

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

3
4 **In the Matter of:**

5 **FORREST GRESSLEY**

6 **Non-Registrant**

7
8 **Respondent**

Case No.: P24-021

**CONSENT AGREEMENT
and
ORDER OF DISCIPLINE**

9
10 In the interest of a prompt and judicious resolution of the above-captioned matter
11 before the Arizona State Board of Technical Registration (“Board”) and consistent with
12 the public interest, statutory requirements, and the responsibilities of the Board, and
13 pursuant to A.R.S. § 32-101 *et seq.*, and A.A.C. R4-30-120(G), the undersigned party,
14 Forrest Gressley, Non-Registrant, (“Respondent”) and the Board enter into the following
15 Recitals, Findings of Fact, Conclusions of Law and Order (“Consent Agreement”) as a
16 final disposition of this matter.

17 **RECITALS**

18 1. Respondent has read and understands this Consent Agreement and has either
19 had or waived the opportunity to discuss this Consent Agreement with an attorney.

20 2. Respondent understands that he has a right to a public administrative hearing
21 concerning this case during which he could present evidence and cross-examine
22 witnesses. By entering into this Consent Agreement, Respondent knowingly, voluntarily,
23 and irrevocably waives his right to such an administrative hearing, as well as rights of
24 rehearing, review, reconsideration, appeal, judicial review or any other administrative
25 and/or judicial action concerning this case.

26 3. Respondent agrees that this Consent Agreement shall be irrevocable.

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

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

5 6. Respondent understands this Consent Agreement deals with Board case
6 number P24-021 involving allegations that Respondent engaged in conduct that would
7 subject him to discipline under the Board's statutes and rules. The investigation into
8 these allegations against Respondent shall be concluded upon the Board's adoption of
9 this Consent Agreement.

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

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

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

24 10. This Consent Agreement is subject to the approval of the Board and is
25 effective only when accepted by the Board and signed on behalf of the Board. If the
26 Board does not accept this Consent Agreement, the Board retains its authority to hold a
27 formal administrative hearing pursuant to A.R.S. § 32-128(E). In the event that the
28 Board does not approve this Consent Agreement, it is withdrawn and shall be of no

1 evidentiary value and shall not be relied upon nor introduced in any action by any party,
2 except that the parties agree that should the Board reject this Consent Agreement and this
3 case proceeds to hearing, Respondent shall assert no claim that the Board was prejudiced
4 by its review and discussion of this document or any records relating thereto.

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

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

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

13 **FINDINGS OF FACT**

14 1. The Board is the duly constituted authority for the regulation and control of
15 the practice of engineering in the State of Arizona.

16 2. Respondent is not currently registered with the Board as a Professional
17 Engineer, nor was he at any time relevant to the allegations underlying this Consent
18 Agreement.

19 3. On August 22, 2023, Respondent submitted a grading and drainage plan to
20 the City of Payson for a single-family residential project, which included an engineering
21 stamp and signature with Respondent's name and "Registered Professional Engineer
22 (Civil) #340716".

23 4. On or about September 15, 2023, the Board received a complaint alleging
24 that Respondent submitted an engineering grading and drainage plan for a single-family
25 residence in Payson, Arizona, which contained an engineering stamp and signature with
26 Respondent's name claiming to be Registered Professional Engineer (Civil) #340716.

27 5. Respondent acknowledged that he completed the design on the grading and
28 drainage plan through his company and indicated that he used his company credentials

1 and corporate seal.

2 6. Legitimate Arizona Registered Professional Engineer (Civil) licenses issued
3 by the Board do not have six digits.

4 7. "Registered Professional Engineer (Civil) #340716" is not a legitimate
5 license issued by the Board.

6 8. The submitted grading and drainage plan contained an illegitimate signed and
7 dated seal which fraudulently portrayed Respondent as Registered Professional Engineer
8 (Civil) #340716.

9 **CONCLUSIONS OF LAW**

10 1. The Board has jurisdiction in this matter pursuant to A.R.S. § 32-101, et seq,
11 including A.R.S. § 32-106.02(A).

12 2. The conduct alleged in the Findings of Fact, constitutes ground for discipline
13 pursuant to A.R.S. § 32-121 and A.R.S. § 32-145 (1) in that Respondent may have
14 practiced or by any implication held himself out as qualified to practice a Board-
15 regulated profession without Board registration.

16 3. The conduct alleged in the Findings of Fact, constitutes ground for discipline
17 pursuant to A.R.S. § 32-145(3) in that Respondent may have used the title of "Registered
18 Professional Engineer (Civil)" on a grading and drainage plan without Board registration.

19 **ORDER**

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

22 1. CIVIL PENALTY. Within Twelve (12) month from the effective date of this
23 Consent Agreement, Respondent shall pay a civil penalty of Four Thousand Dollars
24 (\$4,000.00) by certified check or money order made payable to the State of Arizona
25 Board of Technical Registration, according to the provisions of A.R.S. § 32-106.02(A).

26 2. COST OF INVESTIGATION. Within Sixty (60) days from the effective date
27 of this Consent Agreement, Respondent shall pay the cost of investigation of this case to
28 the Board in the amount of Two Hundred Dollars (\$200.00) by certified check or money

1 order made payable to the State of Arizona Board of Technical Registration, according to
2 the provisions of A.R.S. § 32-128(H).


3 3. OBEY ALL LAWS. Respondent shall obey all federal, state and local laws,
4 related to the practice of Engineering in the State of Arizona. The Board shall consider
5 any violation of this paragraph to be a separate violation of the statutes governing the
6 Arizona Board of Technical Registration.

7 4. 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.

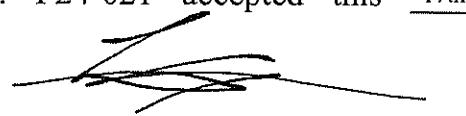
10 5. COSTS OF COMPLIANCE. Respondent shall pay all costs associated with
11 complying with this Consent Agreement.

12 6. NONCOMPLIANCE. If Respondent fails to fulfill any requirement of this
13 Order, the Board may seek any available legal remedy including filing a Petition for
14 Injunction in the appropriate court pursuant to A.R.S. § 32-106.01.

15
16 ACCEPTED and ORDERED this 24th day of September, 2024.

17
18 
19 Michael Kolejka, R.A., Chairman
20 Arizona State Board of
21 Technical Registration

22
23 Consent Agreement and Order, No. P24-021 accepted this 17th day of
24 September, 2024.

25 
26 Forrest Gressley, Respondent

1 ORIGINAL filed this 24th day of
2 September, 2024, with:

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

5 COPY of the foregoing mailed via Certified Mail
6 No. 9214 8901 9434 4600 0987 39 and
7 First Class mail this 24th day of September, 2024, to:

8 Forrest Gressley
9 201 West Phoenix Street
Payson, Arizona 85541

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11
12 By: Kathryn Crawford
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