

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

In the Matter of:

**Richard Oehler
Architect
Registration No. 12821**

Respondent

Case No.: P17-006

**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, Richard Oehler (“Respondent”), holder of Registration No. 12821, 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 P17-006 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. 12821.

19 3. On or about October 7, 2007, Respondent signed and sealed Architectural
20 plans for the Shops - Carl's Jr. Plaza project in Safford, AZ.

21 4. On or about June 15, 2009, Respondent signed and sealed Architectural plans
22 for the Pizza Patron project in Douglas, AZ

23 5. On or about May 2, 2016, Board staff received a copy of professional
24 documents for the Pizza Patron project that display the signature and seal of Respondent.

25 6. On or about June 28, 2016, during on open Board meeting, Respondent stated
26 to the Board that he acted as a consultant to Jeff Dietz on various projects. Respondent
27 stated that he personally supervised Dietz on drawings and would review before signing
28 any documents. Respondent stated that Dietz would secure the contract and Respondent

1 received payment from Dietz. Respondent stated that he would hand stamp and wet sign
2 the documents he reviewed. Respondent stated that there were three or four projects that
3 he did with Dietz in which he wet signed plans.

4 7. On or about June 28, 2016, Respondent stated in the presence of Board staff
5 that he worked on the Pizza Patron and Carl's Jr. projects. This statement was made
6 when staff referenced the project plans to the Board. The project plans were submitted to
7 the Board by Jeff Dietz.

8 8. On or about June 28, 2016, the Board directed staff to open an investigation
9 regarding the Respondent may have aided and abetted an unregistered person to evade
10 Board statutes in possible violation of A.R.S. 32-128(C)(3) by signing and sealing
11 professional documents prepared by Jeff Dietz, a Non-Registrant not under Respondent's
12 direct supervision and not a bona fide employee of Respondent.

13 9. On or about August 1, 2016, staff received a copy of professional documents
14 for the Carl's Jr. project that displayed the signature and seal of Respondent.

15 10. On or about August 31, 2016, staff received a written statement from
16 Respondent in which he wrote that over the years, Jeff Dietz would stop by Respondent's
17 office and go over projects that they were working on together. Respondent stated that
18 all drawings were wet signed by him.

19 11. On or about September 2, 2016, Board staff sent a subpoena to Respondent
20 requesting a list of all projects that were reviewed and stamped by Respondent for Jeff
21 Dietz and/or Dietz Design between the years 2007-2011.

22 12. On or about September 20, 2016, Board staff received from Respondent a
23 written response to the subpoena in which he wrote that he is unable to produce a list of
24 projects that Respondent collaborated on with Jeff Dietz and/or Dietz Design.

25 CONCLUSIONS OF LAW

- 26 1. The Board has jurisdiction in this matter pursuant to A.R.S. § 32-101, et seq.
27 2. The conduct alleged in the Findings of Fact constitutes grounds for discipline
28 pursuant to A.R.S. § 32-128(C)(3), in that Respondent aided and abetted an unregistered

1 person to evade Board statutes by signing and sealing professional documents prepared
2 by Jeff Dietz, a Non-Registrant not under Respondent's direct supervision and not a bona
3 fide employee of Respondent.

4 **ORDER**

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

7 1. LETTER OF REPRIMAND. Respondent is hereby issued a Letter of
8 Reprimand.

9 2. STAYED SUSPENSION AND PROBATION. Respondent's registration
10 as a Registered Architect, Registration No. 112821, shall be suspended for Twelve (12)
11 months; however, the suspension is stayed for as long as Respondent remains in
12 compliance with this Order. During the stay of suspension, Respondent's registration as
13 an Architect is placed on probation. If Respondent is non-compliant with any terms of
14 this Order, the stay of the suspension shall be lifted and Respondent's registration as an
15 Architect shall be automatically suspended without a formal hearing, and remain
16 suspended until Respondent is compliant with all terms of this Order. The Board may
17 also consider Respondent's non-compliance with this Order as a separate violation of
18 A.R.S. § 32-150.

19 3. ASSURANCE OF DISCONTINUANCE. Respondent shall not sign and
20 seal professional documents not prepared under Respondent's direct supervision and not
21 a prepared by a bona fide employee of Respondent.

22 4. PROFESSIONAL ETHICS CLASS. Within sixty (60) days from the
23 effective date of this Consent Agreement, Respondent shall provide verification to the
24 Board that Respondent has successfully completed eight (8) hours of professional ethics
25 classes that have been pre-approved by Board staff.

26 5. ADMINISTRATIVE PENALTY. Within sixty (60) days from the
27 effective date of this Consent Agreement, Respondent shall pay an administrative penalty
28 of Two Thousand Dollars (\$2000.00) by certified check or money order made payable to

1 the State of Arizona Board of Technical Registration.

2 6. COST OF INVESTIGATION. Within thirty (30) days from the effective
3 date of this Consent Agreement, Respondent shall pay the cost of investigation of this
4 case to the Board in the amount of Two Hundred Forty-Eight Dollars (\$248.00) by
5 certified check or money order made payable to the State of Arizona Board of Technical
6 Registration, according to the provisions of A.R.S. § 32-128(H).

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

11 8. RENEWAL OF REGISTRATION. Respondent shall timely renew his
12 Arizona registration as an Architect and timely pay all required registration fees.

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

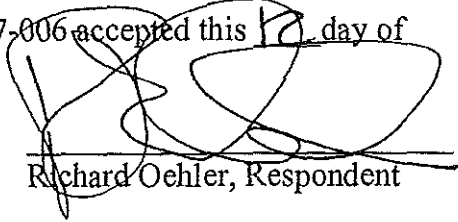
16 10. COSTS OF COMPLIANCE. Respondent shall pay all costs associated
17 with complying with this Consent Agreement.

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

23
24 ACCEPTED and ORDERED this 25th day of OCTOBER, 2016.

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

1 Consent Agreement and Order, No. P17-006 accepted this 18 day of
2 OCTOBER, 2016.

3 
4 Richard Oehler, Respondent

5 ORIGINAL filed this 25 day of

6 OCTOBER, 2016, with:

7 Arizona State Board of Technical Registration
8 1110 W. Washington, Suite 240
9 Phoenix, AZ 85007

9 COPY of the foregoing mailed via Certified Mail
10 No. 7016 0750 0000 2510 0659 and

11 First Class mail this 28 day of OCTOBER, 2016, to:

12 Richard Oehler
13 7053 S. 45th Way
14 Phoenix, AZ 85042

15 By: D. Hoeman