BEFORE THE ARIZONA STATE BOARD OF TECHNICAL REGISTRATION

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27 28 In the Matter of:

Henry Krzysik, Architect Registration No. 27907

H.J. Krzysik, Architect.

Firm Registration No. 21438 (Expired),

Respondent.

Case No.: P19-006

CONSENT AGREEMENT AND ORDER

In the interest of a prompt and judicious resolution of the above-captioned matter before the Arizona State Board of Technical Registration (the "Board") and consistent with the public interest, statutory requirements, and the responsibilities of the Board, and pursuant to Arizona Revised Statutes ("A.R.S.") § 32-101, et seq. and Arizona Administrative Code ("A.A.C.") R4-30-120(G), the undersigned parties, H.J. Krzysik 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. H.J. Krzysik executes this Consent Agreement on behalf of himself, holder of Architect Registration Number 27907 ("Respondent"), and, as the principal architect, on behalf of H.J. Architect, holder of expired Firm Registration Number 21438 ("Respondent Firm").

I. RECITALS

- The Board has not conducted a hearing nor made a determination on the 1. merits contained herein. Instead, the Board and Respondent have agreed to a full and final settlement of this matter in lieu of formal disciplinary proceedings, pursuant to A.A.C. R4-30-123(B).
- Respondent has read and understands this Consent Agreement and has had 2. the opportunity to discuss this Consent Agreement with an attorney, or has waived the opportunity to discuss this Consent Agreement with an attorney.
 - Respondent understands that he has a right to a public administrative 3.

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.

- 4. Respondent affirmatively agrees that this Consent Agreement shall be irrevocable.
- 5. Respondent understands that this Consent Agreement or any part of the agreement may be considered in any future disciplinary action by the Board against him.
- 6. The Consent Agreement, any record prepared in this matter, all investigative materials prepared or received by the Board and all related exhibits and materials, are public records (as defined in A.R.S. § 41-151.18) upon acceptance by the Board of this Consent Agreement and may be retained in the Board's files pertaining to this matter.
- 7. Respondent understands this Consent Agreement deals with Board case number P19-006 involving allegations that Respondent engaged in conduct that could subject him to discipline under the Board's statutes and rules. The investigation into these allegations against Respondent shall be concluded upon the Board's adoption of this Consent Agreement.
- Respondent understands that this Consent Agreement is solely to settle case number P19-006, does not preclude the Department from instituting other proceedings as may be appropriate now or in the future, does not constitute a dismissal or resolution of any other matters currently pending before the Board, if any, and does not constitute any waiver, express or implied, of the Board's statutory authority or jurisdiction regarding any other pending or future investigation, action or proceeding.
- 9. Respondent also understands that, with respect to the conduct that is the subject of this Consent Agreement, acceptance of this Consent Agreement does not

preclude any other agency, subdivision, or officer of this State from instituting any other civil or criminal proceedings, investigating claims, or taking legal action as may be appropriate now or in the future relating to this matter or other matters concerning Respondent, including but not limited to violations of Arizona's Consumer Fraud Act. Respondent acknowledges that, other than with respect to the Board, this Consent Agreement makes no representations, implied or otherwise, about the views or intended actions of any other state agency or officer or political subdivision of the state relating to this matter or other matters concerning Respondent.

- Agreement and returning this document to the Board's Executive Director, he may not revoke his acceptance of the Consent Agreement or make any modifications to the document regardless of whether the Consent Agreement has been signed on behalf of the Board. Any modification to this original document is ineffective and void unless mutually agreed by the parties in writing.
- 11. This Consent Agreement is subject to the approval of the Board and is effective only when accepted by the Board and signed on behalf of the Board. If the Board does not accept this Consent Agreement, the Board retains its authority to hold a formal administrative hearing pursuant to A.R.S. § 32-128(D). In the event that the Board does not approve this Consent Agreement, it is withdrawn, shall be of no evidentiary value, and shall not be relied upon nor introduced in any action by any party. Respondent agrees that should the Board reject this Consent Agreement and this case proceeds to hearing, Respondent shall assert no claim that the Board was prejudiced by its review and discussion of this document or any records relating thereto.
- 12. If a court of competent jurisdiction rules that any part of this Consent Agreement is void or otherwise unenforceable, the remainder of the Consent Agreement shall remain in full force and effect.

- 13. Respondent agrees that any violation of this Consent Agreement may result in disciplinary action, including suspension or revocation of the registration under A.R.S. § 32-150.
- 14. Respondent agrees that the Board will adopt the following Findings of Fact, Conclusions of Law and Order.

II. FINDINGS OF FACT

- 1. The Board is the duly constituted authority for the regulation and control of the practice of several professions, including the practice of architecture. A.R.S. § 32-101, et seq. Pursuant to A.R.S. §§ 32-106 and 32-121, the Board possesses jurisdiction over the subject matter and over Respondent.
 - 2. Respondent is the holder of Arizona Architect Registration No. 27907.
- 3. Respondent Firm is the holder of Architect Firm Registration No. 21438, which was registered on October 17, 2018, but the registration expired on or about October 17, 2019, because Respondent failed to renew it.
- 4. Respondent has stated that he did not understand that the Firm Registration was required to renewed on an annual basis, as he mistakenly believed that renewal was every three years, the same as his architect registration.
- 5. Prior to October 17, 2018, Respondent Firm had not held a Firm Registration, although being in business since 1994, because Respondent was not aware of that requirement.

III. CONCLUSIONS OF LAW

- 1. The conduct alleged above constitutes grounds for discipline pursuant to A.R.S. § 32-106.02, in that Respondent Firm was not registered with the Board to practice or advertise to practice architecture in Arizona between 1994 and October, 2018, and after October, 2019, as required pursuant to A.R.S. §§ 32-101(B)(13); 32-121; and 32-141.
- 2. The conduct alleged above constitutes grounds for discipline pursuant to A.R.S. § 32-128(C)(4), as it relates to A.A.C. R4-30-301(4), in that Respondent Krzysik failed to comply with state laws and regulations pertaining to his area of practice by

offering and providing architectural services to the public through an unregistered firm between 1994 and October, 2018, and after October, 2019.

ORDER

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

- 1. ADMINISTRATIVE PENALTY. Within thirty (30) days from the effective date of this Consent Agreement, Respondent shall pay an administrative penalty of Five Hundred Dollars (\$500.00) by certified check or money order made payable to the State of Arizona Board of Technical Registration.
- 2. COST OF INVESTIGATION. Within thirty (30) days from the effective date of this Consent Agreement, Respondent shall pay the cost of investigation in the total amount of Two Hundred Nine Dollars (\$209.00) by certified check or money order made payable to the State of Arizona Board of Technical Registration.
- 3. OBEY ALL LAWS. Respondent shall obey all federal, state, and local laws, as well as all rules governing the practice of architecture in the State of Arizona. The Board shall consider any violation of this paragraph to be a separate violation of the rules and statutes governing the Board. The Board may also consider Respondent's non-compliance with this Order as a separate violation of A.R.S. § 32-150.
- 4. RENEWAL OF REGISTRATION. Respondent shall not practice architecture through Respondent Firm without continuing to timely renew his architect registration and his firm registration and will timely pay all required registration fees.
- 5. EFFECTIVE DATE. The effective date of this Consent Agreement is the date it was last executed by the Respondent or the Board.
- 6. COSTS OF COMPLIANCE. Respondent shall pay all costs associated with complying with this Consent Agreement.
- 7. NONCOMPLIANCE. If Respondent violates this Order in any way or fails to 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

1	registration. The issue at such a hearing will be limited solely to whether this Order has
2	been violated.
3	ACCEPTED and ORDERED this 28th day of April, 2020.
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5	Jason E. Foose, RLS, Chairman
6	Arizona State Board of Technical
7	Registration
8	Consent Agreement and Order, Number P19-006 accepted this 17 day of April,
9	2020.
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11	H.J. Kozysik JRespondent
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13	ORIGINAL filed this day of April, 2020, with:
14	Arizona State Board of Technical Registration
15	1110 W. Washington, Suite 240
16	Phoenix, AZ 85007
17	Phoenix, AZ 85007 COPY of the foregoing mailed/e-mailed this 30th day of April, 2020, to:
18	Henry Krzysik
19	7301 E. 22 nd St., Suite 3-C
20	Tucson, AZ 85710
21	hank@hjkarchitect.com Respondent
22	Deanie Reh
23	deanie.reh@azag.gov
24	Counsel for the State
25	By: MR A. Puccino
26	
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