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**BEFORE THE ARIZONA STATE
BOARD OF TECHNICAL REGISTRATION**

<p>In the Matter of:</p> <p>Efren Espino Non-Registrant</p> <p>Desert View Contractors LLC Non-Registrant Firm</p> <p style="text-align: right;">Respondent</p>	<p style="text-align: center;">Case No. P17-071</p> <p style="text-align: center;">CONSENT AGREEMENT and ORDER OF DISCIPLINE</p>
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12 In the interest of a prompt and judicious resolution of the above-captioned matter before
13 the Arizona State Board of Technical Registration (“Board”) and consistent with the public
14 interest, statutory requirements, and the responsibilities of the Board, and pursuant to A.R.S. §
15 32-101 et seq., and A.A.C. R4-30-120(G), the undersigned party, Efren Espino, Non-Registrant
16 (“Respondent”), Desert View Contractors LLC, Non-Registrant Firm (“Respondent Firm”), and
17 the Board enter into the following Recitals, Findings of Fact, Conclusions of Law and Order
18 (“Consent Agreement”) as a final disposition of this matter.

19 **RECITALS**

- 20 1. Respondent has read and understands this Consent Agreement and has had the
21 opportunity to discuss this Consent Agreement with an attorney, or has waived the opportunity to
22 discuss this Consent Agreement with an attorney.
- 23 2. Respondent understands that he has a right to a public administrative hearing
24 concerning this case. He further acknowledges that at such formal hearing he could present
25 evidence and cross-examine witnesses. By entering into this Consent Agreement, Respondent
26 knowingly, voluntarily, and irrevocably waives his right to such an administrative hearing, as
27 well as rights of rehearing, review, reconsideration, appeal, judicial review or any other
28 administrative and/or judicial action concerning the matters set forth herein.

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

2 4. Respondent understands that this Consent Agreement or any part of the agreement
3 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 public
6 records (as defined in A.R.S. § 41-158.18) upon acceptance by the Board of this Consent
7 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 number
9 P17-071 involving allegations that Respondent engaged in conduct that would subject him to
10 discipline under the Board's statutes and rules. The investigation into these allegations against
11 Respondent shall be concluded upon the Board's adoption of 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, and does
14 not constitute any waiver, express or implied, of the Board's statutory authority or jurisdiction
15 regarding any other pending or future investigation, action or proceeding.

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

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

24 10. This Consent Agreement is subject to the approval of the Board and is effective
25 only when accepted by the Board and signed on behalf of the Board. If the Board does not accept
26 this Consent Agreement, the Board retains its authority to hold a formal administrative hearing
27 pursuant to A.R.S. § 32-128(E). In the event that the Board does not approve this Consent
28 Agreement, it is withdrawn and shall be of no evidentiary value and shall not be relied upon nor

1 introduced in any action by any party, except that the parties agree that should the Board reject
2 this Consent Agreement and this case proceeds to hearing, Respondent shall assert no claim that
3 the Board was prejudiced by its review and discussion of this document or any records relating
4 thereto.

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

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

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

12 **FINDINGS OF FACT**

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

15 2. Respondent is not registered with the Board. Respondent is the Project Manager for
16 Respondent Firm, responsible for the day to day operations of Respondent Firm in the field.

17 3. Respondent Firm is not registered with the Board.

18 4. On or about November 18, 2016, Respondents used the registration of Clair
19 Adams, P.E. (Civil) # 42718, without his knowledge, to fraudulently prepare and seal an altered
20 Soil Investigation Report for a custom home project located at 9831 W. Villa Lindo Dr., Peoria,
21 AZ.

22 5. On or about December 14, 2016, Respondents used the registration of Clair Adams,
23 P.E. (Civil) # 42718, without his knowledge, to fraudulently prepare and seal a Building Pad
24 Compaction Certification Report for a property located at 9831 W. Villa Lindo Dr., Peoria, AZ.

25 6. On or about January 25, 2017, the Board received a complaint alleging that
26 Respondents used the registration of Clair Adams, P.E. (Civil) # 42718, without his knowledge,
27 to fraudulently prepare and seal an altered Soil Investigation Report and Building Pad
28 Compaction Certification Report for a property located at 9831 W. Villa Lindo Dr., Peoria,

1 Arizona, in November and December of 2016.

2 7. On or about February 22, 2017, Board staff received a written summary of events
3 from Javier Munoz, owner of Respondent Firm, and Respondent, Project Manager of Respondent
4 Firm, in which both Mr. Munoz and Respondent admitted that the Soil Investigation Report and
5 the Building Pad Compaction Certification Report had been forged by Jesus Morales, an
6 employee of Respondent firm.

7 **CONCLUSIONS OF LAW**

8 1. The Board has jurisdiction in this matter pursuant to A.R.S. § 32-101, et seq,
9 including A.R.S. § 32-106.02(A).

10 2. The conduct alleged in the Findings of Fact, constitutes grounds for discipline
11 pursuant to A.R.S. § 32-32-145(4), in that Respondent and Respondent Firm used the registration
12 of Clair Adams, P.E. (Civil) # 42718, without his knowledge, to fraudulently prepare and seal an
13 altered Soil Investigation Report and Building Pad Compaction Certification Report.

14 **ORDER**

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

17 1. ASSURANCE OF DISCONTINUANCE. Respondent shall not practice, offer to
18 practice, or by any implication hold itself out as qualified to practice Engineering as defined by
19 A.R.S. § 32-101.B(11) until such time as the Respondent is registered by the Board and is in full
20 compliance with the Board's Statutes and Rules. Respondent Firm, shall not engage in the
21 practice, offer to practice or by any implication hold itself out as qualified to practice engineering
22 as defined by A.R.S. § 32-101(B)(11), and shall not display any card, sign or other device that
23 may indicate to the public that it is a registered professional engineering firm or is qualified to
24 practice as such in the State of Arizona until such time as the Respondent firm has been granted
25 registration by the Board and is in full compliance with the Board's Statues and Rules.

26 2. CIVIL PENALTY. Within Six (6) months from the effective date of this Consent
27 Agreement, Respondents shall pay a civil penalty of Four Thousand Dollars (\$4,000.00).
28 Payments are to be submitted to the Board by cashier's check or money order made payable to

1 the Arizona State Board of Technical Registration, according to the provisions of A.R.S. §
2 32-106.02(A).


3 3. COST OF INVESTIGATION. Within Ninety (90) days from the effective date of
4 this Consent Agreement, Respondents shall pay the cost of investigation of this case to the Board
5 in the amount of Three Hundred Seventy-Two Dollars (\$372.00) by certified check or money
6 order made payable to the State of Arizona Board of Technical Registration, according to the
7 provisions of A.R.S. § 32-128(H).

8 4. EFFECTIVE DATE. The effective date of this Consent Agreement is the date the
9 Respondents and Board sign the Consent Agreement. If the dates are different, the effective date
10 is the later of the two dates.

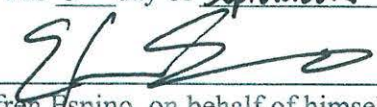
11 5. COSTS OF COMPLIANCE. Respondents shall pay all costs associated with
12 complying with this Consent Agreement.

13 6. NONCOMPLIANCE. If Respondents violate this Order in any way or fails to
14 fulfill the requirements of this Order, the Board may seek a Petition for Injunction in accordance
15 with the provisions set forth in A.R.S. § 32-106.01.

16
17 ACCEPTED and ORDERED this 10th day of September, 2018.

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20 _____
21 Alejandro Angel, P.E., Chairman
22 Arizona State Board of
23 Technical Registration

24 Consent Agreement and Order, No.P17-071 accepted this 5 day of SEPTEMBER, 2018.

25 
26 _____
27 Efrén Espino, on behalf of himself and
28 on behalf of Desert View Contractors, LLC,
Respondents

1 ORIGINAL filed this 11th day of
2 SEPTEMBER, 2018, with:

3
4 Arizona State Board of Technical Registration
5 1110 W. Washington, Suite 240
6 Phoenix, AZ 85007

7 **COPY** of the foregoing mailed via Certified Mail
8 No. 9214 8901 9434 4600 0425 96 and
9 First Class mail this 11th day of SEPTEMBER, 2018, to:

10 Efred Espino
11 Desert View Contractors
12 5021 N. 55th Ave Suite 10
13 Glendale Az 85301

14 By:  _____

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