

BEFORE THE ARIZONA STATE
BOARD OF TECHNICAL REGISTRATION

In the Matter of:

Case No.: P17-068

James Elson
Registered Architect
Registration No. 11005

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, James Elson ("Respondent"), holder of Registration No. 11005, 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 P17-068 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 11005.

20 3. On July 25, 2016, the Board accepted Respondent's signed Consent
21 Agreement and Order of Discipline for case numbers P16-055 and P16-060 that included:

22 a. Stayed Suspension and Probation for 12 months.

23 b. Payment to Collaborating Professional of \$10,700.00 within 90 days.

24 c. Attend an Ethics class within 90 days.

25 d. Within six months, pay an administrative penalty in the amount of
26 \$3,000.00 to the Board.

27 e. Within 30 days, pay cost of investigation in the amount of \$605.00.

28 4. Respondent failed to make full payment to the Collaborating Professional

1 within 90 days, failed to attend an ethics class within 90 days and failed to pay cost of
2 investigation to the Board within 30 days

3 5. On January 13, 2017, the stay of suspension was lifted and Respondent's
4 Registration (11005) was suspended for non-compliance with the Board's Order of
5 Discipline.

6 6. Not until May 25, 2017, did Respondent finally comply with all the terms of
7 the Board's Order of Discipline, when payment to the Collaborating Professional was
8 verified.

9 CONCLUSIONS OF LAW

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

11 2. The conduct alleged in the Findings of Fact constitutes grounds for discipline
12 pursuant to A.R.S. § 32-150, in that Respondent failed to comply with the terms and
13 conditions specified in the Board's Order of Discipline for case numbers P16-055 and
14 P16-060.

15 ORDER

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

18 1. LETTER OF REPRIMAND. Respondent is hereby issued a Letter of
19 Reprimand.

20 2. COST OF INVESTIGATION. Within five (5) months from the effective
21 date of this Consent Agreement, Respondent shall pay the cost of investigation of this
22 case to the Board in the amount of Five Hundred Dollars (\$500.00) by certified check or
23 money order. Monthly payments of One Hundred Dollars (\$100.00) shall be made to the
24 State of Arizona Board of Technical Registration, according to the provisions of A.R.S. §
25 32-128(H).

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

1 rules and statues governing the Arizona Board of Technical Registration. The Board may
2 also consider Respondent's non-compliance with this Order as a separate violation of
3 A.R.S. § 32-150.

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

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

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

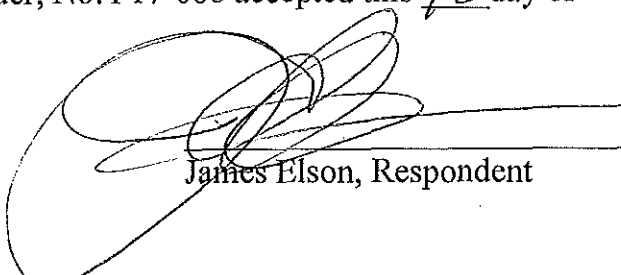
11 7. NONCOMPLIANCE. If Respondent violates this Order in any way or fails
12 to fulfill the requirements of this Order, the Board, after giving notice and the opportunity
13 to be heard, may revoke, suspend or take other disciplinary actions against the
14 registration. The issue at such a hearing will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

16 ACCEPTED and ORDERED this 27th day of JUNE, 2017.

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Jason Madison, Chairman
Arizona State Board of
Technical Registration

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Consent Agreement and Order, No. P17-068 accepted this 12 day of
VVB, 2017.


James Elson, Respondent

ORIGINAL filed this _____ day of _____, 2017, with:

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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 _____, 2017, to:

James Elson
16420 N. 92nd St. #205
Scottsdale, AZ 85260

By: _____