

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

3 **In the Matter of:**

4 **DAVID MADRID**  
5 Non-Registrant,

6  
7 **Respondent,**  
8  
9

Cases No. P16-072

**FINDINGS OF FACT**  
**CONCLUSIONS OF LAW**  
**AND FINAL BOARD ORDER**

10  
11 This matter came before the Arizona Board of Technical Registration ("Board") for a  
12 Formal Administrative Hearing on Tuesday, June 27, 2017. David Madrid, Respondent, was not  
13 present and was not represented by legal counsel. The State was represented by the Office of the  
14 Attorney General, Assistant Attorney General Scott Donald. The Board received independent  
15 legal advice from Assistant Attorney General Seth Hargraves. At the outset, Mr. Donald  
16 informed the Board that, the Complaint and Notice of Hearing had been sent to Respondent on  
17 May 2, 2017; received on May 4, 2017; and that Respondent did not respond to the Complaint.  
18 Mr. Donald then moved the Board to Deem the Allegations Admitted pursuant to A.R.S. § 32-  
19 128(F).

20 Following the presentation of the State's Motion to Deem the Allegations admitted, the  
21 Board voted to grant the State's Motion and adopted the following Findings of Fact, Conclusions  
22 of Law, and Order:

23 **FINDINGS OF FACT**

24 1. The Board is the duly constituted authority for the regulation and control of the  
25 practice of several professions, including those of Engineer and Land Surveyor. A.R.S. § 32-  
26 101, *et seq.*

27 2. Pursuant to A.R.S. § 32-106.02, the Board has jurisdiction over both the subject  
28 matter and Respondent in the instant case.

1           3.     Respondent is not registered with the Board for any profession.

2           4.     On or about June 21, 2016, the Board received a complaint alleging Respondent  
3 advertised on the website Craigslist.com offering civil engineering and surveying services while  
4 not a registered professional.

5           5.     Included with the complaint was a printout of an ad from Craigslist.com titled  
6 "Civil Engineering Services G&D Plans Etc. (Maricopa County)".

7           6.     In the ad, Respondent advertised both engineering and survey services including  
8 "topographic survey", with "[o]ver 28 experienced years in Arizona."

9           7.     On or about June 29, 2016, Board staff wrote to Respondent requesting a  
10 response and information regarding the allegations in the complaint; and, on or about July 21,  
11 2016, Respondent wrote a letter to the Board denying he claimed to be an engineer. Instead, he  
12 stated, "I pay and have paid... an Arizona engineer, to review all plans/ work."

13          8.     Included with the written response was a resume in which Respondent states that  
14 from July 2009 through the present, "I have been obtaining civil engineering projects from word  
15 of mouth recommendations, ads on "craigslist" etc. Preparing all documentation from bid to  
16 approval." Specifically, Respondent states he:

17           [performs] the duties of Project Manager, Engineer, Designer, CAD Draftsman,  
18 Land Surveyor, I compose all service's contract's [sic], record topographic datum,  
19 prepare the plans...

20          9.     Subsequently, in a telephone conversation with Board Investigator Paul Warner  
21 on or about August 15, 2016, Respondent discussed his relationship with licensed engineer  
22 Christopher DePrima, License Number 48220 ("DePrima"). Respondent stated he is not  
23 employed by DePrima, but that he pays DePrima to review and sign his work. Additionally,  
24 Respondent disclosed that DePrima has allowed Respondent to use DePrima's electronic stamp  
25 to sign Respondent's work.

26          10.    During the conversation, Respondent reiterated to staff that he obtains work  
27 through word-of-mouth and Craigslist ads.  
28

1 11. As a result of the investigation, On October 25, 2016, the Board voted to offer  
2 Respondent a consent agreement with the matter to proceed to formal hearing should the  
3 consent not be signed within 30 days of offer. To date, Respondent has not accepted the offered  
4 consent agreement.

#### 5 **CONCLUSIONS OF LAW**

6 12. The conduct and circumstances in the Findings of Fact above constitute a  
7 violation of A.R.S. § 32-106.02 for practicing, offering to practice or by implication purporting  
8 to be qualified to practice Engineering without Board registration (“[t]he board may initiate a  
9 hearing pursuant to title 41, chapter 6, article 10 on receipt of a complaint that a person who is  
10 not exempt from this chapter and is not registered or certified under this chapter is practicing,  
11 offering to practice or by implication purporting to be qualified to practice any board regulated  
12 profession or occupation.”)

13 13. The conduct and circumstances in the Findings of Fact above constitute a  
14 violation of A.R.S. § 32-106.02 for practicing, offering to practice or by implication purporting  
15 to be qualified to practice Land Surveying without Board registration (“[t]he board may initiate  
16 a hearing pursuant to title 41, chapter 6, article 10 on receipt of a complaint that a person who is  
17 not exempt from this chapter and is not registered or certified under this chapter is practicing,  
18 offering to practice or by implication purporting to be qualified to practice any board regulated  
19 profession or occupation.”)

#### 20 **ORDER**

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

24 1. **ADMINISTRATIVE PENALTY.** Within 30 days of the effective date of this  
25 Order, Respondent shall pay an administrative penalty of four thousand dollars (\$4,000.00) by  
26 certified check or money order made payable to the State of Arizona Board of Technical  
27 Registration.

1           2.     **COST OF INVESTIGATION.** Within 30 days of the effective date of this  
2 Order, Respondent shall pay to the Board the cost of investigation in the amount of three-  
3 hundred and eighty dollars (\$380.00) by certified check or money order made payable to the  
4 State of Arizona Board of Technical Registration.

5           3.     **ASSURANCE OF DISCONTINUANCE.** Respondent shall not engage in the  
6 practice, offer to practice or by any implication hold themselves out as qualified to practice  
7 professional engineering as defined by A.R.S. § 32-101(B)(10) and (11) or professional land  
8 surveying as defined by A.R.S. § 32-101(B)(20) and (21) if, and until such time as the  
9 Respondent has been granted registration by the Board.

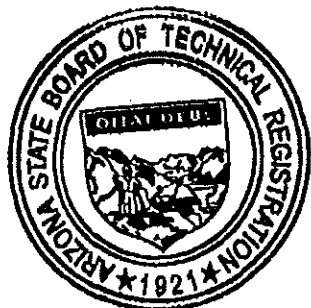
10          4.     **CONTINUING JURISDICTION.** In the event that the Board determines that  
11 any or all of the terms and conditions of the Order have not been met, the Board may conduct  
12 such proceedings as it determines are appropriate to address those matters.

13                                     **Right to Petition for Rehearing or Review**

14          Respondent is hereby notified that he has the right to file a motion for rehearing or  
15 review. Pursuant to A.R.S. § 41-1092.09(B) and A.A.C. R4-30-126(A) the motion for rehearing  
16 or review must be filed with the Board's Executive Director within 30 days after service of this  
17 Order. Service of this Order is defined as five calendar days after mailing.

18          The motion for rehearing or review must set forth legally sufficient reasons for granting a  
19 rehearing or review. A.A.C. R4-30-126(C). If a petition for rehearing or review is not filed, the  
20 Board's Order becomes effective 35 days after it is mailed to Respondent. Respondent is further  
21 advised that the filing of a motion for rehearing or review is required to preserve any rights of  
22 appeal to Superior Court.

23     **DATED** this 30 day of June 2017.



Arizona Board of Technical Registration

Jason Madison P.E.  
Chairman

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**ORIGINAL** filed this 3 day  
of July 2017, to:

Board of Technical Registration  
1110 West Washington, Suite 240  
Phoenix, Arizona 85007

**COPY** mailed via Certified Mail  
No. 9214 8901 9434 4600 0197, 27 and  
First Class mail this 3 day of  
July, 2017, to:

David Madrid  
5031 W. Krall St.  
Glendale, AZ 85301  
Dktsb122@yahoo.com

**COPY** of the foregoing mailed  
this 3 day of July, 2017, to:

Scott Donald  
Assistant Attorney General  
1275 W. Washington Street  
Phoenix, Arizona 85007

By: Kurt Winter