



BEFORE THE ARIZONA STATE BOARD OF TECHNICAL REGISTRATION

In the Matter of:
Zeyn Uzman, P.E. (Civil)
Registration No. 37789
Respondent

Case No.: P16-039
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, Zeyn Uzman ("Respondent"), holder of Registration No. 37789, 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 P16-039 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 (Civil)
19 Registration No. 37789.

20 3. On or about October 14, 2015, Respondent signed and sealed Structural
21 Calculations, not prepared by Respondent, for a pole and netting project for Heritage
22 Academy located in Laveen, AZ.

23 4. On or about November 12, 2015, Respondent stated in an interview with
24 Board Staff that he reviewed the calculations for Barry Houseal and stamped the
25 calculations because Mr. Houseal's Arizona registration as an Engineer had expired.
26 Respondent stated that he was not an employee of Mr. Houseal and that Mr. Houseal was
27 not his employee. Respondent stated that he would assist Mr. Houseal on projects when
28 he was asked to do so.

1 this Order. During the stay of suspension, Respondent's registration as a Professional
2 Engineer is placed on probation for twenty-four (24) months. If Respondent is non-
3 compliant with any terms of this Order during the twenty-four (24) month stayed
4 suspension and probation period, the stay of the suspension shall be lifted and
5 Respondent's registration as a Professional Engineer shall be automatically suspended
6 without a formal hearing, and remain suspended until Respondent is compliant with all
7 terms of this Order. If Respondent completes all terms of this Order prior to the twenty-
8 four (24) month stayed suspension and probation period, Respondent may seek an early
9 termination of this Order by requesting a formal review by the Board. The Board may
10 also consider Respondent's non-compliance with this Order as a separate violation of
11 A.R.S. § 32-150.

12 4. PROFESSIONAL ETHICS CLASS. Within six (6) months from effective
13 date of this Consent Agreement, Respondent shall provide verification to the Board that
14 Respondent has successfully completed a class in professional ethics.

15 5. ADMINISTRATIVE PENALTY. Within six (6) months from the effective
16 date of this Consent Agreement, Respondent shall pay an administrative penalty of Four
17 Thousand Dollars (\$4000.00) by certified check or money order made payable to the
18 State of Arizona Board of Technical Registration.

19 6. COST OF INVESTIGATION. Within thirty (30) 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 Two Hundred Thirty-Three Dollars (\$233.00) by certified
22 check or money order made payable to the State of Arizona Board of Technical
23 Registration, according to the provisions of A.R.S. § 32-128(H).

24 7. OBEY ALL LAWS. During the probationary period, Respondent shall
25 obey all federal, state and local laws, as well as, all rules governing the practice of
26 Engineering in the State of Arizona. The Board shall consider any violation of this
27 paragraph to be a separate violation of the rules and statutes governing the Arizona Board
28 of Technical Registration.

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

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

6
7 ACCEPTED and ORDERED this 23rd day of FEBRUARY, 2016.

8
9 E. LeRoy Brady
10 E. Leroy Brady, Chairman
11 Arizona State Board of
12 Technical Registration

13 Consent Agreement and Order, No. P16-039 accepted this 16th day of
14 February, 2016.

15 
16 Zeyn Uzman, Respondent

17 ORIGINAL filed this 23 day of
18 FEBRUARY, 2016, with:

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

21 COPY of the foregoing mailed via Certified Mail
22 No. 7015 1660 0000 1409 5313 and
First Class mail this 24 day of FEBRUARY, 2016, to:

23 Zeyn Uzman
24 305 Charleston Greene
25 Malvern, PA 19355

26
27 By: D. Baerman