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

<p>In the Matter of:</p> <p>Steven Bargeloh Professional Engineer (Civil) Registration No. 47507</p> <p style="text-align: center;">Respondent</p>	<p style="text-align: center;">Case No. P19-037</p> <p style="text-align: center;">CONSENT AGREEMENT and ORDER OF DISCIPLINE</p>
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12 In the interest of a prompt and judicious resolution of the above-captioned matter before
13 the Arizona State Board of Technical Registration ("Board") and consistent with the public
14 interest, statutory requirements, and the responsibilities of the Board, and pursuant to A.R.S. §
15 32-101 et seq. and A.A.C. R4-30-120(G), the undersigned party, Steven Bargeloh,
16 ("Respondent") holder of Registration No. 47507, and the Board enter into the following
17 Recitals, Findings of Fact, Conclusions of Law and Order ("Consent Agreement") as a final
18 disposition of this matter.

19 **RECITALS**

20 1. Respondent has read and understands this Consent Agreement and has had the
21 opportunity to discuss this Consent Agreement with an attorney, or has waived the opportunity to
22 discuss this Consent Agreement with an attorney.

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

1 3. Respondent affirmatively agrees that this Consent Agreement shall be irrevocable.

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

4 5. The Consent Agreement, any record prepared in this matter, all investigative
5 materials prepared or received by the Board and all related exhibits and materials, are public
6 records (as defined in A.R.S. § 41-158.18) upon acceptance by the Board of this Consent
7 Agreement and may be retained in the Board's files pertaining to this matter.

8 6. Respondent understands this Consent Agreement deals with Board case number
9 P19-037, involving allegations that Respondent engaged in conduct that would subject him to
10 discipline under the Board's statutes and rules. The investigation into these allegations against
11 Respondent shall be concluded upon the Board's adoption of 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, and does
14 not constitute any waiver, express or implied, of the Board's statutory authority or jurisdiction
15 regarding any other pending or future investigation, action or proceeding.

16 8. Respondent also understands that acceptance of this Consent Agreement does not
17 preclude any other agency, subdivision, or officer of this State from instituting any other civil or
18 criminal proceedings with respect to the conduct that is the subject of this Consent Agreement.

19 9. Respondent acknowledges and agrees that, upon signing this Consent Agreement
20 and returning this document to the Board's Executive Director, he may not revoke his acceptance
21 of the Consent Agreement or make any modifications to the document regardless of whether the
22 Consent Agreement has been signed on behalf of the Board. Any modification to this original
23 document is ineffective and void unless mutually agreed by the parties in writing.

24 10. This Consent Agreement is subject to the approval of the Board and is effective
25 only when accepted by the Board and signed on behalf of the Board. If the Board does not accept
26 this Consent Agreement, the Board retains its authority to hold a formal administrative hearing
27 pursuant to A.R.S. § 32-128(E). In the event that the Board does not approve this Consent
28 Agreement, it is withdrawn and shall be of no evidentiary value and shall not be relied upon nor

1 introduced in any action by any party, except that the parties agree that should the Board reject
2 this Consent Agreement and this case proceeds to hearing, Respondent shall assert no claim that
3 the Board was prejudiced by its review and discussion of this document or any records relating
4 thereto.

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

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

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

12 **FINDINGS OF FACT**

13 1. The Board is the duly constituted authority for the regulation and control of the
14 practice of Professional Engineering in the State of Arizona.

15 2. Respondent is the holder of Arizona Professional Engineering (Civil), Registration
16 No. 47507.

17 3. On or about February 19, 2013, Respondent signed and sealed site grading and
18 drainage plans, for a project located at 8600 N. Avendia Del Sol in Paradise Valley, Arizona.

19 4. On January 29, 2019, the Board received a complaint alleging that Respondent's
20 grading and drainage design plan for the property located at 8600 N. Avendia Del Sol in Paradise
21 Valley, Arizona, on or about February 19, 2013, fell below the standard of care for Professional
22 Engineers and did not consider the adverse drainage impact on the existing adjacent property.

23 5. On July 25, 2019, the Board's Enforcement Advisory Committee ("EAC") convened
24 to review the complaint against Respondent. Based on the review of the documentation presented
25 by the Allegers, Witness, Respondent, and Assessors, along with information gathered through
26 interviews, the Committee found that Respondent failed to apply the appropriate technical
27 knowledge and skill in the practice of a Board regulated profession when his calculations failed
28 to contain the property's stormwater runoff at 8600 N. Avendia Del Sol in Paradise Valley,

1 Arizona.

2 The Committee opined that Respondent's lack of communication with the architect of the
3 project's drainage design, bad drainage assumptions, and minimal investigation work led to the
4 failure of his design. Respondent's design was intended not to retain the water on the property,
5 but allow the water to leave the property, moving north, spilling into a shared cul-de-sac, and
6 then boomerang back into a wash, located further east on the property. The Committee explained
7 that this, along with other drainage and grading deficiencies within Respondent's calculations,
8 interrelated many retention issues due to the new structure's substantial elevation and ineffective
9 placement of the property's 3 retention basins. The property's new structure added a substantial
10 increase of sloped roof, eliminating a portion of the original structure's overbank area that now
11 did not give sufficient diversion to the increase in stormwater flow, stormwater run-off, and
12 inadequate on-site stormwater retention. Subsequently, it created an island out of the property,
13 that is diverting the increased volume and velocity of stormwater run-off to the front of the
14 property that has inadequate retention, and an 11% sloped driveway that pushes the structure's
15 heavy stormwater runoff onto the adjacent property.

16 7. On July 25, 2019, during the Board's Enforcement Advisory Committee meeting,
17 Respondent acknowledged fault in his design that failed to contain stormwater runoff on the
18 property at 8600 N. Avendia Del Sol in Paradise Valley, Arizona.

19 **CONCLUSIONS OF LAW**

- 20 1. The Board has jurisdiction in this matter pursuant to A.R.S. § 32-101, et seq.
21 2. The conduct alleged in the Findings of Fact constitutes grounds for discipline
22 pursuant to A.R.S. § 32-128(C)(4) as it relates to A.A.C. R4-30-301(6), in that Respondent failed
23 to apply the appropriate technical knowledge and skill in the practice of a Board regulated
24 profession when his Grading and Drainage calculations for 8600 North Avenida Del Sol, failed to
25 contain the property's stormwater runoff.

26 **ORDER**

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

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

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

3. COST OF INVESTIGATION. Within thirty (30) days from the effective date of this Consent Agreement, Respondent shall pay the cost of investigation of this case to the Board in the amount of Eight Hundred Fifty-Five Dollars (\$855.00) 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. OBEY ALL LAWS. Respondent shall obey all federal, state and local laws, as well as, all rules governing the practice of Engineering in the State of Arizona. The Board shall consider any violation of this paragraph to be a separate violation of the rules and statutes governing the Arizona Board of Technical Registration. The Board may also consider Respondent's non-compliance with this Order as a separate violation of A.R.S. § 32-150.

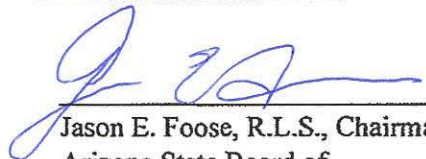
5. EFFECTIVE DATE. The effective date of this Consent Agreement is the date the Respondent and Board sign the Consent Agreement. If the dates are different, the effective date is the later of the two dates.

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

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

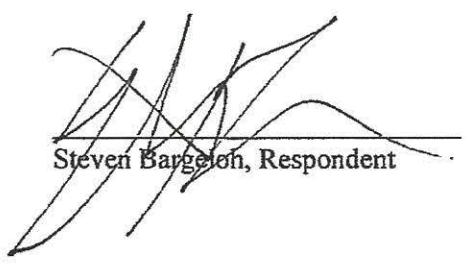
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ACCEPTED and ORDERED this 24th day of SEPTEMBER, 2019.



Jason E. Foose, R.L.S., Chairman
Arizona State Board of
Technical Registration

Consent Agreement and Order, No. P19-037, accepted this 5 day of SEPTEMBER 2019.



Steven Bargeloh, Respondent

ORIGINAL filed this 27th day of
SEPTEMBER, 2019, 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 9434 4600 0000 0617 64 and
First Class mail this 27th day of SEPTEMBER, 2019, to:

Steven Bargeloh
1020 East Gilbert Drive - Suite. D
Tempe, AZ 85281

By: 
