BEFORE THE ARIZONA STATE BOARD OF TECHNICAL REGISTRATION IN THE OFFICE OF ADMINISTRATIVE HEARINGS

In the Matter of:) Docket No. 21F-P19-023-BTR
AHLER HALHBER aka	<i>,</i>
JAMES HALAREWICZ) FINDINGS OF FACT,
P.E. (CIVIL) #44459,) CONCLUSIONS OF LAW
P.E. (ARCHITECTURAL) #46059) AND FINAL BOARD ORDER
R.A. #50925)
)
Respondent.)
•	_)

At its public meeting on January 26, 2021, the Arizona Board of Technical Registration ("Board") conducted a Review of the Certification of Decision of Administrative Law Judge dated December 22, 2020¹, after granting a Review in accordance with A.A.C. R4-30-126(E), to determine whether the Certified Decision resulted in an excessive penalty under A.A.C. R4-30-126(C)(5). Assistant Attorney General Seth Hargraves was present to provide the Board with independent legal advice. Ahler Halhber ("Respondent") did not appear at the meeting and was not represented by an attorney. Assistant Attorney General Scott Donald appeared on behalf of the State.

After discussion, the Board reaffirmed his prior position that the penalty felt like piling on in light of the revocation, and voted to modify the Order by striking the civil penalty, and requiring the payment of administrative costs and attorney's fees within thirty (30) days, and issued the following Order:

At its December 8, 2020 meeting, the Board voted to accept the Findings of Fact and Conclusions of Law from the Administrative Law Judge's October 30, 2020 Decision, but to modify the Recommended Order by removing the civil penalty, setting a timeframe for payment of costs and fees, and to correct some statutory references. The Office of Administrative Hearings ("OAH") certified the Administrative Law Judge's October 30, 2020 Decision in accordance with A.R.S. § 41-1092.08(D), when the Board's Order was not put in writing and filed with OAH by December 14, 2020.

FINDINGS OF FACT

1. The Board reaffirms Findings of Fact 1 through 19 of the Administrative Law Judge's October 30, 2020 Recommended Decision, as certified on December 22, 2020, attached hereto and incorporated herein by this reference.

CONCLUSIONS OF LAW

2. The Board reaffirms Conclusions of Law 1 through 3 of the Administrative Law Judge's Recommended Decision, as certified on December 22, 2020, attached hereto and incorporated herein by this reference.

FINAL ORDER

Based on the Board's Review, as well as the foregoing Findings of Fact and Conclusions of Law, the Board issues the following Order, which constitutes the Board's final administrative order in Case No. 21F-P19-023-BTR:

- 1. **REVOCATION OF REGISTRATION.** As of the date of this Order, Respondent's Professional Architectural Engineer Registration No. 46059, Professional Civil Engineer registration No. 46059 and Professional Architect Registration No. 50925 issued by the Board shall be revoked.
- 2. **COST OF INVESTIGATION**. Within thirty (30) days of the date of this Order, Respondent shall pay to the Board the cost of investigation in the amount of nine-hundred and twenty-five dollars (\$925.00) by certified check or money order made payable to the State of Arizona Board of Technical Registration or by credit card.
- 3. ATTORNEYS COST AND FEES. Within thirty (30) days of the date of this Order, Respondent shall pay to the Board attorneys costs and fees in the amount of one-thousand five-hundred ninety-two dollars (\$1592.00) by certified check or money order made payable to the State of Arizona Board of Technical Registration or by credit card.

RIGHT TO APPEAL TO SUPERIOR COURT

Respondent is hereby notified that, since he failed to file a motion for rehearing or review in accordance with A.R.S. § 41-1092.09(B) and A.A.C. R4-30-126(A), he has failed to exhaust his administrative remedies, which was required to preserve any rights of appeal to Superior Court

4 5 Court. 6 DATED this We day of January, 2021. 7 8 Arizona State Board of **Technical Registration** 9 10 11 e, Acting Chairman 12 13 ORIGINAL filed this 27 day of January, 2021, with: 14 Arizona State Board of Technical Registration 15 1110 W. Washington, Ste. 240 Phoenix, AZ 85007 16 COPY mailed via Certified Mail No. 867297 108482 Fed Ex Fnt First Class mail this 27 day of January, 2021, to: 17 18 19 Ahler Halhber 20 447 30th Ave East Vancouver BC, Canada 21 V5V 2V5 Jamh584@gmail.com 22 Jamh584@telus.net 23 24 **COPY** of the foregoing e-mailed this 27 day of 3600000, 2021, to: 25 Scott Donald 26 Scott.donald@azag.gov 27 Seth Hargraves 28 Seth.hargraves@azag.gov

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1 2	COPY of the foregoing submitted through the OAH Portal day of, 2021, to:
3	Adam Stone
4	Office of Administrative Hearing
5	1740 W Adams St, Phoenix, AZ 85007
6	By: Kurt Winter
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