



BEFORE THE ARIZONA STATE  
BOARD OF TECHNICAL REGISTRATION

In the Matter of:

Case No.: P18-039

Gerold Pratt  
Professional Engineer  
Registration No. 26873

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, Gerold Pratt (“Respondent”), holder of Registration No. 26873, 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 P18-039 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 Engineering in the State of Arizona.

18 2. Respondent is the holder of Arizona P.E. (Civil) Registration No. 26873.

19 3. On March 21, 2017, the Board received Respondent's application for renewal  
20 of his P.E. Registration. On the application, he indicated he received discipline from the  
21 State of Utah against his Utah P.E. registration.

22 4. Respondent acted as supervising Structural Engineer on a motel project in  
23 Uintah County, Utah.

24 5. Respondent allowed incomplete final plans to be submitted and allowed an  
25 architect, who was not licensed as an engineer, to make the changes.

26 6. Respondent failed on numerous occasions to respond to the County's  
27 requests for information and requests to explain and correct deficiencies in the plans.

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1 7. Respondent approved and sealed documents that did not conform to accepted  
2 engineering standards.

3 8. Respondent associated in a business venture with an architect who practiced  
4 as a professional engineer without a license. Respondent knew the architect was not  
5 qualified as an engineer but allowed the architect to submit plans to Uintah County  
6 without a professional engineer having reviewed them.

7 9. Respondent was not qualified through education or training to act as a  
8 professional structural engineer on the plans for the hotel.

9 **CONCLUSIONS OF LAW**

- 10 1. The Board has jurisdiction in this matter pursuant to A.R.S. § 32-101, et seq.  
11 2. The conduct alleged in the Findings of Fact constitutes grounds for discipline  
12 pursuant to A.R.S. § 32-128(C)(4) as it relates to A.A.C. R4-30-301(4), in that  
13 Respondent failed to comply with State, Municipal, and County laws, codes, ordinances  
14 and regulations pertaining to the registrant's area of practice.

15 **ORDER**

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

- 18 1. LETTER OF REPRIMAND. Respondent is hereby issued a Letter of  
19 Reprimand.  
20 2. INDEFINATE RESTRICTION OF PRACTICE. Respondent's registration  
21 as Professional Engineer (Civil) #26873, shall be restricted, prohibiting Respondent from  
22 performing the practice of structural engineering until the Respondent provides proof to  
23 the Board that he has successfully passed the National Council of Examiners for  
24 Engineering and Surveying (NCEES) Structural Engineering Examination and is  
25 registered with the Board as a Structural Engineer.  
26 3. ADVERTISING. Respondent shall not advertise or display any card, sign  
27 or device that may indicate to the public that he is qualified to practice structural  
28 engineering until such time that Respondent is registered with the Board as a Structural

1 Engineer.

2 4. COST OF INVESTIGATION. Within thirty (30) days from the effective  
3 date of this Consent Agreement, Respondent shall pay the cost of investigation of this  
4 case to the Board in the amount of Two Hundred Seventy-Two Dollars (\$272.00) by  
5 certified check or money order made payable to the State of Arizona Board of Technical  
6 Registration, according to the provisions of A.R.S. § 32-128(H).

7 5. OBEY ALL LAWS. Respondent shall obey all federal, state and local  
8 laws, as well as, all rules governing the practice of Engineering in the State of Arizona.  
9 The Board shall consider any violation of this paragraph to be a separate violation of the  
10 rules and statues governing the Arizona Board of Technical Registration. The Board may  
11 also consider Respondent's non-compliance with this Order as a separate violation of  
12 A.R.S. § 32-150.

13 6. EFFECTIVE DATE. The effective date of this Consent Agreement is the  
14 date the Respondent and Board sign the Consent Agreement. If the dates are different, the  
15 effective date is the later of the two dates.

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

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

23  
24 ACCEPTED and ORDERED this 22 day of May, 2018.

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28 Alejandro Angel, P.E., Chairman  
Arizona State Board of  
Technical Registration

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Consent Agreement and Order, No. P18-039 accepted this 3 day of MAY, 2018.

  
Gerold Pratt, Respondent

**ORIGINAL** filed this 29 day of MAY, 2018, with:

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 9484 4600 0369 15 and  
First Class mail this 29 day of MAY, 2018, to:

Gerold Pratt  
278 So. 1230 West  
Hurricane, UT 84737

By: 