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

<p>In the Matter of:</p> <p>Don Fredricks Non-Registrant</p> <p>Building by Don Fredricks Non-Registrant Firm</p> <p style="text-align: right;">Respondent</p>	<p style="text-align: center;">Case No. P18-055</p> <p style="text-align: center;">CONSENT AGREEMENT and ORDER OF DISCIPLINE</p>
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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, Don Fredricks, Non-Registrant, ("Respondent"), Building by Don Fredricks, 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.

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RECITALS

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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.

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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.

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3. Respondent affirmatively agrees that this Consent Agreement shall be irrevocable.

1 4. Respondent understands that this Consent Agreement or any part of the agreement
2 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 public
5 records (as defined in A.R.S. § 41-158.18) upon acceptance by the Board of this Consent
6 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 number
8 P18-055 involving allegations that Respondent engaged in conduct that would subject him to
9 discipline under the Board's statutes and rules. The investigation into these allegations against
10 Respondent shall be concluded upon the Board's adoption of this Consent Agreement.

11 7. Respondent understands that this Consent Agreement does not constitute a
12 dismissal or resolution of any other matters currently pending before the Board, if any, and does
13 not constitute any waiver, express or implied, of the Board's statutory authority or jurisdiction
14 regarding any other pending or future investigation, action or proceeding.

15 8. Respondent also understands that acceptance of this Consent Agreement does not
16 preclude any other agency, subdivision, or officer of this State from instituting any other civil or
17 criminal proceedings with respect to the conduct that is the subject of this Consent Agreement.

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

23 10. This Consent Agreement is subject to the approval of the Board and is effective
24 only when accepted by the Board and signed on behalf of the Board. If the Board does not accept
25 this Consent Agreement, the Board retains its authority to hold a formal administrative hearing
26 pursuant to A.R.S. § 32-128(E). In the event that the Board does not approve this Consent
27 Agreement, it is withdrawn and shall be of no evidentiary value and shall not be relied upon nor
28 introduced in any action by any party, except that the parties agree that should the Board reject

1 this Consent Agreement and this case proceeds to hearing, Respondent shall assert no claim that
2 the Board was prejudiced by its review and discussion of this document or any records relating
3 thereto.

4 11. If a court of competent jurisdiction rules that any part of this Consent Agreement is
5 void or otherwise unenforceable, the remainder of the Consent Agreement shall remain in full
6 force and effect.

7 12. Respondent understands that any violation of this Consent Agreement may result in
8 disciplinary action, including suspension or revocation of the registration under A.R.S. § 32-150.

9 13. Respondent agrees that the Board will adopt the following Findings of Fact,
10 Conclusions of Law and Order.

11 **FINDINGS OF FACT**

12 1. The Board is the duly constituted authority for the regulation and control of the
13 practice of Architecture in the State of Arizona.

14 2. Respondent is not registered with the Board as Architect.

15 3. Respondent Firm is not registered with the Board.

16 4. On or about May 23, 2016, Respondents produced professional documents for the
17 Buffalo Chip Saloon project, under the title block of Respondent Firm, displaying the signature
18 and seal of Tyler Green, R.A. #2939.

19 5. On or about June 23, 2016, Respondents produced professional documents for the
20 Buffalo Chip Saloon project under the title block of Respondent Firm, displaying the signature
21 and seal of Tyler Green. These documents were re-signed and re-sealed due to an architectural
22 change in the plans.

23 6. On or about December 28, 2016, Tyler Green stated in an interview that
24 Respondent hired him to review and stamp the architectural drawings for the Buffalo Chip Saloon
25 project. Mr. Green admitted that Respondent did the drawings for the project and that Mr. Green
26 stamped them.

27 7. On or about July 25, 2017, the Board opened a complaint alleging that Respondent
28 prepared architectural plans without Board registration for the Buffalo Chip Saloon project in

1 Cave Creek, Arizona. The complaint further alleged that Respondent Firm provided the
2 professional services of architecture for the Buffalo Chip Saloon project in Cave Creek, Arizona,
3 without firm registration with the Board.

4 9. On or about May 17, 2017, Respondent stated in an interview that he prepared all
5 the architectural drawings for the remodel of the Buffalo Chip Saloon. Respondent stated that he
6 hired Tyler Green, to review and stamp the drawings.

7 10. On or about April 10, 2018, Respondent provided a written statement in which he
8 admitted that he performed the work on the drawings for the Buffalo Chip Saloon project and that
9 the plans were produced under Respondent Firm title block. Respondent admitted that he should
10 not have used his firm's title block on the drawings.

11 CONCLUSIONS OF LAW

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

13 2. The conduct alleged in the Findings of Fact, constitutes grounds for discipline
14 pursuant to A.R.S. § 32-145(1), in that Respondent practiced the profession of Architecture
15 without registration with the Board on Buffalo Chip Saloon project, Cave Creek, Arizona.

16 3. The conduct alleged in the Findings of Fact, constitutes grounds for discipline
17 pursuant to A.R.S. § 32-141, in that Respondent Firm practiced or offer to practice a Board
18 regulated profession without Board registration on the Buffalo Chip Saloon project, Cave Creek,
19 Arizona.

20 ORDER

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

23 1. ASSURANCE OF DISCONTINUANCE. Respondent shall not practice, offer to
24 practice, or by any implication hold itself out as qualified to practice architecture as defined by
25 A.R.S. § 32-101(B)(7) until such time as Respondent is registered by the Board and is in full
26 compliance with the Board's Statutes and Rules. Respondent Firm, shall not engage in the
27 practice, offer to practice or by any implication hold itself out as qualified to practice architecture
28 as defined by A.R.S. § 32-101(B)(7), and shall not display any card, sign or other device that may

1 indicate to the public that it is a registered professional architectural firm or is qualified to
2 practice as such in the State of Arizona until such time as the Respondent firm has been granted
3 registration by the Board and is in full compliance with the Board's Statues and Rules.

4 2. CIVIL PENALTY. Within six (6) months from the effective date of this Consent
5 Agreement, Respondent shall pay a civil penalty of One Thousand Dollars (\$1,000.00). Payments
6 are to be submitted to the Board by cashier's check or money order made payable to the Arizona
7 State Board of Technical Registration, according to the provisions of A.R.S. § 32-106.02(A).

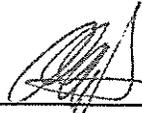
8 3. COST OF INVESTIGATION. Within Thirty (30) days from the effective date of
9 this Consent Agreement, Respondent shall pay the cost of investigation of this case to the Board
10 in the amount of One Hundred Fifty-Four Dollars (\$154.00) by certified check or money order
11 made payable to the State of Arizona Board of Technical Registration, according to the
12 provisions of A.R.S. § 32-128(H).

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

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

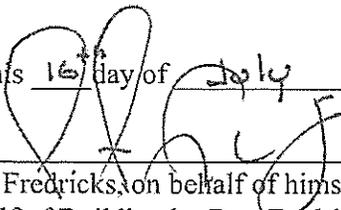
18 6. NONCOMPLIANCE. If Respondent violates this Order in any way or fails to
19 fulfill the requirements of this Order, the Board, after giving notice and the opportunity to be
20 heard, may revoke, suspend or take other disciplinary actions against the registration. The issue
21 at such a hearing will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

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23 ACCEPTED and ORDERED this 30th day of July, 2018.

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27 Alejandro Angel, P.E., Chairman
28 Arizona State Board of
Technical Registration

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Consent Agreement and Order, No. P18-055 accepted this 16th day of July, 2018.



Don Fredricks, on behalf of himself and on
behalf of Building by Don Fredricks,
Respondents

ORIGINAL filed this 1st day of
August, 2018, with:

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 _____, 2018, to:

Don Fredricks
PO Box 4203
Cave Creek, AZ 85327

By: 