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



<p><b>In the Matter of:</b></p> <p><b>Steven Seitz Professional Engineer (Civil) Registration No. 33562</b></p> <p><b>Seitz Engineering, LLC Firm Registration No. 16816 (Expired)</b></p> <p style="text-align: center;"><b>Respondent</b></p>	<p style="text-align: center;"><b>Case No. P20-007</b></p> <p style="text-align: center;"><b>CONSENT AGREEMENT and ORDER OF DISCIPLINE</b></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, Steven Seitz (“Respondent”), holder of Registration No. 33562, Seitz Engineering, LLC (“Respondent Firm”), holder of Registration No. 16816 (Expired), 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.

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 P20-007 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 Registration No. 33562.

16 3. Respondent Firm is the holder of Arizona Registration No. 16816, which expired  
17 on February 29, 2012.

18 4. Respondent and David Schwingamer, non-registrant and owner of Third  
19 Dimension Design, LLC, a non-registrant firm, entered into an agreement for the remodel  
20 commercial project for Alleger.

21 5. On or about March 12, 2019, Alleger and Respondent entered into an agreement for  
22 Engineering and drafting services for the remodel commercial project. The agreement indicated  
23 that all drafting services were to be completed by Third Dimension Design, LLC.

24 6. On or about May 21, 2019, the City of Phoenix intake reviewer indicated that the  
25 plans submitted by Mr. Schwingamer had been found to lack required information and were  
26 incomplete.

27 7. On or about May 29, 2019, Respondent Firm was reinstated and was assigned  
28 Registration No. 21897.

1           8.     On or about July 30, 2019, the Board received a complaint alleging that  
2 Respondent's architectural and engineering design plans for a Commercial Tenant Improvement  
3 project at 1044 N. Cave Creek Rd. Phoenix, AZ, were rejected at intake by the City of Phoenix  
4 for incorrect formatting and lacking sufficient detail and that Respondent failed to address his  
5 plan's deficiencies and provide his professional services in accordance with the contract he had  
6 with Alleger.

7           9.     It was further alleged that Respondent Firm engaged in the practice of engineering  
8 without firm registration with the Board. Board records show that Respondent Firm was not  
9 registered with the Board between February 29, 2012 and May 29, 2019.

10          10.    Respondent acknowledged that he knew that Mr. Schwinghamer was a  
11 non-registrant and knew that the project needed a registrant when he agreed to work with Mr.  
12 Schwinghamer.

13          11.    Respondent explained that the plans were in the preliminary stages of the project  
14 and no engineering work had been completed by Respondent at the time the City of Phoenix  
15 rejected the plans for lack of required information.

16          12.    Respondent admitted that he provided Mr. Schwinghamer with Respondent's seal  
17 via email and that Mr. Schwinghamer as the drafter/designer of the plans used Respondent's seal  
18 on the plans that were later rejected by the City of Phoenix.

19          13.    Respondent acknowledged that Mr. Schwinghamer billed Alleger before he should  
20 have and agreed that the plans were lacking; therefore, refunded Alleger \$3000.00.

21          14.    Respondent acknowledged that he practiced or offered to practice a Board  
22 regulated profession without firm registration between January 1, 2019 to May of 2019.  
23 Respondent explained that it was not until January 1, 2019 that Respondent became an  
24 independent consultant and therefore practiced or offered to practice a Board regulated  
25 profession.

26                                   **CONCLUSIONS OF LAW**

- 27          1.     The Board has jurisdiction in this matter pursuant to A.R.S. § 32-101, et seq.
- 28          2.     The conduct alleged in the Findings of Fact constitutes grounds for discipline

1 pursuant to A.R.S. § 32-128(C)(3), in that Respondent aided and abetted an unregistered person  
2 by allowing Respondent's seal to be used by a non-registrant.

3 3. The conduct alleged in the Findings of Fact constitutes grounds for discipline  
4 pursuant to A.R.S. § 32-141, in that Respondent Firm may have practiced or offered to practice a  
5 Board regulated profession without Board registration.

6 **ORDER**

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

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

10 2. **STAYED SUSPENSION AND PROBATION.** Respondent's registration as a  
11 Professional Engineer, No.33562, shall be suspended for twelve (12) months; however, the  
12 suspension is stayed for as long as Respondent remains in compliance with this Order. During  
13 the stay of suspension, Respondent's registration as a Professional Engineer is placed on  
14 probation for twelve (12) months. If Respondent is non-compliant with any terms of this Order  
15 during the twelve (12) month stayed suspension and probation period, the stay of the suspension  
16 shall be lifted and Respondent's registration as a Professional Engineer shall be automatically  
17 suspended without a formal hearing, and remain suspended until Respondent is compliant with all  
18 terms of this Order.

19 3. **PROFESSIONAL ETHICS CLASS.** Within three (3) months from the effective  
20 date of this Consent Agreement, Respondent shall provide verification to the Board that  
21 Respondent has successfully completed eight (8) hours of professional ethics education.

22 4. **ADMINISTRATIVE PENALTY.** Within twelve (12) months from the effective  
23 date of this Consent Agreement, Respondent shall pay an administrative penalty of Two  
24 Thousand Two Hundred and Fifty Dollars (\$2250.00) by certified check or money order made  
25 payable to the State of Arizona Board of Technical Registration. Respondent shall make quarterly  
26 payments of Five Hundred Sixty Two Dollars and Fifty Cents (\$562.50).

27 5. **COST OF INVESTIGATION.** Within thirty (30) days from the effective date of  
28 this Consent Agreement, Respondent shall pay the cost of investigation of this case to the Board

1 in the amount of One Hundred Ninety Seven Dollars (\$197.00) by certified check or money order  
2 made payable to the State of Arizona Board of Technical Registration, according to the  
3 provisions of A.R.S. § 32-128(H).

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

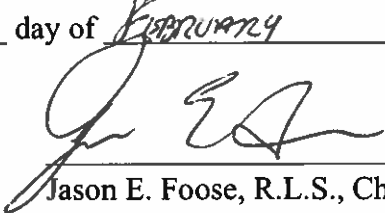
9 7. RENEWAL OF REGISTRATION. Respondent and Respondent Firm shall timely  
10 renew their Arizona registration as an Engineer and an Engineering Firm, and timely pay all  
11 required registration fees.

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

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

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

21 ACCEPTED and ORDERED this 25<sup>th</sup> day of February, 2020.

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24 Jason E. Foose, R.L.S., Chairman  
25 Arizona State Board of  
26 Technical Registration  
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1 Consent Agreement and Order, No. P20-007 accepted this 27 day of JANUARY, 2020.

2 Steven W. Seitz

3 Steven Seitz, on behalf of himself and on  
4 behalf of Seitz Engineering, LLC,  
5 Respondents

6 **ORIGINAL** filed this 27 day of

7 FEBRUARY, 2020, with:

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

11 **COPY** of the foregoing mailed via Certified Mail

12 No. 9214 8761 9434 4600 0673 81 and

13 First Class mail this 27 day of FEBRUARY, 2020, to:

14 Steven Seitz  
15 Seitz Engineering, LLC  
16 11515 N. 91st #155  
17 Scottsdale, AZ 85260

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By: 