

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

3 **In the Matter of:** }
4 **Michael Jorgensen,** }
5 **Architect Registration No. 50668** }
6 **MDJ Studios** }
7 **Registration No. 19900** }
 } **Respondents**

Case No.: P16-069

**CONSENT AGREEMENT
and
ORDER OF DISCIPLINE**

8
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 Michael Jorgensen (“Respondent”), holder of Registration No. 50668, and MDJ Studios
14 (“Respondent”), holder of firm registration No. 19900, and the Board enter into the
15 following Recitals, Findings of Fact, Conclusions of Law and Order (“Consent
16 Agreement”) as a final disposition of this matter.

17 **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 P16-069 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 Professional Architect Registration No.
20 50668.

21 3. On June 6, 2016, the Board received architecture plans dated February 3,
22 2015, for the Esperanza Funeral Home project, which displayed the Architecture firm,
23 MDJ Studios, in the title box, accompanied by the seal of Michael Jorgenson, R.A. No.
24 50668.

25 4. On June 9, 2016, Board staff confirmed that MDJ Studios was not a
26 registered architectural firm with the Arizona Board of Technical Registration at the time
27 that professional services were provided on the Esperanza Funeral Home project.

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

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

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

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

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

17 ACCEPTED and ORDERED this 27th day of SEPTEMBER, 2016.

18 *E. Leroy Brady*
19 _____
20 E. Leroy Brady, Chairman
21 Arizona State Board of
22 Technical Registration

22 Consent Agreement and Order, No. P16-069 accepted this 23 day of
23 September, 2016.

24 *[Signature]*
25 _____
26 Michael Jorgensen, Personally and on
27 behalf of MDJ Studios, Respondents
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1 ORIGINAL filed this 27 day of

2 SEPTEMBER 2016, with:

3 Arizona State Board of Technical Registration
4 1110 W. Washington, Suite 240
Phoenix, AZ 85007

5 COPY of the foregoing mailed via Certified Mail
6 No. 7016 0750 0000 2510 8574 and

7 First Class mail this 29 day of SEPTEMBER, 2016, to:

8 Michael Jorgensen
9 211 E. Fraktur Road
Phoenix, AZ 85040

10 By: D. Karamer

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