BEFORE THE ARIZONA STATE BOARD OF TECHNICAL REGISTRATION

In the Matter of:

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David Johnson, Non-Registrant, and

Mayfair Design Unregistered Firm, Cases No. P14-030

FINDINGS OF FACT CONCLUSIONS OF LAW AND FINAL BOARD ORDER

11 On July 23, 2019 this matter came before the Arizona Board of Technical Registration 12 ("Board") for consideration of the State's Motion to Deem Allegations Admitted regarding the 13 Complaint and Notice of Hearing and the imposition of disciplinary action pursuant to A.R.S. 14 §32-128(F). David Johnson and Mayfair Design, Respondents, were not present and were not 15 represented by legal counsel. Assistant Attorney General Deanie Reh represented the State. 16 Assistant Attorney General Michael Raine was present to provide independent legal advice. 17 The Board, after due consideration of the issues before it, granted the State's Motion to Deem the 18 Allegations Admitted and adopted the Factual Allegations and Alleged Violations in the State's 19 Complaint and Notice of Hearing as its Findings of Fact Conclusions of Law, and now issues the 20 following Order:

Respondents,

FINDINGS OF FACT

1. The Board is the duly constituted authority for the regulation and control of the
practice of several professions, including that of geologist. A.R.S. § 32-101, *et seq.*

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2. Respondents, David Johnson, and Mayfair Design, do not hold registrations to
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3. In or around January 2013, Respondents performed work requiring engineering
and/or architectural registration with the Board to repair fire damage on a commercial residential
and/or architectural registration with the Board to repair fire damage on a commercial residential

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project at the Silver Palms Apartments in Phoenix, AZ. The plans Respondents submitted to the City of Phoenix went through the 'self-certification' process to avoid review.

4. In or around January 2013, Respondents performed work requiring engineering and/or architectural registration with the Board to repair fire damage on a commercial residential project at the Tuscany Palms Apartments in Mesa, Arizona. Respondents submitted plans for approval of the project to the City of Mesa, AZ under their names.

5. On or about September 26, 2013, Respondent, David Johnson, admitted to Board investigators that he was not a registered architect or engineer. He was not lawfully registered to perform the professional architectural or engineering work that he submitted under his name and the name of his firm to the cities of Phoenix and Mesa for either the Silver Palms Apartments project or for the Tuscany Palms Apartments project in 2013.

CONCLUSIONS OF LAW

6. The conduct alleged above constitutes grounds for discipline pursuant to A.R.S. § 32-106.02, in that Respondent, David Johnson, is not registered with the Board to practice architecture or engineering in Arizona, as required pursuant to A.R.S. § 32-145.

7. The conduct alleged above constitutes grounds for discipline pursuant to A.R.S. § 32-106.02, in that Respondent Firm, Mayfair Design, is not registered with the Board to practice architecture or engineering in Arizona, as required pursuant to A.R.S. § 32-

ORDER

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

1. CIVIL PENALTY. Respondent shall pay to the Board a civil penalty in the
amount of four-thousand dollars (\$4,000) within thirty (30) days by certified check or money
order made payable to the State of Arizona Board of Technical Registration. Respondent and
Respondent Firm are jointly and severally liable for the payment of the civil penalty.

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2. **COST OF INVESTIGATION**. Respondent shall pay to the Board the cost of investigation in the amount of five-hundred and fifty-one dollars (\$551) within thirty (30) days by certified check or money order made payable to the State of Arizona Board of Technical Registration. Respondent and Respondent Firm are jointly and severally liable for the payment of the costs of investigation.

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3. **COST OF ATTORNEY'S FEES AND HEARING.** - Respondent shall pay attorney's fees and the cost of the hearing to the Board in the amount of three-hundred sixty-eight dollars and thirty-five cents (\$368.35) within thirty (30) days by certified check or money order made payable to the State of Arizona Board of Technical Registration. Respondent and Respondent Firm are jointly and severally liable for the payment of the costs of investigation.

4. ASSURANCE OF DISCONTINUANCE. Respondents David Johnson and
 Mayfair Design shall not practice, offer to practice, display any card, sign or other device or by
 any implication hold themselves out as qualified to practice Architecture as defined by ARS §
 32-101(8) or Engineering as defined by A.R.S. § 32-101(17) until such time as they are
 registered by the Board and in full compliance with the Board's Statutes and Rules.

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Right to Petition for Rehearing or Review

17 Respondent is hereby notified that he has the right to file a motion for rehearing or
18 review. Pursuant to A.R.S. § 41-1092.09(B) and A.A.C. R4-30-126(A) the motion for rehearing
19 or review must be filed with the Board's Executive Director within 30 days after service of this
20 Order. Service of this Order is defined as five calendar days after mailing.

The motion for rehearing or review must set forth legally sufficient reasons for granting a rehearing or review. A.A.C. R4-30-126(C). If a petition for rehearing or review is not filed, the Board's Order becomes effective 35 days after it is mailed to Respondent. Respondent is further advised that the filing of a motion for rehearing or review is required to preserve any rights of appeal to Superior Court.

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1	DATED this 13thday of August 2019.	
2	Arizona Board of Technical Registration	
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6	Jason E. Toole Jason Foose RLS	
7	Jason Foose RLS Chairman	
8	ORIGINAL filed this 14 day of August 2019, to:	
9	Board of Technical Registration	
10	1110 West Washington, Suite 240	
11	Phoenix, Arizona 85007	
12	COPY mailed via Certified Mail	
13	First Class mail this 14 day of <u>August</u> , 2019, to:	
14	David Johnson/Mayfair Design	
15	898 South Paradise Drive	
16	Gilbert, AZ 85233	
17	David Johnson/Mayfair Design 11450 E. Stearn Ave.	
18	Mesa, AZ 85212	
19	David Johnson/Mayfair Design	
20	1730 W. Emelita Ave. Apt. 1008 Mesa, AZ 85202	
21	David Johnson/Mayfair Design	
22	4016 E. Forest Pleasant Place Cave Creek, AZ 85331	
23	David Johnson/Mayfair Design	
24	11649 N. 86 th Lane Peoria, AZ 85345	
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1	COPY of the foregoing mailed this 14 day of 40575 , 2019 to:	
2	Deanie Reh deanie.reh@azag.gov	
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4	Michael Raine michael.raine@azag.gov	
5	Interneting (Gurrag, Bo)	
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7	By: Kurt Winter	
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