

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

<p>In the Matter of:</p> <p>Mahdi Sadek Professional Engineer Registration No. 38801</p> <p>Epsilon Engineering & Materials Arizona Registration No. 17295 Expired 5/15/18</p> <p style="text-align: right;">Respondent</p>	<p style="text-align: center;">Case No. P21-028</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, Mahdi Sadek, ("Respondent") holder of Registration P.E. No. 38801 and the Principal of Epsilon Engineering & Materials LLC ("Respondent Firm") holder of Firm Registration No. 17295 (Expired 5/15/18) 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

1 and/or judicial action concerning the matters set forth herein.

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

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

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

9 6. Respondent understands this Consent Agreement deals with Board case number
10 P21-028 involving allegations that Respondent engaged in conduct that would subject him to
11 discipline under the Board's statutes and rules. The investigation into these allegations against
12 Respondent shall be concluded upon the Board's adoption of this Consent Agreement.

13 7. Respondent understands that this Consent Agreement does not constitute a
14 dismissal or resolution of any other matters currently pending before the Board, if any, and does
15 not constitute any waiver, express or implied, of the Board's statutory authority or jurisdiction
16 regarding any other pending or future investigation, action or proceeding.

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

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

25 10. This Consent Agreement is subject to the approval of the Board and is effective
26 only when accepted by the Board and signed on behalf of the Board. If the Board does not accept
27 this Consent Agreement, the Board retains its authority to hold a formal administrative hearing
28 pursuant to A.R.S. § 32-128(E). In the event that the Board does not approve this Consent

1 Agreement, it is withdrawn and shall be of no evidentiary value and shall not be relied upon nor
2 introduced in any action by any party, except that the parties agree that should the Board reject
3 this Consent Agreement and this case proceeds to hearing, Respondent shall assert no claim that
4 the Board was prejudiced by its review and discussion of this document or any records relating
5 thereto.

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

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

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

13 FINDINGS OF FACT

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

16 2. Respondent is the holder of Arizona Professional Engineer No. 38801 and is Firm
17 Principal of Respondent Firm.

18 3. Respondent Firm is the holder of Firm Registration No. 17295, which expired on
19 May 15,

20 4. During a routine internal audit, Board staff discovered the Firm Registration of
21 Respondent Firm had expired on May 15, 2018.

22 5. Respondent wrote the Board that the only reason the Firm Representation
23 was not renewed is not intentional but overlooked.

24 6. After receiving notice from the Board of Respondent Firm's expiration of
25 registration, Respondent Firm was renewed on September 17, 2020. New Registration
26 No. is 22827.

27 CONCLUSIONS OF LAW

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

1 including A.R.S. § 32-106.02(A).

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

5 **ORDER**

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

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

9 2. **ADMINISTRATIVE PENALTY.** Within Sixty (60) days from the effective date
10 of this Consent Agreement, Respondent shall pay an administrative penalty of Two Hundred Fifty
11 Dollars (\$250.00) by certified check or money order made payable to the Arizona State Board of
12 Technical Registration.

13 3. **COST OF INVESTIGATION.** Within thirty (30) days from the effective date of
14 this Consent Agreement, Respondent shall pay the cost of investigation of this case to the Board
15 in the amount of Two Hundred Twenty Dollars (\$220.00) by certified check or money order made
16 payable to the State of Arizona Board of Technical Registration, according to the provisions of
17 A.R.S. § 32-128(H).

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

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

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

7. COSTS OF COMPLIANCE. Respondent shall pay all costs associated with complying with this Consent Agreement.

8. NONCOMPLIANCE. If Respondent violates this Order in any way or fails to fulfill the requirements of this Order, the Board may seek a Petition for Injunction in accordance with the provisions set forth in A.R.S. § 32-106.01.

ACCEPTED and ORDERED this 27TH day of OCTOBER, 2020.



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

Consent Agreement and Order, No. P21-028 accepted this 5th day of OCTOBER, 2020.



Mahdi Sadek, Respondent

ORIGINAL filed this 27 day of
OCTOBER, 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 8901 9434 4600 0746 03 and
First Class mail this 27 day of OCTOBER, 2020, to:

Mahdi Sadek
Epsilon Engineering & Materials LLC
13765 W. Auto Dr. #119
Goodyear, AZ 85338

By: 