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

12 In the Matter of:

13 **Andre van Belkom,**
14 Non-registrant,

15 and

16 **Andre van Belkom Studio,**
17 Non-registered Firm,

18 Respondents.
19

Case No.: P17-061

CONSENT AGREEMENT

20 In the interest of a prompt and judicious resolution of the above-captioned matter
21 before the Arizona State Board of Technical Registration (the "Board") and consistent
22 with the public interest, statutory requirements, and the responsibilities of the Board, and
23 pursuant to Arizona Revised Statutes ("A.R.S.") § 32-101, *et seq.* and Arizona
24 Administrative Code ("A.A.C.") R4-30-120(G), the undersigned party, Andre van
25 Belkom ("Respondent"), on behalf of himself and Andre van Belkom Studio
26 ("Respondent Firm"), and the Board enter into the following Recitals, Findings of Fact,
27 Conclusions of Law and Order ("Consent Agreement") as a final disposition of this
28 matter.

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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.

4. 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.

5. 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.

6. Respondent understands this Consent Agreement deals with Board case number P17-061 involving allegations that Respondent and Respondent Firm engaged in conduct that would subject him to discipline under the Board's statutes and rules. The investigation into these allegations against Respondent and Respondent Firm shall be concluded upon the Board's adoption of this Consent Agreement.

7. Respondent understands that this Consent Agreement 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.

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

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

11 10. This Consent Agreement is subject to the approval of the Board and is
12 effective only when accepted by the Board and signed on behalf of the Board. If the
13 Board does not accept this Consent Agreement, the Board retains its authority to hold a
14 formal administrative hearing pursuant to A.R.S. § 32-128(E). In the event that the
15 Board does not approve this Consent Agreement, it is withdrawn, shall be of no
16 evidentiary value, and shall not be relied upon nor introduced in any action by any party.
17 Respondent agrees that should the Board reject this Consent Agreement and this case
18 proceeds to hearing, Respondent shall assert no claim that the Board was prejudiced by
19 its review and discussion of this document or any records relating thereto.

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

23 12. Respondent agrees that any violation of this Consent Agreement may result
24 in disciplinary action, including suspension or revocation of registration under A.R.S. §
25 32-150.

26 13. Respondent agrees that the Board will adopt the following Findings of Fact,
27 Conclusions of Law and Order.
28

1 **FINDINGS OF FACT**

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

4 2. Respondent is not registered to practice a Board-regulated profession in the
5 State of Arizona and is the owner of a non-registered firm in the State of Arizona.

6 3. On December 21, 2016, Board staff received a complaint alleging that
7 Respondent practiced, offered to practice, or held himself out as qualified to practice
8 architectural services while not registered with the Board. The complaint also alleged
9 that Respondent Firm advertised the practice of architecture on Facebook, LinkedIn and
10 the Internet without firm registration with the Board.

11 4. On January 17, 2017, Board staff received a response from the Respondent
12 regarding the allegations in which he stated that he has not performed work as an
13 architect, and has only provided services as a consultant, fabricator, and artist. He added
14 that he made changes to his social media sites and is now in compliance with the Arizona
15 State Board of Technical Registration.

16 **CONCLUSIONS OF LAW**

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

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

23 3. The conduct alleged in the Findings of Fact constitutes grounds for
24 discipline pursuant to A.R.S. § 32-145(2), in that Respondent may have advertised or
25 displayed a device that may indicate to the public that he is registered to practice a Board-
26 regulated profession without registration with the Board.

27 4. The conduct alleged in the Findings of Fact constitutes grounds for
28 discipline pursuant to A.R.S. § 32-141 and A.R.S. § 32-121, in that Respondent Firm

1 practiced, offered to practice, and advertised the practice of architecture on a business
2 website without first being registered by the Board.

3 **ORDER**

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

6 1. ASSURANCE OF DISCONTINUANCE. Respondent shall not engage in
7 the practice, offer to practice, or by any implication, hold himself out as qualified to
8 practice architecture as defined in A.R.S. § 32-101(B)(8), or use the title of "architect" as
9 defined in A.R.S. § 32-101(B)(6) until such time as the Respondent is registered by the
10 Board and is in full compliance with the Board's statutes and rules. Respondent Firm
11 shall not engage in the practice, offer to practice, or by any implication, hold itself out as
12 qualified to practice architecture as defined in A.R.S. § 32-101(B)(7) and shall not
13 display any card, sign, or other device that may indicate to the public that it is a registered
14 architectural firm, or is qualified to practice as such in the State of Arizona until such
15 time as the Respondent Firm has been granted registration by the Board and is in full
16 compliance with the Board's statutes and rules.

17 2. ADMINISTRATIVE PENALTY. Within four (4) months from the
18 effective date of this Consent Agreement, Respondents shall pay a civil penalty of Five
19 Hundred Dollars (\$500.00). Payment shall be made by certified check or money order,
20 either in a lump sum or in four (4) monthly payments of One Hundred Twenty-Five
21 Dollars (\$125.00). Payment shall be made to the State of Arizona Board of Technical
22 Registration, according to the provisions of A.R.S. § 32-128(H).

23 3. COST OF INVESTIGATION. Within four (4) months from the effective
24 date of this Consent Agreement, Respondents shall also pay the cost of investigation of
25 this case to the Board in the total amount of Four Hundred Dollars (\$400.00). Payment
26 shall be made by certified check or money order, either in a lump sum or in four (4)
27 monthly payments of One Hundred Dollars (\$100.00). Payment shall be made to the
28

1 State of Arizona Board of Technical Registration, according to the provisions of A.R.S. §
2 32-128(H).

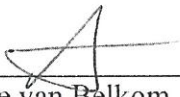
3 4. EFFECTIVE DATE. The effective date of this Consent Agreement is the
4 date it was last executed by the Respondent or the Board.

5 5. COSTS OF COMPLIANCE. Respondents shall pay all costs associated
6 with complying with this Consent Agreement.

7 ACCEPTED and ORDERED this 10th day of December, 2019.

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10 _____
11 Jason E. Foose, RLS, Chairman
12 Arizona State Board of
13 Technical Registration

14 Consent Agreement and Order, Number P17-061 accepted this 25 day of
15 November, 2019.

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17 By: 
18 _____
19 Andre van Belkom
20 Personally and on behalf of Andre van
21 Belkom Studio, Respondents
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ORIGINAL filed this 12 day of December, 2019, with:

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

COPY of the foregoing mailed/e-mailed this 12 day of December, 2019 to:

Andre van Belkom
Andre van Belkom Studio
37 N. Spencer
Mesa, AZ 85203
info@andrevanbelkom.com
Respondents

CERTIFIED MAILING:
9214 8906 9434 4600 0643 90

Deanie Reh
deanie.reh@azag.gov
Counsel for the State

By: 