

1 BEFORE THE ARIZONA STATE
2 BOARD OF TECHNICAL REGISTRATION

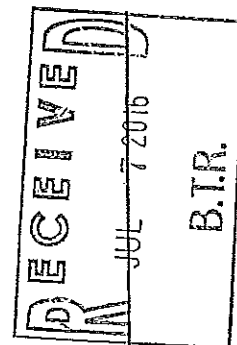
3 Case No.: P16-031

3 In the Matter of:

4 Jeffrey Pierce
5 Architect
6 Registration No. 35237

6 Respondent

7 CONSENT AGREEMENT
and
8 ORDER OF DISCIPLINE



9 In the interest of a prompt and judicious resolution of the above-captioned matter
10 before the Arizona State Board of Technical Registration ("Board") and consistent with
11 the public interest, statutory requirements, and the responsibilities of the Board, and
12 pursuant to A.R.S. § 32-101 et seq., and A.A.C. R4-30-120(G), the undersigned party,
13 Jeffrey Pierce ("Respondent"), holder of Registration No. 35237, and the Board enter into
14 the following Recitals, Findings of Fact, Conclusions of Law and Order ("Consent
15 Agreement") as a final disposition of this matter.

16 RECITALS

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

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

27 3. Respondent affirmatively agrees that this Consent Agreement shall be
28 irrevocable.

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

3 5. The Consent Agreement, any record prepared in this matter, all investigative
4 materials prepared or received by the Board and all related exhibits and materials, are
5 public records (as defined in A.R.S. § 41-158.18) upon acceptance by the Board of this
6 Consent Agreement and may be retained in the Board's files pertaining to this matter.

7 6. Respondent understands this Consent Agreement deals with Board case
8 number P16-031 involving allegations that Respondent engaged in conduct that would
9 subject him to discipline under the Board's statutes and rules. The investigation into
10 these allegations against Respondent shall be concluded upon the Board's adoption of
11 this Consent Agreement.

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

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

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

26 10. This Consent Agreement is subject to the approval of the Board and is
27 effective only when accepted by the Board and signed on behalf of the Board. If the
28 Board does not accept this Consent Agreement, the Board retains its authority to hold a

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

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

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

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

15 **FINDINGS OF FACT**

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

18 2. Respondent is the holder of Arizona Architect Registration No. 35237.

19 3. On October 28, 2015, Board staff received a set of architecture plans for a
20 Medlock Custom Homes project, displaying a title block for a Non-registered firm, Pierce
21 Architects that was sealed and signed by Jeff A. Pierce, R.A., No.35237, on December
22 21, 2013.

23 4. On October 28, 2015, Board staff made numerus attempts on contact via
24 email, phone, and USPS mail with notices of investigation sent to the Respondent's
25 business and home addresses of record with the Board, which were all returned
26 undeliverable.

27 **CONCLUSIONS OF LAW**

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

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1 2. The conduct alleged in the Findings of Fact constitutes grounds for discipline
2 pursuant to A.R.S. § 32-141(A) in that Respondent engaged in the practice of architecture
3 through a firm that was not registered with the Arizona Board of Technical Registration.

4 3. The conduct alleged in the Findings of Fact constitutes grounds for
5 discipline pursuant to A.R.S. § 32-128(C)(4) as it relates to A.A.C. R4-30-301(15) in that
6 Respondent failed to maintain a current address and telephone number with the Board.

7 **ORDER**

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

10 1. LETTER OF REPRIMAND. Respondent is hereby issued a Letter of
11 Reprimand.

12 2. ADMINISTRATIVE PENALTY. Within ninety (90) days from the
13 effective date of this Consent Agreement, Respondent shall pay an administrative penalty
14 of Five Hundred Dollars (\$500.00) by certified check or money order made payable to
15 the State of Arizona Board of Technical Registration.

16 3. COST OF INVESTIGATION. Within ninety (90) days from the effective
17 date of this Consent Agreement, Respondent shall pay the cost of investigation of this
18 case to the Board in the amount of Three Hundred Seventy-Seven Dollars (\$377.00) by
19 certified check or money order made payable to the State of Arizona Board of Technical
20 Registration, according to the provisions of A.R.S. § 32-128(H).

21 4. OBEY ALL LAWS. Respondent shall obey all federal, state and local
22 laws, as well as, all rules governing the practice of Architecture in the State of Arizona.
23 The Board shall consider any violation of this paragraph to be a separate violation of the
24 rules and statues governing the Arizona Board of Technical Registration.

25 5. RENEWAL OF REGISTRATION. Respondent shall timely renew his
26 Arizona registration as an Architect and timely pay all required registration fees.

27 6. EFFECTIVE DATE. The effective date of this Consent Agreement is the
28 date the Respondent and Board sign the Consent Agreement. If the dates are different, the

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1 effective date is the later of the two dates.

2 7. COSTS OF COMPLIANCE. Respondent shall pay all costs associated
3 with complying with this Consent Agreement.

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

9 ACCEPTED and ORDERED this 26th day of JULY, 2016.

10 E. Leroy Brady

11
12 E. Leroy Brady, Chairman
13 Arizona State Board of
14 Technical Registration

14 Consent Agreement and Order, No. P16-031 accepted this 26 day of
15 JULY, 2016.

16 Jeffrey Pierce
17 Jeffrey Pierce, Respondent

18 ORIGINAL filed this 26 day of
19 JULY, 2016, with:

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

22 COPY of the foregoing mailed via Certified Mail
23 No. 7015 3010 0000 3864 7818 and
24 First Class mail this 29 day of JULY, 2016, to:

25 Jeffrey Pierce
26 Pierce Architects
27 3548 E. Catherin Dr.
28 Prescott Valley, AZ 86314

By: D. Adams