



BEFORE THE ARIZONA STATE BOARD OF TECHNICAL REGISTRATION

In the Matter of:

Case No.: P18-013

Lane Garrett P.E. (Electrical) Registration No. 06326

CONSENT AGREEMENT and ORDER OF DISCIPLINE

Respondent

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, Lane Garrett ("Respondent"), holder of Registration No. 06326, 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 P18-013 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 formal administrative hearing pursuant to A.R.S. § 32-128(E). In the event that the
2 Board does not approve this Consent Agreement, it is withdrawn and shall be of no
3 evidentiary value and shall not be relied upon nor introduced in any action by any party,
4 except that the parties agree that should the Board reject this Consent Agreement and this
5 case proceeds to hearing, Respondent shall assert no claim that the Board was prejudiced
6 by its review and discussion of this document or any records relating thereto.

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

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

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

15 **FINDINGS OF FACT**

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

18 2. Respondent is the holder of Arizona Professional Engineer (Electrical)
19 Registration No. 06326.

20 3. On or about June 13, 2017, Respondent signed and sealed electrical plans for
21 solar panel projects for the following locations: El Con Health & Wellness, 3402 E.
22 Broadway Blvd.; Family Vision Square, 7475 E Tanque Verde Rd.; Calvary Chapel,
23 8711 E. Speedway Blvd. and 8725 E. Speedway Blvd.; American Evangelical Lutheran,
24 115 N. Tucson Blvd.; Outer Limits School, 3137 N. Palo Verde; Outer Limits School,
25 3472 E Fort Lowell Rd.; Southern Arizona Productions, 911 S. Tyndale Ave. All of the
26 projects listed above were prepared by Duane DeLarco, a Non-Registrant.

27 4. On June 21, 2017, Respondent admitted that he did review and stamp the
28 documents that were prepared by DeLarco for the solar panel projects in question.

1 Respondent stated that Duane DeLarco brought the plans to Respondent's home for
2 review. Respondent also stated he met with Mr. DeLarco on 3 different occasions to
3 review the plans and address recommended corrections. Respondent explained that he
4 was not aware that his seal appeared on professional documents that were produced on
5 Mr. DeLarco's firm title block.

6 5. On September 24, 2017, Respondent stated in an email that he met with Mr.
7 DeLarco at Respondent's home in Mesa, AZ. Respondent admitted that he reviewed the
8 drawings and that he stamped them.

9 6. On November 6, 2017, Respondent admitted in an email that Mr. DeLarco
10 paid Respondent for review of drawings and the stamps.

11 CONCLUSIONS OF LAW

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

13 2. The conduct alleged in the Findings of Fact constitutes grounds for discipline
14 pursuant to A.R.S. § 32-128(C)(4) as it relates to A.A.C. R4-30-301(16), in that
15 Respondent signed and sealed professional documents for seven (7) solar panel projects
16 that were not prepared by Respondent or a bona fide employee of the Respondent.

17 3. The conduct alleged in the Findings of Fact constitutes grounds for discipline
18 pursuant to A.R.S. § 32-128(C)(3), in that Respondent aided and abetted unregistered
19 practice by signing and sealing professional documents for seven (7) solar panel projects
20 prepared by Duane DeLarco, a Non-registrant.

21 ORDER

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

24 1. VOLUNTARY SURRENDER. Respondent agrees to voluntarily surrender
25 his Professional Engineer Registration No. 06326.

26 2. EFFECTIVE DATE. The effective date of this Consent Agreement is the
27 date the Respondent and Board sign the Consent Agreement. If the dates are different, the
28 effective date is the later of the two dates.

1 ACCEPTED and ORDERED this 8th day of March, 2018.

2 

3 _____
4 Alejandro Angel, P.E., Chairman
5 Arizona State Board of
6 Technical Registration

7 Consent Agreement and Order, No. P18-013 accepted this 6th day of
8 March, 2018.

9 

10 _____
11 Lane Garrett, Respondent

12 **ORIGINAL** filed this _____ day of
13 _____, 2018, with:

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

17 **COPY** of the foregoing mailed via Certified Mail
18 No. _____ and
19 First Class mail this _____ day of _____, 2018, to:

20 Lane Garrett
21 1652 N Old Colony
22 Mesa, AZ 85201

23 By: _____
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