



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 P22-073 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2 Board does not approve this Consent Agreement, it is withdrawn and shall be of no  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 (Civil)  
19 Registration No. 30500.

20 3. On May 24, 2022, the Board received a complaint from Allegor that included  
21 an allegation that Respondent was not in compliance with Santa Cruz County Code  
22 requiring 48 hour prior notice to conduct a site investigation.

23 4. Allegor furnished information that Respondent or his team members were not  
24 present at percolation tests as scheduled by Respondent due to Respondent's failure to  
25 communicate scheduling changes with Santa Cruz County.

26 5. On December 7, 2022, an Enforcement Advisory Committee (EAC) was  
27 convened to further investigate the matter. EAC members concluded that Respondent was  
28 in violation of Santa Cruz County Health Code-Chapter 11, Regulation Four regarding

1 the requirement that Forty Eight hour notice be given to Santa Cruz County staff prior to  
2 conducting a site investigation.

3 6. Respondent admitted on December 7, 2022 that he was not entirely in  
4 compliance with Santa Cruz County site investigation regulations regarding the sites that  
5 prompted the Board complaint.

### 6 CONCLUSIONS OF LAW

7 1. The Board has jurisdiction in this matter pursuant to A.R.S. § 32-101, et seq.  
8 2. The conduct alleged in the Findings of Fact constitutes grounds for discipline  
9 pursuant to A.R.S. § 32-128(C)(4) as it relates to A.A.C. R4-30-301(4), in that  
10 Respondent failed to comply with Santa Cruz County Health Code Chapter 11,  
11 Regulation 4(C) that requires a minimum of 48 hours notification of conducting a site  
12 investigation.

### 13 ORDER

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

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

18 2. **ADMINISTRATIVE PENALTY.** Within six (6) months from the effective  
19 date of this Consent Agreement, Respondent shall pay an administrative penalty of Five  
20 Hundred (\$500.00) by certified check or money order made payable to the State of  
21 Arizona Board of Technical Registration.

22 3. **COST OF INVESTIGATION.** Within thirty (30) days from the effective date  
23 of this Consent Agreement, Respondent shall pay the cost of investigation of this case to  
24 the Board in the amount of One Thousand Six Hundred Thirty-Seven Dollars (\$1,637.00)  
25 by certified check or money order made payable to the State of Arizona Board of  
26 Technical Registration, according to the provisions of A.R.S. § 32-128(H).

27 4. **OBEY ALL LAWS.** Respondent shall obey all federal, state and local laws,  
28 as well as, all rules governing the practice of Engineering in the State of Arizona. The

1 Board shall consider any violation of this paragraph to be a separate violation of the rules  
2 and statues governing the Arizona Board of Technical Registration. The Board may also  
3 consider Respondent's non-compliance with this Order as a separate violation of A.R.S. §  
4 32-150.


5 5. RENEWAL OF REGISTRATION. Respondent and Respondent Firm shall  
6 timely renew their Arizona registration as an Engineer and an Engineering Firm, and  
7 timely pay all required registration fees.

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

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

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

18 ACCEPTED and ORDERED this 27<sup>th</sup> day of January, 2023.

19  
20   
21 Jack Gilmore, L.A., Chairman  
22 Arizona State Board of  
23 Technical Registration

24 Consent Agreement and Order, No. P22-073 accepted this 16th day of  
25 December, 2022.

26   
27 Marc Fleetwood, Respondent

28 ORIGINAL filed this 24 day of

1 January, 2023, with:

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

5 **COPY** of the foregoing mailed via Certified Mail  
6 No. 9214 8901 9434 4600 09089 and  
7 First Class mail this 24 day of January, 2023, to:

8 Marc Fleetwood  
9 Fleetwood Engineering  
10 330 W. Golf View Dr.  
11 Oro Valley, AZ 85737

12 By: 