



BEFORE THE ARIZONA STATE
BOARD OF TECHNICAL REGISTRATION

In the Matter of:
Raul Sereno, Architect
Registration No. 11031
Respondent

Case No.: P16-048

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, Raul Sereno ("Respondent"), holder of Registration No. 11031, 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 P16-048 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 the holder of Arizona Architect Registration No. 11031.

19 3. On or about October 1, 2015, Respondent signed and sealed Architectural
20 plans for the Las Flores de Guadalupe Phase 2 project in Guadalupe, Arizona.

21 4. On or about December 11, 2015, Respondent revised and/or modified the
22 Electrical and Mechanical plans for the Las Flores de Guadalupe Phase 2 project.

23 5. On or about January 21, 2016, Board staff received a complaint alleging that
24 Respondent removed the seal of a registrant who signed and sealed architectural plans for
25 the Las Flores de Guadalupe project, and then signed and sealed those same plans. It was
26 also alleged that Respondent copied and modified mechanical and electrical plans from
27 the Las Flores de Guadalupe project, but failed to seal changes he made to those plans for
28 the Las Flores de Guadalupe Phase 2 project.

1 ORDER

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

4 1. LETTER OF REPRIMAND. Respondent is hereby issued a Letter of
5 Reprimand.

6 2. STAYED SUSPENSION AND PROBATION. Respondent's registration
7 as a Registered Architect, Registration No. 11031, shall be suspended for Twenty Four
8 (24) months; however, the suspension is stayed for as long as Respondent remains in
9 compliance with this Order. During the stay of suspension, Respondent's registration as
10 an Architect is placed on probation. If Respondent is non-compliant with any terms of
11 this Order, the stay of the suspension shall be lifted and Respondent's registration as an
12 Architect shall be automatically suspended without a formal hearing, and remain
13 suspended until Respondent is compliant with all terms of this Order. The Board may
14 also consider Respondent's non-compliance with this Order as a separate violation of
15 A.R.S. § 32-150.

16 3. ASSURANCE OF DISCONTINUANCE. Respondent shall not practice,
17 offer to practice, display any card, sign or other device or by any implication hold himself
18 out as qualified to practice Engineering as defined in A.R.S § 32-101 (17), until such time
19 Respondent is registered as an Engineer and is in full compliance with the Board's
20 Statutes and Rules.

21 4. PROFESSIONAL ETHICS CLASS. Within sixty (60) days from effective
22 date of this Consent Agreement, Respondent shall provide verification to the Board that
23 Respondent has successfully completed a class in professional ethics.

24 5. CORRECTED PROFESSIONAL DOCUMENTS/PLANS. By August 31,
25 2016, Respondent shall provide proof to the Board that the original registrant's seals and
26 signatures be restored to all professional documents prepared by the original registrants
27 for plans associated with the project currently known as the Las Flores de Guadalupe
28 project. Respondent shall also provide proof to the Board by August 31, 2016, that any

1 changes to the original plans and professional documents for the Las Flores de Guadalupe
2 project have been prepared, clouded, sealed and signed by a registrant who is qualified to
3 prepare and seal the changes. Respondent shall also provide proof to the Board by
4 August 31, 2016, that all contractors and permitting entities associated with the Las
5 Flores de Guadalupe project have been provided with a copy of the plans and
6 professional documents that bear the original registrant's seal and signature, and that any
7 changes to the original plans are clouded and sealed by a qualified registrant.

8 6. ADMINISTRATIVE PENALTY. Within six (6) months from the effective
9 date of this Consent Agreement, Respondent shall pay an administrative penalty of Three
10 Thousand Dollars (\$3000.00) by certified check or money order made payable to the
11 State of Arizona Board of Technical Registration.

12 7. COST OF INVESTIGATION. Within sixty (60) days from the effective
13 date of this Consent Agreement, Respondent shall pay the cost of investigation of this
14 case to the Board in the amount of Six Hundred Forty Eight Dollars (\$648.00) by
15 certified check or money order made payable to the State of Arizona Board of Technical
16 Registration, according to the provisions of A.R.S. § 32-128(H).

17 8. EFFECTIVE DATE. The effective date of this Consent Agreement is the
18 date the Respondent and Board sign the Consent Agreement. If the dates are different, the
19 effective date is the later of the two dates.

20 9. COSTS OF COMPLIANCE. Respondent shall pay all costs associated
21 with complying with this Consent Agreement.

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

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1 ACCEPTED and ORDERED this 21ST day of JULY, 2016.

2
3 E. Leroy Brady

4 E. Leroy Brady, Chairman
5 Arizona State Board of
6 Technical Registration

7 Consent Agreement and Order, No. P16-048 accepted this 17 day of

8 JULY, 2016.

9
10 Raul Sereno
11 Raul Sereno, Respondent

12 ORIGINAL filed this 27 day of

13 JULY, 2016, with:

14 Arizona State Board of Technical Registration
15 1110 W. Washington, Suite 240
16 Phoenix, AZ 85007

17 COPY of the foregoing mailed via Certified Mail

18 No. 2015 3010 0000 3864 7832 and

19 First Class mail this 1 day of AUGUST, 2016, to:

20 Raul Sereno
21 3030 W. Milton Rd.
22 Tucson, AZ 85746

23 By: D. Kramer