

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

3 **In the Matter of:**)
4 **Aaron Holden**)
5 **Non-Registrant**)
6 **Respondent**)

Case No.: P16-012

CONSENT AGREEMENT
and
ORDER OF DISCIPLINE

8
9 In the interest of a prompt and judicious resolution of the above-captioned matter
10 before the Arizona State Board of Technical Registration ("Board") and consistent with
11 the public interest, statutory requirements, and the responsibilities of the Board, and
12 pursuant to A.R.S. § 32-101 et seq., and A.A.C. R4-30-120(G), the undersigned party,
13 Aaron Holden, Non-Registrant, ("Respondent") and the Board enter into the following
14 Recitals, Findings of Fact, Conclusions of Law and Order ("Consent Agreement") as a
15 final disposition of this matter.

16 **RECITALS**

17 1. Respondent has read and understands this Consent Agreement and has had
18 the opportunity to discuss this Consent Agreement with an attorney, or has waived the
19 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. He further acknowledges that at such formal hearing he could
22 present evidence and cross-examine witnesses. By entering into this Consent Agreement,
23 Respondent knowingly, voluntarily, and irrevocably waives his right to such an
24 administrative hearing, as well as rights of rehearing, review, reconsideration, appeal,
25 judicial review or any other administrative and/or judicial action concerning the matters
26 set forth herein.

27 3. Respondent affirmatively agrees that this Consent Agreement shall be
28 irrevocable.

Received
B.T.R.
SEP 30 2015
 Allegor Respondent
 Other

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. The Consent Agreement, any record prepared in this matter, all investigative
4 materials prepared or received by the Board and all related exhibits and materials, are
5 public records (as defined in A.R.S. § 41-158.18) upon acceptance by the Board of this
6 Consent Agreement 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 P16-012 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 also understands that acceptance of this Consent Agreement does
17 not preclude any other agency, subdivision, or officer of this State from instituting any
18 other 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 the Board's Executive Director, he may not
22 revoke his acceptance of the Consent Agreement or make any modifications to the
23 document regardless of whether the Consent Agreement has been signed on behalf of the
24 Board. Any modification to this original document is ineffective and void unless
25 mutually agreed by the parties in writing.

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

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

7 11. If a court of competent jurisdiction rules that any part of this Consent
8 Agreement is void or otherwise unenforceable, the remainder of the Consent Agreement
9 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 Engineering in the State of Arizona.

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

19 3. On August 24, 2015, Board staff received a complaint regarding deficiencies
20 with HVAC plans for a newly purchased house in which Respondent provided
21 professional services.

22 4. The Alleger stated Respondent is not a registered Engineer yet puts himself
23 out as one.

24 5. In a letter to Board Staff dated September 14, 2015, Respondent stated he is
25 working under the exception clause for services provided on residential projects.

26 6. On business cards and e-mail correspondence, Respondent adds engineering,
27 Mechanical Engineering and EIT after his name.

28 7. Board records show no indication that Respondent has ever applied for

1 registration as a Registered Engineer or an Engineer in Training.

2 **CONCLUSIONS OF LAW**

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

4 2. Pursuant to A.R.S. § 32-121, a person desiring to practice any board
5 regulated profession must obtain a registration.

6 3. Pursuant to A.R.S. § 32-145, it is unlawful for any person to practice, offer to
7 practice or by any implication hold himself out as qualified to practice any board
8 regulated profession or occupation if the person is not registered.

9 4. The conduct alleged in the Findings of Fact constitutes grounds for discipline
10 against Respondent pursuant to A.R.S. § 32-106.2 (authorizing the Board to impose
11 discipline against non-registrants for unregistered practice).

12 **ORDER**

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

15 1. ASSURANCE OF DISCONTINUANCE. Respondent shall not practice, offer
16 to practice, or by any implication hold itself out as qualified to practice Engineering as
17 defined by A.R.S. § 32-101.B(17)(18) until such time as the Respondent is registered by
18 the Board and is in full compliance with the Board's Statutes and Rules.

19 2. CIVIL PENALTY. The Respondent shall pay a civil penalty of Two Hundred
20 Fifty Dollars (\$250.00) within four (4) months to the Board by cashier's check or money
21 order made payable to the Arizona State Board of Technical Registration, according to
22 the provisions of A.R.s. § 32-128(A)(3). Monthly payments of Sixty Two Dollars and
23 Fifty cents (\$62.50) shall be paid by the first of each month.

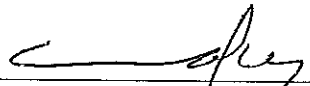
24 3. COST OF INVESTIGATION. Respondent shall pay cost of investigation in
25 the amount of One Hundred Seventy Five Dollars (\$175.00) within four (4) months to the
26 Board by Cashier's check or money order made payable to the State of Arizona Board of
27 Technical Registration, according to the provisions of A.R.S. § 32-128(H). Monthly
28 payments of Forty Three Dollars and Seventy Five cents (\$43.75) shall be paid by the

1 first of each month.

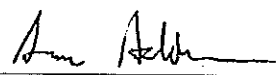
2 4. EFFECTIVE DATE. The effective date of this Consent Agreement is the date
3 the Respondent and Board sign the Consent Agreement. If the dates are different, the
4 effective date is the later of the two dates.

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

7
8 ACCEPTED and ORDERED this 27 day of OCTOBER, 2015.

9
10 
11 Edward T. Marley, Chairman
12 Arizona State Board of
13 Technical Registration

14 Consent Agreement and Order, No. P16-012 accepted this 28 day of
15 SEPTEMBER, 2015.

16 
17 Aaron Holden, Respondent

18 ORIGINAL filed this 27 day of
19 OCTOBER, 2015, with:

20 Arizona State Board of Technical Registration
21 1110 W. Washington, Suite 240
22 Phoenix, AZ 85007

23 COPY of the foregoing mailed via Certified Mail
24 No. 7015 1660 0000 1489 5054 and
25 First Class mail this 2 day of NOVEMBER, 2015, to:

26 Aaron Holden
27 11801 N. Tatum Blvd #229
28 Phoenix, AZ 85028

By: 