

BEFORE THE ARIZONA STATE BOARD OF TECHNICAL REGISTRATION

In the Matter of: Joseph DiMatteo P.E. (Electrical) Registration No. 45683 Respondent

Case No.: P22-057

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, Joseph DiMatteo ("Respondent"), holder of Registration No. 45683, 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 P22-057 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 Engineering in the State of Arizona.

18 2. Respondent is the holder of Arizona Professional Engineer (Electrical)  
19 Registration No. 45683.

20 3. During the course of investigating Board case P22-019, Board staff  
21 developed information that Respondent may have been involved in aiding and abetting a  
22 Non-Registrant in evading Board statutes as well as allowing clients to apply  
23 Respondent's professional seal and signature to documents not prepared by Respondent  
24 or a bona fide employee of Respondent.

25 4. On December 8, 2021, Respondent stated he authorized Respondent in P22-  
26 019, a Non-Registrant, to apply his professional seal and signature to Professional  
27 Documents not prepared by Respondent.

28 5. On December 21, 2021, Respondent stated that all his clients have an

1 electronic version of his seal and signature that they apply once Respondent has reviewed  
2 and approved a set of plans.

3 6. On February 16, 2022, Respondent in case P22-019 admitted having an  
4 electronic version of Respondent's professional seal and stamp and having applied it to  
5 less than ten documents in total.

6 7. On March 22, 2022, Board Members directed Board staff to investigate the  
7 allegations involving Respondent as discovered while investigating P22-019.

8 8. On March 30, 2022, Respondent specifically stated that the Professional  
9 Documents associated with case P22-019, and sealed with Respondent's professional  
10 seal, were not prepared by a bona fide employee.

11 **CONCLUSIONS OF LAW**

- 12 1. The Board has jurisdiction in this matter pursuant to A.R.S. § 32-101, et seq.  
13 2. The conduct alleged in the Findings of Fact constitutes grounds for discipline  
14 pursuant to A.R.S. § 32-128(C)(3) in that Respondent allowed a Non-Registrant to apply  
15 his signature and/or seal to professional documents not prepared by himself or his bona  
16 fide employee thereby aiding and abetting a Non-Registrant in evading Board statutes.

17 **ORDER**

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

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

22 2. **STAYED SUSPENSION AND PROBATION.** Respondent's registration  
23 as Professional Engineer (Electrical), No. 45683 shall be suspended for six months;  
24 however, the suspension is stayed for as long as Respondent remains in compliance with  
25 this Order. During the stay of suspension, Respondent's registration as a Professional  
26 Engineer (Electrical) is placed on probation for six months. If Respondent is non-  
27 compliant with any terms of this Order during the six months stayed suspension and  
28 probation period, the stay of the suspension shall be lifted and Respondent's registration

1 as a Professional Engineer shall be automatically suspended without a formal hearing,  
2 and remain suspended until Respondent is compliant with all terms of this Order.

3       **3. ADMINISTRATIVE PENALTY.** Within sixty (60) days from the  
4 effective date of this Consent Agreement, Respondent shall pay an administrative penalty  
5 of Two Thousand Dollars (\$2,000.00) by certified check or money order made payable to  
6 the State of Arizona Board of Technical Registration.

7       **4. COST OF INVESTIGATION.** Within thirty (30) days from the effective  
8 date of this Consent Agreement, Respondent shall pay the cost of investigation of this  
9 case to the Board in the amount of One Hundred Eighty-Five Dollars (\$185.00) by  
10 certified check or money order made payable to the State of Arizona Board of Technical  
11 Registration, according to the provisions of A.R.S. § 32-128(H).

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

18       **6. RENEWAL OF REGISTRATION.** Respondent and Respondent Firm shall  
19 timely renew their Arizona registration as an Engineer and an Engineering Firm, and  
20 timely pay all required registration fees.

21       **7. EFFECTIVE DATE.** The effective date of this Consent Agreement is the  
22 date the Respondent and Board sign the Consent Agreement. If the dates are different, the  
23 effective date is the later of the two dates.

24       **8. COSTS OF COMPLIANCE.** Respondent shall pay all costs associated  
25 with complying with this Consent Agreement.

26       **9. NONCOMPLIANCE.** If Respondent violates this Order in any way or fails  
27 to fulfill the requirements of this Order, the Board, after giving notice and the opportunity  
28 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 25 day of OCTOBER, 2022.

4  
5   
6 Jack Gilmore, L.A., Chairman  
7 Arizona State Board of  
8 Technical Registration

9 Consent Agreement and Order, No. P22-057 accepted this 20<sup>th</sup> day of  
10 October, 2022.


11   
12 Joseph DiMatteo, Respondent

13 ORIGINAL filed this 26 day of  
14 October, 2022, with:

15 Arizona State Board of Technical Registration  
16 1110 W. Washington, Suite 240  
17 Phoenix, AZ 85007

18 COPY of the foregoing mailed via Certified Mail  
19 No. 9214 8901 9434 4600 0897 68 and  
20 First Class mail this 26 day of October, 2022, to:

21 Joseph DiMatteo, P.E.  
22 Renewable Energy Engineering Associates, LLC.  
23 225 Contra Costa St.  
24 Richmond, CA. 94801

25  
26  
27 By:   
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