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BEFORE THE ARIZONA STATE
BOARD OF TECHNICAL REGISTRATION

<p>In the Matter of:</p> <p>Clay O'Daniel Non-Registrant</p> <p style="text-align: center;">Respondent</p>	<p style="text-align: center;">Case No. P19-053</p> <p style="text-align: center;">CONSENT AGREEMENT and ORDER OF DISCIPLINE</p>
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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, Clay O'Daniel, Non-Registrant, ("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.

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.

4. Respondent understands that this Consent Agreement or any part of the agreement

1 may be considered in any future disciplinary action by the Board against him.

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

6 6. Respondent understands this Consent Agreement deals with Board case number
7 P19-053 involving allegations that Respondent engaged in conduct that would subject him to
8 discipline under the Board's statutes and rules. The investigation into these allegations against
9 Respondent shall be concluded upon the Board's adoption of this Consent Agreement.

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

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

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

22 10. This Consent Agreement is subject to the approval of the Board and is effective
23 only when accepted by the Board and signed on behalf of the Board. If the Board does not accept
24 this Consent Agreement, the Board retains its authority to hold a formal administrative hearing
25 pursuant to A.R.S. § 32-128(E). In the event that the Board does not approve this Consent
26 Agreement, it is withdrawn and shall be of no evidentiary value and shall not be relied upon nor
27 introduced in any action by any party, except that the parties agree that should the Board reject
28 this Consent Agreement and this case proceeds to hearing, Respondent shall assert no claim that

1 the Board was prejudiced by its review and discussion of this document or any records relating
2 thereto.

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

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

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

10 **FINDINGS OF FACT**

11 1. The Board is the duly constituted authority for the regulation and control of the
12 profession of Engineering in the State of Arizona.

13 2. Respondent is not registered with the Board as an Engineer.

14 3. On or about April 14, 2019, the Board received a complaint alleging that
15 Respondent altered a professional document that was prepared, signed and sealed by Brad Parker,
16 P.E. (Civil) #53021, without the permission or knowledge of the registrant, on the Pinal Air Park
17 TI project in Tucson, Arizona, on or about April 1, 2019.

18 4. Respondent acknowledged that he altered a professional document prepared,
19 signed, and sealed by Brad Parker, P.E. (Civil) #53021 by changing the client name, project
20 name, date, and project/tracs information.

21 5. Respondent acknowledged to altering the professional document and admitted that
22 his actions were out of inexperience and ignorance.

23 **CONCLUSIONS OF LAW**

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

26 2. The conduct alleged in the Findings of Fact constitutes grounds for discipline
27 pursuant to A.R.S. § 32-145(1), in that Respondent practiced or offered to practice a Board
28 regulated profession without Board registration.

ORDER

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

1. CIVIL 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) to be submitted to the Board by cashier's check or money order made payable to the Arizona State Board of Technical Registration, according to the provisions of A.R.S. § 32-106.02(A).

2. 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 One Hundred Ninety-One Dollars (\$191.00) 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).

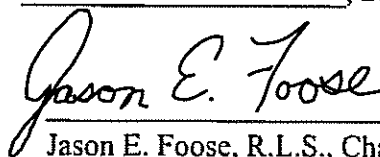
3. OBEY ALL LAWS. Respondent shall obey all federal, state and local laws, related to the practice of Engineering in the State of Arizona. The Board shall consider any violation of this paragraph to be a separate violation of the statutes governing the Arizona Board of Technical Registration.

4. 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.

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 5th day of August, 2019.



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

1 Consent Agreement and Order, No. P19-053 accepted this 5 day of AUGUST, 2019.

2
3 
4 Clay O'Daniel, Respondent

5 ORIGINAL filed this 9th day of
6 August, 2019, with:

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8
9 Arizona State Board of Technical Registration
10 1110 W. Washington, Suite 240
Phoenix, AZ 85007

11 COPY of the foregoing mailed via Certified Mail
12 No. 9214 8900 9434 7600 0596 79 and
13 First Class mail this 9th day of August, 2019, to:

14 Clay O'Daniel
15 3165 W. Robin Rd.
Benson, AZ 85602

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17 By: 
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