

1 **BEFORE THE ARIZONA STATE**
2 **BOARD OF TECHNICAL REGISTRATION**

3 **In the Matter of:**)
4 **Glenn Kennedy**)
5 **Architect**)
6 **Registration No. 24664**)
7 **Glenn Kennedy Architect**)
8 **Non-Registered Firm**)
9 **Respondent**)

Case No.: P16-049

CONSENT AGREEMENT
and
ORDER OF DISCIPLINE

10 In the interest of a prompt and judicious resolution of the above-captioned matter
11 before the Arizona State Board of Technical Registration (“Board”) and consistent with
12 the public interest, statutory requirements, and the responsibilities of the Board, and
13 pursuant to A.R.S. § 32-101 *et seq.*, and A.A.C. R4-30-120(G), the undersigned party,
14 Glenn Kennedy (“Respondent”), holder of Registration No. 24664 (Architect) and Glenn
15 Kennedy Architect (“Respondent”), Non-registrant firm, and the Board enter into the
16 following Recitals, Findings of Fact, Conclusions of Law and Order (“Consent
17 Agreement”) as a final disposition of this matter.

RECITALS

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

1 irrevocable.

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

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

8 6. Respondent understands this Consent Agreement deals with Board case
9 number P16-049 involving allegations that Respondent engaged in conduct that would
10 subject him to discipline under the Board's statutes and rules. The investigation into
11 these allegations against Respondent shall be concluded upon the Board's adoption of
12 this Consent Agreement.

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

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

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

27 10. This Consent Agreement is subject to the approval of the Board and is
28 effective only when accepted by the Board and signed on behalf of the Board. If the

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

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

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

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

16 **FINDINGS OF FACT**

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

19 2. Respondent is the holder of Arizona Registered Architect #24664 and the
20 owner of Glenn Kennedy Architect, (Firm) a non-registered firm in the State of Arizona.

21 3. On or about November 16, 2015, Applicant (152358) Eddie Strong, filed his
22 application for architect registration exam (ARE) with the Board. On his application,
23 Glenn Kennedy Architects was listed on the architect experience record and
24 supervisor/reference and signed by Glenn Kennedy R.A. #24664.

25 4. While reviewing the application, the Board discovered Respondent firm was
26 not registered with the Arizona Board of Technical Registration to perform a Board
27 regulated profession.

28 5. Respondent stated to Board staff that he did not know that Respondent firm had

1 to be registered and that Respondent firm has been open and conducting business in
2 Arizona for the past 20 years. Respondent firm's web site advertises for Architecture and
3 lists many current and past commercial projects.

4 **CONCLUSIONS OF LAW**

5 1. The Board has jurisdiction in this matter pursuant to A.R.S. § 32-101, et
6 seq and A.R.S. § 32-106.02.

7 2. Pursuant to A.R.S. § 32-121, a person or firm desiring to practice any Board
8 regulated profession, must obtain a registration.

9 3. Pursuant to A.R.S. § 32-141, registrants practicing in a firm must register that
10 firm with the Board.

11 4. The conduct alleged in the Findings of Fact constitutes grounds for discipline
12 against Respondents pursuant to A.R.S. § 32-128(C)(4), authorizing the Board to
13 discipline registrants for violation of Board statutes and rules, and A.R.S. § 32-141 and
14 A.R.S. § 32-121, in that Respondent, Glenn Kennedy, and Respondent firm offered to
15 practice, and advertised through Respondent firm without registering the firm with the
16 Arizona Board of Technical Registration.

17 **ORDER**

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

20 1. LETTER OF REPRIMAND. Respondent is hereby issued a Letter of
21 Reprimand, a disciplinary action that becomes a public record upon the effective date of
22 this consent agreement.

23 2. ASSURANCE OF DISCONTINUANCE. Respondent shall not display any
24 card, sign or other device that may indicate to the public that it is a registered
25 professional Architectural firm or is qualified to practice as such in the State of Arizona
26 until such time as the Respondent's firm has been granted registration by the Board or is
27 in full compliance with the Board's Statutes and Rules.

28 3. ADMINISTRATIVE PENALTY. Within five (5) months from the

1 effective date of this Consent Agreement, Respondents shall pay an administrative
2 penalty of One Thousand Dollars (\$1,000.00) by certified check or money order made
3 payable to the State of Arizona Board of Technical Registration, according to the
4 provisions of A.R.S. § 32-128(H). Monthly payments of Two Hundred (\$200.00) Dollars
5 are to be made to the Board on the first of each month.

6 4. COST OF INVESTGATION. Within thirty (30) days from the effective
7 date of this Consent Agreement, Respondents shall pay the cost of investigation of this
8 case to the Board in the amount of One Hundred Seventy Five Dollars (\$175.00) by
9 certified check or money order made payable to the State of Arizona Board of Technical
10 Registration, according to the provisions of A.R.S. § 32-128(H).

11 5. EFFECTIVE DATE. The effective date of this Consent Agreement is the
12 date the Respondent and Board sign the Consent Agreement. If the dates are different, the
13 effective date is the later of the two dates.

14 6. COSTS OF COMPLIANCE. Respondents shall pay all costs associated
15 with complying with this Consent Agreement.

16 7. NONCOMPLIANCE. If Respondents violate this Order in any way or fail
17 to fulfill the requirements of this Order, the Board, after giving notice and the opportunity
18 to be heard, may revoke, suspend or take other disciplinary actions against Respondent
19 Kennedy registration and impose further discipline against Respondent Glenn Kennedy
20 Architects, pursuant to A.R.S. § 32-106.02. The issue at such a hearing will be limited
21 solely to whether this Order has been violated.

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24 ACCEPTED and ORDERED this 26th day of APRIL, 2016.

25
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27 E. Leroy Brady
28 E. Leroy Brady, Chairman
Arizona State Board of
Technical Registration

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Consent Agreement and Order, No. P16-049 accepted this 28 day of March, 2016.

Glenn Kennedy, Respondent
And on behalf of Glenn Kennedy
Architect, Respondent Firm

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

Glenn Kennedy
Glenn Kennedy Architects
1811 S. 39th St. #33
Mesa, AZ 85206

By: _____

Received
BY
MAR 28 2016
 Allegor No. 100-1000