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BEFORE THE ARIZONA STATE
BOARD OF TECHNICAL REGISTRATION

<p>In the Matter of:</p> <p>Lawrence Welton Professional Engineer Registration No. 30954</p> <p style="text-align: center;">Respondent</p>	<p style="text-align: center;">Case No. P18-057</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, Lawrence Welton
16 ("Respondent"), holder of Registration No. 30954, 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 well
27 as rights of rehearing, review, reconsideration, appeal, judicial review or any other administrative
28 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 P18-057 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 Registration No.
16 30954..

17 3. On January 26, 2018, the Board received a complaint alleging Respondent
18 provided a report as an expert witness during a civil litigation related to Finnie Flat Channel
19 improvement project in Camp Verde, AZ., that was without merit.

20 4. On September 6, 2018, an Enforcement Advisory Committee was convened at the
21 Board office to review the complaint against Respondent. After interviewing the Allegor,
22 Respondent and two witnesses, the Committee found Respondent did not meet the Standard of
23 Care while preparing the document (draft report) that was presented to the attorney (their client).
24 Respondent failed to perform calculations and engineering needed to support his opinion
25 regarding the project. Respondent acknowledges that he did not prepare drainage calculations
26 that would allow a comparison of the drainage flows reaching Allegor's property both prior and
27 subsequent to the construction of the Town's capital improvements in the Finney Flat Channel
28 Improvements, but he claims such calculations were not necessary because he evaluated the

1 detailed Town of Camp Verde Cliffs Parkway Detention and Drainage Phase 1 Drainage Report
2 dated January 12, 2009 which he claims provided the best available evidence and engineering
3 analysis of pre-construction conditions affecting the Alleger's property.

4 **CONCLUSIONS OF LAW**

- 5 1. The Board has jurisdiction in this matter pursuant to A.R.S. § 32-101, et seq.
6 2. The conduct alleged in the Findings of Fact constitutes grounds for discipline
7 pursuant to A.R.S. § 32-128(C)(4) as it relates to A.A.C. R4-30-301(6), in that Respondent failed
8 to apply the appropriate technical knowledge and skill in the practice of a Board regulated
9 profession.

10 **ORDER**

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


- 13 1. LETTER OF REPRIMAND. Respondent is hereby issued a Letter of Reprimand.
14 2. ADMINISTRATIVE PENALTY. Within Ninety (90) days from the effective
15 date of this Consent Agreement, Respondent shall pay an administrative penalty of One
16 Thousand Five (\$1,500.00) Dollars by certified check or money order made payable to the State
17 of Arizona Board of Technical Registration.
18 3. COST OF INVESTIGATION. Within Sixty (60) days from the effective date of
19 this Consent Agreement, Respondent shall pay the cost of investigation of this case to the Board
20 in the amount of Eight Hundred Fifty Dollars (\$850.00) by certified check or money order made
21 payable to the State of Arizona Board of Technical Registration, according to the provisions of
22 A.R.S. § 32-128(H).
23 4. OBEY ALL LAWS. During the Ninety day period, Respondent shall obey all
24 federal, state and local laws, as well as, all rules governing the practice of Engineering in the
25 State of Arizona. The Board shall consider any violation of this paragraph to be a separate
26 violation of the rules and statutes governing the Arizona Board of Technical Registration. The
27 Board may also consider Respondent's non-compliance with this Order as a separate violation of
28 A.R.S. § 32-150.

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

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

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

10 ACCEPTED and ORDERED this 26 day of February, 2019.

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13 _____
14 Alejandro Angel, P.E., Chairman
Arizona State Board of
Technical Registration

15 Consent Agreement and Order, No. P18-057 accepted this 11th day of February, 2019.

16 
17 _____
Lawrence Welton, Respondent

18 ORIGINAL filed this 4th day of
19 MARCH, 2019, with:

20 Arizona State Board of Technical Registration
21 1110 W. Washington, Suite 240
22 Phoenix, AZ 85007

23 COPY of the foregoing mailed via Certified Mail
24 No. 9214 8901 9424 4000 0511 78 and
First Class mail this 4th day of MARCH, 2019, to:

25 Lawrence Welton
26 Gervasio & Associates
27 77 E. Thomas Rd. #120
Phoenix, AZ 85012

28 By:  _____