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BEFORE THE ARIZONA STATE  
BOARD OF TECHNICAL REGISTRATION

In the Matter of:  
James Bordenave  
P.E. (Mechanical)  
Registration No. 35957  
Respondent

Case No.: P17-033  
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, James Bordenave ("Respondent"), holder of Registration No. 35957, 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 P17-033 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 2013.

2 5. On his 2013 renewal application, Respondent failed to disclose his April 29,  
3 2010 conviction for misdemeanor extreme DUI in Fountain Hills Municipal Court.

4 6. On March 31, 2016, Board staff received Respondent's application for  
5 renewal of P.E. (Mechanical) #35957. Respondent answered "YES" to the question  
6 "Have you been convicted of a felony or misdemeanor other than a minor traffic violation  
7 since your last renewal?" Note: Alcohol and drug-related offenses that occur when  
8 driving or riding in an automobile are not considered minor traffic violations.

9 7. On his 2016 renewal application, Respondent disclosed a misdemeanor  
10 conviction for Theft of Services that occurred in Show Low Justice Court on or about  
11 March 3, 2015.

12 8. On his 2016 renewal application, Respondent failed to disclose his December  
13 8, 2015 conviction for misdemeanor Disorderly Conduct in Globe Regional Justice  
14 Court.

15 9. On or about April 6, 2016, the Board sent Respondent a request for further  
16 information to his address of record with the Board. This mailing was returned as  
17 unclaimed and unable to forward by the U.S. Postal Service. Board staff learned that  
18 Respondent had changed his address but failed to update his mailing address with the  
19 Board.

20 CONCLUSIONS OF LAW

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

22 2. The conduct alleged in the Findings of Facts constitutes grounds for  
23 discipline pursuant to A.R.S. § 32-128(C)(4) as it relates to A.A.C. R4-30-301(1), and  
24 A.R.S. § 32-145(5) in that Respondent Failed to disclose his December 8, 2015  
25 misdemeanor conviction for Disorderly Conduct in Globe, Arizona, on the Professional  
26 Renewal Form he signed on March 30, 2016.

27 3. The conduct alleged in the Findings of Facts constitutes grounds for discipline  
28 pursuant to A.R.S. § 32-128(C)(4) as it relates to A.A.C. R4-30-301(1), and A.R.S. § 32-

1 145(5) in that Respondent Failed to disclose his April 29, 2010 misdemeanor conviction  
2 for DUI in Fountain Hills, Arizona, on the Professional Renewal Form he signed on  
3 March 38, 2013.

4 4. The conduct alleged in the Findings of Facts constitutes grounds for  
5 discipline pursuant to A.R.S. § 32-128(C)(4) as it relates to R4-30-301(15) in that  
6 Respondent failed to update his address of record with the Board.

7 ORDER

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

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

12 2. STAYED SUSPENSION AND PROBATION. Respondent's registration  
13 as a Professional Engineer, No. 35957, shall be suspended for Six (6) months; however,  
14 the suspension is stayed for as long as Respondent remains in compliance with this  
15 Order. During the stay of suspension, Respondent's registration as a Professional  
16 Engineer is placed on probation for Six (6) months. If Respondent is non-compliant with  
17 any terms of this Order during the Six (6) months stayed suspension and probation  
18 period, the stay of the suspension shall be lifted and Respondent's registration as a  
19 Professional Engineer shall be automatically suspended without a formal hearing, and  
20 remain suspended until Respondent is compliant with all terms of this Order. The Board  
21 may also consider Respondent's non-compliance with this Order as a separate violation  
22 of A.R.S. § 32-150.

23 3. ADMINISTRATIVE PENALTY. Within six (6) months from the effective  
24 date of this Consent Agreement, Respondent shall pay an administrative penalty of Five  
25 Hundred Dollars (\$500.00) by certified check or money order made payable to the State  
26 of Arizona Board of Technical Registration. Monthly payments of \$85.00 dollars shall be  
27 paid to the Arizona Board of Technical Registration for 5 months and a final payment of  
28 Seventy-Five (\$75.00) the sixth and final month.

1 4. COST OF INVESTIGATION. Within Six (6) months from the effective  
2 date of this Consent Agreement, Respondent shall pay the cost of investigation of this  
3 case to the Board in the amount of Three Hundred Fifteen Dollars (\$315.00) by certified  
4 check or money order. Payments shall be made to the State of Arizona Board of  
5 Technical Registration, by monthly payments of Fifty-Two Dollars and Fifty Cents  
6 (\$52.50), according to the provisions of A.R.S. § 32-128(H).

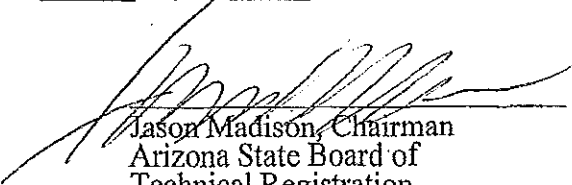
7 5. OBEY ALL LAWS. Respondent shall obey all federal, state and local  
8 laws, as well as, all rules governing the practice of Engineering in the State of Arizona.  
9 The Board shall consider any violation of this paragraph to be a separate violation of the  
10 rules and statues governing the Arizona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

11 6. RENEWAL OF REGISTRATION. Respondent shall timely renew his  
12 Arizona registration as an Engineer and timely pay all required registration fees.

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

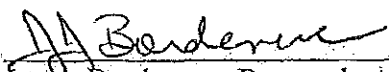
16 8. COSTS OF COMPLIANCE. Respondent shall pay all costs associated  
17 with complying with this Consent Agreement.

18  
19 ACCEPTED and ORDERED this 24 day of JAN-, 2016.

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21   
22 Jason Madison, Chairman  
23 Arizona State Board of  
24 Technical Registration

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26 Consent Agreement and Order, No. P17-033 accepted this 6th day of

27 January 2017

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James Bordenave, Respondent

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ORIGINAL filed this 24 day of  
JANUARY, 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. 9214 8901 9434 4600 0074 41 and  
First Class mail this 25 day of JANUARY, 2016, to:

James Bordenave  
P.O. Box 454  
Cottonwood, AZ 86326

By: D Kraemer