

BEFORE THE ARIZONA STATE BOARD OF TECHNICAL REGISTRATION

In the Matter of: Gordon (Rick) McGee Architect Registration No. 13598 Perez McGee, INC Firm Registration No. 20473 Respondents

Case No.: P17-100

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, Gordon (Rick) McGee ("Respondent"), holder of Registration No. 13598 and Perez McGee, Firm Registration No. 20473 ("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 P17-100 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 Architect Registration No. 13598.

20 3. From November 30, 2009 to June 15, 2017, Respondent Firm was not  
21 registered with the Board.

22 4. In early 2010, the website for Respondent Firm was created.

23 5. On May 17, 2017, the Board received an anonymous complaint alleging that  
24 Respondent was practicing and/or offering to practice Architecture through Respondent  
25 Firm which was not registered with the Board.

26 6. On June 15, 2017, Respondent met with Board staff and admitted he  
27 understood the violations that were presented to him and agreed to register Respondent  
28 Firm.



1 also consider Respondent's non-compliance with this Order as a separate violation of  
2 A.R.S. § 32-150.

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

6 6. 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.

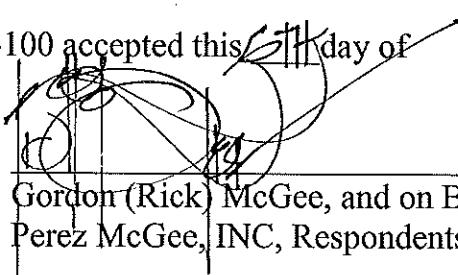
9 7. COSTS OF COMPLIANCE. Respondent shall pay all costs associated  
10 with complying with this Consent Agreement.

11 8. 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 25 day of July, 2017.

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Jason Madison, Chairman  
Arizona State Board of  
Technical Registration

21  
22 Consent Agreement and Order, No. P17-100 accepted this 27th day of  
July, 2017.

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26  
  
Gordon (Rick) McGee, and on Behalf of  
Perez McGee, INC, Respondents

27  
28 ORIGINAL filed this 27 day of

July, 2017, with:

Arizona State Board of Technical Registration  
1110 W. Washington, Suite 240

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Phoenix, AZ 85007

**COPY** of the foregoing mailed via Certified Mail  
No. 9214 8901 9434 4600 0212 56 and

First Class mail this 27 day of July, 2017, to:

Gordon (Rick) McGee  
Perez McGee, INC  
711 W. Wilshire Drive.  
Phoenix, AZ 85007

By: \_\_\_\_\_