

1 irrevocable.

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

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

8 6. Respondent understands this Consent Agreement deals with Board case
9 number P17-058 involving allegations that Respondent engaged in conduct that would
10 subject him to discipline under the Board's statutes and rules. The investigation into
11 these allegations against Respondent shall be concluded upon the Board's adoption of
12 this Consent Agreement.

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

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

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

27 10. This Consent Agreement is subject to the approval of the Board and is
28 effective only when accepted by the Board and signed on behalf of the Board. If the

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3 Board does not approve this Consent Agreement, it is withdrawn and shall be of no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

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

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

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

16 **FINDINGS OF FACT**

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

19 2. Respondent is the holder of Arizona Profession Engineer (Civil) Registration
20 No. 53690.

21 3. Respondent Firm is not registered with the Arizona Board of Technical
22 Registration.

23 4. On December 14, 2016, the Board received a complaint that Respondent
24 demonstrated gross negligence in the practice of a Board regulated profession while
25 performing an engineering study on a portable slide at Desert Vista High School. It was
26 alleged that Respondent prepared and sealed a structural evaluation report in which he
27 failed to measure the structure, did not perform any structural calculations and did not
28 research relevant playground equipment standards.

1 pursuant to A.R.S. § 32-128(C)(4) as it relates to A.A.C. R4-30-301(4) in that
2 Respondent engaged in the practice of engineering through an un-registered firm.

3 5. The conduct alleged in the Findings of Fact constitutes grounds for discipline
4 pursuant to A.R.S. § 32-125(A) in that Respondent failed to use a seal appropriate for the
5 branch of engineering in which he is registered.

6 6. The conduct alleged in the Findings of Fact constitutes grounds for discipline
7 pursuant to A.R.S. § 32-128(C)(4) as it relates to A.A.C. R4-30-303(B) in that
8 Respondent failed to file with the Board, an imprint of his seal and an original signature
9 and an affidavit regarding the use of his seal.

10 7. The conduct alleged in the Findings of Fact constitutes grounds for discipline
11 pursuant to A.R.S. § 32-141(A) in that Respondent Firm engaged in the practice of a
12 Board regulated profession without firm registration with the Board.

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
19 as Professional Engineer, No. 53690, shall be suspended for Twenty-Four (24) months;
20 however, the suspension is stayed for as long as Respondent remains in compliance with
21 this Order. During the stay of suspension, Respondent's registration as a Professional
22 Engineer is placed on probation for Twenty-Four (24) months. If Respondent is non-
23 compliant with any terms of this Order during the Twenty-Four (24) month stayed
24 suspension and probation period, the stay of the suspension shall be lifted and
25 Respondent's registration as a Professional Engineer shall be automatically suspended
26 without a formal hearing, and remain suspended until Respondent is compliant with all
27 terms of this Order. If Respondent completes all terms of this Order prior to end of the
28 Twenty-Four (24) month stayed suspension and probation period, Respondent may be

1 eligible for early termination of probation.

2 3. INDEFINITE RESTRICTION OF PRACTICE. Respondent's registration
3 as Professional Engineer (Civil) #53690, shall be restricted, prohibiting Respondent from
4 offering or performing the practice of structural engineering until the Respondent
5 provides proof to the Board that he has successfully passed the National Council of
6 Examiners for Engineering and Surveying (NCEES) Structural Engineering Examination
7 and is granted registration by the Board as a Structural Engineer.

8 4. PEER REVIEW. Within twenty-four (24) months, Respondent shall submit
9 his next two (2) engineering projects for peer review. Within thirty (30) days of the
10 effective date of this Consent Agreement, Respondent shall furnish to the Board, the
11 name of an Arizona registered Professional Engineer ("Peer Reviewer") who agrees to
12 review and report on Respondent's work. The proposed Peer Reviewer shall have at least
13 five years of actual engagement as an Engineer, shall be registered and in good standing
14 with the Board and shall not have received any disciplinary action from the Board within
15 the last three years. Respondent shall submit to the Board an Affidavit and Agreement to
16 conduct Peer Review signed by the proposed Peer Reviewer. Upon approval by the
17 Board of the Peer Reviewer, Respondent shall ensure that the Peer Reviewer provides a
18 written report to the Board after each peer reviewed project describing any deficiencies in
19 Respondent's practice, and certifying that the peer reviewed project provided to the client
20 by the Respondent is in compliance with Board rules and statutes. Respondent shall not
21 give final approval on any project to a client, contractor, any regulatory or review body or
22 any other person until the project has been reviewed and approved by the Peer Reviewer.
23 Respondent shall retain the Peer Reviewer at his own expense.

24 5. REMEDIAL EDUCATION. Within ninety (90) days of the effective date
25 of this Consent Agreement, Respondent shall provide proof to the Board that he has
26 successfully completed a minimum of four (4) hours of Board approved remedial
27 education in ethics.

28 6. ADMINISTRATIVE PENALTY. Within twenty-four (24) months from

1 the effective date of this Consent Agreement, Respondent shall pay an administrative
2 penalty of Six Thousand (\$6,000.00) Dollars. Monthly payments of Two Hundred Fifty
3 (\$250.00) Dollars shall be paid by certified check or money order to the State of Arizona
4 Board of Technical Registration.

5 7. COST OF INVESTIGATION. Within twenty-four (24) months from the
6 effective date of this Consent Agreement, Respondent shall pay the cost of investigation
7 of this case to the Board in the amount of Seven Hundred Ninety-two (\$792.00) Dollars.
8 Monthly payments of Thirty-Three (\$33.00) Dollars shall be paid by certified check or
9 money order to the State of Arizona Board of Technical Registration, according to the
10 provisions of A.R.S. § 32-128(H).

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

17 9. RENEWAL OF REGISTRATION. Respondent shall timely renew his
18 Arizona registration as a Professional Engineer, and timely pay all required registration
19 fees.

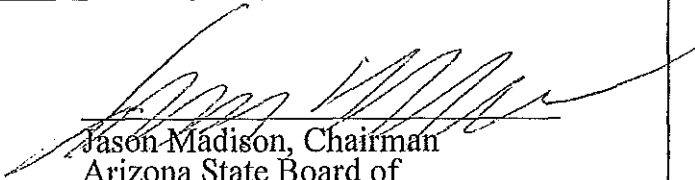
20 10. EFFECTIVE DATE. The effective date of this Consent Agreement is the
21 date the Respondent and Board sign the Consent Agreement. If the dates are different, the
22 effective date is the later of the two dates.

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

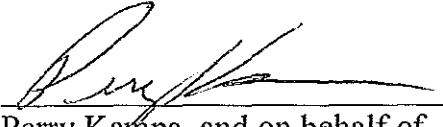
25 12. NONCOMPLIANCE. If Respondent violates this Order in any way or fails
26 to fulfill the requirements of this Order, the Board, after giving notice and the opportunity
27 to be heard, may revoke, suspend or take other disciplinary actions against the
28 registration. The issue at such a hearing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

1 been violated.

2
3 ACCEPTED and ORDERED this 27th day of JUNE, 2017.

4
5
6 
7 Jason Madison, Chairman
8 Arizona State Board of
9 Technical Registration

10 Consent Agreement and Order, No. P17-058 accepted this 1st day of
11 JUNE, 2017.

12 
13 Perry Kampa, and on behalf of
14 Pure Focus, LLC, Respondents

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 06 and
22 First Class mail this 28 day of JUNE, 2017, to:

23 Perry Kampa
24 6235 N. 14th Pl
25 Phoenix, AZ 85014

26 By: 