

BEFORE THE ARIZONA STATE
BOARD OF TECHNICAL REGISTRATION

In the Matter of:

Case No.: P16-037

Todd Heroldt
Professional Engineer (Structural)
Registration No. 54022

**CONSENT AGREEMENT
and
ORDER OF DISCIPLINE**

Respondent

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, Todd Heroldt (“Respondent”), holder of Registration No. 54022, 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 P16-037 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 Professional Engineering in the State of Arizona.

18 2. Respondent is the holder of Arizona Professional Engineer (Structural)
19 Registration No. 54022.

20 3. Respondent firm registration expired on December 31, 2004.

21 4. On or about August 17, 2015, Respondent provided professional engineering
22 services through his unregistered firm on a structural observation project in Phoenix,
23 Arizona.

24 5. Respondent renewed his firm registration on December 24, 2015.

25 CONCLUSIONS OF LAW

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

27 2. The conduct alleged in the Findings of Fact constitutes grounds for discipline
28 pursuant to A.R.S. § 32-128(C)(4) (violation of Board rules) as it relates to A.R.S. § 32-

1 141 and A.R.S. § 32-121, in that Respondent engaged in the practice of a Board regulated
2 profession without firm registration with the Board.

3 **ORDER**

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

6 1. LETTER OF REPRIMAND. Respondent is hereby issued a Letter of
7 Reprimand.

8 2. ADMINISTRATIVE PENALTY. Within thirty (30) days from the
9 effective date of this Consent Agreement, Respondent shall pay an administrative penalty
10 of Five Hundred Dollars (\$500.00) by certified check or money order made payable to
11 the State of Arizona Board of Technical Registration.

12 3. COST OF INVESTIGATION. Within thirty (30) days from the effective
13 date of this Consent Agreement, Respondent shall pay the cost of investigation of this
14 case to the Board in the amount of Two Hundred Dollars (\$200.00) by certified check or
15 money order made payable to the State of Arizona Board of Technical Registration,
16 according to the provisions of A.R.S. § 32-128(H).

17 4. COSTS OF COMPLIANCE. Respondent shall pay all costs associated
18 with complying with this Consent Agreement.

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

24 ACCEPTED and ORDERED this 29th day of APRIL, 2016.

25 *E. LeRoy Brady*

26 _____
27 E. Leroy Brady, Chairman
28 Arizona State Board of
Technical Registration

1 Consent Agreement and Order, No. P16-037 accepted this 29 day of
2 April, 2016.

3
4 Todd H. Heroldt
Todd Heroldt, Respondent

5 ORIGINAL filed this 26 day of

6 April, 2016, with:

7 Arizona State Board of Technical Registration
8 1110 W. Washington, Suite 240
9 Phoenix, AZ 85007

10 COPY of the foregoing mailed via Certified Mail
No. 7015 3010 0000 3064 7542 and

11 First Class mail this 2 day of MAY, 2016, to:

12 Todd Heroldt
13 TH Structural, Inc.
14 10255 E Verbena Ln.
15 Scottsdale, AZ 85255

16 By: D Kraemer