

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

3 **In the Matter of:**

Case No.: P24-102

4 **Kendall Baxley**
5 **Non-Registrant**

CONSENT AGREEMENT
and
ORDER OF DISCIPLINE

6 **Baxley Architectural and Consulting**
7 **Non-Registered Firm**

8 **Respondents**

9
10 In the interest of a prompt and judicious resolution of the above-captioned matter
11 before the Arizona State Board of Technical Registration (“Board”) and consistent with
12 the public interest, statutory requirements, and the responsibilities of the Board, and
13 pursuant to A.R.S. § 32-101 et seq., and A.A.C. R4-30-120(G), the undersigned party,
14 Kendall Baxley, Non-Registrant, (“Respondent”), Baxley Architectural and Consulting,
15 Non-Registrant Firm, (“Respondent Firm”), and the Board enter into the following
16 Recitals, Findings of Fact, Conclusions of Law and Order (“Consent Agreement”) as a
17 final disposition of this matter.

18 **RECITALS**

19 1. Each Respondent has read and understands this Consent Agreement and has
20 had the opportunity to discuss this Consent Agreement with an attorney, or has waived
21 the opportunity to discuss this Consent Agreement with an attorney.

22 2. Each Respondent understands that he has a right to a public administrative
23 hearing concerning this case. He further acknowledges that at such formal hearing he
24 could present evidence and cross-examine witnesses. By entering into this Consent
25 Agreement, each Respondent knowingly, voluntarily, and irrevocably waives his right to
26 such an administrative hearing, as well as rights of rehearing, review, reconsideration,
27 appeal, judicial review or any other administrative and/or judicial action concerning the
28 matters set forth herein.

1 3. Each Respondent affirmatively agrees that this Consent Agreement shall be
2 irrevocable.

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

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

9 6. Each Respondent understands this Consent Agreement deals with Board case
10 number P24-102 involving allegations that they engaged in conduct that would subject
11 them to discipline under the Board's statutes and rules. The investigation into these
12 allegations shall be concluded upon the Board's adoption of this Consent Agreement.

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

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

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

28

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

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

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

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

18 FINDINGS OF FACT

19 1. The Board is the duly constituted authority for the regulation and control of
20 the profession of Architecture.

21 2. The Board is the duly constituted authority for the regulation and control of
22 the practice of Architecture Firms in the state of Arizona.

23 3. Respondent is not currently registered with the Board, nor was he registered
24 with the Board at any time relevant to the allegations underlying this Consent Agreement.

25 4. Respondent Firm is not currently registered with the Board, nor was it
26 registered with the Board at any time relevant to the allegations underlying this Consent
27 Agreement.

28 5. On or about April 3, 2024, the Board received a complaint alleging that

1 Respondent and Respondent Firm were practicing and offering to practice Board-
2 regulated professional services, including architecture, without being registered with the
3 Board. Specifically, the complaint alleged Respondent submitted professional documents
4 to Yavapai County for review and approval while fraudulently stamping the documents
5 with the seal of a Registered Architect, License No. 33556.

6 6. Between January 2024 and March 2024, Yavapai County received three
7 project submittals from Respondent including RES24-000103 (MASTER PLAN),
8 RES24-000047 (MASTER PLAN), and RES24-000547, which consisted of a total of
9 sixty-nine pages. Each of these pages was stamped with the fraudulent seal.

10 7. On or about May 4, 2024, Respondent acknowledged the following:

11 a. Respondent prepared construction documents and later fraudulently affixed
12 a seal belonging to a registrant to the plans.

13 b. Respondent submitted the documents with the affixed seals to Yavapai
14 County for review and approval.

15 c. Respondent utilized the terms "Architect" and "Registered Architect" on
16 Respondent Firm's website.

17 **CONCLUSIONS OF LAW**

18 1. The Board has jurisdiction in this matter pursuant to A.R.S. § 32-101, et seq,
19 including A.R.S. § 32-106.02(A).

20 2. The conduct alleged in the Findings of Fact, constitutes grounds for
21 discipline pursuant to A.R.S. § 32-106.02(A), A.R.S. § 32-121 and A.R.S. § 32-145(1) in
22 that Respondent may have practiced, or offered to practice, or by any implication held
23 himself out as qualified to practice a Board regulated profession without Board
24 registration.

25 3. The conduct alleged in the Findings of Fact, constitutes grounds for
26 discipline pursuant to A.R.S. §32-145(4) in that Respondent may have used the
27 registration of another.

28 4. The conduct alleged in the Findings of Fact, constitutes grounds for

1 discipline pursuant to A.R.S. § 32-106.02(A), A.R.S. § 32-121 and A.R.S. § 32-145(1), in
2 that Respondent Firm may have practiced or offered to practice a Board-regulated
3 profession without firm registration.

4 ORDER

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

7 1. CIVIL PENALTY. Within twelve (12) months from the effective date of this
8 Consent Agreement, Respondents shall pay a civil penalty in the total amount of Ten
9 Thousand Dollars (\$10,000.00) by certified check or money order made payable to the
10 State of Arizona Board of Technical Registration, according to the provisions of A.R.S. §
11 32-106.02(A). Respondents shall have joint and several liability for the entire amount of
12 the civil penalty.

13 2. COST OF INVESTIGATION. Within twelve (12) months from the effective
14 date of this Consent Agreement, Respondents shall pay the cost of investigation of this
15 case to the Board in the amount of Forty-Three Dollars (\$43.00) by certified check or
16 money order made payable to the State of Arizona Board of Technical Registration,
17 according to the provisions of A.R.S. § 32-128(H). Respondents shall have joint and
18 several liability for the entire amount of the costs of investigation.

19 3. OBEY ALL LAWS. Respondents shall obey all federal, state and local laws,
20 related to the practice of Architecture in the State of Arizona. The Board shall consider
21 any violation of this paragraph to be a separate violation of the statutes governing the
22 Arizona Board of Technical Registration.

23 4. EFFECTIVE DATE. The effective date of this Consent Agreement is the
24 date the Respondents and Board sign the Consent Agreement. If the dates are different,
25 the effective date is the later of the two dates.

26 5. COSTS OF COMPLIANCE. Respondents shall pay all costs associated with
27 complying with this Consent Agreement.

28 6. NONCOMPLIANCE. If any Respondent fails to fulfill any requirement of

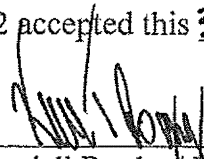
1 this Order, the Board may seek any available legal remedy including filing a Petition for
2 Injunction in the appropriate court pursuant to A.R.S. § 32-106.01.

3
4 ACCEPTED and ORDERED this 31st day of August, 2024.

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6 

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8 Michael Kolejka, R.A., Chairman
9 Arizona State Board of
10 Technical Registration

11 Consent Agreement and Order, No. P24-102 accepted this 30 day of
12 August, 2024.

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14 

15 Kendall Baxley, Respondent on behalf of
16 himself and Respondent Firm

17 ORIGINAL filed this 4th day of
18 September, 2024, with:

19 Arizona State Board of Technical Registration
20 1110 W. Washington, Suite 240
21 Phoenix, AZ 85007

22 COPY of the foregoing mailed via Certified Mail
23 No. 9214 8901 9437 4600 0985 48 and
24 First Class mail this 4th day of September, 2024, to:

25 Kendall Baxley
26 Baxley Architectural & Consulting
27 1203 East Warner Road, Suite 220
28 Gilbert, AZ 85296

By: 