 services and to continue the project without the flood plain approval as  
3 general contractor;
- 4 d. Respondent completed the renovation project as the general contractor  
5 without the required permit;
- 6 e. Respondent acknowledged that it was unwise of him to continue  
7 working as the general contractor after his client declined further  
8 architectural services needed to obtain the required permit; and
- 9 f. Respondent was unaware of the requirement to notify the appropriate  
10 authorities when a client overrides a professional's judgment related to a  
11 potential hazard to public welfare.

12 9. The EAC made the following findings:

- 13 a. Respondent's change in role from architect to contractor, and the  
14 instructions of Nomad, did not absolve Respondent from his  
15 professional responsibilities as an architect in Arizona;
- 16 b. Respondent failed to apply the appropriate technical knowledge in  
17 performing architecture in Arizona, in that he said he was unaware of  
18 his professional reporting responsibilities when faced with a client who  
19 overrides his professional judgement in a way that potentially affects  
20 public welfare; and he failed to notify any authority of the situation;
- 21 c. Failure to comply with the Pima County Floodplain Management's  
22 requirements resulted in a risk to public welfare because it resulted in  
23 financial hardship to McEwen and represented a potential flood risk.

24 10. Respondent failed to comply with county laws and ordinances, in that he  
25 knowingly ignored the Pima County Floodplain Management's requirements, and  
26 continued with construction of the project without the required permit.

1 **CONCLUSIONS OF LAW**

2 1. The Board has jurisdiction in this matter pursuant to A.R.S. § 32-101, *et*  
3 *seq.*

4 2. Respondent’s conduct alleged in the Findings of Fact constitutes grounds  
5 for discipline for violation of Board laws or rules pursuant to A.R.S. 32-128(C)(4) as it  
6 relates to A.A.C. R4-30-301(4), in that Respondent failed to comply with state,  
7 municipal, and county laws, codes, ordinances, and regulations pertaining to the  
8 registrant’s area of practice.

9 3. Respondent’s conduct alleged in the Findings of Fact constitutes grounds  
10 for discipline for violation of Board laws or rules pursuant to A.R.S. 32-128(C)(4) as it  
11 relates to A.A.C. R4-30-301(6), in that Respondent failed to “apply the technical  
12 knowledge and skill that would be applied by other qualified registrants who practice the  
13 same profession in the same area and at the same time.”

14 4. Respondent’s conduct alleged in the Findings of Fact constitutes grounds  
15 for discipline for violation of Board laws or rules pursuant to A.R.S. 32-128(C)(4) as it  
16 relates to A.A.C. R4-30-301(11), in that Respondent failed to notify the appropriate  
17 building official, or agency, and the Board of fact that his client overruled his  
18 professional judgment under circumstances where a serious threat to the public health,  
19 safety, or welfare may result, as defined in A.R.S. § 41-1093(1) regarding occupational  
20 regulation as “protection of members of the public against harm, fraud or loss.”

21 **ORDER**

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

24 1. **LETTER OF REPRIMAND.** Respondent shall be issued a Letter of  
25 Reprimand.

26 2. **STAYED SUSPENSION AND PROBATION.** Respondent’s registration  
27 as an Architect, No. 29565, shall be suspended for Twelve (12) months; however, the

1 suspension is stayed for as long as Respondent remains in compliance with this Order.  
2 During the stay of suspension, Respondent's registration as an Architect is placed on  
3 probation for Twelve (12) months. If Respondent is non-complaint with any terms of this  
4 Order during the Twelve (12) months stayed suspension and probation period, the stay of  
5 the suspension shall be lifted and Respondent's registration as an architect shall be  
6 automatically suspended without a formal hearing, and remain suspended until  
7 Respondent is complaint with all terms of this Order. Once Respondent has complied  
8 with the conditions listed in Sections 3 through 5 below, he may petition the Board for  
9 early termination of his suspension and probation, which may or may not be granted in  
10 the sole discretion of the Board.

11       3.     **ADMINISTRATIVE PENALTY.** Within Twelve (12) months from the  
12 effective date of this Consent Agreement, Respondent shall pay an administrative penalty  
13 of Four Thousand Dollars and No Cents (\$4000.00) by certified check or money order  
14 made payable to the State of Arizona Board of Technical Registration.

15       4.     **COST OF INVESTIGATION.** Within Six (6) months from the effective  
16 date of this Consent Agreement, Respondent shall pay to the Board the combined costs of  
17 investigation and attorney's fees related to this case in the amount of Six Hundred and  
18 Three Dollars and No Cents (\$603.00) by certified check or money order made payable  
19 to the State of Arizona Board of Technical Registration, according to the provisions of  
20 A.R.S. § 32-128(H).

21       5.     **REMEDIAL TRAINING.** Within Three (3) months from the effective  
22 date of this Consent Agreement, Respondent shall complete the following online training  
23 course through the National Council of Architectural Registration Boards (NCARB):  
24 Professional Conduct Part 4, which can be found via internet link <https://ce.ncarb.org/>,  
25 and send the State of Arizona Board of Technical Registration a copy of the course  
26 completion certificate.

27       6.     **OBEY ALL LAWS.** Respondent shall obey all federal, state and local



1 laws, as well as, all rules governing the practice of architecture in the State of Arizona.  
2 The Board shall consider any violation of this paragraph to be a separate violation of the  
3 rules and statues governing the Arizona Board of Technical Registration. The Board may  
4 also consider Respondent's non-compliance with this Order as a separate violation of  
5 A.R.S. § 32-150.

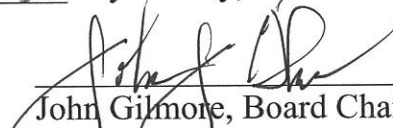
6 7. **RENEWAL OF REGISTRATION.** Respondent shall, in a timely  
7 manner, obtain and/or renew Arizona registration as an architect and timely pay all  
8 required registration fees.

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

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


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

18 **ACCEPTED and ORDERED** this 23 day of May, 2023.

19   
20 \_\_\_\_\_  
21 John Gilmore, Board Chair  
22 Arizona State Board of  
23 Technical Registration

23 **CONSENT AGREEMENT and ORDER**, Number P22-058, accepted this

24 2 day of May, 2023.

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26 \_\_\_\_\_  
27 Danny Quihuis, Respondent

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**ORIGINAL** of the foregoing filed this 25 day of May, 2023, with:

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

**COPY** of the foregoing emailed and mailed by First Class Mail on the 25 day of May, 2023, to:

Danny Quihuis  
Quihuis Architecture Co. LLC  
3232 W. Bird Haven Place  
Tucson, AZ 85745  
[dannyq@qactucson.com](mailto:dannyq@qactucson.com)

**COPY** of the foregoing e-mailed this 25 day of May, 2023, to:

Deanie Reh  
Assistant Attorney General  
[deanie.reh@azag.gov](mailto:deanie.reh@azag.gov)  
Attorney for the State of Arizona

By: *Daniel Carthel*

11160794