

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

<p>In the Matter of:</p> <p>Kenneth O'Dell Architect Registration No. 06797</p> <p style="text-align: center;">Respondent</p>	<p style="text-align: center;">Case No. P20-014</p> <p style="text-align: center;">CONSENT AGREEMENT and ORDER OF DISCIPLINE</p>
--	--

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, Kenneth O'Dell, ("Respondent"), holder of Registration No. 06797, 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.

1 3. Respondent affirmatively agrees that this Consent Agreement shall be irrevocable.

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

4 5. The Consent Agreement, any record prepared in this matter, all investigative
5 materials prepared or received by the Board and all related exhibits and materials, are public
6 records (as defined in A.R.S. § 41-158.18) upon acceptance by the Board of this Consent
7 Agreement and may be retained in the Board's files pertaining to this matter.

8 6. Respondent understands this Consent Agreement deals with Board case number
9 P20-014, involving allegations that Respondent engaged in conduct that would subject him to
10 discipline under the Board's statutes and rules. The investigation into these allegations against
11 Respondent shall be concluded upon the Board's adoption of 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, and does
14 not constitute any waiver, express or implied, of the Board's statutory authority or jurisdiction
15 regarding any other pending or future investigation, action or proceeding.

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

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

24 10. This Consent Agreement is subject to the approval of the Board and is effective
25 only when accepted by the Board and signed on behalf of the Board. If the Board does not accept
26 this Consent Agreement, the Board retains its authority to hold a formal administrative hearing
27 pursuant to A.R.S. § 32-128(E). In the event that the Board does not approve this Consent
28 Agreement, it is withdrawn and shall be of no evidentiary value and shall not be relied upon nor

1 introduced in any action by any party, except that the parties agree that should the Board reject
2 this Consent Agreement and this case proceeds to hearing, Respondent shall assert no claim that
3 the Board was prejudiced by its review and discussion of this document or any records relating
4 thereto.

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

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

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

12 **FINDINGS OF FACT**

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

15 2. Respondent is the holder of Arizona Architectural Registration No. 06797.

16 3. On June 24, 2019, the Board issued Firm Registration No. 21955, to Long Design
17 Associates, LLC, with the Respondent listed as the firm principal.

18 4. On August 27, 2019, the Board accepted a signed Consent Agreement for Case No.
19 P19-070 from Shannon Long of Long Design Associates, LLC, admitting to the violation of
20 A.R.S. 32-141, for the practice or offering to practice a Board-regulated profession without firm
21 registration.

22 5. At its August 27, 2019 meeting, the Board directed staff to open a complaint
23 against Respondent alleging that Respondent aided and abetted the unlicensed architectural
24 practice of Shannon Long and Long Design Associates, LLC, as an architectural firm for 3
25 projects located in Payson, Arizona, prior to June 24, 2019.

26 6. On June 18, 2020, the Board issued a subpoena to the Town of Payson that
27 produced plans submitted and prepared by the Non-Registrant firm, Long Design Associates,
28 LLC, that displayed the Respondent's seal and signature dated August 28, 2017, for project No.

1 PY1706-018, Town of Payson High School Concession Stand project, located at 301 S. McLane,
2 Payson, Arizona.

3 7. On June 18, 2020, the Board issued a subpoena to the Town of Payson that
4 produced plans submitted and prepared October 16, 2018, by the Non-Registrant firm, Long
5 Design Associates, LLC, that displayed the Respondent's seal for project No. PY1907-065,
6 Community Presbyterian Daycare Building project located at 800 W. Main Street in Payson,
7 Arizona.

8 8. On June 18, 2020, the Board issued a subpoena to the Town of Payson that
9 produced plans submitted and prepared on June 17, 2019, by the Non-Registrant firm, Long
10 Design Associates, LLC, that displayed the Respondent's seal for project No. FD1911-017,
11 Payson Library expansion, located in the Rumsey Park complex at 328 N. McLane Road in
12 Payson, Arizona.

13 **CONCLUSIONS OF LAW**

14 1. The Board has jurisdiction in this matter pursuant to A.R.S. § 32-101, et seq.

15 2. The conduct alleged in the Findings of Fact constitutes grounds for discipline
16 pursuant to A.R.S. 32-128(C)(3), in that Respondent aided and abetted the unlicensed
17 architectural practice of Shannon Long and Long Design Associates, LLC.

18 **ORDER**

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

21 1. **LETTER OF REPRIMAND.** Respondent is hereby issued a Letter of Reprimand.

22 2. **ADMINISTRATIVE PENALTY.** Within six (6) months from the effective
23 date of this Consent Agreement, Respondent shall pay an administrative penalty of One
24 Thousand Five Hundred Dollars (\$1,500.00) by certified check or money order made payable to
25 the State of Arizona Board of Technical Registration.

26 3. **COST OF INVESTIGATION.** Within thirty (30) days from the effective date of
27 this Consent Agreement, Respondent shall pay the cost of investigation of this case to the Board
28 in the amount of Two Hundred Eighty-Nine Dollars (\$289.00) by certified check or money order

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

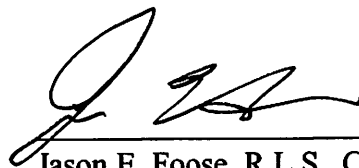
3 4. OBEY ALL LAWS. Respondent shall obey all federal, state and local laws, as
4 well as, all rules governing the practice of Architecture in the State of Arizona. The Board shall
5 consider any violation of this paragraph to be a separate violation of the rules and statutes
6 governing the Arizona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

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

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

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

17
18 ACCEPTED and ORDERED this 27TH day of OCTOBER, 2020.

19
20
21 

22 Jason E. Foose, R.L.S., Chairman
23 Arizona State Board of
24 Technical Registration

25 Consent Agreement and Order, No. P19-014, accepted this 21ST day of SEPTEMBER, 2020.

26
27 
28 Kenneth O'Dell, Respondent

1 ORIGINAL filed this 27 day of

2 OCTOBER, 2020, 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. _____ and

9 First Class mail this 27 day of OCTOBER, 2020, to:

10 Kenneth O'Dell
11 Long Design Associates, LLC
12 PO Box 2223
13 Pine, AZ 85544

14
15 By: 