



BEFORE THE ARIZONA STATE
BOARD OF TECHNICAL REGISTRATION

<p>In the Matter of:</p> <p>William Odell Professional Engineer Registration No. 33491</p> <p>OSE Design Group, LLC Firm Registration No. 15173(expired)</p> <p style="text-align: right;">Respondent</p>	<p style="text-align: center;">Case No. P21-005</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, William Odell (“Respondent”), holder of Registration No. 33491, OSE Design Group, LLC (“Respondent Firm”), holder of Registration Firm No. 15173 (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

1 administrative and/or judicial action concerning the matters set forth herein.

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

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

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

9 6. Respondent understands this Consent Agreement deals with Board case number
10 P21-005 involving allegations that Respondent engaged in conduct that would subject him to
11 discipline under the Board's statutes and rules. The investigation into these allegations against
12 Respondent shall be concluded upon the Board's adoption of this Consent Agreement.

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

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

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

25 10. This Consent Agreement is subject to the approval of the Board and is effective
26 only when accepted by the Board and signed on behalf of the Board. If the Board does not accept
27 this Consent Agreement, the Board retains its authority to hold a formal administrative hearing
28 pursuant to A.R.S. § 32-128(E). In the event that the Board does not approve this Consent

1 Agreement, it is withdrawn and shall be of no evidentiary value and shall not be relied upon nor
2 introduced in any action by any party, except that the parties agree that should the Board reject
3 this Consent Agreement and this case proceeds to hearing, Respondent shall assert no claim that
4 the Board was prejudiced by its review and discussion of this document or any records relating
5 thereto.

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

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

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

13 **FINDINGS OF FACT**

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

16 2. Respondent is the holder of Arizona Professional Engineer Registration No. 33491.

17 3. Respondent Firm is the holder of Firm Registration No. 15173, which expired on
18 March 4, 2019.

19 4. Board records indicate that Respondent is the firm principal and the responsible
20 party for Respondent Firm.

21 5. On or about July 17, 2020, the Board received a complaint alleging that
22 Respondent and Respondent firm advertised the practice of engineering through Respondent Firm
23 website without firm registration with the Board. Board records show that Respondent Firm
24 registration expired on March 4, 2019, and has not been renewed.

25 6. On or about August 7, 2020, the Board received Respondent Firm's annual firm
26 registration, which was renewed and given a new registration number. Respondent Firm's new
27 registration No. 22760, which expires on August 8, 2021.

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CONCLUSIONS OF LAW

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

2. The conduct alleged in the Findings of Fact constitutes grounds for discipline pursuant to A.R.S. § 32-121 and A.R.S. § 32-141, in that Respondent Firm advertised the practice of engineering through Respondent Firm website without firm registration with the Board.

3. The conduct alleged in the Findings of Fact constitutes grounds for discipline pursuant to A.R.S. § 32-128(C)(4) as it relates to A.A.C. R4-30-301(4), in that Respondent and failed to comply with state laws and regulations pertaining to his area of practice.

ORDER

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

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

2. **ADMINISTRATIVE PENALTY.** Within 60 (Sixty) days from the effective date of this Consent Agreement, Respondent shall pay an administrative penalty of Three Hundred Fifty Dollars (\$350.00) 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 Sixty-Eight Dollars (\$68.00) 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. **RENEWAL OF REGISTRATION.** Respondent and Respondent Firm shall timely renew their Arizona registration as an Engineer and an Engineering Firm, and timely pay all

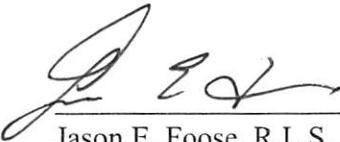
1 required registration fees.

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

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

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

11
12 ACCEPTED and ORDERED this 27TH day of OCTOBER, 2020.

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

18 Consent Agreement and Order, No. P21-005 accepted this 15 day of September, 2020.

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21 William Odell, on behalf of himself and on
22 behalf of OSE Design Group, LLC.,
23 Respondents

24 **ORIGINAL** filed this 27 day of

OCTOBER, 2020, with:

25 Arizona State Board of Technical Registration
26 1110 W. Washington, Suite 240
27 Phoenix, AZ 85007

COPY of the foregoing mailed via Certified Mail

No. 9214 8901 9434 4600 0746 50 and

28 First Class mail this 27 day of OCTOBER, 2020, to:

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William Odell
OSE Design Group, LLC
11759 N. 143rd Ave
Surprise, AZ 85379

By:  _____