

BEFORE THE ARIZONA STATE
BOARD OF TECHNICAL REGISTRATION

In the Matter of:
Adaptive Architecture and Planning
L.L.C.
Non-Registrant
Respondent

Case No.: P16-040

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, Adaptive Architecture and Planning L.L.C., Non-Registrant, ("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.

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

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 P16-040 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

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 not registered with the Board as an architecture firm.

19 3. On December 16, 2015, Board staff received a complaint alleging that the
20 Respondent was advertising/offering commercial architectural services on a business
21 website, without the benefit of Board registration.

22 4. The Respondent website advertised complete architectural support and
23 outsource services to licensed professionals including architects.

24 5. Enforcement Advisory Committee assessments of Respondent's public
25 website and advertising found that Respondent's use of the term "architectural" in its
26 business name is misleading to the public and could cause the public to believe that the
27 Respondent is registered with the Board. Assessors further found that many of the
28 services advertised by the Respondent are those performed by registered architectural

1 firms and under the responsible charge of an Arizona registrant/firm principal.

2 **CONCLUSIONS OF LAW**

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

5 2. The conduct alleged in the Findings of Fact, constitutes grounds for
6 discipline pursuant to A.R.S. § 32-121, and A.R.S. § 32-141, in that Respondent offered/
7 advertised to perform architectural services without Board registration.

8 **ORDER**

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

11 1. ASSURANCE OF DISCONTINUANCE. Respondent firm, shall not engage in
12 the practice, offer to practice or by any implication hold itself out as qualified to practice
13 architecture as defined by A.R.S. § 32-101(B)(8) and shall not display any card, sign or
14 other device that may indicate to the public that it is a registered professional
15 architectural firm or is qualified to practice as such in the State of Arizona until such time
16 as the Respondent firm has been granted registration by the Board or is in full compliance
17 with the Board's Statues and Rules.

18 2. CIVIL PENALTY. Within Sixty (60) days from the effective date of this
19 Consent Agreement, Respondent shall pay a civil penalty of Five Hundred Dollars
20 (\$500.00) to the Board by cashier's check or money order made payable to the Arizona
21 State Board of Technical Registration, according to the provisions of A.R.S. § 32-
22 106.02(A).

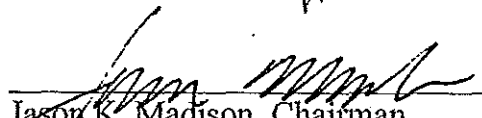
23 3. COST OF INVESTIGATION. Within Sixty (60) days from the effective date
24 of this Consent Agreement, Respondent shall pay the cost of investigation of this case to
25 the Board in the amount of Four Hundred and Sixteen Dollars (\$416.00) by certified
26 check or money order made payable to the State of Arizona Board of Technical
27 Registration, according to the provisions of A.R.S. § 32-128(H).

28 4. EFFECTIVE DATE. The effective date of this Consent Agreement is the date

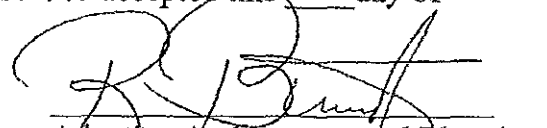
1 the Respondent and Board sign the Consent Agreement. If the dates are different, the
2 effective date is the later of the two dates.

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

5 ACCEPTED and ORDERED this 3 day of NOVEMBER, 2016.

6
7 
8 Jason K. Madison, Chairman
9 Arizona State Board of
10 Technical Registration
11 NOVEMBER 4, 2016

12 Consent Agreement and Order, No. P16-040 accepted this _____ day of
13 _____, 2016.

14 
15 Adaptive Architecture and Planning
16 L.L.C., Respondent

17 ORIGINAL filed this _____ day of
18 _____, 2016, 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. _____ and
24 First Class mail this _____ day of _____, 2016, to:

25 Adaptive Architecture and Planning L.L.C.
26 21122 N. 74th Lane
27 Glendale, AZ 85308

28 By: _____

