



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 P22-044 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2 Board does not approve this Consent Agreement, it is withdrawn and shall be of no  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. 37322.

20 3. On or about February 13, 2020, Respondent submitted a proposal to Alleger  
21 in which Respondent proposed to provide engineering services specific to the design of a  
22 culvert for an agreed figure of \$5,750. Alleger compensated Respondent for the  
23 engineering services as outlined in the proposal.

24 4. On or about April 23, 2020, Respondent and a subordinate Engineer-In-  
25 Training prepared a drainage report in which a 36-inch culvert was included to handle  
26 runoff on Alleger's property. Alleger had the culvert installed per the dimensions as  
27 specified in the culvert design section of Respondent's drainage report.

28 5. On July 21, 2021, a significant rainfall event was experienced by Alleger that

1 resulted in property damage to the property of Alleger as well as a nearby neighbor as the  
2 result of localized flooding.

3 6. On January 6, 2022, Alleger filed a complaint with the Board alleging the  
4 culvert failed to sufficiently drain water causing damage to Alleger's property and  
5 flooding to a neighbor's property.

6 7. On July 6, 2022, an Enforcement Advisory Committee (EAC) meeting was  
7 convened to discuss and consider the facts and circumstances surrounding the project to  
8 include the engineering work by Respondent. EAC members unanimously substantiated  
9 the allegation as it was concluded that Respondent failed to apply the appropriate  
10 technical knowledge and skill in the practice of a Board regulated profession. The culvert  
11 was characterized as "*grossly under designed.*"

12 8. During the July 6, 2022 EAC meeting, Respondent acknowledged  
13 responsibility for the identified engineering deficiencies in the drainage report that was  
14 both signed and sealed by Respondent.

#### 15 **CONCLUSIONS OF LAW**

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

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

#### 21 **ORDER**

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

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

26 2. STAYED SUSPENSION AND PROBATION. Respondent's registration as  
27 Professional Engineer (Civil), No. 37322, shall be suspended for six months; however,  
28 the suspension is stayed for as long as Respondent remains in compliance with this

1 Order. During the stay of suspension, Respondent's registration as a Professional  
2 Engineer is placed on probation for six months. If Respondent is non-compliant with any  
3 terms of this Order during the six month stayed suspension and probation period, the stay  
4 of the suspension shall be lifted and Respondent's registration as a Professional Engineer  
5 shall be automatically suspended without a formal hearing, and remain suspended until  
6 Respondent is compliant with all terms of this Order.

7 3. RESTITUTION. Within thirty (30) days from the effective date of this  
8 Consent Agreement, Respondent shall pay restitution to the client, Edwin Browne, in the  
9 amount of Five Thousand Seven Hundred and Fifty Dollars (\$5,750) for the cost of the  
10 professional fees related to case P22-044. Respondent shall provide proof of payment  
11 made to the client, such as a copy of the check, to the Board of Technical Registration  
12 showing payment was made to the client.

13 4. ADMINISTRATIVE PENALTY. Within six (6) months from the effective  
14 date of this Consent Agreement, Respondent shall pay an administrative penalty of One  
15 Thousand Dollars (\$1,000) by certified check or money order made payable to the State of  
16 Arizona Board of Technical Registration.

17 5. COST OF INVESTIGATION. Within thirty (30) days from the effective date  
18 of this Consent Agreement, Respondent shall pay the cost of investigation of this case to  
19 the Board in the amount of Eight Hundred Eighty Dollars (\$880) by certified check or  
20 money order made payable to the State of Arizona Board of Technical Registration,  
21 according to the provisions of A.R.S. § 32-128(H).

22 6. OBEY ALL LAWS. Respondent shall obey all federal, state and local laws,  
23 as well as, all rules governing the practice of Engineering in the State of Arizona. The  
24 Board shall consider any violation of this paragraph to be a separate violation of the rules  
25 and statues governing the Arizona Board of Technical Registration. The Board may also  
26 consider Respondent's non-compliance with this Order as a separate violation of A.R.S. §  
27 32-150.

28 7. RENEWAL OF REGISTRATION. Respondent shall timely renew the

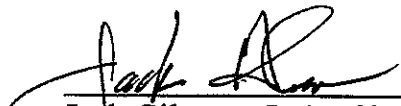
1 Arizona registration as an Engineer, and timely pay all required registration fees.

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

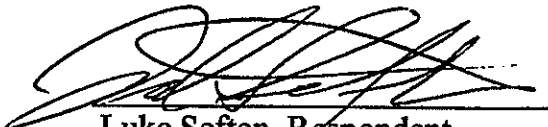
5 9. COSTS OF COMPLIANCE. Respondent shall pay all costs associated with  
6 complying with this Consent Agreement.

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

12 ACCEPTED and ORDERED this 26 day of July, 2022.

13  
14   
15 Jack Gilmore, L.A., Chairman  
16 Arizona State Board of  
17 Technical Registration

18 Consent Agreement and Order, No. P22-044 accepted this 25 day of  
19 July, 2022.

20   
21 Luke Sefton, Respondent

22 ORIGINAL filed this 26 day of  
23 July, 2022, with:

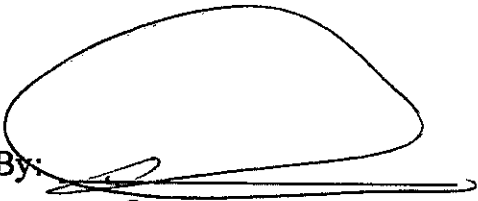
24  
25 Arizona State Board of Technical Registration  
26 1110 W. Washington, Suite 240  
27 Phoenix, AZ 85007

28 COPY of the foregoing mailed via Certified Mail

No. 9214 8901 9434 4600 0884 40 and  
First Class mail this 26 day of July, 2022, to:

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Luke Sefton, C/O Tony S. Cullum, Esq.  
14 E. Dale Ave.  
Flagstaff, AZ 86001



By: Cem Roehn, BIA Investigator