

BEFORE THE ARIZONA STATE BOARD OF TECHNICAL REGISTRATION

In the Matter of: Ahmad N. Zarifi Professional Engineer Registration No. 41872 (Civil) Registration No. 32008 (Structural) RL Ventures, LLC Non-Registrant Firm Respondents

Case No.: P14-035

CONSENT AGREEMENT and ORDER OF DISCIPLINE AMENDED

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, Ahmad N. Zarifi ("Respondent"), holder of Registration No. 41872, P.E. (Civil) and No. 32008 (Structural), 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 affirmatively agrees that this Consent Agreement shall be irrevocable. 3. Respondent understands that this Consent Agreement or any part of the agreement may be considered in any future disciplinary action by the Board against Respondent. 4. The Consent Agreement, any record prepared in this matter, all investigative materials prepared or received by the Board and all related exhibits and materials, are public records (as defined in A.R.S. § 41-158.18) upon acceptance by the Board of this

1 Consent Agreement and may be retained in the Board's files pertaining to this matter.

2 5. Respondent understands this Consent Agreement deals with Board case
3 number P14-035 involving allegations that Respondent engaged in conduct that would
4 subject him to discipline under the Board's statutes and rules. The investigation into
5 these allegations against Respondent shall be concluded upon the Board's adoption of
6 this Consent Agreement.

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

11 7. Respondent also understands that acceptance of this Consent Agreement does
12 not preclude any other agency, subdivision, or officer of this State from instituting any
13 other civil or criminal proceedings with respect to the conduct that is the subject of this
14 Consent Agreement.

15 8. Respondent acknowledges and agrees that, upon signing this Consent
16 Agreement and returning this document to the Board's Executive Director, he may not
17 revoke his acceptance of the Consent Agreement or make any modifications to the
18 document regardless of whether the Consent Agreement has been signed on behalf of the
19 Board. Any modification to this original document is ineffective and void unless
20 mutually agreed by the parties in writing.

21 9. This Consent Agreement is subject to the approval of the Board and is
22 effective only when accepted by the Board and signed on behalf of the Board. In the
23 event that the Board does not approve this Consent Agreement, it is withdrawn and shall
24 be of no evidentiary value and shall not be relied upon nor introduced in any action by
25 any party.

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

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

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

6 13. Respondent agrees that the Board will adopt the modified Findings of Fact,
7 and Conclusions of Law recommended by the Administrative Law Judge, attached and
8 incorporated herein by reference.

9 **FINDINGS OF FACT**

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

12 2. On or about October 25, 2016, the Board issued Findings of Fact,
13 Conclusions of Law and an Order in the matter of Case No. P14-035 that placed
14 Respondent's registration as a Structural Engineer No. 32008, on Suspension for two
15 years. The terms and conditions of the Order included the requirement that Respondent
16 take and pass the NCEES sixteen (16) hour Structural Engineering Examination within
17 two years of the effective date of the Order. In addition, Respondent was restricted from
18 the practice of structural engineering under his professional Civil Engineer Registration
19 No. 41872 until he has taken and passed the NCEES sixteen (16) hour structural
20 engineering examination and the restriction is lifted by the Board. Finally, Respondent
21 was required to pay an Administrative Penalty of two thousand five hundred dollars
22 (\$2,500) within fifteen (15) days from the effective date of the Order.

23 3. Respondent has stated his preference to surrender his Structural Engineering
24 Registration in the State of Arizona in lieu of taking and passing the NCEES Structural
25 Engineer Exam within two (2) years and requests to be placed on a payment plan for
26 payment of his Administrative Penalty.

27 **CONCLUSIONS OF LAW**

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

1 2. The conduct alleged in the modified Findings of Fact adopted by the Board
2 constitutes grounds for discipline pursuant to A.R.S. § 32-128(C)(4) as it relates to
3 A.A.C. R4-30-301(6), in that Respondent failed to appropriately document his work in
4 plans related to Parri Residence project in Tucson, Arizona.

5 3. The conduct alleged in the modified Findings of Fact adopted by the Board
6 constitutes grounds for discipline pursuant to A.R.S. § 32-121 and A.R.S. § 32-141 in
7 that Respondent provided engineering services without the required firm registration.

8 **ORDER**

9 Based on the adopted modified Findings of Fact and adopted Conclusions of Law,
10 the Board issues the following Order:

11 1. **VOLUNTARY SURRENDER.** Respondent agrees to voluntarily
12 surrender his registration as a Professional Engineer (Structural) No. 32008.

13 2. **STAYED SUSPENSION AND PROBATION.** Respondent's registration
14 as Professional Engineer (Civil) No. 41872, shall be suspended for Twelve (12) months
15 or until such time as the period provided to pay the Administrative Civil Penalty has
16 expired, whichever is longer; however, the suspension is stayed for as long as
17 Respondent remains in compliance with this Order. During the stay of suspension,
18 Respondent's registration as a Professional Engineer is placed on probation. If
19 Respondent is non-compliant with any terms of this Order, the stay of the suspension
20 shall be lifted and Respondent's registration as a Professional Engineer shall be
21 automatically suspended without a formal hearing, and remain suspended until
22 Respondent is compliant with all terms of this Order. The Board may also consider
23 Respondent's non-compliance with this Order as a separate violation of A.R.S. § 32-150.

24 3. **INDEFINITE RESTRICTION OF PRACTICE.** Respondent's
25 registration as Professional Engineer (Civil) No. 41872, shall be restricted, prohibiting
26 Respondent from performing the practice of structural engineering until the Respondent
27 provides proof to the Board that he has successfully passed the National Council of
28 Examiners for Engineering and Surveying (NCEES) Structural Engineering Examination

1 and is registered with the Board as a Structural Engineer.


2 4. **ADMINISTRATIVE PENALTY.** Within Twelve (12) months from the
3 effective date of this Consent Agreement, Respondent shall pay an administrative penalty
4 of Two Thousand Five Hundred Dollars (\$2,500.00). An initial payment of Five
5 Hundred Dollars (\$500.00) shall be submitted to the Board within fifteen (15) days of the
6 effective date of this Consent Agreement. Subsequent payments of Five Hundred Dollars
7 (\$500.00) shall be submitted to the Board on or before the following dates; February 1,
8 2017, May 1, 2017, August 1, 2017 and November 1, 2017. Payments shall be submitted
9 to the Board by certified check or money order made payable to the State of Arizona
10 Board of Technical Registration.

11 5. **EFFECTIVE DATE.** The effective date of this Consent Agreement is the
12 date the Respondent and Board sign the Consent Agreement. If the dates are different, the
13 effective date is the later of the two dates.

14 6. **COSTS OF COMPLIANCE.** Respondent shall pay all costs associated
15 with complying with this Consent Agreement.

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

21 ACCEPTED and ORDERED this 25TH day of JANUARY, 2016.7

22
23 
24 Jason Madison, Chairman
25 Arizona State Board of
26 Technical Registration

26 Consent Agreement and Order, No. P14-035 accepted this 12 day of
27 Jan., 2016.2017

28 
Ahmad N. Zarifi, Respondent

1 ORIGINAL filed this 24 day of

2 JANUARY, 2016, with:

3
4 Arizona State Board of Technical Registration
5 1110 W. Washington, Suite 240
6 Phoenix, AZ 85007

7 COPY of the foregoing mailed via Certified Mail
8 No. 9214 8901 9434 4600 0074 89 and

9 First Class mail this 25 day of JANUARY, 2016, to:

10 Ahmad N. Zarifi
11 3400 E. Finger Rock Circle
12 Tucson, AZ 85718
13 ahmadzarifi@gmail.com

14
15 RL Ventures, LLC
16 4810 E. Camp Lowell Dr.
17 Tucson, AZ 85712

18
19 By: D. Haemer