BEFORE THE ARIZONA STATE
BOARD OF TECHNICAL REGISTRATION

In the Matter of:

Michael Glancy,
Non-registrant,
Respondent.

CONSENT AGREEMENT

In the interest of a prompt and judicious resolution of the above-captioned matter before the Arizona State Board of Technical Registration (the “Board”) and consistent with the public interest, statutory requirements, and the responsibilities of the Board, and pursuant to Arizona Revised Statutes (“A.R.S.”) § 32-101, et seq. and Arizona Administrative Code (“A.A.C.”) R4-30-120(G), the undersigned party, Michael Glancy (“Respondent”) 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.

REICITALS

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.

4. Respondent understands that this Consent Agreement or any part of the agreement may be considered in any future disciplinary action by the Board against him.

5. The Consent Agreement, any record prepared in this matter, all investigative materials prepared or received by the Board and all related exhibits and materials, are records (as defined in A.R.S. § 41-151.18) upon acceptance by the Board of this Consent Agreement and may be retained in the Board's files pertaining to this matter.

6. Respondent understands this Consent Agreement deals with Board case number P18-034 involving allegations that Respondent engaged in conduct that would subject him to discipline under the Board's statutes and rules. The investigation into these allegations against Respondent shall be concluded upon the Board's adoption of this Consent Agreement.

7. Respondent understands that this Consent Agreement does not constitute a dismissal or resolution of any other matters currently pending before the Board, if any, and does not constitute any waiver, express or implied, of the Board's statutory authority or jurisdiction regarding any other pending or future investigation, action or proceeding.

8. Respondent also understands that acceptance of this Consent Agreement does not preclude any other agency, subdivision, or officer of this State from instituting any other civil or criminal proceedings with respect to the conduct that is the subject of this Consent Agreement.
9. Respondent acknowledges and agrees that, upon signing this Consent Agreement and returning this document to the Board’s Executive Director, Respondent may not revoke acceptance of the Consent Agreement or make any modifications to the document regardless of whether the Consent Agreement has been signed on behalf of the Board. Any modification to this original document is ineffective and void unless mutually agreed by the parties in writing.

10. This Consent Agreement is subject to the approval of the Board and is effective only when accepted by the Board and signed on behalf of the Board. If the Board does not accept this Consent Agreement, the Board retains its authority to hold a formal administrative hearing pursuant to A.R.S. § 32-128(E). In the event that the Board does not approve this Consent Agreement, it is withdrawn, shall be of no evidentiary value, and shall not be relied upon nor introduced in any action by any party. Respondent agrees that should the Board reject this Consent Agreement and this case proceeds to hearing, Respondent shall assert no claim that the Board was prejudiced by its review and discussion of this document or any records relating thereto.

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

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

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

**FINDINGS OF FACT**

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

2. Respondent is not registered to practice engineering in the State of Arizona.

3. On or about January 30, 2017, Richard Frost, P.E. (Structural), provided
professional engineering services that included delivery of a six-page set of sealed structural engineering documents to Mike Day for a cabin construction project at 3125 East Walker Road in Yavapai County, Arizona.

4. In or around September, 2017, Respondent obtained a copy of Mr. Frost's sealed plans for the Day cabin project from Mike Day, who was a client of Respondent.

5. On or about September 29, 2017, Respondent submitted a copy of Mr. Frost's sealed engineering plans, originally prepared for the Day cabin project, to Yavapai County Development Services in support of a building permit application for a new home construction project at 975 E. Marapai Road in Yavapai County, Arizona. The project name on Mr. Frost's sealed documents that Respondent submitted to the County was changed to "New House for Mike and Cindy Hamm 928 237 4340 OR 1-469 235 1554 PN 104 19 003C."

6. On November 6, 2017, the Board received a complaint alleging that Respondent copied structural engineering plans prepared and sealed by Richard Frost, P.E. (Structural) for the Day cabin construction project. It was further alleged that Respondent then modified the plans and submitted them to Yavapai County seeking to obtain a building permit for the Mike and Cindy Hamm residential construction project in Yavapai County, Arizona.

7. On or about November 22, 2017, Respondent admitted to Board staff that he did use plans prepared and sealed by Mr. Frost to attempt to obtain a permit for the Hamm project.

CONCLUSIONS OF LAW

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

2. The conduct alleged in the Findings of Fact constitutes grounds for discipline pursuant to A.R.S. § 32-145(4), in that Respondent used the certificate registration of another.
ORDER

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

1. ASSURANCE OF DISCONTINUANCE. Respondent shall not engage in the practice, offer to practice, or by any implication, hold himself out as qualified to practice engineering as defined in A.R.S. § 32-101(B)(11) unless Respondent is registered by the Board and in full compliance with the Board's statutes and rules.

2. ADMINISTRATIVE PENALTY. Within sixty (60) days from the effective date of this Consent Agreement, Respondent shall pay a civil penalty of Five Hundred Dollars ($500.00). Payments are to be submitted to the Board by certified check or money order, made payable to the State of Arizona Board of Technical Registration, according to the provisions of A.R.S. § 32-106.02.

3. COST OF INVESTIGATION. Within thirty (30) days from the effective date of this Consent Agreement, Respondent shall also pay the cost of investigation of this case to the Board in the total amount of Two Hundred and Eighteen Dollars ($218.00) by certified check or money order, made payable to the State of Arizona Board of Technical Registration, according to the provisions of A.R.S. § 32-128(H).

4. EFFECTIVE DATE. The effective date of this Consent Agreement is the date it was last executed by the Respondent or the Board.

5. COSTS OF COMPLIANCE. Respondent shall pay all costs associated with complying with this Consent Agreement.

6. NONCOMPLIANCE. If Respondent violates this Order in any way or fails to fulfill the requirements of this Order, the Board may seek a petition for injunction in accordance with the provisions set forth in A.R.S. § 32-106.01.

ACCEPTED and ORDERED this 28th day of January, 2020

Jason E. Foose, RLS, Chairman
Arizona State Board of Technical Registration
Consent Agreement and Order, Number P18-034 accepted this 19th day of December, 2019.

By: __________________________
    Michael Glancy
    Respondent

ORIGINAL filed this 30th day of January, 2020 with:

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

COPY of the foregoing mailed/e-mailed this 30th day of January, 2020 to:

Michael Glancy
537 N. Flag Valley Rd.
Prescott, AZ 86303
angelsrwu2@hotmail.com
Respondent

Deanie Reh
deanie.reh@azag.gov
Counsel for the State

By: __________________________