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

In the Matter of:
All Toghani pour
Profession Engineer (Civil)
Registration No. 35405
Respondent

Case No.: P16-016
**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, All Toghani pour ("Respondent"), holder of Registration No. 35405, 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 irrevocable.

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 P16-016, 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 the holder of Arizona Professional Engineering (Civil),
19 Registration No. 35405.

20 3. On or about August 3, 2015, the Board received Respondent's application for
21 renewal as a Registered Professional Engineer (Civil). On his application, Respondent
22 answered "Yes to the following questions: "Have you been investigated and/or
23 disciplined by any regulatory agency and do you have any pending investigation by any
24 regulatory agency at this time or since your last renewal".

25 4. Respondent provided the Board with a copy of a 2014 Order from the
26 Nevada Board of Professional Engineers and Land Surveyors in which the Nevada Board
27 found that Respondent demonstrated a lack of competency with regard to geotechnical
28 engineering.

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B.T.R.

1 with Board rules and statutes.

2 3. REGISTRATION RENEWAL. In the event that Respondent's registration
3 as a Civil Engineer is scheduled to expire while this Order is in effect, Respondent shall
4 apply for renewal of registration, pay all applicable fees and maintain a current and active
5 registration as a Professional Engineer with the Board.

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

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

11
12 ACCEPTED and ORDERED this 24th day of November, 2015.

13
14 *E. Leroy Brady*
15 E. Leroy Brady, Chairman
16 Arizona State Board of
17 Technical Registration

18 Consent Agreement and Order, No. P16-016 accepted this 16 day of
19 NOVEMBER, 2015.

20 *Ali Toghiani*
21 Ali Toghiani, Respondent

22 ORIGINAL filed this 24 day of
23 NOVEMBER, 2015, with:

24 Arizona State Board of Technical Registration
25 1110 W. Washington, Suite 240
26 Phoenix, AZ, 85007

27 COPY of the foregoing mailed via Certified Mail
28 No. 7015 1660 0000 1489 5082 and
First Class mail this 24 day of NOVEMBER, 2015, to:

1 Ali Toghani pour
2 ART Consulting Engineers
3 5160 Silverheart Ave
4 Las Vegas, NV 89142

5 By: D. Blaine

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