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

In the Matter of:
Kelli LeVasseur
Professional Engineer (Civil)
Registration No. 53519

Respondent

Case No.: P22-069

**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, Kelli LeVasseur ("Respondent"), holder of Registration No. 53519, 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 P22-069 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. 53519.

20 3. On or about January 27, 2020, Respondent reviewed and sealed truss design
21 plans prepared by a junior engineer for the Anable Home Addition project in Phoenix,
22 Arizona.

23 4. The seal affixed to the truss design plans read "Kelli R. LeVassuer,
24 Professional Engineer (Structural) #53519".

25 5. On or about May 18, 2022, the Board received a complaint, which included
26 the allegation that on or about January 27, 2020, Respondent signed and sealed truss
27 design plans for the Anable Home Addition project in Phoenix, Arizona, that were not
28 properly designed, were 2-5 times overstressed, and failing.

1 6. On or about November 10, 2022, an Enforcement Advisory Committee
2 Meeting (“EAC”) convened to review the complaint against Respondent.

3 A. During her interview, Respondent attested to the following:

4 I. Respondent acknowledged that the truss design plans which she
5 affixed her seal to, contained the following technical deficiencies:

6 i. The truss design and calculations were structurally
7 inadequate,

8 ii. The calculations for the moments in the truss joints were
9 inadequate,

10 iii. The plans lacked details regarding the materials to be used
11 and how the materials were to be jointed,

12 iv. The connection bolts were not checked for sheer and parallel
13 grain conditions,

14 v. The unbraced lengths in the plans were incorrect,

15 vi. The positions of the bolts for the wood members in the trusses
16 were inadequate,

17 vii. Many of the truss connections were modeled as “fixed
18 connections” when they should have been modeled as
19 “pinned connections”,

20 viii. The plans assumed that the baring conditions were fixed both
21 vertically and horizontally, creating excessive horizontal
22 force, which could not be supported by the structure’s walls.

23 II. Respondent acknowledged affixing a digital seal to the truss design
24 plans which read “Kelli R. LeVasseur, Professional Engineer
25 (Structural) #53519” when Respondent’s sole registration with the
26 Board is for Civil Engineering, and her seal affidavit on file with the
27 Board reads “Kelli R. LeVassuer, Professional Engineer (Civil)
28 #53519”.

1 III. Respondent said her acknowledged mistakes were due to a lack of
2 attention to detail and a failure to thoroughly review the truss design
3 plans.

4 B. At the conclusion of the EAC meeting, the EAC Committee determined the
5 following:

6 I. The Committee found that Respondent failed to apply the
7 appropriate technical knowledge and skill for the project. The
8 Committee opined that the truss design plans, sealed by Respondent,
9 contained numerous severe deficiencies, as acknowledged by
10 Respondent, which rendered them structurally unsound. The
11 Committee further opined that the truss design plans, sealed by
12 Respondent, lacked the appropriate details necessary for
13 construction.

14 II. The Committee found that Respondent engaged in misrepresentation
15 and concealment of material facts, in that she affixed a seal to
16 professional documents which read "Kelli R. LeVasseur,
17 Professional Engineer (Structural) #53519" despite her sole
18 registration with the Board being for Civil Engineering and her seal
19 affidavit on file with the Board reading "Kelli R. LeVassuer,
20 Professional Engineer (Civil) #53519".

21 III. The Committee found that Respondent applied a seal to professional
22 documents which does not match the seal on file with the Board, in
23 that Respondent's seal affixed to the truss design plans read "Kelli
24 R. LeVassuer, Professional Engineer (Structural) #53519" while her
25 seal affidavit on file with the Board reads "Kelli R. LeVassuer,
26 Professional Engineer (Civil) #53519".

27 C. During the EAC Meeting, the Committee identified unsealed shoring plans
28 prepared by Respondent, which did not include any notations that they were

1 preliminary in nature.

2 7. On or about December 2, 2022, Board staff received an email from
3 Respondent acknowledging that she sent out unsealed shoring plans.

4 **CONCLUSIONS OF LAW**

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

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

10 3. The conduct alleged in the Findings of Fact constitutes grounds for discipline
11 pursuant to A.R.S. § 32-128(C)(4) as it relates to A.A.C. R4-30-301(2), in that
12 Respondent engaged in misrepresentation and concealment of material facts in providing
13 professional services to the public.

14 4. The conduct alleged in the Findings of Fact constitutes grounds for discipline
15 pursuant to A.R.S. § 32-128(C)(4) as it relates to A.A.C. R4-30-304(E)(1), in that
16 Respondent applied a seal to professional documents which does not match the seal on
17 the file at the Board's office.

18 5. The conduct alleged in the Findings of Fact constitutes grounds for discipline
19 pursuant to A.R.S. § 32-128(C)(4) as it relates to A.A.C. R4-30-304(D)(1) in that
20 Respondent provided professional documents to a client, contractor, regulatory or review
21 body, or any other person, without a signature, date, and affixed seal.

22 **ORDER**

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

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

27 2. STAYED SUSPENSION AND PROBATION. Respondent's registration as
28 a Professional Engineer (Civil), No. 53519, shall be suspended for Twelve (12) months;

1 however, the suspension is stayed for as long as Respondent remains in compliance with
2 this Order. During the stay of suspension, Respondent's registration as a Professional
3 Engineer (Civil) is placed on probation for Twelve (12) months. If Respondent is non-
4 compliant with any terms of this Order during the Twelve (12) months stayed suspension
5 and probation period, the stay of the suspension shall be lifted and Respondent's
6 registration as a Professional Engineer (Civil) shall be automatically suspended without a
7 formal hearing, and remain suspended until Respondent is compliant with all terms of
8 this Order.

9 3. PEER REVIEWS. Respondent shall submit her next Five (5) Wood
10 Structural Engineering projects for peer review, within Twelve (12) months of the
11 effective date of this Consent Agreement. Respondent shall furnish to Board staff, the
12 name of an Arizona registered Professional Structural Engineer ("Peer Reviewer") who
13 agrees to review and report on Respondent's work. The proposed Peer Reviewer shall
14 have at least five years of actual engagement as a Structural Engineer with expertise in
15 Structural Engineering, shall be registered and in good standing with the Board and shall
16 not have received any disciplinary action from the Board within the last three years.
17 Respondent shall provide the Board with the name, registration number, contact
18 information, and a current resume detailing the qualifications of the proposed Peer
19 Reviewer. Upon approval by Board staff of the Peer Reviewer, Respondent shall ensure
20 that the Peer Reviewer provides a written report directly to Board staff after each peer
21 reviewed project describing any deficiencies in Respondent's practice, and certifying that
22 the peer reviewed project provided to the client by the Respondent is in compliance with
23 Board rules and statutes. Respondent shall not give final approval on any projects to a
24 client, contractor, any regulatory or review body or any other person until the project has
25 been reviewed and approved by the Peer Reviewer. Respondent shall retain the Peer
26 Reviewer at her own expense.

27 4. REMEDIAL TRAINING. Within Two (2) months from the effective date of
28 this Consent Agreement, Respondent shall submit a course(s) for Board staff pre-

1 approval. Upon approval, Respondent shall complete a course regarding wood
2 connections in Structural Engineering and provide the Board with a certificate of
3 completion.

4 5. ADMINISTRATIVE PENALTY. Within Twelve (12) months from the
5 effective date of this Consent Agreement, Respondent shall pay an administrative penalty
6 of Two Thousand Three Hundred and Seventy Five Dollars (\$2,375.00) by certified
7 check or money order made payable to the State of Arizona Board of Technical
8 Registration.

9 6. COST OF INVESTIGATION. Within Three (3) months from the effective
10 date of this Consent Agreement, Respondent shall pay the cost of investigation of this
11 case to the Board in the amount of Six Hundred Twenty-Four Dollars (\$624.00) by
12 certified check or money order made payable to the State of Arizona Board of Technical
13 Registration, according to the provisions of A.R.S. § 32-128(H).

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

20 8. RENEWAL OF REGISTRATION. During the probationary period,
21 Respondent shall timely renew her Arizona registration as a Civil Engineer, and timely
22 pay all required registration fees.

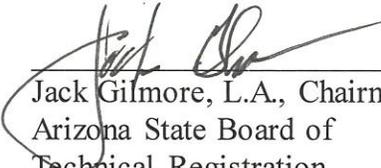
23 9. EFFECTIVE DATE. The effective date of this Consent Agreement is the
24 date the Respondent and Board sign the Consent Agreement. If the dates are different, the
25 effective date is the later of the two dates.

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

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

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

5
6 ACCEPTED and ORDERED this 29 day of FEBRUARY, 2023.

7
8 
9 Jack Gilmore, L.A., Chairman
10 Arizona State Board of
11 Technical Registration

12 Consent Agreement and Order, No. P22-069 accepted this 10th day of
13 January, 2023.

14 
15 Kelli LeVasseur, Respondent
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1 **ORIGINAL** filed this 1st day of

2 March, 2023, with:

3
4 Arizona State Board of Technical Registration
5 1110 W. Washington, Suite 240
6 Phoenix, AZ 85007

7 **COPY** of the foregoing mailed via Certified Mail

8 No. 9214 8901 9434 4600 0913 96 and

9 First Class mail this 1st day of March, 2023, to:

10 Kelli LeVasseur
11 2948 N. Juniper Dr.
12 Midland, MI 48642

13 By: *Daniel Carthel*