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1	MARK BRNOVICH	
2	Attorney General Firm Bar No. 14000	
3	DEANIE REH	
4	Assistant Attorney General State Bar No. 005170	
5	Licensing and Enforcement Section	a Simple Comments
6	2005 N. Central Ave. Phoenix, Arizona 85004	
7	Telephone: (602) 542-8322 Facsimile: (602) 542-4385	
8	Attorney for the Arizona State Board of Technical	Registration
9	LicensingEnforcement@azag.gov	
10	BEFORE THE AF BOARD OF TECHNIC	
11	In the Matter of:	Case No.: P21-048
12	David Klepadlo,	
13	Environmental Engineer Registration	CONSENT AGREEMENT
14	No. 37639 (Delinquent),	
15	Respondent.	
16	In the interest of a prompt and judicious resolution of the above-captioned matter before	
17	the Arizona State Board of Technical Registration (the "Board") and consistent with the public	
18	interest, statutory requirements, and the responsibilities of the Board, and pursuant to Arizona	
19	Revised Statutes ("A.R.S.") § 32-101, et seq., and Arizona Administrative Code ("A.A.C.") R4-	
20	30-120(G), the Board and the undersigned p	arty, David Klepadlo, holder of delinquent
21	Registration No. 37639 ("Respondent"), enter into the following Recitals, Findings of Fact	
22	Conclusions of Law and Order ("Consent Agreem	nent") as a final disposition of this matter,
23	RECITALS	
24	1. Respondent has read and understands this Consent Agreement and has had the	
25	opportunity to discuss this Consent Agreement with an attorney, or has waived the opportunity to	
26	discuss this Consent Agreement with an attorney.	

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.
- 4. Respondent understands that this Consent Agreement or any part of the agreement may be considered in any future disciplinary action by the Board against him.
- 5. The Consent Agreement, any record prepared in this matter, all investigative materials prepared or received by the Board and all related exhibits and materials, are records (as defined in A.R.S. § 41-151.18) upon acceptance by the Board of this Consent Agreement and may be retained in the Board's files pertaining to this matter.
- 6. Respondent understands this Consent Agreement deals with Board case number P21-048 involving allegations that Respondent engaged in conduct that would subject him to discipline under the Board's statutes and rules. The investigation into these allegations against Respondent shall be concluded upon the Board's adoption of this Consent Agreement.
- 7. Respondent understands that this Consent Agreement does not constitute a dismissal or resolution of any other matters currently pending before the Board, if any, and does not constitute any waiver, express or implied, of the Board's statutory authority or jurisdiction regarding any other pending or future investigation, action or proceeding.
- 8. Respondent also understands that acceptance of this Consent Agreement does not preclude any other agency, subdivision, or officer of this state from instituting any other civil or criminal proceedings with respect to the conduct that is the subject of this Consent Agreement.
- 9. Respondent acknowledges and agrees that, upon signing this Consent Agreement and returning this document to the Board's Executive Director, Respondent may not revoke acceptance of the Consent Agreement or make any modifications to the document regardless of whether the Consent Agreement has been signed on behalf of the Board. Any modification to

this original document is ineffective and void unless mutually agreed by the parties in writing.

- 10. This Consent Agreement is subject to the approval of the Board and is effective only when accepted by the Board and signed on behalf of the Board. If the Board does not accept this Consent Agreement, the Board retains its authority to hold a formal administrative hearing pursuant to A.R.S. § 32-128(E). In the event that the Board does not approve this Consent Agreement, it is withdrawn, shall be of no evidentiary value, and shall not be relied upon nor introduced in any action by any party. Respondent agrees that should the Board reject this Consent Agreement and this case proceeds to hearing, Respondent shall assert no claim that the Board was prejudiced by its review and discussion of this document or any records relating thereto.
- 11. If a court of competent jurisdiction rules that any part of this Consent Agreement is void or otherwise unenforceable, the remainder of the Consent Agreement shall remain in full force and effect.
- 12. Respondent agrees that any violation of this Consent Agreement may result in disciplinary action, including suspension or revocation of registration under A.R.S. § 32-150.
- Respondent agrees that the Board will adopt the following Findings of Fact,
 Conclusions of Law and Order.

FINDINGS OF FACT

- 1. The Board is the duly constituted authority for the regulation and control of the practice of engineering in the State of Arizona pursuant to A.R.S. § 32-101, et seq.
- 2. Respondent is the holder of Arizona Environmental Engineer Registration No. 37639, which became delinquent on June 30, 2020.
- 3. In the State of Pennsylvania, Respondent operated the Greenfield Township Sewer Authority from 1991 to 2018, and the Benton-Nicholson Sewer Authority since 2007 (collectively, the "Sewer Authorities").
- 4. In connection with operation of the Sewer Authorities, Respondent was investigated by the U.S. Department of Justice for filing false statements with regard to sampling

required by the Clean Water Act, and for attempting to prevent a witness from testifying.

- 5. Respondent pled guilty to a violation of the Clean Water Act and Tampering with a Witness, both felony charges, on December 19, 2018, and was sentenced on October 14, 2020.
- 6. Board staff recommended that this Consent Agreement be proposed to Respondent.

CONCLUSIONS OF LAW

- 1. The Board has jurisdiction in this matter pursuant to A.R.S. § 32-101, et seq.
- 2. The conduct alleged in the Findings-of-Fact allegations # 3, 4, and 5 constitutes grounds for discipline for a violation under A.R.S. § 32-128(C)(4) as it relates to A.A.C. R4-30-301(4), in that Respondent failed to comply with state, municipal and county laws, codes, ordinances and regulations pertaining to his area of practice.
- 3. The conduct alleged in Findings-of-Fact allegations # 3, 4, and 5 also constitutes grounds for discipline for a violation pursuant to A.R.S. 32-128(C)(4) as it relates to A.A.C. R4-30-301(2) in that Respondent engaged in fraud, deceit, misrepresentation or concealment of material facts in advertising, soliciting or providing professional services to the public.

ORDER

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

- 1. **VOLUNTARY SURRENDER OF LICENSE**. Respondent has agreed to voluntarily surrender his license and shall deliver any individual registration certificate to the Board within ten (10) days of the effective date of this Order. Based upon such surrender, Respondent's Arizona Professional Engineer Registration No. 37639 shall be effectively revoked.
- 2. **EFFECTIVE DATE**. The effective date of this Consent Agreement and Order is the date it was last executed by the Respondent or the Board.
- FEES AND COSTS. Each party agrees to pay its own attorney's and expert's fees and costs.

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1	4. COSTS OF COMPLIANCE. Respondent shall pay all costs associated with		
2	complying with this Consent Agreement.		
3	ACCEPTED and ORDERED this 27 day of July, 2021.		
4			
5	Chuychoff		
6	Carmen Wyckoff, RA, Board Chair		
7	Arizona State Board of Technical Registration		
8			
9	CONSENT AGREEMENT and ORDER, Number P21-048, accepted this 28 day of		
10	June, 2021.		
11			
12	LLA KILL		
13	David Klepadlo, Respondent		
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1	ORIGINAL of the foregoing filed this day of, 2021, with:
2	Arizona State Board of Technical Registration
3	1110 W. Washington, Suite 240
4	Phoenix, AZ 85007
5	COPY of the foregoing served via email, with delivery receipt requested, First Class Mail and U.S. Certified Mail No.:
6	this day of, 2021, to:
7	Wesley J. Rish
8	Rish Law Office, LLC 2431 N. Second Street, Suite 201
9	Harrisburg, PA 17110 wesley@rishlawoffice.com
10	Attorney for Respondent
11	COPY of the foregoing e-mailed
12	this day of, 2021, to:
13	Deanie Reh Assistant Attorney General
14	deanie.reh@azag.gov
15	Attorney for the State of Arizona
16	Ву:
17	#9607236
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