



BEFORE THE ARIZONA STATE  
BOARD OF TECHNICAL REGISTRATION

Case No.: P17-015

In the Matter of:

Darrin Skonieczny  
Professional Engineer  
Registration No. 50899

Respondent

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, Darrin Skonieczny ("Respondent"), holder of Registration No. 50899, 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 P17-015 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. 50899.

20 3. On May 13, 2016, Board staff received Respondent's application for renewal  
21 of Professional Engineer #50899. On the form he marked "Yes" to the question "Have  
22 you been convicted or a felony or misdemeanor other than a minor traffic violation since  
23 your last renewal? NOTE: Alcohol and drug-related offenses that occur when driving or  
24 riding in an automobile (i.e., DUI, DWI, OWI, etc.) are NOT considered minor traffic  
25 violations."

26 4. On his application, Respondent disclosed two misdemeanor criminal  
27 convictions, one for Domestic Violence, and another for Driving While Intoxicated  
28 ("D.U.I."). Respondent failed to disclose two additional minor misdemeanor criminal

1 convictions to the Board, one for Unauthorized Use of Property, and the other for  
2 Disorderly Conduct.

3 5. On or about April 7, 2014, according to Painesville, Ohio, Municipal Court  
4 records for case number CRB1400607, Respondent was convicted, pursuant to a no  
5 contest plea, of domestic violence. (disclosed)

6 6. On or about October 13, 2015, according to Painesville, Ohio, Municipal  
7 Court records for case #TRC1503856A, Respondent was convicted, pursuant to a no  
8 contest plea, of D.U.I. (disclosed)

9 7. On or about September 5, 2014, according to Medina County, Ohio, Court  
10 records for case #14CRB00918-A, Respondent was convicted, pursuant to a no contest  
11 plea, of Unauthorized Use of Property (theft). (not disclosed)

12 8. On or about March 17, 2014, according to Elyria, Ohio, Municipal Court  
13 records for case #2014CRB00679, Respondent was convicted, pursuant to a no contest  
14 plea, of Disorderly Conduct – Intoxication. (not disclosed)

#### 15 CONCLUSIONS OF LAW

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

17 2. The conduct alleged in the Findings of Fact constitutes grounds for discipline  
18 pursuant to A.R.S. § 32-128(C)(1) (misrepresentation in obtaining a certificate) and  
19 A.R.S. § 32-128(C)(4) as it relates to A.A.C. R4-30-301(1), in that Respondent failed to  
20 disclose two minor misdemeanor convictions to the Board on his application for renewal  
21 as a Professional Engineer.

#### 22 ORDER

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

25 1. LETTER OF REPRIMAND. Respondent is hereby issued a Letter of  
26 Reprimand.

27 2. ADMINISTRATIVE PENALTY. Within thirty (30) days from the  
28 effective date of this Consent Agreement, Respondent shall pay an administrative penalty

1 of One Hundred and Fifty Dollars (\$150.00) by certified check or money order made  
2 payable to the State of Arizona Board of Technical Registration.

3 3. COST OF INVESTIGATION. Within sixty (60) days from the effective  
4 date of this Consent Agreement, Respondent shall pay the cost of investigation of this  
5 case to the Board in the amount of Two Hundred Fifty Dollars (\$250.00) by certified  
6 check or money order made payable to the State of Arizona Board of Technical  
7 Registration, according to the provisions of A.R.S. § 32-128(H).

8 4. OBEY ALL LAWS. Respondent shall obey all federal, state and local  
9 laws, as well as, all rules governing the practice of Land Surveying in the State of  
10 Arizona. The Board shall consider any violation of this paragraph to be a separate  
11 violation of the rules and statues governing the Arizona Board of Technical Registration.

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

15 6. COSTS OF COMPLIANCE. Respondent shall pay all costs associated  
16 with complying with this Consent Agreement.

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

22 ACCEPTED and ORDERED this 25<sup>TH</sup> day of OCTOBER, 2016.

23  
24 E. Leroy Brady  
25 E. Leroy Brady, Chairman  
26 Arizona State Board of  
27 Technical Registration  
28

1 Consent Agreement and Order, No. P17-015 accepted this 24 day of  
2 AUGUST, 2016.

3   
4 \_\_\_\_\_  
5 Darrin Skonieczny, Respondent

6 **ORIGINAL** filed this \_\_\_\_\_ day of  
7 \_\_\_\_\_, 2016, with:

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

11 **COPY** of the foregoing mailed via Certified Mail  
12 No. \_\_\_\_\_ and

13 First Class mail this \_\_\_\_\_ day of \_\_\_\_\_, 2016, to:

14 Darrin Skonieczny  
15 1033 State St. #2C  
16 Erie, PA 16501

17 By: \_\_\_\_\_  
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