

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

In the Matter of:

**Kathryn Mills
P.E. (Civil)
Registration No. 31118**

Respondent

Case No.: P22-042

**CONSENT AGREEMENT
and
ORDER OF DISCIPLINE**

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
2 agreement 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
5 public records upon acceptance by the Board of this Consent Agreement and may be
6 retained in the Board's files pertaining to this matter.

7 6. Respondent understands this Consent Agreement deals with Board case
8 number P22-042 involving allegations that Respondent engaged in conduct that would
9 subject him to discipline under the Board's statutes and rules. The investigation into
10 these allegations against Respondent shall be concluded upon the Board's adoption of
11 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,
14 and does not constitute any waiver, express or implied, of the Board's statutory authority
15 or jurisdiction regarding any other pending or future investigation, action or proceeding.

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

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

26 10. This Consent Agreement is subject to the approval of the Board and is
27 effective only when accepted by the Board and signed on behalf of the Board. If the
28 Board does not accept this Consent Agreement, the Board retains its authority to hold a

1 formal administrative hearing pursuant to A.R.S. § 32-128(E). In the event that the
2 Board does not approve this Consent Agreement, it is withdrawn and shall be of no
3 evidentiary value and shall not be relied upon nor introduced in any action by any party,
4 except that the parties agree that should the Board reject this Consent Agreement and this
5 case proceeds to hearing, Respondent shall assert no claim that the Board was prejudiced
6 by its review and discussion of this document or any records relating thereto.

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

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

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

15 FINDINGS OF FACT

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

18 2. Respondent is the holder of Arizona Professional Engineer (Civil)
19 Registration No. 31118.

20 3. On October 5, 2018, Respondent and Alleger entered into an agreement for
21 Respondent to perform septic system testing, design and permitting. Alleger made
22 payments totaling \$2,500 for the agreed upon professional engineering services.

23 4. On December 16, 2021, the Board received a complaint from Alleger in
24 which it was alleged that Respondent prepared and sealed a site investigation report that
25 falsely reported that the site could support a conventional septic system at Alleger's
26 property. It was further alleged that Respondent was dishonest with her client regarding
27 plan review submittals, failed to submit a design for an alternative septic system,
28 prepared and sealed a site plan placing the wastewater system less than 50 feet from the

1 property line, and then abandoned the project after being paid \$2,500.

2 5. On October 12, 2018, Respondent specifically certified on a site investigation
3 report form that she *“performed this site investigation in accordance with R1-8-9-A3 10*
4 *and have completed this investigation to the best of my knowledge.”* Respondent later
5 admitted not being actually involved in the site investigation as it had been delegated to a
6 subordinate soil technician, not qualified to conduct site investigations in violation of R1-
7 8-9-A3 10 of Arizona Administrative Code.

8 6. On October 12, 2018, Respondent specifically stated on a site investigation
9 report that *“please note that the soil profile is suitable for a conventional septic system.”*
10 Respondent later indicated that *“an alternative treatment system with drip emitters will*
11 *likely be required.”* A Professional Engineer, who actually did a site visit on September
12 30, 2021 and conducted a site investigation, concluded that an alternative septic system
13 rather than a conventional septic was required *“due to the lack of usable soil at the site.”*
14 Respondent’s plans also did not include the required fifty feet setback as required by A.A.C.
15 R18-9-A312.

16 7. On May 4, 2022, an Enforcement Advisory Committee (EAC) was convened to
17 consider and discuss case information to include conducting interviews. The EAC members
18 substantiated allegations specific to technical knowledge and skill as well as regarding the lack
19 of compliance with state regulations.

20 CONCLUSIONS OF LAW

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

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

26 3. The conduct alleged in the Findings of Fact constitutes grounds for discipline
27 pursuant to A.R.S. § 32-128(C)(4) as it relates to A.A.C. R4-30-301(4), in that
28 Respondent failed to comply with state, municipal, and county laws, codes, ordinances,

1 and regulations pertaining to the registrant's area of practice.

2
3 **ORDER**

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

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

8 2. **STAYED REVOCATION AND PROBATION.** Respondent's registration
9 as Professional Engineer (Civil), No. 31118, shall be revoked for twelve months;
10 however, the revocation is stayed for as long as Respondent remains in compliance with
11 this Order. During the stay of revocation, Respondent's registration as a Professional
12 Engineer (Civil), No. 31118 is placed on probation for twelve months. If Respondent is
13 non-compliant with any terms of this Order during the twelve months stayed revocation
14 and probation period, the stay of the revocation shall be lifted and Respondent's
15 registration as a Professional Engineer (Civil), No. 31118 shall be automatically revoked
16 without a formal hearing.

17 3. **RESTITUTION.** Within thirty (30) days from the effective date of this
18 Consent Agreement, Respondent shall pay restitution to the client, Katherine Browne, in
19 the amount of Two Thousand Five Hundred Dollars (\$2,500.00) for the cost of the civil
20 engineering fees related to case P22-042. Respondent shall provide proof of payment
21 made to the client, such as a copy of the check, to the Board of Technical Registration
22 showing payment was made to the client within thirty (30) days from the effective date of
23 this Consent Agreement.

24 4. **ADMINISTRATIVE PENALTY.** Within sixty (60) days from the effective
25 date of this Consent Agreement, Respondent shall pay an administrative penalty of Two
26 Thousand (\$2,000.00) by certified check or money order made payable to the State of
27 Arizona Board of Technical Registration.

28 5. **COST OF INVESTIGATION.** Within thirty (30) days from the effective date

1 of this Consent Agreement, Respondent shall pay the cost of investigation of this case to
2 the Board in the amount of One Thousand Ninety Six Dollars (\$1,096.00) by certified
3 check or money order made payable to the State of Arizona Board of Technical
4 Registration, according to the provisions of A.R.S. § 32-128(H).

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


11 7. RENEWAL OF REGISTRATION. Respondent and Respondent Firm shall
12 timely renew her Arizona registration as an Professional Engineer.

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

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

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

23 ACCEPTED and ORDERED this 24 day of JUNE, 2022.

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26 
27 Jack Gilmore, L.A., Chairman
28 Arizona State Board of
Technical Registration

1 Consent Agreement and Order, No. P22-042 accepted this 23 day of
2 June, 2022.

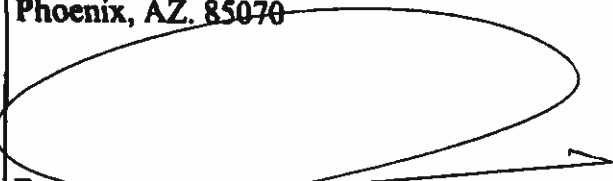
3 Kathryn Mills
4 Kathryn Mills, Respondent

5 ORIGINAL filed this 24 day of
6 June, 2022, with:

7 Arizona State Board of Technical Registration
8 1110 W. Washington, Suite 240
9 Phoenix, AZ 85007

10 COPY of the foregoing mailed via Certified Mail
11 No. 9214 8901 9434 4600 0879 62 and
12 First Class mail this 24 day of June, 2022, to:

13 Kathryn Mills
14 Mills Engineering
15 P.O. Box 93392
16 Phoenix, AZ. 85070

17 
18 By: Sam Deeloy
19 Sam Deeloy, BTR Investigator

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