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

In the Matter of:

Case No. P19-060

ANDRES R. LEZAMA LOAIZA

Non-Registrant,

**CONSENT AGREEMENT
AND ORDER**

Respondent;

And

BEAUX ARCHITECTURE, LLC

Non-Registrant Firm,

Respondent Firm.

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, Andres R. Lezama Loaiza, Non-Registrant, (“Respondent”) and Beaux Architecture, LLC, 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.

RECITALS

1. Respondents have read and understand this Consent Agreement and have had the opportunity to discuss this Consent Agreement with an attorney, or have waived such opportunity.

2. Respondents understand that they have a right to a public administrative hearing concerning this case. They further acknowledge that at such formal hearing they could present evidence and cross-examine witnesses. By entering this this Consent Agreement, Respondents knowingly, voluntarily, and irrevocably waive this right to such an administrative hearing as well

1 as rights of rehearing, reconsideration, appeal, judicial review, or any other administrative and/
2 or judicial action concerning the matter set forth herein.

3 3. Respondents understand that this Consent Agreement may be considered in any future
4 disciplinary action by the Board.

5 4. Respondents understand the Consent Agreement, any record prepared in this matter, all
6 investigative materials prepared or received by the Board and all related exhibits and materials,
7 are public records (as defined in A.R.S. § 41-158.18).

8 5. Respondents understand this Consent Agreement deals with Board case number P19-060
9 involving allegations that Respondents engaged in conduct that would constitute violations of the
10 Board's statutes and rules. The investigation into these allegations against Respondent shall be
11 concluded upon the Board's adoption of this Consent Agreement.

12 6. Respondent acknowledges and agrees that the acceptance of this Consent Order is to
13 settle Board case number P19-060. This settlement will solely settle this case, and does not
14 preclude the Board from instituting any other proceedings as may be appropriate now or in the
15 future. Furthermore, and notwithstanding any language in this Consent Order, this Consent
16 Order does not preclude in any way any other state agency or officer or political subdivision of
17 this state from instituting proceedings, investigating claims, or taking legal action as may be
18 appropriate now or in the future relating to this matter or other matters concerning Respondent,
19 including but not limited to violations of Arizona's Consumer Fraud Act or any other civil or
20 criminal proceedings. Respondent acknowledges that, other than with respect to the Board, this
21 Consent Order makes no representations, implied or otherwise, about the views or intended
22 actions of any other state agency or officer or political subdivision of the state relating to this
23 matter or other matters concerning Respondent.

24 7. Respondents understand that this Consent Agreement does not constitute a dismissal or
25 resolution of any other matters currently pending before the Board, if any, and does not
26 constitute any waiver, express or implied, of the Board's statutory authority or jurisdiction
regarding any other pending or future investigation, action or proceeding.

8. Respondents understand that, upon signing this Consent Agreement and returning this
document to the Board's Executive Director, they may not revoke acceptance of the Consent

1 Agreement or make any modifications to the document regardless of whether the Consent
2 Agreement has been signed on behalf of the Board. Any modification to this original document
3 is ineffective and void unless mutually agreed by the parties in writing.

4 9. This Consent Agreement is subject to the approval of the Board and is effective only
5 when accepted by the Board and signed on behalf of the Board. In the event that the Board does
6 not approve this Consent Agreement, it is withdrawn and shall be of no evidentiary value and
7 shall not be relied upon nor introduced in any action by any party.

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

11 11. Respondents agree that the Board will adopt the following Findings of Fact, Conclusions
12 of Law, and Order.

13 **FINDINGS OF FACT**

14 12. On May 21, 2019, Board staff received a complaint that Respondent and
15 Respondent Firm offered architectural services without benefit of registration with the
16 Board.

17 13. Board staff investigated the complaint and reviewed Respondent Firm's Facebook
18 Page. The webpage included the following:

- 19 a. Firm name Beaux Architecture;
- 20 b. Respondent listed as Team Member for the Firm;
- 21 c. "About" section stated: "Beaux Architecture designs comfort spaces that
22 meets each individuals needs, offering 3D model designs, building plans,
23 remodeling and professional painting. Please reach out to us and obtain a
24 free estimate";
- 25 d. Webpage header included: "desiging your life", "3D model designs",
26 "building plans", "designs", and "additions";
- e. Firm email address given as "Beaux.architecture@gmail.com";

1 f. Services advertised included AutoCAD architectural plans, virtual models
2 in 3D, and remodeling, including redesign of space, addition, and
3 demolition.

4 14. The Facebook page for Respondent stated Respondent was “manager” of
5 Respondent Firm.

6 15. The Arizona Corporation Commission filing for Respondent Firm indicates
7 Respondent is statutory agent and manager of Respondent Firm. The Articles of
8 Incorporation indicate Respondent is Principal and Organizer of Respondent Firm.

9 16. Board staff contacted Respondent to request a response to the complaint; and on
10 June 13, 2019, Respondent responded to the staff communication.

11 17. In his response, Respondent explained that when establishing Respondent Firm, he
12 initially sought assistance from Arizona Hispanic Services LLC. Based on this, he
13 secured an EIN, registered the firm with the City of Tucson, and opened a business bank
14 account. Respondent alleged, however, he did not realize he needed to register with the
15 Board until he received the communication with the complaint.

16 CONCLUSIONS OF LAW

17 18. The Board possesses jurisdiction over the subject matter hereof and over
18 Respondents pursuant to A.R.S. § 32-101, *et seq.*

19 19. A.R.S. § 32-121 provides, in part, that “[e]xcept as otherwise provided in this
20 section, a person or firm desiring to practice any board-regulated profession or
21 occupation shall first secure a certificate or registration...”

22 20. A.R.S. § 32-101(B)(26) defines “Person” in part as any “...individual, firm,
23 partnership ...or other organization.”

24 21. A.R.S. § 32-106.02(A) provides, in part, that “[t]he board may initiate a hearing
25 pursuant to title 41, chapter 6, article 10 on receipt of a complaint that a person who is not
26 exempt from this chapter and is not registered or certified under this chapter is practicing,
offering to practice or by implication purporting to be qualified to practice any board

1 regulated profession or occupation.” A.R.S. § 32-106.02(B) provides, in part, the Board
2 “shall issue an order that imposes a civil penalty of no more than two thousand dollars
3 per violation.”

4 22. The conduct and circumstances in the Factual Allegations above constitute
5 grounds for an administrative penalty as regards Respondent through A.R.S. § 32-
6 106.02(A), A.R.S. § 32-121.

7 23. The conduct and circumstances in the Factual Allegations above constitute
8 grounds for an administrative penalty as regards Respondent Firm through A.R.S. § 32-
9 106.02(A), A.R.S. § 32-121.

10 **ORDER**

11 Based on the Findings of Fact and Conclusions of Law as stated above, the Board issues
12 the following Order:

13 1. **ADMINISTRATIVE PENALTY.** Within twelve (12) months from the effective date of
14 this Order, Respondents shall pay an administrative penalty in the total amount of one-thousand
15 dollars (\$1,000.00) directly to the Board by certified check or money order made payable to the
16 State of Arizona Board of Technical Registration. Respondents shall be jointly and severally
17 liable for the full amount of the Administrative Penalty.

18 2. **FEES AND COSTS.** Within twelve (12) months of the effective date of this Order,
19 Respondents shall pay fees and costs of enforcement in the total amount of five-hundred dollars
20 (\$500.00) directly to the Board by certified check or money order made payable to the State of
21 Arizona Board of Technical Registration. Respondents shall be jointly and severally liable for
22 the full amount of Fees and Costs.

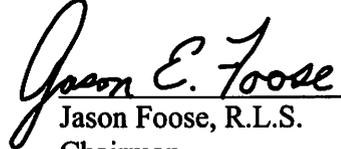
23 3. **PAYMENTS.** Payment of the total amount of penalties, fees, and costs due under this
24 Order shall be made in monthly installments of three-hundred dollars (\$300.00), with the first
25 payment being due within thirty (30) days of the effective date of this Order.

26 4. **EFFECTIVE DATE.** The effective date of this Order is the date the Respondents and
Board sign the Consent Agreement. If the dates are different, the effective date is the later of the
two dates.

1 **5. OBEY ALL LAWS.** Respondent shall obey all federal, state and local laws, related to
2 the practice of Architecture in the State of Arizona. The Board shall consider any violation of
3 this paragraph to be a separate violation of the statutes governing the Arizona Board of Technical
4 Registration.

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

7 ACCEPTED and ORDERED this 2nd day of November, 2020.

8 
9 Jason Foose, R.L.S.
10 Chairman
11 Arizona State Board of
12 Technical Registration

13 Consent Agreement and Order, Case No. P19-060 accepted:

14 _____
15 Andres R. Lezama Loaiza
16 both as an individual
17 and as a qualified representative
18 of Respondent Firm

19 Date _____

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ORIGINAL of the foregoing filed
this ____ day of _____, 2020, with:

The Arizona State Board of Technical Registration
1110 W. Washington Street
Suite 240
Phoenix, Arizona 85007

COPY of the foregoing mailed by
both Certified and First Class Mail
this same date to:

ANDRES R. LEZAMA LOAIZA
Beaux Architecture LLC
4545 S. Mission Rd.
Tucson, AZ 85749

By: _____

#9011104

