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 Allegor Respondent
 Other

BEFORE THE ARIZONA STATE
BOARD OF TECHNICAL REGISTRATION

In the Matter of:)
Chris Baugh)
Engineer (Civil))
Registration No. 37459)
Swimming Pool Technical Service, LLC)
Firm Registration No. 20005)
Respondents

Case No.: P17-027

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, Chris Baugh ("Respondent"), holder of Registration No. 37459 and Swimming Pool Technical Service, LLC, firm registration No. 20005 ("Respondent Firm"), 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.

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1 3. Respondent affirmatively agrees that this Consent Agreement shall be
2 irrevocable.

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

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

9 6. Respondent understands this Consent Agreement deals with Board case
10 number P17-027, involving allegations that Respondent engaged in conduct that would
11 subject him to discipline under the Board's statutes and rules. The investigation into
12 these allegations against Respondent shall be concluded upon the Board's adoption of
13 this Consent Agreement.

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

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

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

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

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

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

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

18 FINDINGS OF FACT

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

21 2. Respondent is the holder of Arizona Professional Engineer (Civil)
22 Registration No. 37459.

23 3. In or around 2006, Respondent Firm, Swimming Pool Technical Service,
24 LLC, was incorporated with Respondent as Statutory Agent.

25 4. On September 7, 2016, the Board received a complaint alleging that
26 Respondent, through Respondent Firm, engaged in the practice of a Board regulated
27 profession without firm registration with the Board by signing and sealing engineering
28 documents for the Decco 109 project in Tempe, Arizona, the Trinity Apartments project

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1 in Phoenix, Arizona and the Coppertree Apartments project in Glendale, Arizona,
2 between September of 2011 and August of 2016. The complaint also alleged that
3 Respondent failed to ensure that pool projects were constructed in accordance with plans
4 approved by the Maricopa County Environmental Services Department.

5 5. On October 4, 2016, Respondent Firm, Swimming Pool Technical Service,
6 LLC, was granted initial firm registration with the Arizona Board of Technical
7 Registration.

8 6. On June 29, 2017, an Enforcement Advisory Committee reviewed the
9 evidence in this case. The Committee found Respondent engaged in the practice of
10 engineering through Respondent Firm on three projects between September of 2011 and
11 August of 2016, without firm registration with the Board. The Committee was not able
12 to find enough evidence to support violations related to the quality of Respondent's
13 practice as the allegor choose not to be a witness in the case.

14 CONCLUSIONS OF LAW

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

16 2. The conduct alleged in the Findings of Facts constitutes grounds for
17 discipline pursuant to A.R.S. § 32-121, and A.R.S. § 32-141(A), in that Respondent Firm
18 practiced a Board regulated profession between September of 2011 and August of 2016
19 without firm registration with the Board.

20 3. The conduct alleged in the Findings of Facts constitutes grounds for
21 discipline pursuant to A.R.S. 32-128(C)(4) as it relates to A.A.C. R4-30-301(4), in that
22 Respondent practiced a Board regulated profession between September of 2011 and
23 August of 2016 through a firm that was not registered with the Board.

24 ORDER

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

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

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1 2. ADMINISTRATIVE PENALTY. Within sixty (60) days from the
2 effective date of this Consent Agreement, Respondent shall pay an administrative penalty
3 of Five Hundred Dollars (\$500.00) by certified check or money order made payable to
4 the State of Arizona Board of Technical Registration.

5 3. COST OF INVESTIGATION. Within thirty (30) days from the effective
6 date of this Consent Agreement, Respondent shall pay the cost of investigation of this
7 case to the Board in the amount of Four Hundred and Two Dollars (\$402.00) by certified
8 check or money order made payable to the State of Arizona Board of Technical
9 Registration, according to the provisions of A.R.S. § 32-128(H).

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

16 5. RENEWAL OF REGISTRATION. Respondent and Respondent Firm shall
17 timely renew their Arizona registration as an Engineer and an Engineering Firm, and
18 timely pay all required registration fees.

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

22 7. COSTS OF COMPLIANCE. Respondent shall pay all costs associated
23 with complying with this Consent Agreement.

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

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1 ACCEPTED and ORDERED this 28 day of November, 2017.

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4 Alejandro Angel, Chairman
5 Arizona State Board of
6 Technical Registration

7 Consent Agreement and Order, No. P17-027 accepted this 21 day of
8 NOVEMBER, 2017.

9 

10 Chris Baugh, Personally and on behalf of
11 Swimming Pool Technical Services,
12 LLC, Respondents

13 **ORIGINAL** filed this 28 day of
14 NOVEMBER, 2017, with:

15 Arizona State Board of Technical Registration
16 1110 W. Washington, Suite 240
17 Phoenix, AZ 85007

18 **COPY** of the foregoing mailed via Certified Mail
19 No. 9214 8901 9434 4600 0271 59 and
20 First Class mail this 28 day of NOVEMBER, 2017, to:

21 Chris Baugh
22 Swimming Pool Technical Services, LLC
23 6410 West Windsor Blvd.
24 Glendale, AZ 85301

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27
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By: 