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BEFORE THE ARIZONA STATE
BOARD OF TECHNICAL REGISTRATION

In the Matter of:

Jesus Cedeno
Non-Registrant
J.A.C.A. Design, LLC
Non-Registrant Firm

Respondent

Case No.: PI6-005

CONSENT AGREEMENT
and
ORDER OF DISCIPLINE

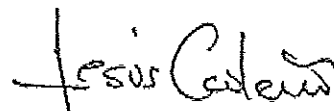
In the interest of a prompt and judicious resolution of the above-captioned matter before the Arizona State Board of Technical Registration ("Board") and consistent with the public interest, statutory requirements, and the responsibilities of the Board, and pursuant to A.R.S. § 32-101 et seq., and A.A.C. R4-30-120(G), the undersigned party, Jesus Cedeno, Non-Registrant, ("Respondent"), J.A.C.A. Design, LLC, Non-Registrant Firm, ("Respondent"), 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.

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

3 4. 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 (as defined in A.R.S. § 41-158.18) upon acceptance by the Board of this
8 Consent Agreement and may be retained in the Board's files pertaining to this matter.

9 6. Respondent understands this Consent Agreement deals with Board case
10 number P16-005 involving allegations that Respondent engaged in conduct that would
11 subject him to discipline under the Board's statutes and rules. The investigation into
12 these allegations against Respondent shall be concluded upon the Board's adoption of
13 this Consent Agreement.

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

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

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

28 // // //



1 "POOR ARCHITECTURE IS NOT THE SAME AS ARCHITECTURE FOR THE
2 POOR" on the plans.

3 5. After a review was conducted by members of the Board's Enforcement
4 Advisory Committee, it was concluded that Respondent and Respondent firm practiced a
5 Board regulated profession on a commercial building that is approximately 4000 square
6 feet, without Board registration. It was also found that all drawings related to the project
7 displayed Respondent firm's name indicating that architectural services were being
8 provided by Respondent firm, an unregistered firm that is not qualified to provide Board
9 regulated professional services, and which misleads the public.

10 CONCLUSIONS OF LAW

11 1. The Board has jurisdiction in this matter pursuant to A.R.S. § 32-101, et seq.
12 including A.R.S. § 32-106.03(A).

13 2. The conduct alleged in the Findings of Fact constitutes grounds for discipline
14 pursuant to A.R.S. § 32-145(1) and A.R.S. § 32-121, in that the Respondent offered to
15 practice or by implication held himself out as qualified to practice architecture without
16 Board registration when submitting plans for the commercial project: Veterans Plaza; S
17 Retail Store Building, to the City of Tucson, Arizona.

18 3. The conduct alleged in the Findings of Fact constitutes grounds for discipline
19 pursuant to A.R.S. § 32-141(A) and A.R.S. § 32-121, in that the Respondent firm
20 engaged in and advertised the practice of architecture without Board registration.

21 ORDER

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

24 1. ASSURANCE OF DISCONTINUANCE. Respondent and Respondent Firm
25 shall not practice, offer to practice, or by any implication hold themselves out as qualified
26 to practice Architecture as defined by A.R.S. § 32-101(B)(8), until such time as they are
27 registered by the Board and are in full compliance with the Board's Statutes and Rules.
28 Respondent and Respondent Firm shall not display any card, sign or other device that

Leslie Carlson

1 may indicate to the public that they are a registered professional architectural or
2 engineering professional, or firm, or are qualified to practice as such in the State of
3 Arizona until such time as they have been granted registration by the Arizona Board of
4 Technical Registration or are in full compliance with the Board's Statutes and Rules.

5 2. CIVIL PENALTY. The Respondent and Respondent Firm shall pay a civil
6 penalty of One Thousand Dollars (\$1000.00) within Six (6) months. Payments of One
7 Hundred Sixty Seven Dollars (\$167.00) for Five (5) months, and One Hundred Sixty Five
8 Dollars (\$165.00) for the Sixth and final month are to be submitted to the Board by
9 cashier's check or money order, made payable to the Arizona State Board of Technical
10 Registration, according to the provisions of A.R.S. § 32-128(A)(3). Respondent and
11 Respondent Firm are jointly and severally liable for the payment of the civil penalty.

12 3. COST OF INVESTIGATION. The Respondent and Respondent Firm shall pay
13 the cost of investigation of this case to the Board in the amount of Three Hundred
14 Seventy One Dollars (\$371.00) within Six (6) months. Payments of Sixty Two Dollars
15 (\$62.00) for Five (5), months, and Sixty One Dollars (\$61.00) for the Sixth and final
16 month are to submitted to the Board by cashier's check or money order, made payable to
17 the Arizona State Board of Technical Registration, according to the provisions of A.R.S.
18 § 32-128(H). Respondent and Respondent Firm are jointly and severally liable for the
19 payment of the cost of investigation.

20 4. EFFECTIVE DATE. The effective date of this Consent Agreement is the date
21 the Respondent and Board sign the Consent Agreement. If the dates are different, the
22 effective date is the later of the two dates.

23 5. COSTS OF COMPLIANCE. Respondent shall pay all costs associated with
24 complying with this Consent Agreement.

25
26 ACCEPTED and ORDERED this ^{24th} ~~22~~ day of ^{MAY} ~~April~~, 2016.

27
28 E. Leroy Brady
E. Leroy Brady, Chairman

Arizona State Board of
Technical Registration

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Consent Agreement and Order, No. P16-005 accepted this 22 day of
April, 2016.

Jesus Cedeno
Jesus Cedeno, Personally and on behalf
of J.A.C.A. Designs, LLC, Respondents

ORIGINAL filed this 24 day of
MAY, 2016, with:

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

COPY of the foregoing mailed via Certified Mail
No. 7015 3010 0000 3864 7658 and
First Class mail this 26 day of MAY, 2016, to:

Jesus Cedeno
J.A.C.A. Designs, LLC
PO BOX 1131
Marana, AZ. 85658

Jesus Cedeno
04/22/16.

By: D. Braem

