

1 create mechanical, electrical and plumbing ("MEP") designs. Respondent replied to her email
2 with interest in the project. The two discussed the project over the phone and arranged to meet
3 in person in Illinois.

4 4. On September 14, 2016, Respondents entered into a contract with O'Kelly's
5 architecture firm to create the necessary MEP designs for her client's (Rosati's Pizza) tenant
6 improvement project located at 2235 S. Power Rd., #118, Mesa, Arizona, 85209.

7 5. Respondent completed the MEP plans, applied Respondent Firm's logo and the
8 stamp of Joseph Mungo, P.E. #26745, to them in mid-September 2016. O'Kelly encountered
9 'questions' (errors and omissions) about the plans while the project was in construction and
10 attempted to contact Respondent to discuss them without success. She determined to contact Mr.
11 Mungo in an attempt to find Respondent. Mungo had been a principal at M.G.N. Consulting
12 Engineers, Inc. ("M.G.N.") until his death on August 9, 2017. O'Kelly spoke with Philip
13 Niedziela, another principal at M.G.N., in an attempt to find Respondent.

14 6. Niedziela told O'Kelly that Respondent had been employed at M.G.N. in Illinois
15 as a designer and had worked under the direction of licensed registrants at the firm, including
16 Mr. Mungo, on other projects. Niedziela told O'Kelly that neither he nor Mr. Mungo worked on
17 the project in question and avowed that neither he nor Mr. Mungo personally stamped the plans.
18 Further, he alleged that Respondent must have fraudulently applied Mr. Mungo's stamp to the
19 plans without his knowledge.

20 7. On September 28, 2017, Niedziela filed a complaint with the Board against
21 Respondent alleging his fraudulent use of Mr. Mungo's seal on the Rosati's Pizza project in
22 Mesa, AZ. In his complaint, Niedziela avowed that M.G.N. had no knowledge of the project or
23 of Respondent Firm, which he alleged was an illegal company. According to Niedziela's
24 complaint, Respondent and Respondent Firm illegally applied Mr. Mungo's seal to the project in
25 Mesa, AZ and to four (4) other similar projects in other states, including in Illinois and Texas.
26 As a result of Respondent's poor plans, the projects in all five states are in civil litigation and
27 have cost O'Kelly's architectural firm "a lot of time, money to pay another engineer for all 5
28

1 projects, a still unknown impact to ... liability insurance, and ... most critical. .. the impact to the
2 credibility of (the) design firm."

3 8. After receiving this complaint, Board staff made at least four attempts by mail,
4 email, and telephone in October, November, and in December 2017 to contact Respondents to
5 discuss the complaint. U.S.P.S. records demonstrate that someone signed for the certified notice
6 letter staff sent to Respondent was signed "Rederer." However, Respondent has failed to
7 respond to Board efforts to contact him to date.

8 CONCLUSIONS OF LAW

9 9. The conduct alleged above constitutes grounds for discipline pursuant to A.R.S. §
10 32-106.02, in that Respondent, Kurt Rederer, is not registered with the Board to practice
11 engineering in Arizona, as required pursuant to A.R.S. § 32-121 and A.R.S. § 32-145(1).

12 10. Respondent may be guilty of two class 2 misdemeanors pursuant to A.R.S. § 32-
13 145(1) and (4), for placing the stamp of deceased registrant Joseph Mungo, P.E. #26745, on
14 plans he created for the Rosati's Restaurant tenant improvement project in Mesa, AZ in 2017.

15 11. The conduct alleged above constitutes grounds for discipline pursuant to A.R.S.
16 § 32-106.02, in that Respondent Firm, KPR Consulting Engineers, is not registered with the
17 Board to practice or advertise to practice engineering in Arizona, as required pursuant to A.R.S.
18 § 32-121 and A.R.S. § 32-141.

19 ORDER

20
21 Based on the foregoing Findings of Fact and Conclusions of Law, the Board issues the
22 following Order with the understanding that Respondent, Kurt Rederer and Respondent Firm,
23 KPR Consulting Engineers are jointly and severally liable for the following:

24 1. **ADMINISTRATIVE PENALTY.** Within thirty (90) days of the effective date
25 of this Order, Respondents shall pay to the Board an administrative penalty in the amount of
26 four-thousand dollars (\$4,000.00) by certified check or money order made payable to the State of
27
28

1 Arizona Board of Technical Registration. Respondents are jointly and severally responsible for
2 the payment of the administrative penalty.

3 2. **COST OF INVESTIGATION.** Within thirty (90) days of the effective date of
4 this Order, Respondent shall pay to the Board the cost of investigation in the amount of two-
5 hundred and eighty dollars (\$280.00) by certified check or money order made payable to the
6 State of Arizona Board of Technical Registration. Respondents are jointly and severally
7 responsible for the payment of the cost of the investigation.

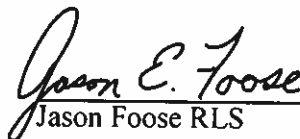
8 **Right to Petition for Rehearing or Review**

9 Respondents are hereby notified that they have the right to file a motion for rehearing or
10 review. Pursuant to A.R.S. § 41-1092.09(B) and A.A.C. R4-30-126(A) the motion for rehearing
11 or review must be filed with the Board's Executive Director within 30 days after service of this
12 Order. Service of this Order is defined as five calendar days after mailing.

13 The motion for rehearing or review must set forth legally sufficient reasons for granting a
14 rehearing or review. A.A.C. R4-30-126(C). If the motion for rehearing or review is not filed,
15 the Board's Order becomes effective 35 days after it is mailed to Respondents. Respondents are
16 further advised that the filing of a motion for rehearing or review is required to preserve any
17 rights of appeal to Superior Court.

18 **DATED** this 27 day of March 2020.

19
20 Arizona Board of Technical Registration

21 
22 Jason Foose RLS
23 Chairman

24 **ORIGINAL** filed this 27 day
25 of March 2020, to:

26 Board of Technical Registration
27 1110 West Washington, Suite 240
28 Phoenix, Arizona 85007

1 **COPY** mailed via Certified Mail

2 No. 921489019434 4600 0683 05

3 and First Class mail this 27 day of March, 2020, to:

4 Kurt Rederer

5 KPR Consulting Engineers

6 1120 Hampton Harbor

7 Schaumburg, IL 60193

8 Respondents

9 www.kprengineering.net

10 kredmep@gmail.com

11 **COPY** of the foregoing emailed this 27 day of March, 2020 to:

12 Scott Donald

13 scott.donald@azag.gov

14 Attorney for the State

15 Marc Harris

16 marc.harris@azag.gov

17 Independent Attorney Advisor

18 By: Kurt Winter

19
20
21
22 DOC#8621988