BEFORE THE ARIZONA STATE
BOARD OF TECHNICAL REGISTRATION

In the Matter of: Darrin Skonieczny
Professional Engineer
Registration No. 50899

Case No.: P17-015

CONSENT AGREEMENT
and
ORDER OF DISCIPLINE

Respondent

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.
4. Respondent understands that this Consent Agreement or any part of the agreement may be considered in any future disciplinary action by the Board against him.

5. The Consent Agreement, any record prepared in this matter, all investigative materials prepared or received by the Board and all related exhibits and materials, are public records (as defined in A.R.S. § 41-158.18) upon acceptance by the Board of this Consent Agreement and may be retained in the Board’s files pertaining to this matter.

6. Respondent understands this Consent Agreement deals with Board case number P17-015 involving allegations that Respondent engaged in conduct that would subject him to discipline under the Board’s statutes and rules. The investigation into these allegations against Respondent shall be concluded upon the Board’s adoption of this Consent Agreement.

7. Respondent understands that this Consent Agreement does not constitute a dismissal or resolution of any other matters currently pending before the Board, if any, and does not constitute any waiver, express or implied, of the Board’s statutory authority or jurisdiction regarding any other pending or future investigation, action or proceeding.

8. Respondent also understands that acceptance of this Consent Agreement does not preclude any other agency, subdivision, or officer of this State from instituting any other civil or criminal proceedings with respect to the conduct that is the subject of this Consent Agreement.

9. Respondent acknowledges and agrees that, upon signing this Consent Agreement and returning this document to the Board’s Executive Director, he may not revoke his acceptance of the Consent Agreement or make any modifications to the document regardless of whether the Consent Agreement has been signed on behalf of the Board. Any modification to this original document is ineffective and void unless mutually agreed by the parties in writing.

10. This Consent Agreement is subject to the approval of the Board and is effective only when accepted by the Board and signed on behalf of the Board. If the Board does not accept this Consent Agreement, the Board retains its authority to hold a
formal administrative hearing pursuant to A.R.S. § 32-128(E). In the event that the Board does not approve this Consent Agreement, it is withdrawn and shall be of no evidentiary value and shall not be relied upon nor introduced in any action by any party, except that the parties agree that should the Board reject this Consent Agreement and this case proceeds to hearing, Respondent shall assert no claim that the Board was prejudiced by its review and discussion of this document or any records relating thereto.

11. If a court of competent jurisdiction rules that any part of this Consent Agreement is void or otherwise unenforceable, the remainder of the Consent Agreement shall remain in full force and effect.

12. Respondent understands that any violation of this Consent Agreement may result in disciplinary action, including suspension or revocation of the registration under A.R.S. § 32-150.

13. Respondent agrees that the Board will adopt the following Findings of Fact, Conclusions of Law and Order.

**FINDINGS OF FACT**

1. The Board is the duly constituted authority for the regulation and control of the practice of Professional Engineering in the State of Arizona.

2. Respondent is the holder of Arizona Professional Engineer (Civil) Registration No. 50899.

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

4. On his application, Respondent disclosed two misdemeanor criminal convictions, one for Domestic Violence, and another for Driving While Intoxicated (“D.U.I.”). Respondent failed to disclose two additional minor misdemeanor criminal
convictions to the Board, one for Unauthorized Use of Property, and the other for Disorderly Conduct.

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

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

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

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

CONCLUSIONS OF LAW

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

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

ORDER

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

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

2. ADMINISTRATIVE PENALTY. Within thirty (30) days from the effective date of this Consent Agreement, Respondent shall pay an administrative penalty
of One Hundred and Fifty Dollars ($150.00) by certified check or money order made payable to the State of Arizona Board of Technical Registration.

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

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

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

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

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

ACCEPTED and ORDERED this 25th day of October, 2016.

E. Leroy Brady
E. Leroy Brady, Chairman
Arizona State Board of Technical Registration
Consent Agreement and Order, No. P17-015 accepted this 24th day of August, 2016.

Darrin Skonieczny, Respondent

ORIGINAL filed this _____ day of
_______, 2016, with:

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

COPY of the foregoing mailed via Certified Mail
No. ____________________________ and
First Class mail this ________ day of ______________, 2016, to:

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

By: ________________________