

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

<p>In the Matter of:</p> <p>Kathryn Mills Professional Engineer (Civil) Registration No. 31118</p> <p style="text-align: center;">Respondent</p>	<p style="text-align: center;">Case No. P21-034</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, Kathryn Mills (“Respondent”), holder of Registration No. 31118, 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.

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

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

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

7 6. Respondent understands this Consent Agreement deals with Board case number
8 P21-034, involving allegations that Respondent engaged in conduct that would subject him to
9 discipline under the Board's statutes and rules. The investigation into these allegations against
10 Respondent shall be concluded upon the Board's adoption of this Consent Agreement.

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

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

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

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

1 this Consent Agreement and this case proceeds to hearing, Respondent shall assert no claim that
2 the Board was prejudiced by its review and discussion of this document or any records relating
3 thereto.

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

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

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

11 **FINDINGS OF FACT**

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

14 2. Respondent is the holder of Arizona Professional Engineering (Civil), Registration
15 No. 31118.

16 3. On April 9, 2019, Respondent entered into a contract with the public for
17 engineering services to be performed for a Septic System Design and Grading and Drainage
18 Plans, for a project located at 29496 N 76th St. in Scottsdale, Arizona.

19 4. On October 6 2020, The Board received a complaint alleging Respondent, after
20 being contracted to provide Septic System Design and Grading and Drainage Plans, for the
21 project located at 29496 N 76th St. in Scottsdale, Arizona, failed to deliver a set of plans or
22 provide her professional services in accordance with the contract. Board staff opened Case No.
23 P21-034, for investigation.

24 5. On November 6, 2020, Board staff received a call from the Respondent. During the
25 conversation, the Respondent admitted that the project at 29496 N 76th St. Scottsdale, Arizona
26 was not complete and plans have not been submitted for compilation.

27 6. On March 5, 2021, Board staff received a case assessment from Enforcement
28 Advisory Committee member Robert H. Marmon, P.E. (Civil). Mr. Marmon provided a written

1 statement in which he expressed concerns that this case represents the third such allegation
2 against Respondent for similar issues on three separate projects. Mr. Marmon opined that
3 Respondent clearly lacks expertise in project planning, project management and execution, and
4 general good business practice. Mr. Marmon further opined that three successive complaints
5 about Respondent's lack of project performance pushes poor business practices into the realm of
6 negligence while providing professional services.

7 7. On March 23, 2021, Board staff received email confirmation from the Allegor that
8 the Septic System Design and Grading and Drainage project had been completed. 1 year, 11
9 months, 4 days after contractual agreement.

10 8. At its March 23, 2021 meeting, the Board agreed with the Mr. Marmon's findings
11 that Respondent demonstrated a lack of standard of care and did not meet contractual
12 obligations to her client.

13 CONCLUSIONS OF LAW

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

15 2. The conduct alleged in the Findings of Fact constitutes grounds for discipline
16 pursuant to A.R.S. § 32-128(C)(2), in that Respondent engaged in gross negligence and
17 incompetence in the practice of the professional services of engineering for the Septic System
18 Design and Grading and Drainage project located at 29496 N 76th St. Scottsdale, Arizona.

19 ORDER

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

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

23 2. STAYED SUSPENSION AND PROBATION. Respondent's registration as
24 Professional Engineer (Civil) No. 31118, shall be suspended for ninety (90) days; however, the
25 suspension is stayed for as long as Respondent remains in compliance with this Order. During
26 the stay of suspension, Respondent's registration as a Professional Engineer is placed on
27 probation for ninety (90) days. If Respondent is non-compliant with any terms of this Order
28 during the ninety (90) day stayed suspension and probation period, the stay of the suspension

1 shall be lifted and Respondent's registration as a Professional Engineer shall be automatically
2 suspended without a formal hearing, and remain suspended until Respondent is compliant with all
3 terms of this Order.

4 3. REMEDIAL EDUCATION. Within ninety (90) days from the effective date of this
5 Consent Agreement, Respondent shall provide proof to the Board that she has successfully
6 completed an education course in ethics.

7 4. ADMINISTRATIVE PENALTY. Within (60) days from the effective
8 date of this Consent Agreement, Respondent shall pay an administrative penalty of One Hundred
9 Fifty Dollars (\$150.00) by certified check or money order made payable to the State of Arizona
10 Board of Technical Registration.

11 5. 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 Three Hundred Sixty-Two Dollars (\$362.00) by certified check or money order
14 made payable to the State of Arizona Board of Technical Registration, according to the provisions
15 of A.R.S. § 32-128(H).

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

21 7. RENEWAL OF REGISTRATION. Respondent shall timely renew her Arizona
22 registration as an Engineer, and timely pay all required registration fees.

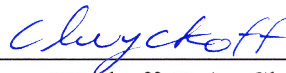
23 8. EFFECTIVE DATE. The effective date of this Consent Agreement is the date the
24 Respondent and Board sign the Consent Agreement. If the dates are different, the effective date is
25 the later of the two dates.

26 9. COSTS OF COMPLIANCE. Respondent shall pay all costs associated with
27 complying with this Consent Agreement.

28 10. NONCOMPLIANCE. If Respondent violates this Order in any way or fails to

1 fulfill the requirements of this Order, the Board, after giving notice and the opportunity to be
2 heard, may revoke, suspend or take other disciplinary actions against the registration. The issue
3 at such a hearing will be limited solely to whether this Order has been violated.
4

5 ACCEPTED and ORDERED this 21st day of April, 2021.

6
7 
8 Carmen Wyckoff, R.A., Chairperson
9 Arizona State Board of
10 Technical Registration

11 Consent Agreement and Order, No. P21-034, accepted this 16 day of April, 2021.

12
13 
14 Kathryn Mills, P.E. 31118, Respondent

15 ORIGINAL filed this _____ day of
16 _____, 2021, with:

17
18 Arizona State Board of Technical Registration
19 1110 W. Washington, Suite 240
20 Phoenix, AZ 85007

21 COPY of the foregoing mailed via Certified Mail
22 No. _____ and
23 First Class mail this _____ day of _____, 2021, to:

24 Kathryn Mills
25 Mills Engineering, LLC
26 1227 E Desert Broom Way
27 Phoenix, AZ 85048

28 By: _____