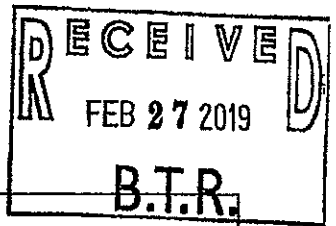


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BEFORE THE ARIZONA STATE  
BOARD OF TECHNICAL REGISTRATION



<p><b>In the Matter of:</b></p> <p><b>Mark Edward Orr</b> <b>Professional Engineer (Civil )</b> <b>Registration No. 45655</b></p> <p style="text-align: center;"><b>Respondent</b></p>	<p style="text-align: center;"><b>Case No. P18-048</b></p> <p style="text-align: center;"><b>CONSENT AGREEMENT</b> <b>and</b> <b>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, Mark Edward Orr, ("Respondent"), holder of Registration No. 45655, 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 P18-048, 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 (Civil), Registration  
16 No. 45655.

17 3. On January 3, 2018, the Board received a complaint alleging Respondent failed to  
18 demonstrate appropriate knowledge and skill when he signed and sealed structural calculations  
19 that had incorrect calculations for the Holsonback Residence Canopies Project in Tonopah,  
20 Arizona.

21 4. On November 20, 2018, the Board empanelled an Enforcement Advisory Committee  
22 (EAC) to review the allegations. During the meeting, the EAC concluded that Respondent did fail  
23 to apply the appropriated technical knowledge when signing and sealing a canopy design for the  
24 Tonopah, Arizona, project. The project's design included incorrect calculations for wind load,  
25 that if failed, would become a wind-born danger. The Committee opined that the Respondent  
26 didn't spend enough time with the project and relied heavily on another designers plans, which  
27 resulted in construction deficiencies related to each of the load paths. Respondent agreed with the  
28 Committee's conclusions.

1 CONCLUSIONS OF LAW

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

3 2. The conduct alleged in the Findings of Fact constitutes grounds for discipline,  
4 pursuant to A.R.S. § 32-128(C)(4) as it relates to A.A.C. R4-30-301(6), in that Respondent failed  
5 to apply the appropriate knowledge and skill in the practice of a Board regulated profession.

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 RESTRICTION OF PRACTICE. Respondent's registration as  
11 Professional Engineer (Civil) #45655, shall be restricted, prohibiting Respondent from  
12 performing the practice of structural engineering design until the Respondent provides proof to  
13 the Board that he has successfully passed the National Council of Examiners for Engineering and  
14 Surveying ("NCEES") 16 hour Structural Engineering Examination. This restriction shall be  
15 stayed to allow Respondent to engage in peer reviews as stipulated in this Order. If Respondent  
16 fails to successfully pass the NCEES 16 hour Structural Engineering Examination within the 18  
17 month stayed restriction of practice time period, the Board shall lift the stay and Respondent shall  
18 be prohibited from engaging in the practice of structural engineering design.

19 3. PEER REVIEW. Respondent shall submit his next Three (3) structural engineering  
20 design projects for peer review. Respondent shall furnish to the Board, the name of an Arizona  
21 registered Professional Structural Engineer ("Peer Reviewer") who agrees to review and report on  
22 Respondent's work. The proposed Peer Reviewer shall have at least five years of actual  
23 engagement as a Structural Engineer with expertise in Structural Engineering design, shall be  
24 registered and in good standing with the Board and shall not have received any disciplinary  
25 action from the Board within the last three years. Respondent shall submit to the Board a current  
26 resume detailing the qualifications of the proposed Peer Reviewer, and an Affidavit and  
27 Agreement to Conduct Peer Review signed by the proposed Peer Reviewer. Upon approval by  
28 Board staff of the Peer Reviewer, Respondent shall ensure that the Peer Reviewer provides a

1 written report to the Board after each peer reviewed project describing any deficiencies in  
2 Respondent's practice, and certifying that the peer reviewed project provided to the client by the  
3 Respondent is in compliance with Board rules and statutes. Respondent shall not give final  
4 approval on any projects to a client, contractor, any regulatory or review body or any other person  
5 until the project has been reviewed and approved by the Peer Reviewer. Respondent shall retain  
6 the Peer Reviewer at his own expense.

7 4. ADMINISTRATIVE PENALTY. Within Ninety (90) days from the effective  
8 date of this Consent Agreement, Respondent shall pay an administrative penalty of One  
9 Thousand Dollars (\$1,000.00) by certified check or money order made payable to the State of  
10 Arizona Board of Technical Registration.

11 5. COST OF INVESTIGATION. Within Sixty (60) days from the effective date of  
12 this Consent Agreement, Respondent shall pay the cost of investigation of this case to the Board  
13 in the amount of Four Hundred Nineteen Dollars (\$419.00) by certified check or money order  
14 made payable to the State of Arizona Board of Technical Registration, according to the provisions  
15 of A.R.S. § 32-128(H).

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

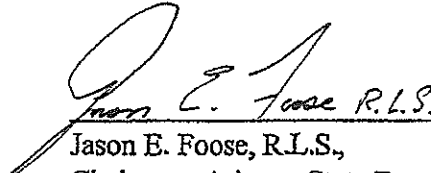
22 7. RENEWAL OF REGISTRATION. Respondent shall timely renew his Arizona  
23 registration as a Professional Engineer, and timely pay all required registration fees.

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

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

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

5  
6 ACCEPTED and ORDERED this 27<sup>TH</sup> day of FEBRUARY, 2019.

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9   
10 Jason E. Foose, R.L.S.,  
11 Chairman, Arizona State Board  
12 of Technical Registration

13 Consent Agreement and Order, No. P18-048, accepted this 27 day of FEBRUARY, 2019.

14   
15 Mark Edward Orr, Respondent

16 ORIGINAL filed this 4<sup>th</sup> day of  
17 MARCH, 2019, with:

18  
19 Arizona State Board of Technical Registration  
20 1110 W. Washington, Suite 240  
21 Phoenix, AZ 85007

22 COPY of the foregoing mailed via Certified Mail  
23 No. 9214 8901 9424 4600 0511 61 and  
24 First Class mail this 4<sup>th</sup> day of MARCH, 2019, to:

25 Mark Edward Orr  
26 19644 N 3rd Ave.  
27 Phoenix, AZ 85027

28 By: 