



BEFORE THE ARIZONA STATE
BOARD OF TECHNICAL REGISTRATION

In the Matter of:
Fred Riggs
P.E. (Electrical) No. 45685
Respondent

Case No.: P18-014

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, Fred Riggs (“Respondent”), holder of Registration No. 45685, 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 P18-014 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. 45685.

20 3. On or about May 10, 2017, Respondent signed and sealed electrical plans for
21 the St. Pius Church solar panel project located at 1800 N. Camino Pio Decimo #1,
22 Tucson, AZ. The plans were prepared by Duane DeLarco, a Non-Registrant. Respondent
23 also signed and sealed a project related letter that he did not prepare and provided it to
24 Duane DeLarco's company, First American Solar.

25 4. On or about May 11, 2017, Respondent signed and sealed another project
26 related letter that he did not prepare and provided it to M3 Engineering, Respondent's
27 employer.

28 5. On or about June 6, 2017, Respondent signed and sealed a second set of

1 electrical plans for the St. Pius Church solar panel project, not prepared by Respondent or
2 a bona-fide employee. The plans were prepared by Duane DeLarco, a Non-Registrant.

3 6. On or about June 23, 2017, Respondent told Board staff that he reviewed,
4 signed and sealed professional engineering documents provided to him and prepared by
5 Mr. DeLarco.

6 7. On or about June 27, 2017, Respondent admitted to Board staff that he signed
7 and sealed two letters addressing the condition of the solar panel project at St. Pius
8 Church, that he did not prepare. Respondent stated that these project related letters were
9 requested by the City of Tucson.

10 CONCLUSIONS OF LAW

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

12 2. The conduct alleged in the Findings of Fact constitutes grounds for discipline
13 pursuant to A.R.S. § 32-128(C)(4) as it relates to A.A.C. R4-30-301(16), in that
14 Respondent signed and sealed professional documents related to the St. Pius Church
15 Project in Tucson, Arizona, that were prepared by Duane DeLarco, a non-registrant.

16 3. The conduct alleged in the Findings of Fact constitutes grounds for discipline
17 pursuant to A.R.S. § 32-128(C)(3), in that Respondent aided and abetted unregistered
18 practice by signing and sealing documents related to the St. Pius Church Project in
19 Tucson, Arizona, that were prepared by Duane DeLarco, a non-registrant.

20 ORDER

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

23 1. LETTER OF REPRIMAND. Respondent is hereby issued a Letter of
24 Reprimand.

25 2. STAYED SUSPENSION AND PROBATION. Respondent's registration as
26 a Professional Engineer No. 45685 shall be suspended for twelve (12) months; however,
27 the suspension is stayed for as long as Respondent remains in compliance with this
28 Order. During the stay of suspension, Respondent's registration as a Professional

1 Engineer is placed on probation for twelve (12) months. If Respondent is non-compliant
2 with any terms of this Order during the twelve (12) months stayed suspension and
3 probation period, the stay of the suspension shall be lifted and Respondent's registration
4 as a Professional Engineer shall be automatically suspended without a formal hearing,
5 and remain suspended until Respondent is compliant with all terms of this Order. If
6 Respondent completes all terms of this Order prior to end of the twelve (12) month
7 stayed suspension and probation period, Respondent may be eligible for early termination
8 of probation.

9 3. PROFESSIONAL ETHICS CLASS. Within sixty (60) days from the
10 effective date of this Consent Agreement, Respondent shall provide verification to the
11 Board that Respondent has successfully completed eight (8) hours of professional ethics
12 classes that have been pre-approved by Board staff.

13 4. ADMINISTRATIVE PENALTY. Within six (6) months from the effective
14 date of this Consent Agreement, Respondent shall pay an administrative penalty of Two
15 Thousand Dollars (\$2000.00) by certified check or money order made payable to the
16 State of Arizona Board of Technical Registration.

17 5. COST OF INVESTIGATION. Within thirty (30) days from the effective date
18 of this Consent Agreement, Respondent shall pay the cost of investigation of this case to
19 the Board in the amount of One Hundred Ninety-Eight Dollars (\$198.00) by certified
20 check or money order made payable to the State of Arizona Board of Technical
21 Registration, according to the provisions of A.R.S. § 32-128(H).

22 6. OBEY ALL LAWS. During the probationary period, Respondent shall obey
23 all federal, state and local laws, as well as, all rules governing the practice of Engineering
24 in the State of Arizona. The Board shall consider any violation of this paragraph to be a
25 separate violation of the rules and statues governing the Arizona Board of Technical
26 Registration. The Board may also consider Respondent's non-compliance with this
27 Order as a separate violation of A.R.S. § 32-150.

28 7. RENEWAL OF REGISTRATION. During the probationary period,

1 Respondent shall timely renew his Arizona registration as an Engineer, and timely pay all
2 required registration fees.

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

6 9. COSTS OF COMPLIANCE. Respondent shall pay all costs associated with
7 complying with this Consent Agreement.

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

13
14 ACCEPTED and ORDERED this 27 day of February, 2018.

15
16 
17 _____
18 Alejandro Angel, P.E., Chairman
19 Arizona State Board of
20 Technical Registration

21 Consent Agreement and Order, No. P18-014 accepted this 6 day of
22 January, 2018.

23 
24 _____
25 Fred Riggs, Respondent

26 ORIGINAL filed this 1st day of
27 MARCH, 2018, with:

28 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 0319 10 and
First Class mail this 1st day of MARCH, 2018, to:

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Fred Riggs
6760 N La Canada Dr
Tucson, AZ 85704

By:  _____