

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

3 **In the Matter of:**

Case No.: P18-021

4 **David Hayes**
5 **Engineer, P.E. (Civil)**
6 **Registration No. 22719**

CONSENT AGREEMENT
and
ORDER OF DISCIPLINE

7 **Respondent**

8
9 In the interest of a prompt and judicious resolution of the above-captioned matter
10 before the Arizona State Board of Technical Registration (“Board”) and consistent with
11 the public interest, statutory requirements, and the responsibilities of the Board, and
12 pursuant to A.R.S. § 32-101 et seq., and A.A.C. R4-30-120(G), the undersigned party,
13 David Hayes (“Respondent”), holder of Registration No. 22719, and the Board enter into
14 the following Recitals, Findings of Fact, Conclusions of Law and Order (“Consent
15 Agreement”) as a final disposition of this matter.

16 **RECITALS**

17 1. Respondent has read and understands this Consent Agreement and has had
18 the opportunity to discuss this Consent Agreement with an attorney, or has waived the
19 opportunity to discuss this Consent Agreement with an attorney.

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

27 3. Respondent affirmatively agrees that this Consent Agreement shall be
28 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 P18-021 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 (Civil)
19 Registration No. 22719.

20 3. On August 16, 2017, Board staff received a complaint alleging that
21 Respondent may have engaged in the unauthorized use of the seal of Matthew Crawford,
22 a Registered Professional Engineer, and forged Crawford's signature on a professional
23 document related to the FMI Parking Lot Project in Tucson, AZ on or about March 29,
24 2017.

25 4. Board staff spoke with Matthew Crawford, who stated that he became aware
26 of his forged signature on March 31, 2017, when he was removing other reports from the
27 printer and came across the forged document. Crawford confirmed that he did not give
28 permission to the Respondent to sign his name to the document.

1 3. PROFESSIONAL ETHICS CLASS. Within sixty (60) days from effective
2 date of this Consent Agreement, Respondent shall provide verification to the Board that
3 Respondent has successfully completed a class in professional ethics.

4 4. ADMINISTRATIVE PENALTY. Within sixty (60) days from the effective
5 date of this Consent Agreement, Respondent shall pay an administrative penalty of One
6 Thousand Dollars (\$1,000.00) by certified check or money order made payable to the
7 State of Arizona Board of Technical Registration.

8 5. COST OF INVESTIGATION. Within thirty (30) days from the effective date
9 of this Consent Agreement, Respondent shall pay the cost of investigation of this case to
10 the Board in the amount of Three Hundred and Ninety-Two Dollars (\$392.00) by
11 certified check or money order made payable to the State of Arizona Board of Technical
12 Registration, according to the provisions of A.R.S. § 32-128(H).

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

19 7. RENEWAL OF REGISTRATION. During the probationary period,
20 Respondent shall timely renew his Arizona registration as an Engineer, and timely pay all
21 required registration fees.

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

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

27 10. NONCOMPLIANCE. If Respondent violates this Order in any way or fails
28 to fulfill the requirements of this Order, the Board, after giving notice and the opportunity

1 to be heard, may revoke, suspend or take other disciplinary actions against the
2 registration. The issue at such a hearing will be limited solely to whether this Order has
3 been violated.

4
5 ACCEPTED and ORDERED this 23rd day of January, 2018.

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8 
9 Alejandro Angel, P.E., Chairman
10 Arizona State Board of
11 Technical Registration

12 Consent Agreement and Order, No. P18-021 accepted this 2 day of ~~X~~
13 December, 2017.

14 
15 David Hayes, Respondent X

16 **ORIGINAL** filed this 25th day of
17 JANUARY, 2018, with:

18 Arizona State Board of Technical Registration
19 1110 W. Washington, Suite 240
20 Phoenix, AZ 85007

21 **COPY** of the foregoing mailed via Certified Mail
22 No. 9214 8901 9434 4600 0300 67 and
23 First Class mail this 25th day of JANUARY, 2018, to:

24 David Hayes
25 4455 S. Park Ave, Suite 108
26 Tucson, AZ 85714

27
28
By: 