BEFORE THE ARIZONA STATE BOARD
OF TECHNICAL REGISTRATION

In the Matter of:

HECTOR FIMBRES
Non-Registrant,

and

FIMBRES DESIGN STUDIO, L.L.C.,
Non-Registrant Firm,

Case No.: P14-004

FINDINGS OF FACT
CONCLUSIONS OF LAW
AND FINAL BOARD ORDER

Respondent,

This matter came before the Arizona Board of Technical Registration ("Board") for a Formal Administrative Hearing on Tuesday, December 12, 2017. Neither Hector Fimbres, Respondent, nor a representative of Fimbres Design Studio, L.L.C., Respondent-Firm, were present, nor were either represented by legal counsel. The State was represented by the Office of the Attorney General, Assistant Attorney General Scott Donald. The Board received independent legal advice from Assistant Attorney General Seth Hargraves. At the outset, Mr. Donald informed the Board that a Complaint and Notice of Hearing had been sent to Respondent’s and Respondent-Firm’s addresses on March 3, 2017, all returned unclaimed; a Complaint and Notice of Hearing had been sent out via a personal service processor May, 2017, which was unsuccessful; the Complaint and Notice of Hearing had been published as a means of service September, 2017 in the Record Reporter; and, that neither Respondent nor a representative for Respondent-Firm, had responded to the Complaint. Mr. Donald then moved the Board to Deem the Allegations Admitted pursuant to A.R.S. § 32-128(F).

Following the presentation of the State’s Motion to Deem the Allegations admitted, the Board voted to grant the State’s Motion and adopted the following Findings of Fact, Conclusions of Law, and Order:
FINDINGS OF FACT

1. The Board is the duly constituted authority for the regulation and control of the practice of several professions, including those of Engineer and Land Surveyor. A.R.S. § 32-101, et seq.

2. Respondent, Hector Fimbres, is a non-registrant.

3. Respondent Firm, Fimbres Design Studio, L.L.C., is a non-registrant firm.

4. On or about January 3, 2013, Respondent offered architectural, structural, mechanical/plumbing, and electrical services to Silver Palms Apts., LLC through Respondent Firm.

5. On or about February 28, 2013, Respondent produced architectural, structural, mechanical/plumbing, and electrical drawings to Silver Palms Apts., L.L.C. for the renovation of two buildings in Silver Palms Apts., L.L.C., one building of 4,086 square feet, and the other of 4,300 square feet.

6. At the time of the production of these drawings, neither Respondent nor Respondent Firm was registered with the Board to perform architectural and/or engineering services.

7. On or about August 12, 2013, the Board received a complaint filed by David Pianalto, Statutory Agent for Silver Palms Apts. L.L.C., regarding Respondent and Respondent Firm's potential violation of the Board's statutes.

8. On November 18, 2013, the Board received an initial case assessment from Registered Architect Michael Thomas Fries (RLS # 22431) in which Fries found that both Respondent and Respondent Firm offered and/or provided architectural and/or engineering services without benefit of registration with the Board.

9. On July 29, 2015, the Board voted to offer Respondent and Respondent Firm a Consent Agreement ("Agreement"), with the matter to proceed to formal hearing should the Agreement not be signed by Respondent and Respondent Firm within 10 days of the offer. To date, neither Respondent nor Respondent Firm has signed the Agreement.

12/21/17
CONCLUSIONS OF LAW

1. Pursuant to A.R.S. § 32-106.02(A), "[t]he board may initiate a hearing pursuant to title 41, chapter 6, article 10 on receipt of a complaint that a person who is not exempt from this chapter and is not registered or certified under this chapter is practicing, offering to practice or by implication purporting to be qualified to practice any board regulated profession or occupation."

2. Pursuant to A.R.S. § 32-128(A)(3), the Board may impose "[a]n administrative penalty of not more than two thousand dollars for each violation of this chapter or rules adopted pursuant to this chapter."

3. The conduct and circumstances in the Findings of Fact above constitute a violation of A.R.S. § 32-121, ("[e]xcept as otherwise provided in this section, a person or firm desiring to practice any board regulated profession or occupation shall first secure a certificate or registration and shall comply with all the conditions prescribed in this chapter.")

4. The conduct and circumstances in the Factual Allegations above constitute a violation of A.R.S. § 32-141(A), ("[a] firm shall not engage in the practice of any board-regulated profession or occupation unless the firm is registered with the board and the professional services are conducted under the full authority and responsible charge of a principal of the firm, who is also a registrant.")

ORDER

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

1. **ADMINISTRATIVE PENALTY.** Within 30 days of the effective date of this Order, Respondent shall pay an administrative penalty of four thousand dollars ($4,000.00) by certified check or money order made payable to the State of Arizona Board of Technical Registration.

2. **COST OF INVESTIGATION.** Within 30 days of the effective date of this Order, Respondent shall pay to the Board the cost of investigation in the amount of one-thousand
four-hundred and fifty dollars ($1,450.00) by certified check or money order made payable to the State of Arizona Board of Technical Registration.

Failure to comply with this Order will result in this matter being sent to the Attorney General’s office for collections.

**Right to Petition for Rehearing or Review**

Respondent is hereby notified that he has the right to file a motion for rehearing or review. Pursuant to A.R.S. § 41-1092.09(B) and A.A.C. R4-30-126(A) the motion for rehearing or review must be filed with the Board’s Executive Director within 30 days after service of this Order. Service of this Order is defined as five calendar days after mailing.

The motion for rehearing or review must set forth legally sufficient reasons for granting a rehearing or review. A.A.C. R4-30-126(C). If a petition for rehearing or review is not filed, the Board’s Order becomes effective 35 days after it is mailed to Respondent. Respondent is further advised that the filing of a motion for rehearing or review is required to preserve any rights of appeal to Superior Court.

DATED this __ day of December 2017.

Arizona Board of Technical Registration

[Signature]

Alejandro Angel, PhD, PE, PTOE
Chairman

**ORIGINAL** filed this __ day of December __________ 2017, to:

Board of Technical Registration
1110 West Washington, Suite 240
Phoenix, Arizona 85007
COPY mailed via Certified Mail
No. 92148901949446000282G2 and 92148901949446000282G2
First Class mail this 21st day of December, 2017, to:

Hector Fimbres
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PO Box 45014
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COPY of the foregoing mailed
this 21st day of December, 2017, to:

Scott Donald
Assistant Attorney General
1275 W. Washington Street
Phoenix, Arizona 85007

Seth Hargraves
Assistant Attorney General
Office of the Attorney General
1275 W. Washington, CIV/LES
Phoenix, AZ 85007

By: Kurt Winder