

BEFORE THE ARIZONA STATE BOARD OF TECHNICAL REGISTRATION

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In the Matter of:  
Daniel Goss  
Landscape Architect  
Registration No. 19132  
Respondent

Case No.: P22-050

CONSENT AGREEMENT and ORDER OF DISCIPLINE

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, Daniel Goss ("Respondent"), holder of Registration No. 19132, 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.

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

3           5. The Consent Agreement, any record prepared in this matter, all investigative  
4 materials prepared or received by the Board and all related exhibits and materials, are  
5 public records upon acceptance by the Board of this Consent Agreement and may be  
6 retained in the Board's files pertaining to this matter.

7           6. Respondent understands this Consent Agreement deals with Board case  
8 number P22-050 involving allegations that Respondent engaged in conduct that would  
9 subject him to discipline under the Board's statutes and rules. The investigation into  
10 these allegations against Respondent shall be concluded upon the Board's adoption of  
11 this Consent Agreement.

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

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

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

26           10. This Consent Agreement is subject to the approval of the Board and is  
27 effective only when accepted by the Board and signed on behalf of the Board. If the  
28 Board does not accept this Consent Agreement, the Board retains its authority to hold a

1 formal administrative hearing pursuant to A.R.S. § 32-128(E). In the event that the  
2 Board does not approve this Consent Agreement, it is withdrawn and shall be of no  
3 evidentiary value and shall not be relied upon nor introduced in any action by any party,  
4 except that the parties agree that should the Board reject this Consent Agreement and this  
5 case proceeds to hearing, Respondent shall assert no claim that the Board was prejudiced  
6 by its review and discussion of this document or any records relating thereto.

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

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

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

15 **FINDINGS OF FACT**

16 1. The Board is the duly constituted authority for the regulation and control of  
17 the practice of Landscape Architecture in the State of Arizona.

18 2. Respondent is the holder of Landscape Architect Registration No. 19132.

19 3. On or about August 23, 2018, Respondent signed and sealed landscape  
20 architectural design plans for the Duncan Home Project ("Plans"), which listed Donna  
21 Winters and Donna M. Winters & Associates LLC in the title block as the issuing firm.

22 4. On or about February 4, 2022, Respondent advised Board staff that Donna  
23 Winters had prepared the plans as a non-registrant, and then paid him approximately  
24 \$500.00 to review the plans and apply his professional seal to them.

25 5. On or about March 22, 2022, Board staff received a statement from Donna  
26 Winters acknowledging that Respondent signed and sealed plans prepared by herself, but  
27 advised that she was unaware of the Board's Practice Act prohibiting Respondent from  
28 signing and sealing plans not prepared by himself or his bona fide employee.

1           6. On or about April 4, 2022, Respondent advised Board staff that Donna  
2 Winters had prepared the preliminary plans and submitted them without the seal of a  
3 Registered Landscape Architect under the residential exemption, but the project's home  
4 owners association refused to accept the plans without a Register Landscape Architect's  
5 seal. Respondent said he worked with Donna Winters, reviewing her plans and giving  
6 significant design input, before applying his signature and seal to the finalized plans.  
7 Respondent acknowledged that, although he reviewed the plans and assisted in the final  
8 design of the plans, they were based on preliminary plans prepared by Donna Winters,  
9 who is not Respondent's bona fide employee.

10                                   **CONCLUSIONS OF LAW**

- 11           1. The Board has jurisdiction in this matter pursuant to A.R.S. § 32-101, et seq.  
12           2. The conduct alleged in the Findings of Fact constitutes grounds for discipline  
13 pursuant to A.R.S. § 32- 128(C)(4) as it relates to A.A.C. R4-30-301(16), in that  
14 Respondent signed and sealed professional documents not prepared by himself or his  
15 bona fide employee.
- 16           3. The conduct alleged in the Findings of Fact also constitutes grounds for  
17 discipline pursuant to A.R.S. § 32-128(C)(3), in that Respondent aided and abetted an  
18 unregistered person to evade Board statutes.

19                                   **ORDER**

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

- 22           1.     **LETTER OF REPRIMAND.** Respondent is hereby issued a Letter of  
23 Reprimand.
- 24           2.     **ADMINISTRATIVE PENALTY.** Within Ninety (90) days from the  
25 effective date of this Consent Agreement, Respondent shall pay an administrative penalty  
26 of Five Hundred Dollars (\$500.00) by certified check or money order made payable to  
27 the State of Arizona Board of Technical Registration.
- 28           3.     **COST OF INVESTIGATION.** Within Sixty (60) days from the effective

1 date of this Consent Agreement, Respondent shall pay the cost of investigation of this  
2 case to the Board in the amount of One Hundred Thirty-Six Dollars (\$136.00) by  
3 certified check or money order made payable to the State of Arizona Board of Technical  
4 Registration, according to the provisions of A.R.S. § 32-128(H).

5 4. OBEY ALL LAWS. Respondent shall obey all federal, state and local  
6 laws, as well as, all rules governing the practice of Landscape Architecture in the State of  
7 Arizona. The Board shall consider any violation of this paragraph to be a separate  
8 violation of the rules and statues governing the Arizona Board of Technical Registration.  
9 The Board may also consider Respondent's non-compliance with this Order as a separate  
10 violation of A.R.S. § 32-150.

11 5. RENEWAL OF REGISTRATION. Respondent shall timely renew his  
12 Arizona registration as a Landscape Architect, and timely pay all required registration  
13 fees.

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

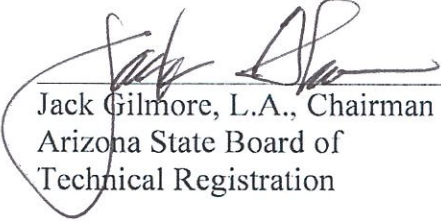
17 7. COSTS OF COMPLIANCE. Respondent shall pay all costs associated  
18 with complying with this Consent Agreement.

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

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ACCEPTED and ORDERED this 24 day of MAY, 2022.

  
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Jack Gilmore, L.A., Chairman  
Arizona State Board of  
Technical Registration

Consent Agreement and Order, No. P22-050 accepted this 20 day of APRIL, 2022.

  
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Daniel Goss, Respondent

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ORIGINAL filed this 24 day of May, 2022, with:

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

COPY of the foregoing mailed via Certified Mail  
No. 9214890194394600087801 and  
First Class mail this 24 day of May, 2022, to:

Daniel Goss  
9472 E. Hidden Spur Trail  
Scottsdale, AZ 85255

By: Daniel Carthel  
