

1  
2  
3  
4  
5  
6  
7  
8  
9  
10

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

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

11  
12  
13  
14  
15  
16  
17

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.

18

**RECITALS**

19  
20  
21

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.

22  
23  
24  
25  
26  
27

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.

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 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.

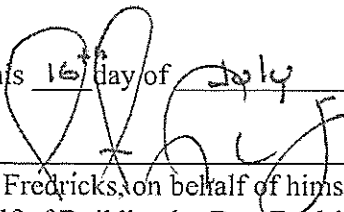
18 6. NONCOMPLIANCE. If Respondent violates this Order in any way or fails to  
19 fulfill the requirements of this Order, the Board, after giving notice and the opportunity to be  
20 heard, may revoke, suspend or take other disciplinary actions against the registration. The issue  
21 at such a hearing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

22  
23 ACCEPTED and ORDERED this 30th day of July, 2018.

24  
25   
26 \_\_\_\_\_  
27 Alejandro Angel, P.E., Chairman  
28 Arizona State Board of  
Technical Registration

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41  
42  
43  
44  
45  
46  
47  
48  
49  
50  
51  
52  
53  
54  
55  
56  
57  
58  
59  
60  
61  
62  
63  
64  
65  
66  
67  
68  
69  
70  
71  
72  
73  
74  
75  
76  
77  
78  
79  
80  
81  
82  
83  
84  
85  
86  
87  
88  
89  
90  
91  
92  
93  
94  
95  
96  
97  
98  
99  
100  
101  
102  
103  
104  
105  
106  
107  
108  
109  
110  
111  
112  
113  
114  
115  
116  
117  
118  
119  
120  
121  
122  
123  
124  
125  
126  
127  
128  
129  
130  
131  
132  
133  
134  
135  
136  
137  
138  
139  
140  
141  
142  
143  
144  
145  
146  
147  
148  
149  
150  
151  
152  
153  
154  
155  
156  
157  
158  
159  
160  
161  
162  
163  
164  
165  
166  
167  
168  
169  
170  
171  
172  
173  
174  
175  
176  
177  
178  
179  
180  
181  
182  
183  
184  
185  
186  
187  
188  
189  
190  
191  
192  
193  
194  
195  
196  
197  
198  
199  
200  
201  
202  
203  
204  
205  
206  
207  
208  
209  
210  
211  
212  
213  
214  
215  
216  
217  
218  
219  
220  
221  
222  
223  
224  
225  
226  
227  
228  
229  
230  
231  
232  
233  
234  
235  
236  
237  
238  
239  
240  
241  
242  
243  
244  
245  
246  
247  
248  
249  
250  
251  
252  
253  
254  
255  
256  
257  
258  
259  
260  
261  
262  
263  
264  
265  
266  
267  
268  
269  
270  
271  
272  
273  
274  
275  
276  
277  
278  
279  
280  
281  
282  
283  
284  
285  
286  
287  
288  
289  
290  
291  
292  
293  
294  
295  
296  
297  
298  
299  
300  
301  
302  
303  
304  
305  
306  
307  
308  
309  
310  
311  
312  
313  
314  
315  
316  
317  
318  
319  
320  
321  
322  
323  
324  
325  
326  
327  
328  
329  
330  
331  
332  
333  
334  
335  
336  
337  
338  
339  
340  
341  
342  
343  
344  
345  
346  
347  
348  
349  
350  
351  
352  
353  
354  
355  
356  
357  
358  
359  
360  
361  
362  
363  
364  
365  
366  
367  
368  
369  
370  
371  
372  
373  
374  
375  
376  
377  
378  
379  
380  
381  
382  
383  
384  
385  
386  
387  
388  
389  
390  
391  
392  
393  
394  
395  
396  
397  
398  
399  
400  
401  
402  
403  
404  
405  
406  
407  
408  
409  
410  
411  
412  
413  
414  
415  
416  
417  
418  
419  
420  
421  
422  
423  
424  
425  
426  
427  
428  
429  
430  
431  
432  
433  
434  
435  
436  
437  
438  
439  
440  
441  
442  
443  
444  
445  
446  
447  
448  
449  
450  
451  
452  
453  
454  
455  
456  
457  
458  
459  
460  
461  
462  
463  
464  
465  
466  
467  
468  
469  
470  
471  
472  
473  
474  
475  
476  
477  
478  
479  
480  
481  
482  
483  
484  
485  
486  
487  
488  
489  
490  
491  
492  
493  
494  
495  
496  
497  
498  
499  
500  
501  
502  
503  
504  
505  
506  
507  
508  
509  
510  
511  
512  
513  
514  
515  
516  
517  
518  
519  
520  
521  
522  
523  
524  
525  
526  
527  
528  
529  
530  
531  
532  
533  
534  
535  
536  
537  
538  
539  
540  
541  
542  
543  
544  
545  
546  
547  
548  
549  
550  
551  
552  
553  
554  
555  
556  
557  
558  
559  
560  
561  
562  
563  
564  
565  
566  
567  
568  
569  
570  
571  
572  
573  
574  
575  
576  
577  
578  
579  
580  
581  
582  
583  
584  
585  
586  
587  
588  
589  
590  
591  
592  
593  
594  
595  
596  
597  
598  
599  
600  
601  
602  
603  
604  
605  
606  
607  
608  
609  
610  
611  
612  
613  
614  
615  
616  
617  
618  
619  
620  
621  
622  
623  
624  
625  
626  
627  
628  
629  
630  
631  
632  
633  
634  
635  
636  
637  
638  
639  
640  
641  
642  
643  
644  
645  
646  
647  
648  
649  
650  
651  
652  
653  
654  
655  
656  
657  
658  
659  
660  
661  
662  
663  
664  
665  
666  
667  
668  
669  
670  
671  
672  
673  
674  
675  
676  
677  
678  
679  
680  
681  
682  
683  
684  
685  
686  
687  
688  
689  
690  
691  
692  
693  
694  
695  
696  
697  
698  
699  
700  
701  
702  
703  
704  
705  
706  
707  
708  
709  
710  
711  
712  
713  
714  
715  
716  
717  
718  
719  
720  
721  
722  
723  
724  
725  
726  
727  
728  
729  
730  
731  
732  
733  
734  
735  
736  
737  
738  
739  
740  
741  
742  
743  
744  
745  
746  
747  
748  
749  
750  
751  
752  
753  
754  
755  
756  
757  
758  
759  
760  
761  
762  
763  
764  
765  
766  
767  
768  
769  
770  
771  
772  
773  
774  
775  
776  
777  
778  
779  
780  
781  
782  
783  
784  
785  
786  
787  
788  
789  
790  
791  
792  
793  
794  
795  
796  
797  
798  
799  
800  
801  
802  
803  
804  
805  
806  
807  
808  
809  
810  
811  
812  
813  
814  
815  
816  
817  
818  
819  
820  
821  
822  
823  
824  
825  
826  
827  
828  
829  
830  
831  
832  
833  
834  
835  
836  
837  
838  
839  
840  
841  
842  
843  
844  
845  
846  
847  
848  
849  
850  
851  
852  
853  
854  
855  
856  
857  
858  
859  
860  
861  
862  
863  
864  
865  
866  
867  
868  
869  
870  
871  
872  
873  
874  
875  
876  
877  
878  
879  
880  
881  
882  
883  
884  
885  
886  
887  
888  
889  
890  
891  
892  
893  
894  
895  
896  
897  
898  
899  
900  
901  
902  
903  
904  
905  
906  
907  
908  
909  
910  
911  
912  
913  
914  
915  
916  
917  
918  
919  
920  
921  
922  
923  
924  
925  
926  
927  
928  
929  
930  
931  
932  
933  
934  
935  
936  
937  
938  
939  
940  
941  
942  
943  
944  
945  
946  
947  
948  
949  
950  
951  
952  
953  
954  
955  
956  
957  
958  
959  
960  
961  
962  
963  
964  
965  
966  
967  
968  
969  
970  
971  
972  
973  
974  
975  
976  
977  
978  
979  
980  
981  
982  
983  
984  
985  
986  
987  
988  
989  
990  
991  
992  
993  
994  
995  
996  
997  
998  
999  
1000

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

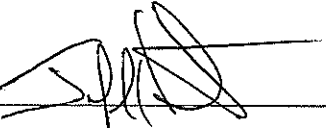
  
\_\_\_\_\_  
Don Fredricks, on behalf of himself and on  
behalf of Building by Don Fredricks,  
Respondents

**ORIGINAL** filed this 1<sup>st</sup> 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:  \_\_\_\_\_