

BEFORE THE ARIZONA STATE  
BOARD OF TECHNICAL REGISTRATION

In the Matter of:

Constantine Sakellar, R.A  
Registration No. 12826  
Sakellar PLLC  
Registration No. 11763

Respondents

Case No.: P16-057

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, Constatine Sakellar ("Respondent"), holder of Registration No.12826, and Sakellar PLLC, ("Respondent"), Firm Registration No.11763 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

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 P16-057 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 Registration No.  
20 12826.

21 3. Respondent Firm, Sakellar PLLC, is the holder of firm registration  
22 No.11763.

23 4. On March 24, 2016, Board staff received a complaint alleging that the  
24 Respondent failed to pay Brent Woods, P. E., Principal, of Woods Structural, LLC, a  
25 collaborating registered professional, for professional engineering services provided to  
26 Respondent within seven days after the Respondent received payment from a client.

27 5. During 2015, Woods Structural, LLC provided engineering services to the  
28 Respondent on projects for Respondent's client, Pima Community College, totaling

1 Three Thousand Dollars (\$3000.00). Woods Structural, LLC sent Respondent invoices  
2 for the services they provided and made several attempts to collect payment during 2015.  
3 Not until May 6, 2016, did Respondent finally made full payment to Woods Structural,  
4 LLC.

5 6. Records provided by Pima Community College show that the Respondent  
6 was payed for all services rendered by Respondent from 2013 until June 2016.

7 7. On or about April 30, 2014, Respondent Firm's registration with the Board  
8 expired. Board records show that Respondent firm did not renew its registration until  
9 May 24, 2016. Respondent Firm provided professional services to Pima Community  
10 College while its firm registration was expired in 2015.

### 11 CONCLUSIONS OF LAW

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

13 2. The conduct alleged in the Findings of Fact constitutes grounds for discipline  
14 pursuant to A.R.S. § 32-128(C) (5), in that Respondent failed to pay a collaborating  
15 registered professional (Woods Structural LLC) within seven days after the Respondent  
16 received payment from a client.

17 3. The conduct alleged in the Findings of fact constitutes grounds for discipline  
18 pursuant to A.R.S. 32-121 and A.R.S. 32-141, in that Respondent firm engaged in  
19 architectural practice while the Respondent firm registration was expired.

### 20 ORDER

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

23 1. LETTER OF REPRIMAND. Respondent is hereby issued a Letter of  
24 Reprimand.

25 2. STAYED SUSPENSION AND PROBATION. Respondent's registration  
26 as an Architect, No. 12826, shall be suspended for six (6) months; however, the  
27 suspension is stayed for as long as Respondent remains in compliance with this Order.  
28 During the stay of suspension, Respondent's registration as an Architect is placed on

1 probation for six (6) months. If Respondent is non-compliant with any terms of this  
2 Order during the six (6) month stayed suspension and probation period, the stay of the  
3 suspension shall be lifted and Respondent's registration as an Architect shall be  
4 automatically suspended without a formal hearing, and remain suspended until  
5 Respondent is compliant with all terms of this Order. The Board may also consider  
6 Respondent's non-compliance with this Order as a separate violation of A.R.S. § 32-150.

7 3. ADMINISTRATIVE PENALTY. Within six (6) months from the effective  
8 date of this Consent Agreement, Respondent shall pay an administrative penalty of One  
9 Thousand Five Hundred Dollars (\$1,500.00) by certified check or money order made  
10 payable to the State of Arizona Board of Technical Registration.

11 4. COST OF INVESTIGATION. Within thirty (30) days from the effective  
12 date of this Consent Agreement, Respondent shall pay the cost of investigation of this  
13 case to the Board in the amount of Three Hundred and Fifty Dollars (\$350.00) by  
14 certified check or money order made payable to the State of Arizona Board of Technical  
15 Registration, according to the provisions of A.R.S. § 32-128(H).

16 5. OBEY ALL LAWS. Respondent shall obey all federal, state and local  
17 laws, as well as, all rules governing the practice of Architecture in the State of Arizona.  
18 The Board shall consider any violation of this paragraph to be a separate violation of the  
19 rules and statues governing the Arizona Board of Technical Registration.

20 6. RENEWAL OF REGISTRATION. Respondent shall timely renew his  
21 Arizona registration as an Architect and an Architectural firm and timely pay all required  
22 registration fees.

23 7. EFFECTIVE DATE. The effective date of this Consent Agreement is the  
24 date the Respondent and Board sign the Consent Agreement. If the dates are different, the  
25 effective date is the later of the two dates.

26 8. COSTS OF COMPLIANCE. Respondent shall pay all costs associated  
27 with complying with this Consent Agreement.

28 ////

1 ACCEPTED and ORDERED this 23<sup>rd</sup> day of August, 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. P16-057 accepted this \_\_\_ day of  
8 \_\_\_\_\_, 2016.

9 [Signature]

10 Constantine Sakellar, Respondent  
11 Sakellar, PLLC, Respondent

12 ORIGINAL filed this 23 day of

13 AUGUST, 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. 7015 3010 0000 3864 7863 And

19 First Class mail this 29 day of AUGUST, 2016, to:

20 Constantine Sakellar  
21 7251 N. Westwood Look Dr  
22 Tucson, AZ 85704

23 By: [Signature]

