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

In the Matter of:

Case No.: P18-053

Jose Alba,
Non-Registrant,

**CONSENT AGREEMENT AND
ORDER**

JVAC Design, LLC,
Unregistered Firm,

Respondents.

In the interest of a prompt and judicious resolution of the above-captioned matter before the Arizona State Board of Technical Registration (the "Board") and consistent with the public interest, statutory requirements, and the responsibilities of the Board, and pursuant to Arizona Revised Statutes ("A.R.S.") § 32-101, *et seq.* and Arizona Administrative Code ("A.A.C.") R4-30-120(G), the undersigned parties, Jose Alba ("Respondent") 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. Respondent executes this Consent Agreement on behalf of himself, a non-registrant, and, as the owner, on behalf of JVAC Design, LLC, a non-registered firm ("Respondent Firm") (collectively, "Respondents").

I. RECITALS

1. The Board has not conducted a hearing nor made a determination on the merits contained herein. Instead, the Board and Respondents have agreed to a full and final settlement of this matter in lieu of formal disciplinary proceedings, pursuant to A.A.C. R4-30-123(B).

2. 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.

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

8 4. Respondent affirmatively agrees that this Consent Agreement shall be
9 irrevocable.

10 5. Respondent understands that this Consent Agreement or any part of the
11 agreement may be considered in any future disciplinary action by the Board against him
12 or Respondent Firm.

13 6. The Consent Agreement, any record prepared in this matter, all
14 investigative materials prepared or received by the Board and all related exhibits and
15 materials, are public records (as defined in A.R.S. § 41-151.18) upon acceptance by the
16 Board of this Consent Agreement and may be retained in the Board's files pertaining to
17 this matter.

18 7. Respondent understands this Consent Agreement deals with Board case
19 number P18-053 involving allegations that Respondents engaged in conduct that could
20 subject them to discipline under the Board's statutes and rules. The investigation into
21 these allegations against Respondents shall be concluded upon the Board's adoption of
22 this Consent Agreement.

23 8. Respondent understands that this Consent Agreement is solely to settle case
24 number P18-053, does not preclude the Department from instituting other proceedings as
25 may be appropriate now or in the future, does not constitute a dismissal or resolution of
26 any other matters currently pending before the Board, if any, and does not constitute any
27 waiver, express or implied, of the Board's statutory authority or jurisdiction regarding
28 any other pending or future investigation, action or proceeding.

1 9. Respondent also understands that, with respect to the conduct that is the
2 subject of this Consent Agreement, acceptance of this Consent Agreement does not
3 preclude any other agency, subdivision, or officer of this State from instituting any other
4 civil or criminal proceedings, investigating claims, or taking legal action as may be
5 appropriate now or in the future relating to this matter or other matters concerning
6 Respondent, including but not limited to violations of Arizona's Consumer Fraud Act.
7 Respondent acknowledges that, other than with respect to the Board, this Consent
8 Agreement makes no representations, implied or otherwise, about the views or intended
9 actions of any other state agency or officer or political subdivision of the state relating to
10 this matter or other matters concerning Respondent.

11 10. Respondent acknowledges and agrees that, upon signing this Consent
12 Agreement and returning this document to the Board's Executive Director, he may not
13 revoke his acceptance of the Consent Agreement or make any modifications to the
14 document regardless of whether the Consent Agreement has been signed on behalf of the
15 Board. Any modification to this original document is ineffective and void unless
16 mutually agreed by the parties in writing.

17 11. This Consent Agreement is subject to the approval of the Board and is
18 effective only when accepted by the Board and signed on behalf of the Board. If the
19 Board does not accept this Consent Agreement, the Board retains its authority to hold a
20 formal administrative hearing pursuant to A.R.S. § 32-128(D). In the event that the
21 Board does not approve this Consent Agreement, it is withdrawn, shall be of no
22 evidentiary value, and shall not be relied upon nor introduced in any action by any party.
23 Respondent agrees that should the Board reject this Consent Agreement and this case
24 proceeds to hearing, Respondent shall assert no claim that the Board was prejudiced by
25 its review and discussion of this document or any records relating thereto.

26 12. If a court of competent jurisdiction rules that any part of this Consent
27 Agreement is void or otherwise unenforceable, the remainder of the Consent Agreement
28 shall remain in full force and effect.

1 were signed by Jeffrey A. Wilson, under Wilson Engineering, L.L.C. title block. They
2 included a billing invoice for \$650 from Wilson Engineering to JVCA Design, L.L.C. for
3 'Architecture work for True Fades Tenant Improvement.' None of the plans Respondent
4 Alba submitted to the Board had been signed or sealed by Richard Moore, R.A.

5 7. During the months of March and May 2018, Board staff made numerous
6 attempts to obtain copies of the architectural plans for the True Fades project by official
7 subpoena from Richard Moore, Arturo Pere, the owner of True Fades, and the City of
8 Glendale.

9 8. On June 1, 2018, Board staff received a copy of the final, approved, sealed
10 plans for the True Fades tenant improvement project, which Respondent Alba submitted
11 to the City of Glendale on November 29, 2017, that bear Richard Moore's seal. The
12 plans were submitted under Respondent Firm's title block. The plans also reveal that the
13 Occupant Load for the project was 22, which exceeded the Board's exemptions and
14 required a registrant to sign and seal them under a registered firm's title block. The final
15 plans do not match the plans Respondents submitted to the City of Glendale on March 14,
16 2018, which showed an Occupant Load of 12.

17 9. Respondent Alba is not a bona fide employee of either Richard Moore or
18 Jeffrey A. Wilson.
19

20 III. CONCLUSIONS OF LAW

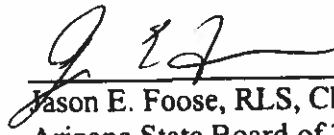
21 1. Respondent Alba's conduct alleged above constitutes grounds for discipline
22 pursuant to A.R.S. §§ 32-106.02, 32-121, and 32-145(1) because he practiced or offered
23 to practice a Board-regulated profession without Board registration.

24 2. Respondent Alba's conduct alleged above constitutes grounds for discipline
25 pursuant to A.R.S. §§ 32-106.02, 32-121, and 32-145(2) because he advertised or
26 displayed a device (a photograph of a registrant's seal and a City of Phoenix stamp in a
27 Craig's List advertisement) that may have indicated to the public that he was registered or
28 qualified to practice architecture without Board registration.

1 5. COSTS OF COMPLIANCE. Respondents shall pay all costs associated
2 with complying with this Consent Agreement.

3 6. NONCOMPLIANCE. If Respondents violate this Order in any way or fail
4 to fulfill the requirements of this Order, the Board, after giving notice and the opportunity
5 to be heard, may seek an injunction or take other disciplinary actions against
6 Respondents.


7 ACCEPTED and ORDERED this 26TH day of May, 2020.

8 

9 Jason E. Foose, RLS, Chairman
10 Arizona State Board of Technical Registration

11 Consent Agreement and Order, Number P18-053 accepted this 21st day of May,

12 2020.

13 
14 Jose Alba, Respondent

15 ORIGINAL filed this 26 day of May, 2020, with:

16 Arizona State Board of Technical Registration
17 1100 W. Washington, Suite 240
18 Phoenix, AZ 85007

19 COPY of the foregoing mailed/^{CERTIFIED} e-mailed this 26 day of May, 2020, to:

20
21 Jose Alba
22 JVAC Design, LLC
23 5649 W. Folley St.
24 Chandler, Arizona 85226
25 jos.v.alba@gmail.com
jalba@jvacdesign.com
Respondents

26 Denie Reh
27 denie.reh@azag.gov
28 Counsel for the State

By 