

1 irrevocable.

2 4. Respondent understands that this Consent Agreement or any part of the
3 agreement may be considered in any future disciplinary action by the Board against him.

4 5. The Consent Agreement, any record prepared in this matter, all investigative
5 materials prepared or received by the Board and all related exhibits and materials, are
6 public records upon acceptance by the Board of this Consent Agreement and may be
7 retained in the Board's files pertaining to this matter.

8 6. Respondent understands this Consent Agreement deals with Board case
9 number P23-008 involving allegations that Respondent engaged in conduct that would
10 subject him to discipline under the Board's statutes and rules. The investigation into
11 these allegations against Respondent shall be concluded upon the Board's adoption of
12 this Consent Agreement.

13 7. Respondent understands that this Consent Agreement does not constitute a
14 dismissal or resolution of any other matters currently pending before the Board, if any,
15 and does not constitute any waiver, express or implied, of the Board's statutory authority
16 or jurisdiction regarding any other pending or future investigation, action or proceeding.

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

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

27 10. This Consent Agreement is subject to the approval of the Board and is
28 effective only when accepted by the Board and signed on behalf of the Board. If the

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3 Board does not approve this Consent Agreement, it is withdrawn and shall be of no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

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

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

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

16 **FINDINGS OF FACT**

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

19 2. Respondent is the holder of Arizona Professional Engineer (Civil)
20 Registration No. 34016.

21 3. On or about September 2021, Respondent prepared and provided a grading
22 and drainage plan, to include a detail of a retaining wall, for a residential project located
23 in Fountain Hills, AZ. On or about July 22, 2022, the Board received a complaint
24 (“Complaint”) alleging that Respondent may have violated Board statutes and rules in
25 preparation of these grading and drainage plans.

26 4. Among other violations, the Complaint alleged critical discrepancies in the
27 plan’s location of a retaining wall; failure to properly perform calculations; failure to
28 properly incorporate roof overhang and building location movement into calculations;

1 misstatement of lot coverage and miscalculation of total square footage under roof.

2 5. On or about September 22, 2023, an Enforcement Advisory Committee
3 (“EAC”) convened to review the Complaint against Respondent.

4 A. During his interview, Respondent stated the following:

5 I. The cut and fill quantities on the second submittal of the grading and
6 drainage plan should have been updated;

7 II. There was a mistake regarding the reported lot coverage on the
8 grading and drainage plan, because the design of the house changed
9 after the first report was issued; and both figures for lot coverage were
10 lower than, and compliant with, the lot coverage cap set forth in the
11 Town’s development code; and

12 III. He did not include calculations on the plans for the six-foot retaining
13 wall and only provided the detail on the plans. Respondent further
14 reiterated that he did not do new calculations when the wall height was
15 changed from five feet to six feet; instead he stated that the detail from
16 the six foot wall was copied from a separate project, which was
17 approved by the City of Phoenix for an unrelated project. Respondent
18 explained that the Town accepts, and did accept in this case, any
19 standard detail for a retaining wall, without calculations.

20 B. At the conclusion of the EAC meeting, the EAC Committee determined the
21 following:

22 I. Respondent failed to apply the appropriate technical knowledge and
23 skill for the project through:

24 a. Failure to modify the cut and fill quantities and details on the
25 grading and drainage plan; and

26 b. Deficiencies in the retaining wall plans, specifically:

27 1. The calculations’ failure to match the retaining wall on
28 the drawings;

1 be suspended for twenty-four (24) months; however, the suspension is stayed for as long
2 as Respondent remains in compliance with this Order. During the stay of suspension,
3 Respondent's registration as a Professional Engineer (Civil) No. 34016, shall be placed
4 on probation for twenty-four months. If Respondent is non-compliant with any terms of
5 this Order during the twenty-four month stayed suspension and probation period, the stay
6 of the suspension shall be lifted and Respondent's registration as a Professional Engineer
7 (Civil) shall be automatically suspended without a formal hearing, and remain suspended
8 until Respondent is compliant with all terms of this Order.

9 3. INDEFINITE RESTRICTION OF PRACTICE. As of the effective date of
10 this Order, Respondent's registration as Professional Engineer (Civil) No. 34016, shall be
11 placed on a restriction prohibiting Respondent from performing the practice of structural
12 engineering. This restriction shall be of indefinite term, and shall only be terminated
13 upon Respondent providing to the Board evidence demonstrating that Respondent has
14 successfully taken and passed the National Council of Examiners for Engineering and
15 Surveying (NCEES) Structural Engineering Examination.

16 4. ADMINISTRATIVE PENALTY. Within twelve (12) months from the
17 effective date of this Order, Respondent shall pay an administrative penalty of Four
18 Thousand Dollars (\$4,000.00) by certified check or money order made payable to the
19 State of Arizona Board of Technical Registration.

20 5. COST OF INVESTIGATION. Within twelve (12) months from the
21 effective date of this Order, Respondent shall pay the cost of investigation of this case to
22 the Board in the amount of Six Hundred and Ninety Dollars (\$690.00) by certified check
23 or money order made payable to the State of Arizona Board of Technical Registration.

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

1 32-150.

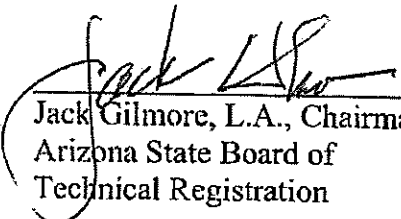
2 7. RENEWAL OF REGISTRATION. Respondent shall timely renew his
3 Arizona registration as a Professional Engineer (Civil), and timely pay all required
4 registration fees.

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

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

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

15 ACCEPTED and ORDERED this 20 day of OCTOBER, 2023.

16
17 
18 Jack Gilmore, L.A., Chairman
19 Arizona State Board of
20 Technical Registration

21 Consent Agreement and Order, No. P23-008 accepted this 18 day of
22 October, 2023.

23 
24 Raad Salih, Respondent

25 ORIGINAL filed this 20th day of
26 October, 2023, with:

27 Arizona State Board of Technical Registration
28 1110 W. Washington, Suite 240
Phoenix, AZ 85007

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COPY of the foregoing mailed via Certified Mail
No. 9214 8901 9434 4600 0000 0944 72 and
First Class mail this 20th day of October, 2023, to:

Raad Salih
230 W. Baseline Road
Tempe, AZ 85282

By: Kathryn Crawford