

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

In the Matter of:  
Roger Blair  
Professional Engineer  
Registration No. 48968  
  
Respondent

Case No.: P18-059  
  
**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, Roger Blair ("Respondent"), holder of Registration No. 48968, 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 P18-059 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 Profession, Registration No. 48968.

19 3. On October 26, 2017, the Board received Respondent's application for  
20 renewal of his Professional Engineering registration. On the application, he indicated he  
21 received discipline from the state of Texas against his Texas Engineering License  
22 (110564).

23 4. On or about August 26, 2015, Respondent prepared, issued, signed and  
24 sealed seven engineering design sheets for a metal building on the property located in  
25 Midlothian, Texas.

26 5. In the Texas Consent Agreement, in which the Respondent signed, the Texas  
27 Board wrote "Based on the significance and extent of the deficiencies and lack of  
28 information, the Respondent neglected to practice engineering in an honest, ethical,

1 professional, careful and diligent manner, thus jeopardizing the public health, safety and  
2 welfare”.

3 6. The Consent Agreement also states Respondent affixed his Texas Engineer  
4 seal to engineering design sheets showing structural engineering, a subject area which he  
5 may not be qualified by education and/or experience to perform in an adequate and  
6 competent manner.

### 7 CONCLUSIONS OF LAW

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

9 2. The conduct alleged in the Findings of Fact constitutes grounds for discipline  
10 pursuant to A.R.S. § 32-128(C)(4) as it relates to A.A.C. R4-30-301(4), in that  
11 Respondent failed to comply with State, Municipal and County laws, codes, ordinances  
12 and regulations pertaining to the registrant’s area of practice.

### 13 ORDER

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

16 1. INDEFINATE RESTRICTION OF PRACTICE. Respondent’s registration as  
17 Professional Engineer (Civil) #48968, shall be restricted, prohibiting Respondent from  
18 performing the practice of structural engineering in Arizona, until the Respondent  
19 provides proof to the Board that he has successfully passed the National Council of  
20 Examiners for Engineering and Surveying (NCEES) Structural Engineering Examination.

21 2. ADVERTISING. Respondent shall not advertise or display any card or  
22 sign that may indicate to the public that he is qualified to practice structural engineering  
23 until such time that Respondent is registered with the Board as a Structural Engineer.

24 3. COST OF INVESTIGATION. Within thirty (30) days from the effective  
25 date of this Consent Agreement, Respondent shall pay the cost of investigation of this  
26 case to the Board in the amount of Two Hundred Sixty-Four Dollars (\$264.00) by  
27 certified check or money order made payable to the State of Arizona Board of Technical  
28 Registration, according to the provisions of A.R.S. § 32-128(H).

1 certified check or money order made payable to the State of Arizona Board of Technical  
2 Registration, according to the provisions of A.R.S. § 32-128(H).

3 4 OBEY ALL LAWS. Respondent shall obey all federal, state and local  
4 laws, as well as, all rules governing the practice of Engineering in the State of Arizona.  
5 The Board shall consider any violation of this paragraph to be a separate violation of the  
6 rules and statues governing the Arizona Board of Technical Registration. The Board may  
7 also consider Respondent's non-compliance with this Order as a separate violation of  
8 A.R.S. § 32-150.

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

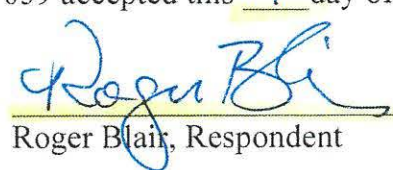
12 6. COSTS OF COMPLIANCE. Respondent shall pay all costs associated  
13 with complying with this Consent Agreement.

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

19  
20 ACCEPTED and ORDERED this 26 day of June, 2018.

21  
22   
23 \_\_\_\_\_  
24 Alejandro Angel, P.E., Chairman  
25 Arizona State Board of  
26 Technical Registration

27 Consent Agreement and Order, No. P18-059 accepted this 19<sup>th</sup> day of  
28 May, 2018.

29   
30 \_\_\_\_\_  
31 Roger Blair, Respondent


1 ORIGINAL filed this 29 day of

2 JUNE, 2018, with:

3 Arizona State Board of Technical Registration  
4 1110 W. Washington, Suite 240  
Phoenix, AZ 85007

5 COPY of the foregoing mailed via Certified Mail  
6 No. 9214 8901 9434 4600 0385 20 and  
7 First Class mail this 29 day of JUNE, 2018, to:

8 Roger Blair  
9 Caiman Engineering Inc.  
16922 Old Washington Rd.  
Nevada City, CA 95959

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11 By:   
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