

1
2
3
4
5
6
7
8
9
10
11
12

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

In the Matter of:

Richard Moore,
Registered Architect No. 22679.

Respondent:

and

RMA Design Group, LLC,
Expired Firm Registration No. 13772.

Respondent Firm.

Case No. P18-073

**CONSENT AGREEMENT AND
ORDER OF DISCIPLINE**

13
14
15
16
17
18
19
20
21
22

In the interest of a prompt and judicious resolution of the above-captioned matters 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 party, Richard Moore ("Respondent"), holder of Registration No. 22679, RMA Design Group, LLC ("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. Respondent enters and executes this Consent Agreement on behalf of himself and on behalf of Respondent Firm.

23
24

I. RECITALS

25
26
27

1. The Board has not conducted a hearing nor made a determination on the merits contained herein. Instead, the Board and Respondent 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).

28

2. Respondent has read and understands this Consent Agreement and has had

1 the opportunity to discuss this Consent Agreement with an attorney, or has waived the
2 opportunity to discuss this Consent Agreement with an attorney.

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

10 4. Respondent affirmatively agrees that this Consent Agreement shall be
11 irrevocable.

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

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

20 7. Respondent understands this Consent Agreement deals with Board case
21 number P18-073, involving allegations that Respondent engaged in conduct that could
22 subject him to discipline under the Board's statutes and rules. The investigation into
23 these allegations against Respondents shall be concluded upon the Board's adoption of
24 this Consent Agreement.

25 8. Respondent understands that this Consent Agreement is solely to settle case
26 number P18-073, does not preclude the Department from instituting other proceedings as
27 may be appropriate now or in the future, does not constitute a dismissal or resolution of
28 any other matters currently pending before the Board, if any, and does not constitute any

1 waiver, express or implied, of the Board's statutory authority or jurisdiction regarding
2 any other pending or future investigation, action or proceeding.

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

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

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

28

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

4 13. Respondent agrees that any violation of this Consent Agreement may result
5 in disciplinary action.

6 14. Respondent agrees that the Board will adopt the following Findings of Fact,
7 Conclusions of Law, and Order.

8 II. FINDINGS OF FACT

9 1. The Board is the duly constituted authority for the regulation and control of
10 the practice of architecture in the State of Arizona.

11 2. Respondent is the holder of Architecture Registration # 22679.

12 3. Respondent Firm's Architecture Registration # 13772 expired on December
13 15, 2015.

14 4. On February 24, 2018, Respondent Firm entered into a contract with a
15 member of the public for architectural services on a variance for new commercial
16 development project at 3502 W. Glendale Avenue in Phoenix, Arizona.

17 5. On March 6, 2018, plans prepared by Respondent and Respondent Firm
18 were submitted to the Phoenix Planning Department on the variance for new commercial
19 development project at 3502 W. Glendale Ave. in Phoenix, Arizona. At that time,
20 Respondent Firm's registration had been expired for approximately 28 months.

21 6. On November 8, 2018, Respondent Firm renewed its Firm Registration and
22 was issued Firm Registration No. 21482 by the Arizona Board of Technical Registration.

23 III. CONCLUSIONS OF LAW

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

26 2. The conduct alleged above constitutes grounds for discipline pursuant to
27 A.R.S. §§ 32-121 and 32-141, in that Respondent Firm was not registered with the Board
28

1 to practice or advertise to practice architecture in Arizona when Respondent entered into
2 a contract to provide architectural services in February, 2018.

3 IV. ORDER

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

6 1. LETTER OF REPRIMAND. Respondent is hereby issued a Letter of
7 Reprimand.

8 2. ADMINISTRATIVE PENALTY. Within Thirty (30) days from the
9 effective date of this Consent Agreement, Respondent shall pay an administrative penalty
10 of Five Hundred Dollars (\$500.00) by certified check or money order made payable to
11 the State of Arizona Board of Technical Registration.

12 3. COST OF INVESTIGATION. Within thirty (30) days from the effective
13 date of this Consent Agreement, Respondent shall pay the cost of investigation of this
14 case to the Board in the amount of One Hundred Thirty Dollars (\$130.00) by certified
15 check or money order made payable to the State of Arizona Board of Technical
16 Registration, according to the provisions of A.R.S. § 32-128(H).

17 4. OBEY ALL LAWS. Respondent and Respondent Firm shall obey all
18 federal, state and local laws, as well as all rules governing the practice of architecture in
19 the State of Arizona. The Board shall consider any violation of this paragraph to be a
20 separate violation of the rules and statutes governing the Arizona Board of Technical
21 Registration. The Board may also consider non-compliance with this Order by
22 Respondent or Respondent Firm as a separate violation of A.R.S. § 32-150.

23 5. RENEWAL OF REGISTRATION. Respondent, on behalf of himself and
24 Respondent Firm, shall timely renew registration as an Arizona architect and Architecture
25 Firm, and timely pay all required registration fees.

26 6. EFFECTIVE DATE. The effective date of this Consent Agreement is the
27 date it was last executed by the Respondent or the Board.
28

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

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

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

ACCEPTED and ORDERED this 23 day of June, 2020.

John E. Foose Vice Chair for
Jason E. Foose, RLS, Chairman
Arizona State Board of Technical Registration

Consent Agreement and Order, Numbers P18-073 accepted this 11 day of June.

2020.
Richard Moore
Richard Moore, Respondent, and
on behalf of Respondent Firm

1 ORIGINAL filed this 23 day of June, 2020, with:

2 Arizona State Board of Technical Registration
3 1110 W. Washington, Suite 240
4 Phoenix, AZ 85007

5 COPY of the foregoing mailed ~~and mailed~~ this 23 day of June, 2020, to:

6 Richard Moore
7 RMA Design Group, LLC
8 5815 N. Black Canyon Hwy #203
9 Phoenix, AZ 85015

10 Richard Moore
11 RMA Design Group, LLC
12 2525 W. Greenway Rd., #306
13 Phoenix, AZ 85023
14 rick@rmadesigngroup.com

15 Deanie Reh
16 deanie.reh@azag.gov
17 *Counsel for the State*

18 By: 
19
20
21
22
23
24
25
26
27
28