

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

In the Matter of:)
)
) **Mozart Faizi**)
) **Professional Engineer (Electrical)**)
) **Registration No. 34067**)
)
) **Respondent**)

Case No.: P23-097

**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, Mozart Faizi ("Respondent"), holder of Registration No. 34067, 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 P23-097 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 (Electrical)
19 Registration No. 34067.

20 3. On or about February 23, 2022, Respondent received an email from Rodolfo
21 Carillo ("Firm Owner"), Non-Registrant owner of Teoca Design Solutions ("Firm"),
22 asking if he would agree to review an electrical plan for a project in Mesa, Arizona.
23 Respondent sent Firm Owner an email in response, agreeing to review the electrical plan
24 for a fee of Seventy-Five Dollars (\$75.00) per sheet.

25 4. On or about February 24, 2022, Respondent received an email from Firm
26 Owner with the electrical plan attached. In the email, Firm Owner asked Respondent to
27 review the electrical plan.

28 5. On or about February 26, 2022, Respondent affixed his seal to the electrical

1 plan and sent it to Firm Owner as an email attachment. In his email, Respondent advised
2 Firm Owner that he reviewed the electrical plan and affixed his professional seal to it.

3 6. On or about October 27, 2022, Board staff received a copy of the electrical
4 plan for the Mesa, Arizona, project from Firm Owner. Respondent's seal was the only
5 professional seal affixed to the electrical plan.

6 7. On or about January 10, 2023, Respondent acknowledged the following:

7 a) Firm Owner's non-registrant employee, not Respondent, prepared the
8 electrical plan.

9 b) Respondent reviewed the plan and affixed his professional seal to it at
10 Firm Owner's request.

11 c) Respondent is an acquaintance of Firm Owner, but is not associated
12 with Firm in any capacity.

13 d) On multiple occasions, Respondent has reviewed and sealed plans at
14 Firm Owner's request.

15 8. On or about February 1, 2023, Firm Owner acknowledged that his former
16 non-registrant employee, not Respondent, prepared the electrical plan. Firm Owner
17 further acknowledged that he asked Respondent to review the electrical plan.

18 9. On or about April 19, 2023, Respondent further acknowledged the following:

19 a) Respondent reviewed and sealed the electrical plan, which was prepared
20 by Firm Owner's non-registrant employee.

21 b) Respondent received a fee of Seventy-Five Dollars (\$75.00) per sheet,
22 Three Hundred Dollars (\$300.00) in total, from Firm Owner for his
23 review of the electrical plan.

24 **CONCLUSIONS OF LAW**

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

26 2. 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(16), in that
28 Respondent signed and sealed professional documents not prepared by himself or his

1 bona fide employee.

2 **ORDER**

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

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

7 2. STAYED SUSPENSION AND PROBATION. Respondent's registration as
8 a Professional Engineer (Electrical), No. 34067, shall be suspended for Twelve (12)
9 Months; however, the suspension is stayed for as long as Respondent remains in
10 compliance with this Order. During the stay of suspension, Respondent's registration as
11 a Professional Engineer (Electrical) is placed on probation for Twelve (12) Months. If
12 Respondent is non-compliant with any terms of this Order during the Twelve (12)
13 Months stayed suspension and probation period, the stay of the suspension shall be lifted
14 and Respondent's registration as a Professional Engineer (Electrical) shall be
15 automatically suspended without a formal hearing, and remain suspended until
16 Respondent is compliant with all terms of this Order.

17 3. ADMINISTRATIVE PENALTY. Within Twelve (12) Months from the
18 effective date of this Consent Agreement, Respondent shall pay an administrative penalty
19 of Two Thousand Dollars (\$2,000.00) by certified check or money order made payable to
20 the State of Arizona Board of Technical Registration.

21 4. COST OF INVESTIGATION. Within Thirty (30) Days from the effective
22 date of this Consent Agreement, Respondent shall pay the cost of investigation of this
23 case to the Board in the amount of Fifty Nine Dollars (\$59.00) by certified check or
24 money order made payable to the State of Arizona Board of Technical Registration,
25 according to the provisions of A.R.S. § 32-128(H).

26 5. OBEY ALL LAWS. Respondent shall obey all federal, state and local laws,
27 as well as, all rules governing the practice of Professional Engineering in the State of
28 Arizona. The Board shall consider any violation of this paragraph to be a separate

1 violation of the rules and statues governing the Arizona Board of Technical Registration.
2 The Board may also consider Respondent's non-compliance with this Order as a separate
3 violation of A.R.S. § 32-150.

4 6. RENEWAL OF REGISTRATION. During the probationary period,
5 Respondent shall timely renew his Arizona registration as a Professional Engineer
6 (Electrical), and timely pay all required registration fees.

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

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

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

17
18 ACCEPTED and ORDERED this 22 day of August, 2023.

19
20 
21 Jack Gilmore, L.A., Chairman
22 Arizona State Board of
23 Technical Registration

24 Consent Agreement and Order, No. P23-097 accepted this Sunday day of
25 JULY, 30, 2023.

26 
27 Mozart Faizi, Respondent
28

1 **ORIGINAL** filed this 23rd day of

2 August, 2023, with:

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

6 **COPY** of the foregoing mailed via Certified Mail
7 No. 9214 8901 9434 4600 0937 10 and
8 First Class mail this 23rd day of August, 2023, to:

9 Mozart Faizi
10 1252 Montcourse Lane
11 San Jose, CA 95131

12 By: Daniel Carthel