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

<p>In the Matter of:</p> <p>Stephen Franey, R.A. Registration No. 63522</p> <p>IPS Engineers and Architects Firm Registration No. 20164 Respondents</p>	<p style="text-align: center;"><b>Case No. P18-040</b></p> <p style="text-align: center;"><b>CONSENT AGREEMENT and ORDER OF DISCIPLINE</b></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, Stephen Franey ("Respondent"), holder of Registration No. 63522, IPS Engineers and Architects ("Respondent Firm"), holder of Registration No. 20164, 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.

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**RECITALS**

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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

1 and/or judicial action concerning the matters set forth herein.

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

3 4. Respondent understands that this Consent Agreement or any part of the agreement  
4 may be considered in any future disciplinary action by the Board against him.

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

9 6. Respondent understands this Consent Agreement deals with Board case number  
10 P18-040 involving allegations that Respondent engaged in conduct that would subject him to  
11 discipline under the Board's statutes and rules. The investigation into these allegations against  
12 Respondent shall be concluded upon the Board's adoption of this Consent Agreement.

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

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

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

25 10. This Consent Agreement is subject to the approval of the Board and is effective  
26 only when accepted by the Board and signed on behalf of the Board. If the Board does not accept  
27 this Consent Agreement, the Board retains its authority to hold a formal administrative hearing  
28 pursuant to A.R.S. § 32-128(E). In the event that the Board does not approve this Consent

1 Agreement, it is withdrawn and shall be of no evidentiary value and shall not be relied upon nor  
2 introduced in any action by any party, except that the parties agree that should the Board reject  
3 this Consent Agreement and this case proceeds to hearing, Respondent shall assert no claim that  
4 the Board was prejudiced by its review and discussion of this document or any records relating  
5 thereto.

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

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

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

13 **FINDINGS OF FACT**

14 1. The Board is the duly constituted authority for the regulation and control of the  
15 practice of Architecture in the State of Arizona.

16 2. Respondent is the holder of Arizona Registered Architect, Registration No. 63522.  
17 Respondent was not registered with the Board at the time of project engagement for the Celgene  
18 Aseptic Facility Upgrade in Phoenix, AZ. Respondent subsequently obtained his Arizona  
19 registration on January 6, 2017.

20 3. Respondent Firm is the holder of Registration No. 20164. Respondent Firm was not  
21 registered with the Board at the time of project engagement for the Celgene Aseptic Facility  
22 Upgrade in Phoenix, AZ. Respondent Firm was subsequently registered on January 19, 2017.

23 4. On June 28, 2016, Respondent Firm offered to practice Architecture without being  
24 registered with the Board through a Purchase Order that was issued for design services for the  
25 Celgene Aseptic Facility Upgrade project in Phoenix, AZ.

26 5. On October 25, 2016, Respondent and Respondent firm engaged in the practice of  
27 Architecture by producing professional documents for the Celgene Aseptic Facility Upgrade  
28 project in Phoenix, AZ.

1           6.       On March 10, 2017, Respondent and Respondent Firm submitted professional  
2 documents, that were not signed or sealed, for the Celgene Aseptic Facility Upgrade project  
3 which were marked "Issued for Construction".

4           7.       On December 14, 2017, the Board received a complaint alleging that Respondent,  
5 who is the principal and responsible registered Architect for Respondent Firm, and Respondent  
6 Firm acting as the prime professionals failed to sign and seal professional architectural and  
7 engineering documents that were issued for construction on the Celgene Aseptic Facility Upgrade  
8 project located at 620 N. 51st Ave., in Phoenix, Arizona. It was further alleged that professional  
9 engineering documents prepared by Respondent and Respondent Firm failed to provide pertinent  
10 information and details related to masonry construction and structural modifications on the  
11 Celgene Aseptic Facility Upgrade project.

12           8.       On December 4, 2018, an Enforcement Advisory Committee convened to review  
13 the complaint against the Respondent. During the meeting, the Committee found that  
14 Respondents failed to sign and seal professional documents that were marked "Issued for  
15 Construction".

16           9.       The Committee concluded that Respondent Firm offered architectural services  
17 while not being registered with the Board by accepting a purchase order in June 2016 for design  
18 services for the Celgene Aseptic Facility Upgrade project located at 620 N. 51st Ave., in Phoenix,  
19 Arizona. The Committee also concluded that Respondent Firm engaged in the practice of  
20 Architecture by producing professional documents for owner review in October 2016 for the  
21 Celgene Aseptic Facility Upgrade project located at 620 N. 51st Ave., in Phoenix, Arizona.

22           10.      The Committee concluded that Respondent held himself out to be an Architect  
23 while not registered as an Architect in Arizona that extended for a period from before June 28,  
24 2016, until gaining his Arizona Registration as an Architect on January 16, 2017. During the  
25 interview Respondent admitted that he and Respondent Firm had engaged with the Celgene  
26 project prior to being registered with the Board.

27           11.      The Committee found that the Respondent advertised in some manner, word of  
28 mouth or otherwise, to be an Architect while not registered as an Architect in Arizona that

1 extended for a period from before June 28, 2016, until gaining his Arizona Registration as an  
2 Architect on January 16, 2017. Respondent admitted that both he and Respondent Firm were not  
3 registered with the Board prior to project engagement. The Committee also found that it was  
4 obvious that there was an offering to practice, there was advertising and there was practice prior  
5 to registration based on the purchase order document. The Committee opined that execution of  
6 judgement constitutes practice of the profession; practice of the profession requires sealing unless  
7 it falls into exemption status and none of this project fits within the exemptions and that the date  
8 alone are indicting of violation.

9 12. The Committee did not find that Respondent was responsible for the engineering  
10 documents produced for the Celgene project.

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. § 32-128(C)(4) as it relates to A.A.C. R4-30-304(D), in that Respondent  
15 failed to sign and seal professional documents marked "Issue for Construction" for the Celgene  
16 Aseptic Facility Upgrade in Phoenix, AZ.

17 3. The conduct alleged in the Findings of Fact constitutes grounds for discipline  
18 pursuant to A.R.S. § 32-141(A)(C), in that Respondent Firm offered to practice and engaged in  
19 the practice of Architecture, without Board registration, by the issuance of a purchase order for  
20 services and the production of professional documents for the Celgene Aseptic Facility Upgrade  
21 in Phoenix, AZ.

22 4. The conduct alleged in the Findings of Fact constitutes grounds for discipline  
23 pursuant to A.R.S. § 32-145(1), in that Respondent practiced or offered to practice the profession  
24 of Architecture without registration with the Board for the Celgene Aseptic Facility Upgrade in  
25 Phoenix, AZ.

26 5. The conduct alleged in the Findings of Fact constitutes grounds for discipline  
27 pursuant to A.R.S. § 32-145(2), in that Respondent advertised that a person is registered or  
28 qualified to practice architecture, a Board regulated profession, while not registered with the

1 Board.

2 **ORDER**

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

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

6 2. ADMINISTRATIVE PENALTY. Within six (6) months from the effective  
7 date of this Consent Agreement, Respondent shall pay an administrative penalty of Two  
8 Thousand Dollars (\$2000.00) by certified check or money order made payable to the State of  
9 Arizona Board of Technical Registration.

10 3. COST OF INVESTIGATION. Within ninety (90) days from the effective date of  
11 this Consent Agreement, Respondent shall pay the cost of investigation of this case to the Board  
12 in the amount of Seven Hundred Eighty-Five Dollars (\$785.00) by certified check or money  
13 order made payable to the State of Arizona Board of Technical Registration, according to the  
14 provisions of A.R.S. § 32-128(H).

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

20 5. RENEWAL OF REGISTRATION. Respondent and Respondent Firm shall timely  
21 renew their Arizona registration as an Architect and an Engineering and Architecture Firm, and  
22 timely pay all required registration fees.

23 6. EFFECTIVE DATE. The effective date of this Consent Agreement is the date the  
24 Respondent and Board sign the Consent Agreement. If the dates are different, the effective date is  
25 the later of the two dates.

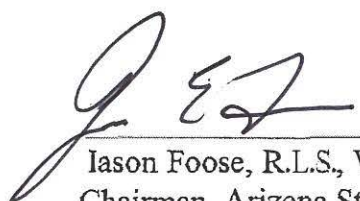
26 7. COSTS OF COMPLIANCE. Respondent shall pay all costs associated with  
27 complying with this Consent Agreement.

28 8. NONCOMPLIANCE. If Respondent violates this Order in any way or fails to

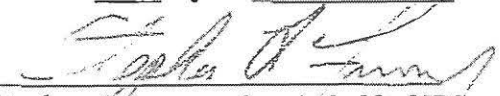
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fulfill the requirements of this Order, the Board, after giving notice and the opportunity to be heard, may revoke, suspend or take other disciplinary actions against the registration. The issue at such a hearing will be limited solely to whether this Order has been violated.

ACCEPTED and ORDERED this 22nd day of JANUARY, 2019.

  
Jason Foose, R.L.S., Vice  
Chairman, Arizona State Board of  
Technical Registration

Consent Agreement and Order, No. P148-040 accepted this 17th day of JAN 2019.

  
Stephen Franey, and on behalf of IPS  
Engineers and Architects, Respondents

ORIGINAL filed this 25th day of  
JANUARY, 2019, with:

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

COPY of the foregoing mailed via Certified Mail  
No. 9214 8901 9434 4600 0493 04 and  
First Class mail this 25th day of JANUARY, 2019, to:

Stephen Franey  
IPS Engineers and Architects  
721 Arbor Way, Suite 100  
Blue Bell, PA 19422



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