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

<p>In the Matter of:</p> <p>Roger Plate Architect Registration No. 08286</p> <p style="text-align: center;">Respondent</p>	<p style="text-align: center;">Case No. P19-045</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, Roger Plate (“Respondent”), holder of Registration No. 08286, 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.

RECITALS

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.

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.

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

4. Respondent understands that this Consent Agreement or any part of the agreement

1 may be considered in any future disciplinary action by the Board against him.

2 5. The Consent Agreement, any record prepared in this matter, all investigative
3 materials prepared or received by the Board and all related exhibits and materials, are public
4 records (as defined in A.R.S. § 41-158.18) upon acceptance by the Board of this Consent
5 Agreement and may be retained in the Board's files pertaining to this matter.

6 6. Respondent understands this Consent Agreement deals with Board case number
7 P19-045 involving allegations that Respondent engaged in conduct that would subject him to
8 discipline under the Board's statutes and rules. The investigation into these allegations against
9 Respondent shall be concluded upon the Board's adoption of this Consent Agreement.

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

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

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

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

1 the Board was prejudiced by its review and discussion of this document or any records relating
2 thereto.

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

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

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

10 **FINDINGS OF FACT**

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

13 2. Respondent is the holder of Arizona Architect Registration No. 08286.

14 3. On or about March 13, 2019, the Board received a complaint alleging that on or
15 about July 2, 2018, Respondent signed and sealed architectural plans for the Polar Tenant
16 Improvement project in Buckeye, Arizona, that were not prepared by Respondent or
17 Respondent's bona fide employee. It was further alleged that Respondent aided and abetted
18 Ricardo Jimenez, non-registrant, and RJ Design, non-registrant firm, to evade the Board's
19 registration requirements.

20 4. On July 10, 2019, an Enforcement Advisory Committee ("EAC") convened to
21 review the complaint against Respondent. After reviewing the evidence and interviewing
22 Respondent, the Committee determined the following:

- 23 a. Respondent signed and sealed professional documents not prepared by
24 himself or his bona fide employee.
- 25 b. Respondent, knowingly or unknowingly, helped Mr. Jimenez, a
26 non-registrant, facilitate a bad business deal that ended up costing Allegor
27 financial harm.
- 28 c. Respondent signed and sealed structural, mechanical, plumbing, and

1 electrical engineering drawings that were outside of Respondent's
2 profession and experience.

3 5. Respondent acknowledged that he made a mistake and should not have signed the
4 drawings.

5 **CONCLUSIONS OF LAW**

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

7 2. The conduct alleged in the Findings of Fact constitutes grounds for discipline
8 pursuant to A.R.S. § 32-128(C)(4) as it relates to A.A.C. R4-30-301(16) in that Respondent
9 signed and sealed professional documents not prepared by himself or his bona fide employee.

10 3. The conduct alleged in the Findings of Fact constitutes grounds for discipline
11 pursuant to A.R.S. § 32-128(C)(3) in that Respondent aided and abetted an unregistered person to
12 evade Board statutes.

13 4. The conduct alleged in the Findings of Findings constitutes grounds for discipline
14 pursuant to A.R.S. § 32-128(C)(4) as it relates to A.A.C. R4-30-301(17) in that Respondent
15 accepted a professional engagement or assignment outside of Respondent's professional
16 registration category without qualifications required to perform the engagements.

17 **ORDER**

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

20 1. **ASSURANCE OF DISCONTINUANCE.** Respondent shall not practice, offer to
21 practice, or by any implication hold itself out as qualified to practice Engineering as defined by
22 A.R.S. § 32-101(B)(11) until such time as the Respondent is registered by the Board and is in full
23 compliance with the Board's Statutes and Rules.

24 2. **LETTER OF REPRIMAND.** Respondent is hereby issued a Letter of Reprimand.

25 3. **STAYED SUSPENSION AND PROBATION.** Respondent's registration as a
26 Registered Architect No. 08286 shall be suspended for twelve (12) months; however, the
27 suspension is stayed for as long as Respondent remains in compliance with this Order. During
28 the stay of suspension, Respondent's registration as a Registered Architect is placed on probation

1 for twelve (12) months. If Respondent is non-compliant with any terms of this Order during the
2 twelve (12) month stayed suspension and probation period, the stay of the suspension shall be
3 lifted and Respondent's registration as a Registered Architect shall be automatically suspended
4 without a formal hearing, and remain suspended until Respondent is compliant with all terms of
5 this Order. If Respondent completes all terms of this Order prior to end of the twelve (12) month
6 stayed suspension and probation period, Respondent may be eligible for early termination of
7 probation.

8 4. PROFESSIONAL ETHICS CLASS. Within three (3) months from the effective
9 date of this Consent Agreement, Respondent shall provide verification to the Board that
10 Respondent has successfully completed 6 hours in professional ethics.

11 5. ADMINISTRATIVE PENALTY. Within twelve (12) months from the effective
12 date of this Consent Agreement, Respondent shall pay an administrative penalty of Two
13 Thousand Five Hundred Dollars (\$2,500.00) by certified check or money order made payable to
14 the State of Arizona Board of Technical Registration. Respondent shall make quarterly payments
15 of Six Hundred and Twenty-Five Dollars (\$625.00).

16 6. COST OF INVESTIGATION. Within ninety (90) days from the effective date of
17 this Consent Agreement, Respondent shall pay the cost of investigation of this case to the Board
18 in the amount of Four Hundred and Forty-One Dollars (\$441.00) by certified check or money
19 order made payable to the State of Arizona Board of Technical Registration, according to the
20 provisions of A.R.S. § 32-128(H).

21 7. OBEY ALL LAWS. Respondent shall obey all federal, state and local laws, as well
22 as, all rules governing the practice of Architecture in the State of Arizona. The Board shall
23 consider any violation of this paragraph to be a separate violation of the rules and statutes
24 governing the Arizona Board of Technical Registration. The Board may also consider
25 Respondent's non-compliance with this Order as a separate violation of A.R.S. § 32-150.

26 8. RENEWAL OF REGISTRATION. Respondent shall timely renew his Arizona
27 registration as an Architect, and timely pay all required registration fees.

28 9. EFFECTIVE DATE. The effective date of this Consent Agreement is the date the

1 Respondent and Board sign the Consent Agreement. If the dates are different, the effective date is
2 the later of the two dates.

3 10. COSTS OF COMPLIANCE. Respondent shall pay all costs associated with
4 complying with this Consent Agreement.

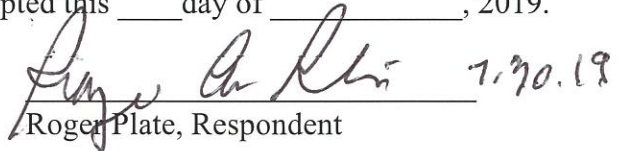
5 11. NONCOMPLIANCE. If Respondent violates this Order in any way or fails to
6 fulfill the requirements of this Order, the Board, after giving notice and the opportunity to be
7 heard, may revoke, suspend or take other disciplinary actions against the registration. The issue
8 at such a hearing will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

9 ACCEPTED and ORDERED this 27th day of AUGUST, 2019.

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11 

12 Jason E. Foose, R.L.S., Chairman
13 Arizona State Board of
14 Technical Registration

14 Consent Agreement and Order, No. P19-045 accepted this ___ day of ___, 2019.

15
16  7.30.19
17 Roger Plate, Respondent

17 ORIGINAL filed this 28th day of

18 August, 2019, with:

19
20 Arizona State Board of Technical Registration
21 1110 W. Washington, Suite 240
22 Phoenix, AZ 85007

22 COPY of the foregoing mailed via Certified Mail

23 No. 9214 8501 9434 4600 0604 60 and

24 First Class mail this 28th day of AUGUST, 2019, to:

25 Roger Plate
26 4033 W. Camino Acequia
27 Phoenix, AZ 85051

28 By:  7.30.19