



BEFORE THE ARIZONA STATE
BOARD OF TECHNICAL REGISTRATION

In the Matter of:
Dean Ashworth
Non-Registrant
ADP Design Group, #16395 (Expired)
Respondent

Case No.: P16-042

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, Dean Ashworth ("Respondent"), Non-Registrant, ADP Design Group #16395 (Expired), ("Respondent 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 P16-042 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 is the owner of Respondent Firm and is not registered with the
20 Board.

21 3. On or about October 6, 2015, Respondent Firm provided professional
22 engineering and architectural services while the firm registration was expired.
23 Respondent firm registration expired on September 30, 2015.

24 4. On or about December 18, 2015, the Board received a complaint alleging that
25 Respondent was practicing a Board regulated profession without Board registration, had
26 illegally and fraudulently used the signature and seal of a registrant on the Cielo Villas
27 project located at 2847 E Greenway Rd., Phoenix, AZ, and a Central Avenue Remodel
28 project located at 6617 N. Central Ave., Phoenix, AZ, and that Respondent Firm engaged

1 in the practice of a Board regulated profession without Board registration on the
2 aforementioned projects. The complaint also alleged that Respondent presented false
3 evidence to the Board to fraudulently obtain a certificate for firm registration.

4 5. Board staff conducted an investigation and found no evidence to support the
5 allegations that Respondent practiced a Board regulated profession or used the seal and
6 signature of a registrant or presented false information to the Board. Board staff did
7 determine through a review of the plans for the Cielo Villas project that Respondent Firm
8 provided professional services after its firm registration had expired. The plans
9 associated with the Central Avenue Remodel project were for a residential project and
10 did not include any firm information.

11 **CONCLUSIONS OF LAW**

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

13 2. The conduct alleged in the Findings of Fact constitutes grounds for discipline
14 pursuant to A.R.S. § 32-128(C)(4) (violation of Board rules) as it relates to A.R.S. § 32-
15 141 and A.R.S. § 32-121, in that Respondent firm engaged in the practice of a Board
16 regulated profession without firm registration with the Board.

17 **ORDER**

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

20 1. **ASSURANCE OF DISCONTINUANCE.** Respondent Firm shall not
21 practice, offer to practice, or by any implication hold itself out as qualified to practice
22 Engineering as defined by A.R.S. § 32-101(B)(11) until such time as the Respondent is
23 registered by the Board and is in full compliance with the Board's Statutes and Rules.
24 Respondent Firm, shall not engage in the practice, offer to practice or by any implication
25 hold itself out as qualified to practice engineering as defined by A.R.S. § 32-101(B)(11),
26 and shall not display any card, sign or other device that may indicate to the public that it
27 is a registered professional engineering firm or is qualified to practice as such in the State
28 of Arizona until such time as the Respondent firm has been granted registration by the

1 Board or is in full compliance with the Board's Statues and Rules.

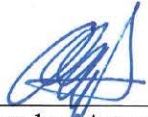
2 2. CIVIL PENALTY. Within thirty (30) days from the effective date of this
3 Consent Agreement, Respondent shall pay an administrative penalty of Two Hundred and
4 Fifty Dollars (\$250.00) by certified check or money order made payable to the State of
5 Arizona Board of Technical Registration.

6 3. 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 4. COSTS OF COMPLIANCE. Respondent shall pay all costs associated with
10 complying with this Consent Agreement.

11 5. NONCOMPLIANCE. If Respondent violates this Order in any way or fails
12 to fulfill the requirements of this Order, the Board may seek a Petition for Injunction in
13 accordance with the provisions set forth in A.R.S. § 32-106.01.

14 ACCEPTED and ORDERED this 21 day of June, 2018.



16
17 Alejandro Angel, P.E. Chairman
18 Arizona State Board of
19 Technical Registration

DATE HERE ONLY

19 Consent Agreement and Order, No. P16-042 accepted this 15TH day of
20 JUNE, 2018.



21
22 Dean Ashworth, on behalf of himself
23 and on behalf of ADP Design Group,
24 Respondents

SIGN HERE ONLY

25 ORIGINAL filed this _____ day of
26 _____, 2018, with:

27 Arizona State Board of Technical Registration
28 1110 W. Washington, Suite 240
Phoenix, AZ 85007



1 **COPY** of the foregoing mailed via Certified Mail
2 No. _____ and
3 First Class mail this _____ day of _____, 2018, to:

4
5 Dean Ashworth
6 ADP Design Group
7 2980 N Northern Ave., Bldg C
8 Phoenix, AZ 85028

9 By: _____

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