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BEFORE THE ARIZONA STATE
BOARD OF TECHNICAL REGISTRATION

In the Matter of:

Case No.: P23-103

Richard Burton
Registered Architect
Registration No. 08506

CONSENT AGREEMENT
and
ORDER OF DISCIPLINE

Respondent

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, Richard Burton ("Respondent"), holder of Registration No. 08506, 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 P23-103 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 Professional Architecture in the State of Arizona.

18 2. Respondent is the holder of Arizona Professional Architect Registration
19 (“RA”) No. 08506.

20 3. Respondent’s RA No. 8506 expired March 31, 2023 and has not been
21 renewed.

22 4. On or about April 12, 2023, the Board received a complaint alleging that
23 Respondent violated Board statutes and rules when performing a professional service to a
24 Home Owner’s Association (“HOA”) board. Specifically, the complaint alleged
25 Respondent:

26 a. was hired by the HOA board in a professional capacity to make an
27 informed decision regarding a project submission;

28 b. restated the opinion of an unlicensed individual rather than

- 1 provide his own professional opinion;
2 c. failed to utilize his professional license to review the facts as
3 outlined in the Covenants, Conditions, & Restrictions (CC&R); and
4 d. offered architectural services through Respondent Firm while
5 Respondent's RA No. 08506 was on expired status

6 5. Two members of the Board's Enforcement Advisory Committee ("EAC"),
7 independently reviewed the complaint's allegations and concluded that Respondent
8 appropriately provided his professional opinion regarding the project in question.

9 6. On May 8, 2023, Respondent renewed his RA No. 08506.

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. § 32-127(D), in that Respondent may have offered or practiced a
14 Board-regulated profession while registration was in an expired status.

15 **ORDER**

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

- 18 1. **LETTER OF REPRIMAND.** Respondent is hereby issued a Letter of
19 Reprimand.
20 2. **ADMINISTRATIVE PENALTY.** Within thirty (30) days from the
21 effective date of this Consent Agreement, Respondent shall pay an administrative penalty
22 of Two Hundred and Fifty Dollars (\$250.00) by certified check or money order made
23 payable to the State of Arizona Board of Technical Registration.
24 3. **COST OF INVESTIGATION.** Within thirty (30) days from the effective
25 date of this Consent Agreement, Respondent shall pay the cost of investigation of this
26 case to the Board in the amount of One Hundred and Twenty-Five dollars (\$125.00) by
27 certified check or money order made payable to the State of Arizona Board of Technical
28 Registration.

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

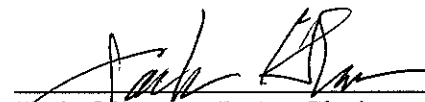
7 5. RENEWAL OF REGISTRATION. Respondent shall timely renew his
8 registration with the Board and timely pay all required registration fees.

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

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

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

19 ACCEPTED and ORDERED this 5 day of NOVEMBER, 2023.

20
21 
22 Jack Gilmore, L.A., Chairman
23 Arizona State Board of
24 Technical Registration

25 Consent Agreement and Order, No. P23-103 accepted this 2nd day of
26 November, 2023.

27 
28 Richard Burton, Respondent

1 ORIGINAL filed this 6th day of

2 December, 2023, with:

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

6 COPY of the foregoing mailed via Certified Mail
7 No. 9214 8901 9434 4600 0952 26 and
8 First Class mail this 6th day of December, 2023, to:

9 Richard Burton
10 4572 E. Camp Lowell Drive
11 Tucson, AZ 85712

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13
14 By: Kaitlyn Crawford

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