



BEFORE THE ARIZONA STATE  
BOARD OF TECHNICAL REGISTRATION

In the Matter of:  
Thomas H. Trimble  
Non-Registrant  
Trimble Engineering Services, PLC  
Non-registered firm  
Respondents

Case No.: P16-029

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, Thomas H. Trimble ("Respondent"), Non-Registrant, and Trimble Engineering Services, PLC ("Respondent"), Non-registered firm, 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 P16-029 involving allegations that Respondent engaged in conduct that would  
10 subject him to discipline under the Board's statutes and rules. The investigation into  
11 these allegations against Respondent shall be concluded upon the Board's adoption of  
12 this 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  
3 Board does not approve this Consent Agreement, it is withdrawn and shall be of no  
4 evidentiary value and shall not be relied upon nor introduced in any action by any party,  
5 except that the parties agree that should the Board reject this Consent Agreement and this  
6 case proceeds to hearing, Respondent shall assert no claim that the Board was prejudiced  
7 by 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 practice of Professional Engineering in the State of Arizona.

19 2. Respondent's registration as a Professional Engineer (Civil) #15620, was  
20 revoked by the Board on August 17, 2011.

21 3. The Board has no record of Respondent firm ever being registered with the  
22 Board.

23 4. On or about October 1, 2015, Respondent submitted sewer improvement  
24 plans for the Vista Montanas Subdivision to the City of Sierra Vista affixed with his  
25 revoked stamp. Trimble Engineering Services was applied to the title block.

26 5. On October 22, 2015, the Board received a complaint alleging that  
27 Respondent practiced engineering, and represented himself as a Professional Engineer  
28 without registration with the Board. With the complaint, the Board received a set of

1 **ORDER**

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

4 1. ASSURANCE OF DISCONTINUANCE. Respondent shall not practice, offer  
5 to practice, or by any implication hold itself out as qualified to practice Engineering as  
6 defined by A.R.S. § 32-101.B(17), until such time as the Respondent is registered by the  
7 Board and is in full compliance with the Board's Statutes and Rules. Respondent's firm,  
8 shall not engage in the practice, offer to practice or by any implication hold itself out as  
9 qualified to practice engineering as defined by A.R.S. § 32-101(B)(17), and shall not  
10 display any card, sign or other device that may indicate to the public that it is a registered  
11 professional engineering firm or is qualified to practice as such in the State of Arizona  
12 until such time as the Respondent's firm has been granted registration by the Board or is  
13 in full compliance with the Board's Statutes and Rules.

14 2. CIVIL PENALTY. Within twelve (12) months from the effective date of this  
15 Consent Agreement, Respondent shall pay a civil penalty of Six Thousand Dollars  
16 (\$6,000.00). Payments of Five Hundred (\$500.00) Dollars are to be submitted to the  
17 Board by cashier's check or money order made payable to the Arizona State Board of  
18 Technical Registration, according to the provisions of A.R.S. § 32-106.02(A).

19 3. COST OF INVESTIGATION. Within ninety (90) days from the effective date  
20 of this Consent Agreement, Respondent shall pay the cost of investigation of this case to  
21 the Board in the amount of Seven Hundred Ten Dollars (\$710.00) by certified check or  
22 money order made payable to the State of Arizona Board of Technical Registration,  
23 according to the provisions of A.R.S. § 32-128(H).

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

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

1 plans consisting of six (6) signed sheets that displayed Respondent's seal. The signing  
2 dates that appeared on these sheets were all in November and December of 2011. These  
3 plans also displayed the firm name of Trimble Engineering Services, PLC in the title  
4 blocks.

5 **CONCLUSIONS OF LAW**

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

8 2. The conduct alleged in the Findings of Fact constitutes grounds for discipline  
9 pursuant to A.R.S. § 32-145(1) and A.R.S. § 32-121, in that Respondent practiced a  
10 Board regulated profession without registration by preparing, signing, and sealing a set of  
11 engineering plans using a revoked registration and seal.

12 3. The conduct alleged in the Findings of Fact constitutes grounds for discipline  
13 pursuant to A.R.S. § 32-145(2), in that Respondent displayed a device that indicated to  
14 the public that he was qualified to practice a Board regulated profession without Board  
15 registration by presenting a set of plans displaying his revoked seal to a public entity.

16 4. The conduct alleged in the Findings of Fact constitutes grounds for discipline  
17 pursuant to A.R.S. § 32-145(3), in that Respondent used the title of Registered  
18 Professional Engineer without Board registration by presenting a set of plans displaying  
19 his revoked "Registered Professional Engineer" seal to a public entity.

20 5. The conduct alleged in the Findings of Fact constitutes grounds for discipline  
21 pursuant to A.R.S. § 32-145(4), in that Respondent used a revoked certificate of  
22 registration by placing his seal on a professional document after his registration had been  
23 revoked.

24 6. The conduct alleged in the Findings of Fact constitutes grounds for discipline  
25 pursuant to A.R.S. § 32-141(A) and A.R.S. § 32-121, in that Respondent firm engaged in  
26 the practice of a Board regulated profession without firm registration with the Board.

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1 ACCEPTED and ORDERED this 23<sup>rd</sup> day of FEBRUARY, 2016.

2  
3 E. Leroy Brady  
4 E. Leroy Brady, Chairman  
5 Arizona State Board of  
6 Technical Registration

7 Consent Agreement and Order, No. P16-029 accepted this 28 day of  
8 JANUARY, 2016.

9 Thomas H. Trimble  
10 Thomas H. Trimble, Respondent

11 ORIGINAL filed this 23 day of

12 FEBRUARY, 2016, with:

13 Arizona State Board of Technical Registration  
14 1110 W. Washington, Suite 240  
Phoenix, AZ 85007

15 COPY of the foregoing mailed via Certified Mail  
No. 7015 / 660 0000 1489 5276 and

16 First Class mail this 24 day of FEBRUARY, 2016, to:

17 Thomas Trimble  
18 2798 W. Apaloosa Rd.  
Tucson, AZ 85742

19  
20 By: D. Kucenka