

**BEFORE THE ARIZONA STATE
BOARD OF TECHNICAL REGISTRATION**

<p>In the Matter of:</p> <p>Khalid Khalifa Professional Engineer (Mechanical) Registration No. 52677</p> <p>KK Engineering, LLC Firm Registration No. 17120(expired)</p> <p style="text-align: center;">Respondents</p>	<p style="text-align: center;">Case No. P20-043</p> <p style="text-align: center;">CONSENT AGREEMENT and ORDER OF DISCIPLINE</p>
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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, Khalid Khalifa (“Respondent”), holder of Registration No. 52677, KK Engineering, LLC (“Respondent Firm”), holder of Registration No. 17120 (expired), 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.

1 3. Respondent affirmatively agrees that this Consent Agreement shall be irrevocable.

2 4. Respondent understands that this Consent Agreement or any part of the agreement
3 may be considered in any future disciplinary action by the Board against him.

4 5. The Consent Agreement, any record prepared in this matter, all investigative
5 materials prepared or received by the Board and all related exhibits and materials, are public
6 records (as defined in A.R.S. § 41-158.18) upon acceptance by the Board of this Consent
7 Agreement and may be retained in the Board's files pertaining to this matter.

8 6. Respondent understands this Consent Agreement deals with Board case number
9 P20-043 involving allegations that Respondent engaged in conduct that would subject him to
10 discipline under the Board's statutes and rules. The investigation into these allegations against
11 Respondent shall be concluded upon the Board's adoption of 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, and does
14 not constitute any waiver, express or implied, of the Board's statutory authority or jurisdiction
15 regarding any other pending or future investigation, action or proceeding.

16 8. Respondent also understands that acceptance of this Consent Agreement does not
17 preclude any other agency, subdivision, or officer of this State from instituting any other civil or
18 criminal proceedings with respect to the conduct that is the subject of this Consent Agreement.

19 9. Respondent acknowledges and agrees that, upon signing this Consent Agreement
20 and returning this document to the Board's Executive Director, he may not revoke his acceptance
21 of the Consent Agreement or make any modifications to the document regardless of whether the
22 Consent Agreement has been signed on behalf of the Board. Any modification to this original
23 document is ineffective and void unless mutually agreed by the parties in writing.

24 10. This Consent Agreement is subject to the approval of the Board and is effective
25 only when accepted by the Board and signed on behalf of the Board. If the Board does not accept
26 this Consent Agreement, the Board retains its authority to hold a formal administrative hearing
27 pursuant to A.R.S. § 32-128(E). In the event that the Board does not approve this Consent
28 Agreement, it is withdrawn and shall be of no evidentiary value and shall not be relied upon nor

1 introduced in any action by any party, except that the parties agree that should the Board reject
2 this Consent Agreement and this case proceeds to hearing, Respondent shall assert no claim that
3 the Board was prejudiced by its review and discussion of this document or any records relating
4 thereto.

5 11. If a court of competent jurisdiction rules that any part of this Consent Agreement is
6 void or otherwise unenforceable, the remainder of the Consent Agreement shall remain in full
7 force and effect.

8 12. Respondent understands that any violation of this Consent Agreement may result in
9 disciplinary action, including suspension or revocation of the registration under A.R.S. § 32-150.

10 13. Respondent agrees that the Board will adopt the following Findings of Fact,
11 Conclusions of Law and Order.

12 **FINDINGS OF FACT**

13 1. The Board is the duly constituted authority for the regulation and control of the
14 practice of Professional Engineering in the State of Arizona.

15 2. Respondent is the holder of Arizona Registration No. 52677.

16 3. Respondent Firm is the holder of Arizona Registration No. 17120, which expired
17 on August 30, 2012.

18 4. On or about January 29, 2019, Respondent signed and sealed plans for the Chavez
19 Plaza project in Yuma, Arizona.

20 5. On or about March 24, 2019, the Board received a complaint alleging that
21 Respondent, a registered Mechanical Engineer, signed and sealed electrical engineering plans for
22 the Chavez Plaza project in Yuma, Arizona on or about January 29, 2019, that were technically
23 deficient in relation to fault current calculations, available fault current, panel board
24 specifications, panel schedule rating, conductors, and grounding and bonding.

25 6. It is further alleged that Respondent and Respondent Firm engaged in the practice
26 of engineering without firm registration with the Board. Board records show that Respondent
27 Firm's registration expired on August 31, 2012, and has not been renewed.

28 7. On or about April 20, 2020, Respondent Firm was reinstated and was assigned

1 Registration No. 22566.

2 8. On September 24, 2020, an Enforcement Advisory Committee (“EAC”) convened
3 to review the complaint against Respondent. After reviewing the evidence and interviewing
4 Alleger and Respondent, the Committee found the following:

5 a. The plan set had errors regarding the failure to properly de rate the
6 conductors to compensate for the average high ambient temperatures at the project location.

7 b. The panel board and circuit breaker short circuit ratings failed to account for
8 the available fault current from the Electrical Utility, APS, at the meter location.

9 c. The plans do not state nor substantiate the AIC rating of the electrical panel
10 board. The plans showed a rating of 10,000 AIC but no calculations to support the value.

11 d. The Committee agreed that the information from the power provider would
12 be available and would be prudent that it would be at 16,000 Available Fault Current and also
13 agreed that the follow up data did not have correct data to be able to determine if Available Fault
14 Current would be under 10,000 or not.

15 e. The Committee agreed that Respondent did not include any kind of fault
16 current calculations, specifically for drawing E00, as he did not have the information from the
17 utility company, Respondent did not have right amount for the padmount transformer, secondary
18 conductors for the padmount transformer, and did not have the length to determine the length
19 between the meter to panel; therefore, it was impossible to calculate the fault current.

20 f. The Committee agreed that Respondent’s plans contained typographical
21 errors. Respondent acknowledged one error in the plans.

22 9. During the EAC Meeting, Respondent explained to the Committee that there were
23 two potential scenarios. One scenario would be to use a pole mounted transformer and the second
24 scenario would be to use a pad mounted transformer for this project.

25 10. Respondent further explained to the Committee that based on these two potential
26 scenarios, the AIC would still be below 10,000 AIC, which would meet the requirements;
27 therefore, Respondent would be aware of the available fault current from APS.

28 11. On September 28, 2020, Respondent provided the structural facility drawing and

1 final design from APS, which indicated that the size of the cable is #1/0A, the trench footage
2 length is 57 feet, & the total length of the proposed cable is 85 feet. These results show that the
3 AIC rating is below the 10,000 AIC.

4 **CONCLUSIONS OF LAW**

5 1. The Board has jurisdiction in this matter pursuant to A.R.S. § 32-101, et seq.

6 2. The conduct alleged in the Findings of Fact constitutes grounds for discipline
7 pursuant to A.R.S. § 32-128(C)(4) as it relates to A.A.C. R4-30-301(6), in that Respondent failed
8 to apply the appropriate technical knowledge and skill in the practice of a Board regulated
9 profession.

10 3. The conduct alleged in the Findings of Fact constitutes grounds for discipline
11 pursuant to A.R.S. § 32-141, in that Respondent and Respondent Firm may have practiced or
12 offered to practice a Board regulated profession without Board registration.

13 4. The conduct alleged in the Findings of Fact constitutes grounds for discipline
14 pursuant to A.R.S. § 32-128(C)(4) as it relates to A.A.C. R4-30-301(4), in that Respondent failed
15 to comply with state, municipal, and county laws, codes, ordinances and regulations pertaining to
16 his area of practice.

17 **ORDER**

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

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

21 2. **INDEFINITE RESTRICTION OF PRACTICE.** Respondent's registration as
22 Professional Engineer (Mechanical) #52677, shall be restricted, prohibiting Respondent from
23 engaging in the practice of electrical engineering until the Respondent provides proof to the
24 Board that he has successfully passed the National Council of Examiners for Engineering and
25 Surveying (NCEES) electrical engineering exam and becomes registered with the Board as a
26 Professional Engineer in the Electrical branch.

27 3. **ADMINISTRATIVE PENALTY.** Within Sixty (60) Days from the effective
28 date of this Consent Agreement, Respondent shall pay an administrative penalty of One

1 Thousand Dollars (\$1000.00) by certified check or money order made payable to the State of
2 Arizona Board of Technical Registration.

3 4. COST OF INVESTIGATION. Within thirty (30) days from the effective date of
4 this Consent Agreement, Respondent shall pay the cost of investigation of this case to the Board
5 in the amount of Four Hundred Nineteen Dollars (\$419.00) by certified check or money order
6 made payable to the State of Arizona Board of Technical Registration, according to the
7 provisions of A.R.S. § 32-128(H).

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

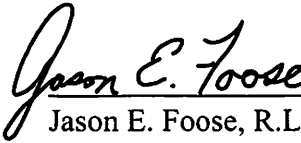
13 6. RENEWAL OF REGISTRATION. Respondent and Respondent Firm shall timely
14 renew their Arizona registration as an Engineer and an Engineering Firm, and timely pay all
15 required registration fees.

16 7. EFFECTIVE DATE. The effective date of this Consent Agreement is the date the
17 Respondent and Board sign the Consent Agreement. If the dates are different, the effective date is
18 the later of the two dates.

19 8. COSTS OF COMPLIANCE. Respondent shall pay all costs associated with
20 complying with this Consent Agreement.

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

25 ACCEPTED and ORDERED this 5th day of November, 2020.

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Jason E. Foose, R.L.S., Chairman
Arizona State Board of
Technical Registration

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2 Consent Agreement and Order, No. P20-043 accepted this 04 day of November, 2020.

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KHALID M KHALIFA

Khalid Khalifa on behalf of himself and on
behalf of KK Engineering, LLC, Respondents

ORIGINAL filed this 9th day of

November, 2020, with:

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

COPY of the foregoing mailed via Certified Mail

No. 9214 8701 9484 4600 0751 98 and

First Class mail this 9th day of November, 2020, to:

Khalid Khalifa
KK Engineering, LLC
12309 Fox Hollow Ct
West Friendship, Maryland 21794

By: 