

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 P16-067 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2 Board does not approve this Consent Agreement, it is withdrawn and shall be of no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 Engineer (Civil)
19 Registration No. 33446.

20 3. In or around 2007, Respondent signed and sealed plans for a Non-Registrant
21 firm, J.A.C.A. Design, on a commercial project in Tucson, Arizona.

22 4. On May 24, 2016, the Board directed staff to open a complaint on
23 Respondent for signing, sealing, or stamping a professional document not prepared by the
24 Registrant or the Registrant's bona fide employee.

25 5. On June 8, 2016, Board staff attempted to deliver notice of investigation to
26 all Respondents address of record with the Board, which were returned as undeliverable.

27 ////

28 ////

1 and electrical engineering for which he was not qualified by education, technical
2 knowledge or experience to perform.

3 5. The conduct alleged in the Findings of Fact constitutes grounds for discipline
4 pursuant to A.R.S. § 32-128 (C)(4) as it relates to A.R.S. § 32-143, in that Respondent
5 accepted an engagement or took responsibility for the practice architecture for which he
6 was not qualified or necessary and incidental to the work of Respondent's profession on a
7 specific project.

8 **ORDER**

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

11 1. LETTER OF REPRIMAND. Respondent is hereby issued a Letter of
12 Reprimand.

13 2. STAYED SUSPENSION AND PROBATION. Respondent's registration
14 as Professional Engineer (Civil), No. 33446, shall be suspended for Twelve (12) months;
15 however, the suspension is stayed for as long as Respondent remains in compliance with
16 this Order. During the stay of suspension, Respondent's registration as a Professional
17 Engineer is placed on probation. If Respondent is non-compliant with any terms of this
18 Order, the stay of the suspension shall be lifted and Respondent's registration as a
19 Professional Engineer shall be automatically suspended without a formal hearing, and
20 remain suspended until Respondent is compliant with all terms of this Order. The Board
21 may also consider Respondent's non-compliance with this Order as a separate violation
22 of A.R.S. § 32-150.

23 3. ASSURANCE OF DISCONTINUANCE. Respondent shall not practice,
24 offer to practice, display any card, sign or other device or by any implication hold himself
25 out as qualified to practice Architecture as defined in A.R.S § 32-101(B)(8) until such
26 time as the Respondent is registered as an Architect by the Board and is in full
27 compliance with the Board's Statutes and Rules..

28 4. INDEFINITE RESTRICTION OF PRACTICE. Respondent's registration

1 as Professional Engineer (Civil), No. 33446, shall be restricted, prohibiting Respondent
2 from performing the practice of Mechanical Engineering or Electrical Engineering, which
3 falls outside of Respondent's professional registration category or branch of Engineering,
4 until such time as he is able to demonstrate to the Board that he has met the
5 education/work experience required to be registered as such and is in full compliance
6 with the Board's Statutes and Rules

7 5. PROFESSIONAL ETHICS CLASS. Within ninety (90) days from effective
8 date of this Consent Agreement, Respondent shall provide verification to the Board that
9 Respondent has successfully completed four (4) hours of training in a Board approved
10 class in professional ethics.

11 6. ADMINISTRATIVE PENALTY. Within twelve (12) months from the
12 effective date of this Consent Agreement, Respondent shall pay an Administrative
13 Penalty of Three Thousand Dollars (\$3,000.00). Payments of Two Hundred Fifty Dollars
14 (\$250.00) for twelve (12) months, are to be submitted to the Board by cashier's check or
15 money order, made payable to the Arizona State Board of Technical Registration.

16 7. COST OF INVESTIGATION. Within ninety (90) days from the effective
17 date of this Consent Agreement, Respondent shall pay the cost of investigation of this
18 case to the Board in the amount of Three Hundred Seventy-One Dollars (\$371.00) by
19 certified check or money order made payable to the State of Arizona Board of Technical
20 Registration, according to the provisions of A.R.S. § 32-128(H).

21 8. OBEY ALL LAWS. Respondent shall obey all federal, state and local
22 laws, as well as, all rules governing the practice of Engineering in the State of Arizona.
23 The Board shall consider any violation of this paragraph to be a separate violation of the
24 rules and statutes governing the Arizona Board of Technical Registration.

25 9. RENEWAL OF REGISTRATION. Respondent shall timely renew his
26 Arizona registration as a Civil Engineer and timely pay all required registration fees.

27 10. EFFECTIVE DATE. The effective date of this Consent Agreement is the
28 date the Respondent and Board sign the Consent Agreement. If the dates are different, the

1 effective date is the later of the two dates.

2 11. COSTS OF COMPLIANCE. Respondent shall pay all costs associated
3 with complying with this Consent Agreement.

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

9 ACCEPTED and ORDERED this 22nd day of DECEMBER, 2016.

10
11 
12 Jason K Madison, Chairman
13 Arizona State Board of
14 Technical Registration

15 Consent Agreement and Order, No. P16-067 accepted this 12 day of
16 DEC., 2016.

17 
18 Paul Nzomo, Respondent

19 ORIGINAL filed this 22 day of
20 DECEMBER, 2016, with:

21 Arizona State Board of Technical Registration
22 1110 W. Washington, Suite 240
23 Phoenix, AZ 85007

24 COPY of the foregoing mailed via Certified Mail
25 No. 9214 8901 94344600 0044 71 and
26 First Class mail this 23 day of DECEMBER 2016, to:

27 Paul Nzomo
28 Coronado Engineering & Development Inc.
1870 W. Prince Rd #33
Tucson, AZ 85755

BY: D. Baena