

BEFORE THE ARIZONA STATE
BOARD OF TECHNICAL REGISTRATION

In the Matter of:
Neil True
Non-Registrant

Respondent

Case No.: P23-052

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, Neil True, Non-Registrant, (“Respondent”) 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 P23-052 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 Profession of Architecture.

18 2. Respondent is not currently registered with the Board as a Professional
19 Architect, nor was he registered with the Board as a Professional Architect at any time
20 relevant to the allegations underlying this Consent Agreement.

21 3. In or around 2004, Respondent was hired as a salaried employee by Home
22 Owners Association Management Company (“HOAMCO”) to review design proposals
23 for compliance of Homeowner’s Association “Design Guidelines” and “CCSRs”.

24 4. On or about May 6, 2021, Respondent provided a written review of a
25 proposed remodeling project for a condominium located within Envy Condominiums in
26 Scottsdale, Arizona. In this written review, Respondent signed the communication as
27 “Architect” and “Reviewing HOAMCO Arch.”.

28 5. On or about November 23, 2022, the Board received a complaint that

1 Respondent, in his capacity as the HOAMCO architect, represented himself as an
2 Architect in the State of Arizona and may have exercised the professional judgement of
3 an Architect without registration with the Board.

4 6. On or about August 11, 2023, an Enforcement Advisory Committee Meeting
5 (“EAC”) convened to review the complaint against Respondent. The EAC Committee
6 determined the following:

- 7 a. Respondent held himself out as qualified to practice a Board-regulated
8 profession without Board registration by identifying himself as
9 “Architect” or “Reviewing Architect” in correspondence relating to
10 the project in question.
- 11 b. Respondent engaged in the practice of Architecture by identifying
12 himself as an Architect while providing professional opinions and
13 evaluation of the project in question.

14 **CONCLUSIONS OF LAW**

15 1. The Board has jurisdiction in this matter pursuant to A.R.S. § 32-101, et seq,
16 including A.R.S. § 32-106.02(A).

17 2. The conduct alleged in the Findings of Fact, constitutes grounds for
18 discipline pursuant to A.R.S. § 32-106.02(A), A.R.S. § 32-121 and A.R.S. § 32-145(1), in
19 that Respondent may have practiced, offered to practice or by any implication held
20 himself out as qualified to practice a Board regulated profession or occupation without
21 registration with the Board.

22 **ORDER**

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

25 1. CIVIL PENALTY. Within Ninety (90) days from the effective date of this
26 Consent Agreement, Respondent shall pay a civil penalty of One Thousand Dollars
27 (\$1,000.00) by certified check or money order made payable to the State of Arizona
28 Board of Technical Registration, according to the provisions of A.R.S. § 32-106.02(A).

1 2. COST OF INVESTIGATION. Within Ninety (90) days from the effective
2 date of this Consent Agreement, Respondent shall pay the cost of investigation of this
3 case to the Board in the amount of Three Hundred and Thirty Dollars (\$330.00) by
4 certified check or money order made payable to the State of Arizona Board of Technical
5 Registration, according to the provisions of A.R.S. § 32-128(H).

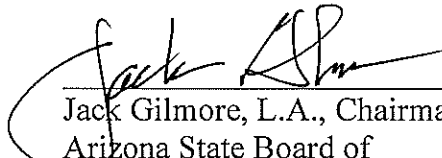
6 3. OBEY ALL LAWS. Respondent shall obey all federal, state and local laws,
7 related to the practice of Engineering and Architecture in the State of Arizona. The
8 Board shall consider any violation of this paragraph to be a separate violation of the
9 statutes governing the Arizona Board of Technical Registration.

10 4. EFFECTIVE DATE. The effective date of this Consent Agreement is the
11 date the Respondent and Board sign the Consent Agreement. If the dates are different, the
12 effective date is the later of the two dates.

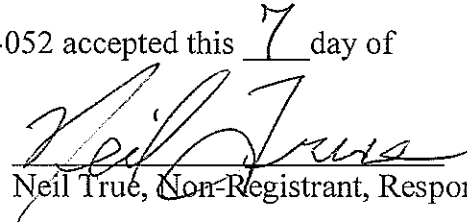
13 5. COSTS OF COMPLIANCE. Respondent shall pay all costs associated with
14 complying with this Consent Agreement.

15 6. NONCOMPLIANCE. If Respondent violates this Order in any way or fails
16 to fulfill the requirements of this Order, the Board may seek a Petition for Injunction in
17 accordance with the provisions set forth in A.R.S. § 32-106.01.

18
19 ACCEPTED and ORDERED this 24 day of SEPTEMBER, 2023.

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22 
23 Jack Gilmore, L.A., Chairman
24 Arizona State Board of
25 Technical Registration

26 Consent Agreement and Order, No. P23-052 accepted this 7 day of
27 September, 2023.

28 
Neil True, Non-Registrant, Respondent

1 ORIGINAL filed this 27th day of
2 September, 2023, with:
3

4 Arizona State Board of Technical Registration
5 1110 W. Washington, Suite 240
6 Phoenix, AZ 85007

7 COPY of the foregoing mailed via Certified Mail
8 No. 9214 8901 9434 4600 0942 50 and
9 First Class mail this 27th day of September, 2023, to:
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11 Neil True
12 616 McDonald Court
13 Prescott, AZ 86303
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15 By: Kaitlyn Crawford
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