

1 After hearing the parties' arguments, hearing witness testimony and discussing the
2 matter, and based upon the preponderance of the evidence presented to them, the Board voted to
3 adopt the Factual Allegations in the Complaint as Findings of Fact, with a modification to
4 Findings of Fact paragraph 8(b); "Respondent submitted revised drawings to the City..." was
5 modified to read "Respondent's revised drawings were submitted to the City..." Further, the
6 Board voted to adopt the Alleged Violations in the Complaint as Conclusions of Law.

7 The Board, after due consideration of the issues before it, issued the following Order:

8 **FINDINGS OF FACT**

9 1. On May 22, 2018, the Board initiated an investigation into whether Respondent
10 practiced structural engineering and architecture without appropriate registration for himself or
11 his firm, and without the necessary education, technical knowledge, or experience in 2015 for a
12 project in Phoenix, Arizona. At the hearing, Respondent stipulated to this finding of fact as being
13 true.

14 2. On July 28, 2020, the Board accepted a signed Consent Agreement and Order of
15 Discipline ("Order") for violations of the Board's statutes and rules by Respondent and his firm.
16 The Order became effective that same day. The factual allegations included findings that an
17 Enforcement Advisory Committee ("EAC") of the Board reviewed the investigation materials
18 and found, in part, allegations substantiated to the highest level of severity that:

19 ... Respondent does not possess the technical knowledge to practice
20 structural engineering. ... the structural plans contain serious
21 deficiencies. ... plans were poorly done . . . falling well below what is
22 expected of a licensed structural engineer Respondent is a severe
23 risk to the public by practicing structural engineering and architecture.
24 ...the plans appear to have been drawn by Carl Dominguez but . . .
25 there is no evidence that Mr. Dominguez was employed by
26 Respondent. . . it is clear that Respondent stamped plans not
27 prepared by himself or a bona fide employee.

28 At the hearing, Respondent stipulated to this finding of fact as being true.

1 9. A.R.S. § 32-128(C) provides, in part, that "[t]he board may take disciplinary
2 action against the holder of a certificate or registration under this chapter who is charged with ...
3 (4) [v]iolation of this chapter or board rules."

4 10. Pursuant to A.R.S. § 32-128(A), the board may take disciplinary actions in
5 combination or alternatively, including, but not limited to, revocation of a certificate or
6 registration, suspension of a certificate or registration, and imposition of an administrative
7 penalty.

8 11. Pursuant to A.R.S. § 32-150, "[f]ailure to comply with any final order of the
9 board ... is cause for suspension or revocation of a license."

10 12. Pursuant to A.R.S. § 32-128(H), "[o]n its determination that any person has
11 violated this chapter or a rule adopted pursuant to this chapter, the board may assess the person
12 with its reasonable costs and expenses, including attorney fees, incurred in conducting the
13 investigation and administrative hearing."

14 13. The conduct and circumstances in the Factual Allegations above constitute a
15 violation of A.R.S. § 32-128(C)(4)(Violation of this chapter or board rules) by Respondent due
16 to a violation of A.R.S. § 32-150(Failure to comply with any final order of the board...).

17 **ORDER**

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

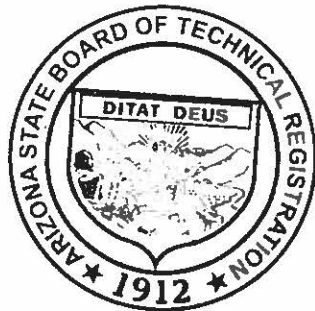
20 1. **REVOCAION OF REGISTRATION.** As of the effective date of this Order,
21 Respondent's Professional Civil Engineer Registration No. 44085 issued by the Board shall be
22 revoked.

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

24 Respondent is hereby notified that he has the right to file a motion for rehearing or
25 review. Pursuant to A.R.S. § 41-1092.09(B) and A.A.C. R4-30-126(A) the motion for rehearing
26 or review must be filed with the Board's Executive Director within thirty (30) days after service
27 of this Order. Service of this Order is defined as five (5) calendar days after mailing. A.A.C. R4-
28 30-126(A).

1 The motion for rehearing or review must set forth legally sufficient reasons for granting a
2 rehearing or review. A.A.C. R4-30-126(C). If a petition for rehearing or review is not filed, the
3 Board's Order becomes effective thirty-five (35) days after it is mailed to Respondent.
4 Respondent is further advised that the filing of a motion for rehearing or review is required to
5 preserve any rights of appeal to Superior Court.

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7
8 **DATED** this 1 day of June, 2021.



Arizona State Board of
Technical Registration

C. Wyckoff
Carmen Wyckoff, Chairperson

15 **ORIGINAL** filed this 2 day of June, 2021, with:

16
17 Arizona State Board of Technical Registration
18 1110 W. Washington, Ste. 240
Phoenix, AZ 85007

19 **COPY** mailed via Certified Mail No. 9214890194344600082257

20 First Class mail this 2 day of June, 2021, to:

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22 Julianne C. Wheeler
23 Wheeler Law Group
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COPY of the foregoing e-mailed this 2 day of June, 2021, to:

Scott Donald
Scott.donald@azag.gov

Sunita Krishna
Sunita.krishna@azag.gov

By: Kit Winter