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BEFORE THE ARIZONA STATE
BOARD OF TECHNICAL REGISTRATION

In the Matter of:
Eric Shawd
P.E. (Civil)
Registration No. 49121
Respondent

Case No.: P17-022
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, Eric Shawd ("Respondent"), holder of Registration No. 49121, 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 P17-022 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. 49121.

20 3. On August 8, 2016, the Board received a complaint alleging that Respondent,
21 as firm principal, allowed a Non-Registrant to prepare final plat surveys for the Trailside
22 at Happy Valley Phase I and II project in Peoria, Arizona, and allowed the Non-
23 Registrant to apply the signature and seal of a Registered Land Surveyor on professional
24 documents prepared by the Non-Registrant.

25 4. On April 28, 2017, an Enforcement Advisory Committee convened to review
26 the complaint against Respondent. The Allegor and Respondent attended in person.
27 After evaluating the testimony of both Allegor and Respondent, reviewing
28 correspondence between Respondent's Firm and the Allegor, and inspection of maps and

1 drawings, the Committee found that Respondent, as the firm principal and responsible
2 registrant, aided and abetted an unregistered person to evade the Board's Practice Act and
3 knowingly conspired with an unregistered person by allowing a Registrant's seal and
4 signature to be used by an unregistered person in preparation of professional documents
5 related to Trailside at Happy Valley Phase I & II, Peoria, Arizona.

6 CONCLUSIONS OF LAW

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

8 2. The conduct alleged in the Findings of Fact constitutes grounds for discipline
9 pursuant to A.R.S. § 32-128(C)(3) as it relates to A.A.C. R4-30-301(20), in that

10 ~~Respondent aided and abetted an unregistered person to evade the Board's Practice Act~~
11 ~~and knowingly conspired with an unregistered person by allowing a Registrant's seal and~~
12 ~~signature to be used by an unregistered person in preparation of professional documents.~~

13 ORDER

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

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

18 ~~2. STAYED SUSPENSION AND PROBATION.~~ Respondent's registration as
19 P.E. (Civil), No.49121, shall be suspended for ten (10) months; however, the suspension
20 is stayed for as long as Respondent remains in compliance with this Order. During the
21 stay of suspension, Respondent's registration as a Professional Engineer is placed on
22 probation for ten (10) months. If Respondent is non-compliant with any terms of this
23 Order during the ten (10) month stayed suspension and probation period, the stay of the
24 suspension shall be lifted and Respondent's registration as a Professional Engineer shall
25 be automatically suspended without a formal hearing, and remain suspended until
26 Respondent is compliant with all terms of this Order. If Respondent completes all terms
27 of this Order prior to end of the ten (10) month stayed suspension and probation period,
28 Respondent may be eligible for early termination of probation.

1 3. ~~ADMINISTRATIVE PENALTY.~~ Within ten (10) months from the effective
2 date of this Consent Agreement, Respondent shall pay an administrative penalty of One
3 Thousand Dollars (\$1,000.00). Monthly payments of One Hundred (\$100.00) Dollars
4 shall be made by certified check or money order to the State of Arizona Board of
5 Technical Registration.

6 4. ~~COST OF INVESTIGATION.~~ Within ten (10) months from the effective
7 date of this Consent Agreement, Respondent shall pay the cost of investigation of this
8 case to the Board in the amount of One Thousand One Hundred Eighty (\$1,180.00)
9 Dollars (\$1,180.00). Monthly payments of One Hundred Eighteen (\$118.00) Dollars shall
10 be made by certified check or money order to the State of Arizona Board of Technical
11 Registration, according to the provisions of A.R.S. § 32-128(H).

12 5. ~~OBEY ALL LAWS.~~ During the probationary period, Respondent shall obey
13 all federal, state and local laws, as well as, all rules governing the practice of Engineering
14 in the State of Arizona. The Board shall consider any violation of this paragraph to be a
15 separate violation of the rules and statues governing the Arizona Board of Technical
16 Registration. The Board may also consider Respondent's non-compliance with this
17 Order as a separate violation of A.R.S. § 32-150.

18 6. ~~RENEWAL OF REGISTRATION.~~ During the probationary period,
19 Respondent shall timely renew his Arizona registration as an Engineer, and timely pay all
20 required registration fees.

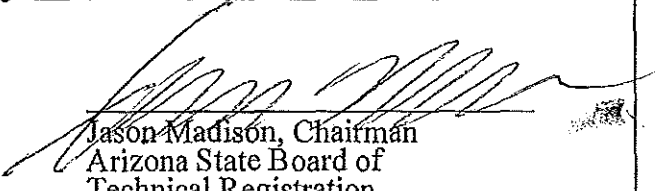
21 7. ~~EFFECTIVE DATE.~~ The effective date of this Consent Agreement is the
22 date the Respondent and Board sign the Consent Agreement. If the dates are different, the
23 effective date is the later of the two dates.

24 8. ~~COSTS OF COMPLIANCE.~~ Respondent shall pay all costs associated with
25 complying with this Consent Agreement.

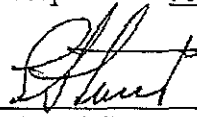
26 9. ~~NONCOMPLIANCE.~~ If Respondent violates this Order in any way or fails
27 to fulfill the requirements of this Order, the Board, after giving notice and the opportunity
28 to be heard, may revoke, suspend or take other disciplinary actions against the

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

3 ACCEPTED and ORDERED this 27th day of JUNE, 2017.

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7 Jason Madison, Chairman
8 Arizona State Board of
9 Technical Registration

10 Consent Agreement and Order, No. P17-022, accepted this 10th day of
11 MAY, 2017.

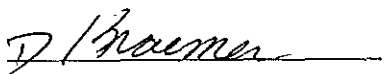
12
13 
14 Eric Shawd, Respondent

15 ORIGINAL filed this 27 day of
16 JUNE, 2017, with:

17 Arizona State Board of Technical Registration
18 1110 W. Washington, Suite 240
19 Phoenix, AZ 85007

20 COPY of the foregoing mailed via Certified Mail
21 No. 9214 8901 9434 4600 0194 37 and
22 First Class mail this 27 day of JUNE, 2017, to:

23 Eric Shawd
24 KSE Design Group
25 2525 W. Greenway Rd. #306
26 Phoenix, AZ 85023

27 By: 
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