

BEFORE THE ARIZONA STATE
BOARD OF TECHNICAL REGISTRATION

B.T.R.

In the Matter of:

Case No.: P17-009

Najib Monsif,
P.E. (Civil) Registration No. 47525
Summit Structural Engineering, Inc.
Registration No. 19894

CONSENT AGREEMENT
and
ORDER OF DISCIPLINE

Respondents

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, Najib Monsif, ("Respondent"), P.E. (Civil). #47525 and Summit Structural Engineering, Inc., Non-Registrant ("Respondent") 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 P17-009 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 Engineering in the state of Arizona.

19 2. Respondent is the Statutory Agent of the Respondent Firm.

20 3. Respondent holds Engineering Registration No. 47525.

21 4. Respondent Firm did not become registered with the Board until July 25,
22 2016.

23 5. On June 30, 2016, the Board received a complaint alleging that Respondent,
24 who is the Statutory Agent of Respondent firm, engaged in the practice of engineering
25 through an unregistered firm by advertising the practice of engineering on craigslist and a
26 business website.

27 6. Respondent Firm engaged in the practice of a Board regulated profession by
28 advertising the practice of engineering on craigslist, and a business website without firm

1 registration with the Board.

2 7. At the time of the complaint, Board staff reviewed Respondent
3 advertisement on the craigslist website and observed that Respondent firm was
4 advertising engineering services without registration with the Board.

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
9 discipline pursuant to A.R.S. § 32-128(C)(4), as it relates to A.A.C. R4-30-301(4), in that
10 Respondent, the Statutory Agent of the Respondent Firm advertised the practice of
11 engineering through a firm not registered with the Board as required by Board statute.

12 3. The conduct alleged in the Findings of Fact, constitutes grounds for discipline
13 pursuant to A.R.S. 32-141 and A.R.S. 32-121 in that Respondent firm engaged in the
14 practice of a Board regulated profession without firm registration with the Board, by
15 advertising the practice of engineering on craigslist and business website.

16 **ORDER**

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

19 1. LETTER OF CONCERN. Respondent is hereby issued a non-disciplinary letter
20 of concern as an expression that Respondent should be aware of his responsibility as a
21 registrant to know and abide by the Board's Practice Act, including its firm registration
22 requirement.

23 2. ADMINISTRATIVE PENALTY. Within Sixty (60) days from the effective
24 date of this Consent Agreement, Respondent shall pay an administrative penalty of Two
25 Hundred and Fifty Dollars (\$250.00) to the Board by cashier's check or money order
26 made payable to the Arizona State Board of Technical Registration, according to the
27 provisions of A.R.S. § 32-106.02(A).

28 3. COST OF INVESTIGATION. Within Ninety (90) days from the effective date

1 of this Consent Agreement, Respondent shall pay the cost of investigation of this case to
2 the Board in the amount of Two Hundred and Sixty Dollars (\$260.00) by certified check
3 or money order made payable to the State of Arizona Board of Technical Registration,
4 according to the provisions of A.R.S. § 32-128(H).


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

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


10 6. NONCOMPLIANCE. If Respondent violates this Order in any way or fails to
11 fulfill the requirements of this Order, the Board, after giving notice and the opportunity to
12 be heard, may revoke, suspend or take other disciplinary actions against the registration.

13 The issue at such a hearing will be limited solely to whether this Order has been violated.

14 ACCEPTED and ORDERED this 2^{NO} day of NOVEMBER, 2016.

15
16 
17 Jason K. Madison, Chairman
18 Arizona State Board of
19 Technical Registration

20 Consent Agreement and Order, No. P17-009 accepted this 30 day of
21 October, 2016.

22 
23 Najib Monsif, Personally and on behalf
24 of Summit Structural Engineering, Inc.,
25 Respondents

26 ORIGINAL filed this 2 day of
27 NOVEMBER, 2016, with:

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

COPY of the foregoing mailed via Certified Mail

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No. 9236-0901-9434 4600 0008 68 and
First Class mail this 3 day of NOVEMBER, 2016, to:

Najib Monsif, 11286 E. Laurel Ln
Scottsdale, AZ 85259

By: D. Maama