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

**In the Matter of:**

**Steven Helfrich  
Professional Engineer (Civil)  
Registration No. 38408**

**Respondent**

**Case No.: P23-105**

**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, Steven Helfrich ("Respondent"), holder of Registration No. 38408, 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 and 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. Respondent understands this document, any record prepared in this matter,  
4 all investigative materials prepared or received by the Board, and all related exhibits and  
5 materials are public records upon acceptance by the Board of this Consent Agreement  
6 and may be retained in the Board's files pertaining to this matter.

7           6. Respondent understands this Consent Agreement deals with Board case  
8 number P23-105 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 understands that acceptance of this Consent Agreement does not  
17 preclude any other agency, subdivision, or officer of this State from instituting any other  
18 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 Board staff, he may not revoke his acceptance  
22 of the Consent Agreement or make any modifications to the document regardless of  
23 whether the Consent Agreement has been signed on behalf of the Board. Any  
24 modification to this original document is ineffective and void unless mutually agreed by  
25 the parties in writing.

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

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2 event that the Board does not approve this Consent Agreement, it shall be withdrawn and  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

7 11. Respondent understands if a court of competent jurisdiction rules that any  
8 part of this Consent Agreement is void or otherwise unenforceable, the remainder of the  
9 Consent Agreement 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. 38408, issued by the Board on November 12, 2002.

20 3. At all times relevant to the allegations of this Consent Agreement, Arizona  
21 Professional Engineer (Civil) Registration No. 38408 was active.

22 4. On or about March 11, 2020, Respondent entered into a contract with a  
23 general contractor ("Contractor") to prepare plans and calculations for the stabilization of  
24 a leaning residential retaining wall, via helical tieback anchors, for a residence in Gila  
25 County, Arizona.

26 5. On or about April 11, 2020, Respondent provided his complete sealed plans  
27 and calculations for the project to Contractor.

28 6. On or about May 27, 2020, Respondent verbally approved Contractor's

1 request to install the helical tieback anchors at a more shallow depth and at a more  
2 horizontal angle than what was called for in Respondent's plans, which had been  
3 approved by Gila County. At this time, Respondent did not visit the site to verify the  
4 information provided by Contractor.

5 7. On or about June 29, 2020, Respondent prepared and sealed a special  
6 inspection report indicating that the helical tieback anchors were installed in accordance  
7 with the plans approved by Gila County. Respondent's special inspection report was  
8 based on information received by Contractor instead of an onsite visit, and failed to note  
9 that the helical tieback anchors were not installed at the depth and angle that was called  
10 for in the Gila County approved plans.

11 8. On or about March 24, 2023, Respondent and Contractor conducted an in  
12 person site visit at the Gila County residence in response to concerns voiced by the  
13 homeowner about the helical tieback installation possibly failing.

14 9. On or about April 10, 2023, Respondent prepared a site observation report  
15 documenting his findings during the March 24, 2023, in person site visit. In his report,  
16 Respondent indicated that:

17 A. The helical tieback anchors were not installed at the depth or angle that  
18 was called for in the Gila County approved plans.

19 B. He approved the alterations in the helical tieback anchor installation due to  
20 unexpected soil conditions.

21 C. He did not consider the frost depth of the area when preparing his plans  
22 and calculations.

23 10. On or about April 20, 2023, the Board received a complaint alleging that on  
24 or about June 29, 2020, Respondent prepared a special inspection report regarding the  
25 installation of 5 helical tiebacks anchors at a Gila County, Arizona, residence and  
26 concluded that the project was complete and had been installed in accordance with the  
27 plans and specifications; however, the site observation report documents signify changes  
28 were made in the field and approved by Respondent. It was also alleged that there is

1 deficiency in attention to detail and errors and omission found in the scope of work,  
2 calculation drawing, the engineered CAD drawing; the special inspection report and the  
3 site observation report suggest that a standard of care was not met.

4 11. On or about May 21, 2024, Respondent acknowledged that he:

5 A. Prepared the plans and calculations, as well as the special inspection  
6 report in question.

7 B. Did not visit the project site until March 24, 2023, more than two years  
8 after the project was completed.

9 C. Was unaware of the frost depth of the project area when preparing his  
10 plans and calculations.

11 D. Was unaware of the internal reinforcement, or lack thereof, of the  
12 affected retaining wall when preparing his plans and calculations.

13 E. Based his preparation of the plans and calculations solely on information  
14 provided by Contractor.

15 F. Approved Contractor's request to install the helical tieback anchors at a  
16 more shallow depth and at a more horizontal angle than what is called for  
17 in his plans, which had been approved by Gila County, based solely on  
18 information provided by Contractor without seeking approval from Gila  
19 County.

20 G. Prepared the special inspection report for the project based solely on  
21 information provided by Contractor, despite knowing that the helical  
22 tieback anchors were not installed in accordance with the plans that were  
23 approved by Gila County.

24 12. Respondent failed to do his due diligence, in that:

25 A. When preparing his initial design plans, Respondent:

26 I. Did not conduct an in person site visit.  
27  
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1 II. Based his design on minimal unverified information provided by  
2 Contractor.

3 III. Failed to verify the presence of adequate internal reinforcement  
4 within the affected retaining wall.

5 IV. Failed to verify the frost depth and consistency of the location soil.

6 B. When verbally approving Contractor's request to install the helical  
7 tieback anchors at a more shallow depth and a more horizontal angle  
8 than what was called for in the Gila County approved plans, Respondent,  
9

10 I. Did not conduct an in person site visit

11 II. Based his verbal approval on minimal unverified information  
12 provided by Contractor

13 III. Did not notify Gila County of the requested changes for approval.

14 C. When preparing the special inspection report, Respondent:

15 I. Did not conduct an in person site visit

16 II. Based the report on minimal unverified information provided by  
17 Contractor.

18 III. Failed to note that the helical tieback anchors were installed at a  
19 more shallow depth and at a more horizontal angle than what was  
20 called for in the Gila County approved plans.  
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22 **CONCLUSIONS OF LAW**

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

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

28 ///

1 **ORDER**

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

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

6 2. ADMINISTRATIVE PENALTY. Within Sixty (60) Days from the  
7 effective date of this Consent Agreement, Respondent shall pay an administrative penalty  
8 of Five Hundred Dollars (\$500.00) by certified check or money order made payable to  
9 the State of Arizona Board of Technical Registration.

10 3. COST OF INVESTIGATION. Within Sixty (60) Days from the effective  
11 date of this Consent Agreement, Respondent shall pay the cost of investigation of this  
12 case to the Board in the amount of Two Hundred Forty-Three Dollars (\$243.00) by  
13 certified check or money order made payable to the State of Arizona Board of Technical  
14 Registration, according to the provisions of A.R.S. § 32-128(H).

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

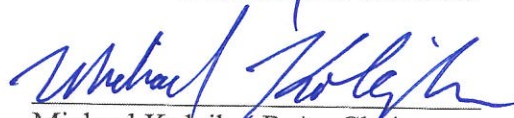
21 5. RENEWAL OF REGISTRATION. Respondent shall timely renew his  
22 Arizona registration as a Professional Engineer, and timely pay all required registration  
23 fees.

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

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

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

6  
7 ACCEPTED and ORDERED this 23<sup>rd</sup> day of July, 2024.

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9   
10 Michael Kolejka, R.A., Chairman  
11 Arizona State Board of  
12 Technical Registration

13 Consent Agreement and Order, No. P23-105 accepted this 16<sup>th</sup> day of  
14 July, 2024.

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16 Steven Helfrich, Respondent  
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1 **ORIGINAL** filed this 24th day of

2 July, 2024, 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 0979 54 and

8 First Class mail this 24th day of July, 2024, to:

9 Steven Helfrich  
10 30640 Kristin Court  
11 Redlands, CA 92373

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13  
14 By: Daniel Carthel