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BEFORE THE ARIZONA STATE  
BOARD OF TECHNICAL REGISTRATION

In the Matter of:  
Bret Thorne  
Non-Registrant  
Orion Architecture  
Non-Registrant Firm  
Respondents

Case No.: P17-096  
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, Bret Thorne, Non-Registrant, ("Respondent") and Orion Architecture, Non-Registrant Firm ("Respondent Firm"), 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 P17-096 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 profession of Architecture.

19 2. The Board is the duly constituted authority for the regulation and control of  
20 the practice of Architecture Firms in the state of Arizona.

21 3. Respondent is not registered with the Board as an Architect.

22 4. Respondent Firm (Orion Architecture) is not registered with the Board.

23 5. On or about March 29, 2017, Respondent and Respondent Firm prepared a  
24 Report of Investigations for the Willow Creek Apartments project in, Prescott, AZ.

25 6. On May 11, 2017, The Board received a complaint alleging that Respondent  
26 and Respondent Firm provided professional architectural services in the form of a Report  
27 of Investigations for the Willow Creek Apartments residential development in Prescott,  
28 Arizona, without registration with the Board. The complaint also alleged that Respondent

1 represented himself as an Architect and used the title of Principal Architect on the Report  
2 of Investigations without registration with the Board.

3 7. On October 24, 2017, an Enforcement Advisory Committee ("EAC")  
4 convened to review the complaint against Respondent. As a result, a report was prepared  
5 for the Board with recommended findings of violations of Board statutes.

6 8. Based upon the EAC Report, on April 24, 2018 the Board offered  
7 Respondent and Respondent Firm a Consent Agreement for Respondent Firm offering  
8 architectural services without registration, Respondent holding himself out as an  
9 Architect without registration, and Respondent practicing architecture through holding  
10 out as Architect on the Report of Investigations.  
11

12 **CONCLUSIONS OF LAW**

13 1. The Board has jurisdiction in this matter pursuant to A.R.S. § 32-101, et seq,  
14 including A.R.S. § 32-106.02(A).

15 2. The conduct alleged in the Findings of Fact, constitutes grounds for  
16 discipline pursuant to A.R.S. § 32-145(1), in that Respondent practiced, offered to  
17 practice or by implication held himself out as qualified to practice a Board regulated  
18 profession without registration.

19 3. The conduct alleged in the Findings of Fact, constitutes grounds for  
20 discipline pursuant to A.R.S. § 32-145(2), in that Respondent advertised or displayed a  
21 device that may indicate to the public that he is registered or qualified to practice a Board  
22 regulation profession without registration.

23 4. The conduct alleged in the Findings of Fact, constitutes grounds for  
24 discipline pursuant to A.R.S. § 32-141(A), in that Respondent Firm engaged in the  
25 practice of architecture without firm registration with the Board.

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1 **ORDER**

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

4 1. ASSURANCE OF DISCONTINUANCE. Respondent shall not practice,  
5 offer to practice, or by any implication hold itself out as qualified to practice Architecture  
6 as defined by A.R.S. § 32-101.B(7) until such time as the Respondent is registered by the  
7 Board and is in full compliance with the Board's Statutes and Rules. Respondent Firm,  
8 shall not engage in the practice, offer to practice or by any implication hold itself out as  
9 qualified to practice architecture as defined by A.R.S. § 32-101(B)(7), and shall not  
10 display any card, sign or other device that may indicate to the public that it is a registered  
11 professional architectural firm or is qualified to practice as such in the State of Arizona  
12 until such time as the Respondent Firm has been granted registration by the Board and is  
13 in full compliance with the Board's Statues and Rules.

14 2. CIVIL PENALTY. Within Four (4) months from the effective date of this  
15 Consent Agreement, Respondent shall pay a civil penalty of Four Thousand Dollars  
16 (\$4,000.00). Monthly payments shall be made in the amount of One Thousand Dollars  
17 (\$1,000.00). Payments are to be submitted to the Board by cashier's check or money  
18 order made payable to the Arizona State Board of Technical Registration, according to  
19 the provisions of A.R.S. § 32-106.02(A).

20 3. COST OF INVESTIGATION. Within Ninety (90) days 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 One Thousand One Hundred and Forty-Three Dollars  
23 (\$1,143.00) by certified check or money order made payable to the State of Arizona  
24 Board of Technical Registration, according to the provisions of A.R.S. § 32-128(H).

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

28 5. COSTS OF COMPLIANCE. Respondent shall pay all costs associated with


1 complying with this Consent Agreement.

2 6. NONCOMPLIANCE. If Respondent violates this Order in any way or fails  
3 to fulfill the requirements of this Order, the Board may seek a Petition for Injunction in  
4 accordance with the provisions set forth in A.R.S. § 32-106.01.

5  
6 ACCEPTED and ORDERED this 25 day of May, 2018.

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Alejandro Angel, P.E., Chairman  
10 Arizona State Board of  
11 Technical Registration

12 Consent Agreement and Order, No. P17-096 accepted this 16 day of  
13 MAY, 2018.

14   
15 \_\_\_\_\_  
Bret Thorne, and on behalf of  
16 Orion Architecture,  
17 Respondents

18 **ORIGINAL** filed this 29 day of

19 MAY, 2018, with:

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

22 **COPY** of the foregoing mailed via Certified Mail  
No. 9214 8901 9434 4600 0369 22 and

23 First Class mail this 29 day of May, 2018, to:

24 Bret Thorne  
25 Orion Architecture  
1414 Marshall St.  
26 Oceanside, CA 92054

27 By:   
28 \_\_\_\_\_