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**BEFORE THE ARIZONA STATE
BOARD OF TECHNICAL REGISTRATION
IN THE OFFICE OF ADMINISTRATIVE HEARINGS**

In the Matter of:

Ana Essary
Non-Registrant,

Respondent;

and

Arizona Special Inspections Group, LLC
Non-Registrant Firm

Respondent Firm.

Case No. P18-005

**FINDINGS OF FACT,
CONCLUSIONS OF LAW
AND ORDER**

13 This matter came before the Arizona Board of Technical Registration ("Board") on
14 September 24, 2019. Ana Essary ("Respondent") was not present. Neither Respondent nor
15 Respondent firm were represented by an attorney. Assistant Attorney General, Deanie Reh
16 appeared on behalf of the State. The Board received independent legal advice from Assistant
17 Attorney General, Marc Harris. After hearing evidence and arguments from the State, the Board
18 issues the following Findings of Fact, Conclusions of Law and Order:

19 **FINDINGS OF FACT**

- 20 1. The Board is the duly constituted authority for the regulation and control of the practice
21 of engineers. A.R.S. § 32-101, et seq.
- 22 2. Respondent is not, and has never been registered with the Board as an Engineer.
23 According to the Arizona Corporation Commission, Respondent became statutory Agent for
24 Respondent Firm on or about March 16, 2015.
- 25 3. Respondent firm was not registered with the Board between September 2015 and October
26 2017 when the firm engaged in forty (40) engineering projects. Respondent Firm registration
27 expired January 31, 2015.
- 28

1 4. Robert Knighten, Professional Engineer No. 35864, was the principal engineer for
2 Respondent Firm and provided Engineering services to Respondent and Respondent Firm from
3 March 11, 2011 until January 24, 2015. Mr. Knighten's registration seal as a Professional
4 Engineer during his time as Firm Principal had expiration dates of March 31, 2013 and March
5 31, 2016.

6 5. On or about June 22, 2017, the Board received a complaint alleging Respondent, through
7 Respondent Firm, a firm not registered with the Board, applied without authority the seal and
8 signature of Robert Knighten, P.E. (Civil) #35864, on a Special Inspection Certificate, a
9 professional document, and practiced engineering without Board registration. Included with the
10 complaint, the Board received a copy of a special inspection certificate dated October 25, 2016,
11 for a project located at 2934 W. La Salle, Phoenix, Arizona, which bears the unauthorized
12 affixed seal and signature of Robert Knighten, P.E. with a stamp date of March 21, 2017. The
13 certificate also shows an altered expiration date of March 31, 2018.

14 6. On or about June 28, 2017, Robert Knighten emailed Respondent to inform Respondent
15 he had not signed any special inspection forms since 2015 and that he is not Respondent Firm's
16 engineer of record. In the email, Mr. Knighten explained to Respondent that his stamp and
17 signature had been used by someone in Respondent Firm on a special inspection form without
18 Mr. Knighten's knowledge or consent.

19 7. On or about September 21, 2017, Board staff received a written statement from
20 Respondent in which Respondent stated that in June, 2017, Respondent received a call from an
21 inspector informing Respondent that the builder was having issues with the City of Phoenix
22 accepting Respondent Firm's City finals. Respondent stated she attempted to contact Robert
23 Knighten by phone, email and text regarding this issue. Respondent explained that on June 28,
24 2017, she received an email from Mr. Knighten informing Respondent that he was not registered
25 as the engineer for Respondent Firm and he was no longer Respondent Firm Engineer of record.

26 8. On or about September 28, 2017, Board staff received copies of special inspection
27 certificates from the City of Phoenix which show that Respondent and Respondent Firm, in
28 addition to the violation listed in paragraph 5, above, completed thirty-nine (39) post-tension slab

1 certification projects in Phoenix, Arizona, created between September, 2015, to February, 2017,
2 demonstrating that Respondent and Respondent Firm engaged in the practice of engineering by
3 affixing to project inspection reports the seal and signature of Robert Knighten, P.E., without Mr.
4 Knighten's permission, with regard to the following building project locations:

- 5 a. 5821 S. 27th Ave.;
- 6 b. 5513 S. 27th Dr.;
- 7 c. 5521 s. 27th Dr.;
- 8 d. 5603 s. 27th Dr.;
- 9 e. 5623 S. 27th Dr.;
- 10 f. 5726 S. 27th Dr.;
- 11 g. 5727 S. 27th Dr.;
- 12 h. 5804 S. 27th Dr.;
- 13 i. 5812 S. 27th Dr.
- 14 j. 5816 S. 27th Dr.;
- 15 k. 5820 S. 27th Dr.;
- 16 l. 5731 S. 27th Ln.;
- 17 m. 5805 S. 27th Ln.;
- 18 n. 5809 S. 27th Ln.;
- 19 o. 5813 S. 27th Ln.;
- 20 p. 5817 S. 27th Ln.;
- 21 q. 5825 S. 27th Ln.;
- 22 r. 2727 W. Grenadine;
- 23 s. 293 7 W. La Salle;
- 24 t. 2938 W. La Salle;
- 25 u. 2941 W. La Salle;
- 26 v. 2942 W. La Salle;
- 27 w. 2945 W. La Salle;
- 28 x. 2946 W. La Salle;

- 1 y. 2332 W. Sunland Ave.;
- 2 z. 2711 W. Sunland Ave.;
- 3 aa. 2712 W. Sunland Ave.;
- 4 bb. 2716 W. Sunland Ave.;
- 5 cc. 2720 W. Sunland Ave.;
- 6 dd. 2723 W. Sunland Ave.;
- 7 ee. 2724 W. Sunland Ave.;
- 8 ff. 2727 W. Sunland Ave.;
- 9 gg. 2728 W. Sunland Ave.;
- 10 hh. 2731 W. Sunland Ave.;
- 11 ii. 2740 W. Sunland Ave.;
- 12 jj. 2748 W. Sunland Ave.;
- 13 kk. 2756 W. Sunland Ave.;
- 14 ll. 2735 W. Wayland Dr.; and
- 15 mm. 2743 W. Wayland Dr.

16 9. On each of the special inspection certificates listed in paragraphs 5 and 9 above, the
17 representation of Robert Kighten's seal was unauthorized and was made, altered, presented
18 and/or offered, whether accepted or not, to appear to have a date, source, authorship, or value
19 that it did not in fact possess. Together, the violations listed in paragraphs 5 and 9 herein, total
20 forty separate violations of A.R.S. § 32-145(4), which makes it unlawful for a person to use "a
21 certification or certificate of registration of another," or use "an expired or revoked certification
22 or certificate of registration."

23 **CONCLUSIONS OF LAW**

24 10. By presenting special inspection certificates with an unauthorized engineer's seal,
25 Respondent and Respondent Firm have violated A.R.S. § 32-145(1), (2), and (3), which makes it
26 a violation to:

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1 a. Practice, offer to practice or by any implication hold oneself out as qualified to
2 practice any board regulated profession or occupation if the person is not registered or
3 certified as provided by A.R.S. Title 23, Chapter 1.

4 b. Advertise or display any card, sign or other device that may indicate to the public
5 that the person is certified or registered or is qualified to practice any board regulated
6 profession or occupation if the person is not certified or registered as provided by A.R.S.
7 title 32, Chapter 1.

8 c. Use "certified", "professional certified", "professional", "PE", "registered",
9 "registered professional" or "professional registered" in conjunction with any board
10 regulated profession or occupation if the person is not certified or registered as provided
11 by A.R.S. title 32, Chapter 1.

12 **ORDER**

13 Based on the Board's adoption of the Findings of Fact and Conclusions of Law, the
14 Board issues the following Order with the understanding that Respondent, Ana Essary, Non
15 Registrant and Respondent Firm, Arizona Special Inspection Group, LLC are jointly and
16 severally liable for the following:

17 1. **CIVIL PENALTY.** Within thirty (30) days of the effective date of this Order,
18 Respondent and Respondent Firm shall pay a civil penalty in the amount of twenty-thousand
19 dollars (\$20,000) by certified check or money order made payable to the State of Arizona Board
20 of Technical Registration.

21 2. **COST OF INVESTIGATION** – Within thirty (30) days of the effective date of
22 this Order, Respondent and Respondent Firm shall pay the costs of investigation in the amount of
23 four-hundred and four dollars (\$404) by certified check or money order made payable to the
24 State of Arizona Board of Technical Registration.

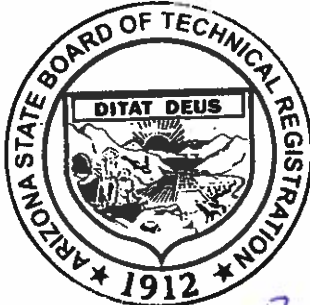
25 3. **COST OF ATTORNEY'S FEES AND HEARING.** - Within thirty (30) days of
26 the effective date of this Order, Respondent(s) shall pay attorney's fees in the amount of one-
27 thousand two-hundred sixty-seven dollars and twelve cents (\$1,267.12) by certified check or
28 money order made payable to the State of Arizona Board of Technical Registration.

1 **Right to Petition for Rehearing or Review**

2 Respondent and Respondent Firm are notified that they have the right to file a motion for
3 rehearing or review of this Order. Pursuant to A.R.S. § 41-1092.09(B) and A.A.C. R4-30-
4 126(A), the motion for rehearing or review must be filed with the Board's Executive Director
5 within 30 days after service of this Order. Service of this Order is defined as five calendar days
6 after mailing.

7 The motion for rehearing or review must set forth legally sufficient reasons for granting a
8 rehearing or review. A.A.C. R4-30-126(C). If a petition for rehearing or review is not filed, the
9 Board's Order becomes effective thirty-five (35) days after it is mailed to Respondent and
10 Respondent Firm. Respondent and Respondent Firm are further advised that the filing of a
11 motion for rehearing or review is required to preserve any rights of appeal to Superior Court.

12 .
13 DATED this 3RD day of OCTOBER, 2019.



Arizona State Board of
Technical Registration

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Jason Foose, Chairman

24 ORIGINAL filed this 3 day of October, 2019, with:

25 Arizona State Board of Technical Registration
26 1110 W. Washington, Ste. 240
27 Phoenix, AZ 85007

28 COPY mailed via Certified Mail No. 9214 89019434 4600 0601 05 + 12'

First Class mail this 3 day of October, 2019, to:

Ana Essary
P.O. Box 74753
Phoenix, AZ 85087

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Arizona Special Inspection, LLC
4826 N. 16th Street
Phoenix, AZ 85016

COPY of the foregoing mailed this 3 day of October, 2019, to:

Deanie Reh
Deanie.reh@azag.gov

COPY of the foregoing mailed this 3 day of October, 2019, to:

Michael Raine
michale.raine@azag.gov

By: Kurt Winter