

BEFORE THE ARIZONA STATE BOARD OF TECHNICAL REGISTRATION

In the Matter of:

Case No.: P17-051

Tyler Green Registered Architect No. 21939

CONSENT AGREEMENT and ORDER OF DISCIPLINE

Respondent

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, Tyler Green ("Respondent"), holder of Registration No. 21939, 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 P17-051 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 Registered Architect Registration No.  
19 21939.

20 3. Firm, Building by Don Fredricks, is not, nor has it ever been, registered with  
21 the Board.

22 4. On or about June 23, 2017, Respondent signed and sealed Architectural  
23 plans, not prepared by Respondent, for the Buffalo Chip Saloon project under firm  
24 Building by Don Fredricks.

25 5. On or about September 2, 2016, Respondent signed and sealed an  
26 Architectural drawing that was not prepared by Respondent, for the installation of a vent  
27 hood for the Buffalo Chip Saloon project under firm Building by Don Fredricks.

28 6. On or about November 9, 2016, the Board received a complaint alleging that

1 professional documents related to the Buffalo Chip Saloon project which were signed and  
2 sealed by Respondent, were technically deficient and may have been prepared by a non-  
3 registrant.

4 7. On or about December 28, 2016, during a phone interview, Respondent  
5 stated that he was hired by Don Fredricks, General Contractor for the Buffalo Chip  
6 Saloon project, to review drawings that were prepared by Fredericks. Respondent stated  
7 that his agreement with Fredericks was verbal, an ongoing practice between Respondent  
8 and Fredericks in which Mr. Fredricks would prepare the drawings and Respondent  
9 would review and stamp the drawings. Respondent admitted that Mr. Fredricks prepared  
10 the drawings for the Buffalo Chip Saloon project and Respondent stamped them.

11 8. On or about May 17, 2017, during a phone interview, Don Fredricks stated  
12 that he and Respondent have known each other for years and have worked on a number  
13 of projects together in which he would do the drawings and Respondent would review  
14 them and stamp them if it was required. Mr. Fredricks admitted that he did the design  
15 drawing of the kitchen vent hood for the Buffalo Chip Saloon project and had  
16 Respondent look it over and stamp the drawing. Mr. Fredricks further stated that he did  
17 hire Respondent to review the drawing. Mr. Fredricks admitted that his firm was not  
18 registered with the Board.

19 9. On June 1, 2017, an Enforcement Advisory Committee convened to review  
20 the complaint against the Respondent. During the meeting, the Committee found that  
21 Respondent signed and sealed professional plans that had not been prepared by a bona  
22 fide employee and under a firm not registered with the Board. The Committee also found  
23 that Respondent signed and sealed professional documents that included a mechanical  
24 engineering detail in which he was unaware of where the detail came from, and was not  
25 qualified to stamp an Architectural drawing that included mechanical detail.

26 10. The Committee concluded that Respondent demonstrated negligence by  
27 failing to apply adequate analysis or expertise in engineering due to the inclusion of a gas  
28 isometric on the vent hood plans. The Committee concluded that Respondent aided and

1 abetted the practice of a Non-Registrant firm by signing and sealing professional  
2 documents not prepared by Respondent under the title block of Building by Don  
3 Fredricks, a firm that is not registered with the Board.

4 11. The Committee concluded that Respondent failed to apply the appropriate  
5 technical knowledge and skill while providing professional architectural services by not  
6 verifying drawing details included on a drawing Respondent reviewed and stamped.

7 12. The Committee concluded that Respondent accepted a professional  
8 engagement or assignment outside of Respondent's professional registration category by  
9 stamping professional documents that included mechanical engineering detail in which he  
10 did not possess the skill set capable of determining whether the gas system stayed in  
11 balance, and by including the mechanical detail of the partial isometric of that system  
12 without the required technical knowledge and skill.

13 13. On or about June 13, 2017, Respondent stated in a phone interview that he  
14 was involved in the entire remodel project, not just the vent hood portion of the Buffalo  
15 Chip Saloon. Respondent admitted that the plans for the building remodel were done the  
16 same way as the vent hood plans. Don Fredricks drew the plans and paid Respondent to  
17 review and stamp the plans. Respondent further stated that the plans were produced  
18 under the title block of Building by Don Fredricks.

19 14. On or about June 13, 2017, Don Fredricks stated in a phone interview that he  
20 prepared all of the architectural drawings as well as the structural drawings for the  
21 remodel of the Buffalo Chip Saloon. Fredricks stated he paid both the Respondent and a  
22 Structural Engineer for reviewing and sealing plans under the title block of the  
23 unregistered firm, Building by Don Fredricks.

#### 24 CONCLUSIONS OF LAW

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

1 pursuant to A.R.S § 32-128(C)(3), in that Respondent aided and abetted an unregistered  
2 person to evade Board statutes by signing and sealing architectural plans that were  
3 prepared by Don Fredricks, a Non-Registrant.

4 4. The conduct alleged in the Findings of Fact constitutes grounds for discipline  
5 pursuant to A.R.S. § 32-128(C)(4) as it relates to A.A.C. R4-30-301(6), in that  
6 Respondent failed to apply the appropriate technical knowledge and skill that would be  
7 applied by other qualified registrants who practice the same profession.

8 5. The conduct alleged in the Findings of Fact constitutes grounds for discipline  
9 pursuant to A.R.S. § 32-128(C)(4) as it relates to A.A.C. R4-30-301(16), in that  
10 Respondent signed, stamped or sealed professional documents not prepared by  
11 Respondent or bona fide employee of the Respondent.

12 6. The conduct alleged in the Findings of Fact constitutes grounds for discipline  
13 pursuant to A.R.S. § 32-128(C)(4) as it relates to A.A.C. R4-30-301(17), in that  
14 Respondent accepted a professional engagement outside the Respondent's professional  
15 registration category, without being qualified by education, technical knowledge, or  
16 experience to perform the work.

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.

22 2. ASSURANCE OF DISCONTINUANCE. Respondent shall not sign, seal or  
23 stamp any professional document not prepared by Respondent or Respondent's bona fide  
24 employee under the direct supervision of Respondent. Respondent shall not engage in  
25 the practice of Engineering as defined in A.R.S. § 32-101(B)(17), until such time that  
26 Respondent is registered with the Board as a Professional Engineer.

27 3. STAYED SUSPENSION AND PROBATION. Respondent's registration as  
28 Registered Architect, No. 21939, shall be suspended for twenty-four (24) months;

1 however, the suspension is stayed for as long as Respondent remains in compliance with  
2 this Order. During the stay of suspension, Respondent's registration as an Architect is  
3 placed on probation for twenty-four (24) months. If Respondent is non-compliant with  
4 any terms of this Order during the twenty-four (24) month stayed suspension and  
5 probation period, the stay of the suspension shall be lifted and Respondent's registration  
6 as a Professional Engineer shall be automatically suspended without a formal hearing,  
7 and remain suspended until Respondent is compliant with all terms of this Order. If  
8 Respondent completes all terms of this Order prior to end of the twenty-four (24) month  
9 stayed suspension and probation period, Respondent may be eligible for early termination  
10 of probation.

11 4. PROFESSIONAL ETHICS COURSE. Within six (6) months from effective  
12 date of this Consent Agreement, Respondent shall provide verification to the Board that  
13 Respondent has successfully completed eight (8) hours of professional ethics courses.

14 5. ADMINISTRATIVE PENALTY. Within twelve (12) months from the  
15 effective date of this Consent Agreement, Respondent shall pay an administrative penalty  
16 of Four Thousand Dollars (\$4000.00) by certified check or money order made payable to  
17 the State of Arizona Board of Technical Registration.

18 6. COST OF INVESTIGATION. Within ninety (90) days from the effective  
19 date of this Consent Agreement, Respondent shall pay the cost of investigation of this  
20 case to the Board in the amount of Six Hundred Twenty-Nine Dollars (\$629.00) by  
21 certified check or money order made payable to the State of Arizona Board of Technical  
22 Registration, according to the provisions of A.R.S. § 32-128(H).

23 7. OBEY ALL LAWS. During the probationary period, Respondent shall obey  
24 all federal, state and local laws, as well as, all rules governing the practice of Architecture  
25 in the State of Arizona. The Board shall consider any violation of this paragraph to be a  
26 separate violation of the rules and statues governing the Arizona Board of Technical  
27 Registration. The Board may also consider Respondent's non-compliance with this  
28 Order as a separate violation of A.R.S. § 32-150.

1           8. RENEWAL OF REGISTRATION. During the probationary period,  
2 Respondent and Respondent Firm shall timely renew their Arizona registration as an  
3 Architect and an Architectural Firm, and timely pay all required registration fees.

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


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

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

14  
15           ACCEPTED and ORDERED this 25 day of July, 2017.

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18             
19           Jason Madison, Chairman  
20           Arizona State Board of  
21           Technical Registration

22           Consent Agreement and Order, No. P17-051 accepted this 11<sup>TH</sup> day of  
23           July, 2017.

24             
25           Tyler Green, Respondent

26           **ORIGINAL** filed this 27 day of  
27           July, 2017, with:

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



1 **COPY** of the foregoing mailed via Certified Mail  
2 No. 9214 8901 9434 4600 0215 22 and  
3 First Class mail this 27 day of July, 2017, to:

4 Tyler Green  
5 11480 N. 85<sup>th</sup> St.  
6 Scottsdale, AZ 85260

7 By: 

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