

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

3 **In the Matter of:**

**Case No.: P18-024**

4 **Timothy Robertson**  
5 **Non-Registrant**

6 **Timothy F. Robertson Architects**  
7 **Non-Registrant Firm**

8 **Respondents**

**CONSENT AGREEMENT**  
**and**  
**ORDER OF DISCIPLINE**

9 In the interest of a prompt and judicious resolution of the above-captioned matter  
10 before the Arizona State Board of Technical Registration (“Board”) and consistent with  
11 the public interest, statutory requirements, and the responsibilities of the Board, and  
12 pursuant to A.R.S. § 32-101 et seq., and A.A.C. R4-30-120(G), the undersigned party,  
13 Timothy Robertson, Non-Registrant, (“Respondent”), Timothy F. Robertson Architects,  
14 Non-Registrant Firm, (“Respondent Firm”), and the Board enter into the following  
15 Recitals, Findings of Fact, Conclusions of Law and Order (“Consent Agreement”) as a  
16 final disposition of this matter.

17 **RECITALS**

18 1. Respondent has read and understands this Consent Agreement and has had  
19 the opportunity to discuss this Consent Agreement with an attorney, or has waived the  
20 opportunity to discuss this Consent Agreement with an attorney.

21 2. Respondent understands that he has a right to a public administrative hearing  
22 concerning this case. He further acknowledges that at such formal hearing he could  
23 present evidence and cross-examine witnesses. By entering into this Consent Agreement,  
24 Respondent knowingly, voluntarily, and irrevocably waives his right to such an  
25 administrative hearing, as well as rights of rehearing, review, reconsideration, appeal,  
26 judicial review or any other administrative and/or judicial action concerning the matters  
27 set forth herein.

28 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 P18-024, 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's registration No. 24675 as an Architect was canceled by the  
19 Board on March 31, 2010.

20 3. Respondent Firm, Timothy F. Robertson Architects, is not registered with the  
21 Board.

22 4. On July 21, 2017, Respondent signed and sealed Custom Remodel and  
23 Addition plans for a commercial property located at 6632 N. Los Leones Drive, Tucson,  
24 Arizona.

25 5. On July 21, 2017, Respondent prepared and submitted plans which displayed  
26 the name of Respondent Firm in the title block, to the Pima County Development  
27 Department.

28 6. On October 13, 2017, Board staff received a written statement from

1 Respondent in which he admitted to signing, sealing and submitting project plans using a  
2 cancelled registration and seal, and through an unregistered firm.

3 **CONCLUSIONS OF LAW**

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

6 2. The conduct alleged in the Findings of Fact constitutes grounds for  
7 discipline, pursuant to A.R.S. § 32-32-145(1), in that Respondent signed and sealed  
8 professional documents, and practiced architecture without registration with the Board.

9 3. The conduct alleged in the Findings of Fact constitutes grounds for discipline,  
10 pursuant to A.R.S. § 32-145(2), in that Respondent displayed a device indicating that he  
11 was qualified to practice a Board regulated profession without Board registration.

12 4. The conduct alleged in the Findings of Fact constitutes grounds for discipline,  
13 pursuant to A.R.S. § 32-141, in that Respondent Firm practiced a Board-regulated  
14 profession without Board registration.

15 **ORDER**

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

18 1. **ASSURANCE OF DISCONTINUANCE.** Respondent shall not practice,  
19 offer to practice, or by any implication hold itself out as qualified to practice Architecture  
20 as defined by A.R.S. § 32-101(B)(7), until such time as the Respondent is registered by  
21 the Board and is in full compliance with the Board's Statutes and Rules. Respondent  
22 Firm, shall not engage in the practice, offer to practice or by any implication hold itself  
23 out as qualified to practice architecture as defined by A.R.S. § 32-101(B)(7), and shall  
24 not display any card, sign or other device that may indicate to the public that it is a  
25 registered professional architectural firm or is qualified to practice as such in the State of  
26 Arizona until such time as the Respondent firm has been granted registration by the  
27 Board and is in full compliance with the Board's Statues and Rules.

28 2. **CIVIL PENALTY.** Within Ninety (90) days from the effective date of this

1 Consent Agreement, Respondent shall pay a civil penalty of One Thousand, Five  
2 Hundred Dollars (\$1500.00) to be submitted to the Board by cashier's check or money  
3 order made payable to the Arizona State Board of Technical Registration, according to  
4 the provisions of A.R.S. § 32-106.02(A).

5 3. COST OF INVESTIGATION. Within Thirty (30) days from the effective  
6 date of this Consent Agreement, Respondent shall pay the cost of investigation of this  
7 case to the Board in the amount of Two Hundred Twenty-Seven Dollars (\$227.00) by  
8 certified check or money order made payable to the State of Arizona Board of Technical  
9 Registration, according to the provisions of A.R.S. § 32-128(H).

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

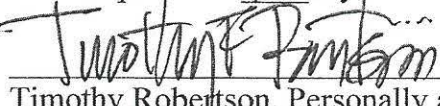
13 5. COSTS OF COMPLIANCE. Respondent shall pay all costs associated with  
14 complying with this Consent Agreement.

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

18 ACCEPTED and ORDERED this 23<sup>rd</sup> day of January, 2018.

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21 \_\_\_\_\_  
22 Alejandro Angel, P.E., Chairman  
Arizona State Board of  
Technical Registration

23 Consent Agreement and Order, No. P18-024 accepted this 10<sup>th</sup> day of  
24 JANUARY, 2018.

25   
26 \_\_\_\_\_  
27 Timothy Robertson, Personally and on  
28 behalf of Timothy F. Robertson  
Architects, Respondents

27 ORIGINAL filed this 24 day of  
28 JANUARY, 2018, with:

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

3 **COPY** of the foregoing mailed via Certified Mail  
4 No. 9214 8901 9434 4600 0300 05 and  
5 First Class mail this 24<sup>th</sup> day of JANUARY, 2018, to:

6 Timothy Robertson  
7 Timothy F. Robertson Architects  
1865 E. River Road, Suite 151  
8 Tucson, AZ 85718

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