

BEFORE THE ARIZONA STATE
BOARD OF TECHNICAL REGISTRATION

In the Matter of:

Case No.: P24-028

Kenneth Dean Brown
Professional Engineer (Mechanical)
Registration No. 16754

**CONSENT AGREEMENT
AND ORDER
for
VOLUNTARY SURRENDER**

Respondent

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, Kenneth Dean Brown ("Respondent"), holder of Registration No. 16754, 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.

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

3 5. The Consent Agreement, any record prepared in this matter, all investigative
4 materials prepared or received by the Board and all related exhibits and materials, are
5 public records upon acceptance by the Board of this Consent Agreement and may be
6 retained in the Board's files pertaining to this matter.

7 6. Respondent understands this Consent Agreement deals with Board case
8 number P24-028 involving allegations that Respondent engaged in conduct that would
9 subject him to discipline under the Board's statutes and rules. The investigation into
10 these allegations against Respondent shall be concluded upon the Board's adoption of
11 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,
14 and does not constitute any waiver, express or implied, of the Board's statutory authority
15 or jurisdiction regarding any other pending or future investigation, action or proceeding.

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

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

26 10. This Consent Agreement is subject to the approval of the Board and is
27 effective only when accepted by the Board and signed on behalf of the Board. If the
28 Board does not accept this Consent Agreement, the Board retains its authority to hold a

1 formal administrative hearing pursuant to A.R.S. § 32-128(E). In the event that the
2 Board does not approve this Consent Agreement, it is withdrawn and shall be of no
3 evidentiary value and shall not be relied upon nor introduced in any action by any party,
4 except that the parties agree that should the Board reject this Consent Agreement and this
5 case proceeds to hearing, Respondent shall assert no claim that the Board was prejudiced
6 by its review and discussion of this document or any records relating thereto.

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

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

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

15 **FINDINGS OF FACT**

16 1. The Board is the duly constituted authority for the regulation and control of
17 the practice of Engineering in the State of Arizona.

18 2. Respondent is the holder of Arizona Professional Engineer (Mechanical)
19 Registration No. 16754.

20 3. On or about February 5, 2021, Respondent pled guilty in Maricopa County
21 Superior Court to one count of disorderly conduct, a class 6 undesignated felony, and on
22 March 12, 2021, Respondent was sentenced to Supervised Probation for a term of 12
23 months.

24 4. On or about July 27, 2023, Respondent submitted a Professional Engineer
25 (Mechanical) renewal application in which he answered "No" to the question regarding
26 whether he had been convicted of a felony or misdemeanor since his last renewal and
27 failed to disclose the criminal conviction related to CR2020-106526-001 in Maricopa
28 County, AZ on or about March 12, 2021.

1 5. On or about November 18, 2023, Respondent confirmed that he had been
2 convicted of a class 6 undesignated felony but did not disclose it as he believed it had
3 been expunged.

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 ARS 32-128(C)(4) as it relates to R4-30-301(1), and A.R.S. 32-145(5), in that
8 Respondent submitted false statements and failed to disclose a criminal conviction on his
9 Professional Engineer renewal application.

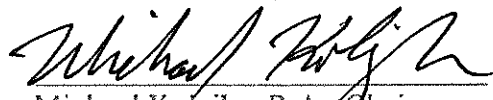
10 ORDER

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

13 1. **VOLUNTARY SURRENDER.** Respondent agrees to voluntarily surrender
14 his Professional Engineering License, Registration No. 16754 in lieu of a formal hearing.

15 2. **EFFECTIVE DATE.** The effective date of this Consent Agreement is the
16 date the Respondent and Board sign the Consent Agreement. If the dates are different, the
17 effective date is the later of the two dates.

18 ACCEPTED and ORDERED this 27th day of February, 2024

19 

20 Michael Kolejka, R.A., Chairman
21 Arizona State Board of
22 Technical Registration

23 Consent Agreement and Order, No. P24-028 accepted this 16th day of
24 January, 2024.

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26 Kenneth Dean Brown, Respondent
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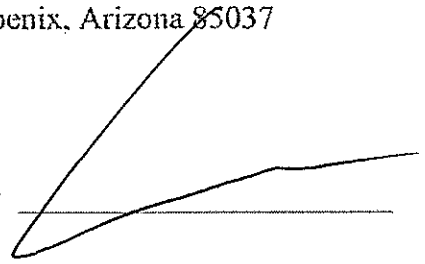
1 ORIGINAL filed this 29 day of

2 FEBRUARY, 2024, with:

3 Arizona State Board of Technical Registration
4 1110 W. Washington, Suite 240
5 Phoenix, AZ 85007

6 COPY of the foregoing mailed via Certified Mail
7 No. 921489019434600096179 and
8 First Class mail this 29 day of FEBRUARY, 2024, to:

9 Kenneth Dean Brown
10 9401 W Hazelwood Street
11 Phoenix, Arizona 85037

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13 By: _____
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