

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

<p><b>In the Matter of:</b></p> <p><b>Joseph Santos Civil Engineer Registration No. 49003</b></p> <p><b>Epic Engineering Firm Registration No. 22810</b></p> <p><b>Respondents</b></p>	<p style="text-align: center;"><b>Case No. P21-011</b></p> <p style="text-align: center;"><b>CONSENT AGREEMENT and ORDER OF DISCIPLINE</b></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, Joseph Santos (“Respondent”), holder of Registration No. 49003 and Epic Engineering (“Respondent Firm”), holder of Registration No. 22810, 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 P21-011 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 Professional Engineer Registration No. 49003.

16 3. Respondent Firm is the holder of Firm Registration No. 14648, which expired on  
17 April 30, 2012.

18 4. Board records indicate that Respondent is the firm principle and responsible party  
19 for Respondent Firm.

20 5. On August 6, 2020 the Board received a complaint alleging Respondent's  
21 engineering design of retaining walls on the South Resident project, located at 4955 W. Braided  
22 Rein in Flagstaff, Arizona, on or about December 3, 2019, was inadequate and resulted in the  
23 overstressed and structurally unsound condition of the walls. It was further alleged that during  
24 2018 and 2019 Respondent Firm engaged in the practice of a Board regulated profession without  
25 firm registration with the Board.

26 6. On or about September 9, 2021 the Board received Respondent Firm's registration.  
27 Respondent Firm was issued a new Firm Registration No. 22810.

28 7. On May 6, 2021 the Board's Enforcement Advisory Committee ("EAC")

1 convened to review the complaint against Respondent. After reviewing the evidence and  
2 interviewing Respondent, Committee members determined that Respondent failed to apply the  
3 appropriate technical knowledge and skill on this project when he sealed drawings relating to the  
4 retaining walls on this project without verifying the calculations, the full scope of the project or  
5 making a site visit to the lot. Committee members further assigned the highest severity rating to  
6 this violation, noting the seriousness of Respondent's actions in this case.

#### 7 CONCLUSIONS OF LAW

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

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

13 3. The conduct alleged in the Findings of Fact constitutes grounds for discipline  
14 pursuant to A.R.S. § 32-121 and A.R.S. § 32-141 in that Respondent and Respondent Firm  
15 practiced or offered to practice a Board regulated profession without firm registration with the  
16 Board.

#### 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. **STAYED SUSPENSION AND PROBATION.** Respondent's registration as  
22 Engineer, No. 49003, shall be suspended for twelve (12) months; however, the suspension is  
23 stayed for as long as Respondent remains in compliance with this Order. During the stay of  
24 suspension, Respondent's registration as an Engineer is placed on probation for twelve (12)  
25 months. If Respondent is non-compliant with any terms of this Order during the twelve month  
26 stayed suspension and probation period, the stay of the suspension shall be lifted and  
27 Respondent's registration as a Professional Engineer shall be automatically suspended without a  
28 formal hearing, and remain suspended until Respondent is compliant with all terms of this Order.

1           3.       **RESTITUTION.** Within ninety (90) days from the effective date of this order,  
2 Respondent shall pay restitution in the amount of Three Thousand Five Hundred Dollars  
3 (\$3,500.00) by certified check or money order made payable to Dean and Brenda South.

4           4.       **REMEDIAL EDUCATION.** Within ninety (90) days from the effective date of this  
5 order, Respondent shall provide proof to the Board that he has successfully completed an  
6 education course relating to professional business ethics.

7           5.       **ADMINISTRATIVE PENALTY.** Within sixty (60) days from the effective  
8 date of this Consent Agreement, Respondent shall pay an administrative penalty of Two  
9 Thousand Six Hundred Dollars (\$2,600.00) by certified check or money order made payable to  
10 the State of Arizona Board of Technical Registration.

11          6.       **COST OF INVESTIGATION.** Within thirty (30) days from the effective date of  
12 this Consent Agreement, Respondent shall pay the cost of investigation of this case to the Board  
13 in the amount of Two Hundred Ninety-Eight Dollars (\$298.00) by certified check or money order  
14 made payable to the State of Arizona Board of Technical Registration, according to the  
15 provisions of A.R.S. § 32-128(H).

16          7.       **OBEY ALL LAWS.** During the probationary period, Respondent shall obey all  
17 federal, state and local laws, as well as, all rules governing the practice of Engineering in the  
18 State of Arizona. The Board shall consider any violation of this paragraph to be a separate  
19 violation of the rules and statutes governing the Arizona Board of Technical Registration. The  
20 Board may also consider Respondent's non-compliance with this Order as a separate violation of  
21 A.R.S. § 32-150.

22          8.       **RENEWAL OF REGISTRATION.** Respondent and Respondent Firm shall timely  
23 renew their Arizona registration as an Engineer and an Engineering Firm, and timely pay all  
24 required registration fees.

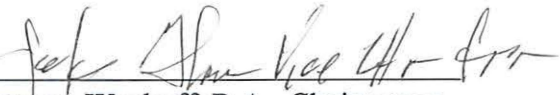
25          9.       **EFFECTIVE DATE.** The effective date of this Consent Agreement is the date the  
26 Respondent and Board sign the Consent Agreement. If the dates are different, the effective date is  
27 the later of the two dates.

28          10.       **COSTS OF COMPLIANCE.** Respondent shall pay all costs associated with

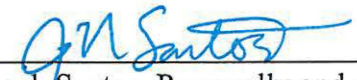
1 complying with this Consent Agreement.

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

6  
7 ACCEPTED and ORDERED this 22 day of JUNE, 2021.

8  
9   
10 Carmen Wyckoff, R.A., Chairperson  
11 Arizona State Board of  
12 Technical Registration

13 Consent Agreement and Order, No. P21-011 accepted this 11<sup>TH</sup> day of JUNE, 2021.

14   
15 Joseph Santos, Personally and on behalf of  
16 Epic Engineering, Respondents

17 **ORIGINAL** filed this 22<sup>nd</sup> day of  
18 June, 2021, with:

19 Arizona State Board of Technical Registration  
20 1110 W. Washington, Suite 240  
Phoenix, AZ 85007

21 **COPY** of the foregoing mailed via Certified Mail  
22 No. 9214 8901943446000828 82 and  
23 First Class mail this 22<sup>nd</sup> day of June, 2021, to:

24 Joseph Santos  
25 Epic Engineering, PC  
26 50 East 100 South  
Heber City, Utah 84032

27 By:   
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