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

In the Matter of:
Donald Godbehere
Non-Registrant

Respondent

Case No.: P22-043

**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, Donald Godbehere, Non-Registrant, (“Respondent”) 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

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 (as defined in A.R.S. § 41-158.18) upon acceptance by the Board of this
7 Consent Agreement and may be retained in the Board's files pertaining to this matter.

8 6. Respondent understands this Consent Agreement deals with Board case
9 number P22-043 involving allegations that Respondent engaged in conduct that would
10 subject him to discipline under the Board's statutes and rules. The investigation into these
11 allegations against Respondent shall be concluded upon the Board's adoption of this
12 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 Board
3 does not approve this Consent Agreement, it is withdrawn and shall be of no evidentiary
4 value and shall not be relied upon nor introduced in any action by any party, except that
5 the parties agree that should the Board reject this Consent Agreement and this case
6 proceeds to hearing, Respondent shall assert no claim that the Board was prejudiced by
7 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 profession of Engineering in the State of Arizona.

19 2. Respondent is not registered with the Board as a Professional Engineer.

20 3. On or about June, 2017, Respondent contracted and paid Joseph Burke, P.E.
21 (Civil) #31775 ("Alleger") for Grading and Drainage Plans for a residential property at
22 15045 W El Cortez Pl, Surprise, AZ. Alleger prepared and delivered a set of plans to
23 Respondent for the project with Alleger's signed and undated seal which were initially
24 approved by Maricopa County Planning and Development.

25 4. On September 28, 2021, Alleger was made aware that As-Built plans for the
26 project had been submitted by Respondent to Maricopa County Planning and
27 Development Department for final approval. Alleger confirmed Respondent forged his
28 name and signature, and submitted sealed engineered documents with his seal and title

1 block, with his design without authorization.

2 5. On December 29, 2021, the Board received a complaint from Allegor
3 claiming that Respondent prepared and submitted a set of As-Built engineering plans
4 which displayed fraudulently applied seals, signatures, and dates on the two sheets of the
5 As-Built plans.

6 6. Respondent admitted to modifying the As-Built plans by altering lines on the
7 drawings, changing the date on the seal, as well as the license expiration date.
8 Respondent admitted to making the modifications, and submitting the altered plans to the
9 Maricopa County Planning and Development Department, because he was concerned
10 about the permit expiration dates and county approval.

11 **CONCLUSIONS OF LAW**

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

14 2. The conduct alleged in the Findings of Fact, constitutes grounds for
15 discipline pursuant to A.R.S. § 32-121, and A.R.S. § 32-145(1), in that Respondent
16 engaged in the practice of a Board regulated profession without Board registration.

17 3. The conduct alleged in the Findings of Fact, constitutes grounds for
18 discipline pursuant to A.R.S. 32-145(4), in that Respondent used the registration of
19 another.

20 **ORDER**

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

23 1. CIVIL PENALTY. Within Six (6) months from the effective date of this
24 Consent Agreement, Respondent shall pay a civil penalty of three thousand dollars
25 (\$3,000.00) by certified check or money order made payable to the State of Arizona
26 Board of Technical Registration, according to the provisions of A.R.S. § 32-106.02(A).

27 2. COST OF INVESTIGATION. Within Ninety (90) days from the effective
28 date of this Consent Agreement, Respondent shall pay the cost of investigation of this

1 case to the Board in the amount of one thousand three hundred seventy six dollars
2 (\$1,376.00) by certified check or money order made payable to the State of Arizona
3 Board of Technical Registration, according to the provisions of A.R.S. § 32-128(H).

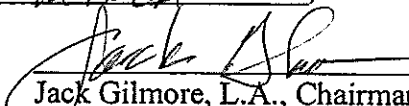
4 3. OBEY ALL LAWS. Respondent shall obey all federal, state and local laws,
5 related to the practice of Engineering in the State of Arizona. The Board shall consider
6 any violation of this paragraph to be a separate violation of the statutes governing the
7 Arizona Board of Technical Registration.

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

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

13 6. NONCOMPLIANCE. If Respondent violates this Order in any way or fails
14 to fulfill the requirements of this Order, the Board may seek a Petition for Injunction in
15 accordance with the provisions set forth in A.R.S. § 32-106.01.

16 ACCEPTED and ORDERED this 22 day of MARCH, 2022.

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

22 Consent Agreement and Order, No. P22-043 accepted this 22nd day of
23 February, 2022.


24 
25 Donald Godbehere, Respondent

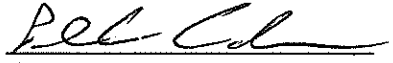
26 ORIGINAL filed this 23 day of
27 MARCH, 2022, with:

28 Arizona State Board of Technical Registration
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 0871 60 and
First Class mail this 23 day of MARCH, 2022, to:

Donald Godbehre
~~13681 N Litchfield Rd Apt. B137~~ 14763 W Cactus Rd #110 
Surprise, AZ. 85379

By: 
PCARDON BTR