

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

3 **In the Matter of:**

Case No.: P23-021 and P23-023

4 **William Gilbert**
5 **Professional Engineer (Civil)**
6 **Registration No. 41931**

CONSENT AGREEMENT
and
ORDER OF DISCIPLINE

7 **Gilbert Structural, LLC**
8 **Firm Registration No. 16904 (expired)**

9
10 In the interest of a prompt and judicious resolution of the above-captioned matter
11 before the Arizona State Board of Technical Registration ("Board") and consistent with
12 the public interest, statutory requirements, and the responsibilities of the Board, and
13 pursuant to A.R.S. § 32-101 et seq., and A.A.C. R4-30-120(G), the undersigned party,
14 William Gilbert ("Respondent"), holder of Registration No. 41931, and Gilbert
15 Structural, LLC, ("Respondent Firm"), holder of Registration No. 16904 (Expired) and
16 the Board enter into the following Recitals, Findings of Fact, Conclusions of Law and
17 Order ("Consent Agreement") as a final disposition of this matter.

18 **RECITALS**

19 1. Respondent has read and understands this Consent Agreement and has had
20 the opportunity to discuss this Consent Agreement with an attorney, or has waived the
21 opportunity to discuss this Consent Agreement with an attorney.

22 2. Respondent understands that he has a right to a public administrative hearing
23 concerning this case. He further acknowledges that at such formal hearing he could
24 present evidence and cross-examine witnesses. By entering into this Consent Agreement,
25 Respondent knowingly, voluntarily, and irrevocably waives his right to such an
26 administrative hearing, as well as rights of rehearing, review, reconsideration, appeal,
27 judicial review or any other administrative and/or judicial action concerning the matters
28 set forth herein.

3. Respondent affirmatively agrees that this Consent Agreement shall be

1 irrevocable.

2 4. Respondent understands that this Consent Agreement or any part of the
3 agreement 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
6 public records upon acceptance by the Board of this Consent Agreement and may be
7 retained in the Board's files pertaining to this matter.

8 6. Respondent understands this Consent Agreement deals with Board case
9 number P23-021 and P23-023 involving allegations that Respondent engaged in conduct
10 that would subject him to discipline under the Board's statutes and rules. The
11 investigation into these allegations against Respondent shall be concluded upon the
12 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,
15 and does not constitute any waiver, express or implied, of the Board's statutory authority
16 or jurisdiction regarding any other pending or future investigation, action or proceeding.

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

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

27 10. This Consent Agreement is subject to the approval of the Board and is
28 effective only when accepted by the Board and signed on behalf of the Board. If the

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

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

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

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

16 **FINDINGS OF FACT**

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

19 2. Respondent is the holder of Arizona Professional Engineer (Civil)
20 Registration No. 41931.

21 3. Respondent Firm is holder of registration No. 16904, which expired on
22 October 16, 2021.

23 4. On September 6, 2022, the Board opened a complaint alleging that
24 Respondent, principal of Respondent Firm in P23-021 engaged in the practice of
25 Engineering without current firm registration with the Board. Board records show that
26 Respondent Firm's registration expired on October 16, 2021, and has not been renewed.

27 5. On September 9, 2022, the Board opened a complaint alleging that
28 Respondent, principal of Respondent Firm in P23-023 engaged in the practice of

1 Engineering on or about May 17, 2022 on the P.T. Slab Repair project in Surprise, AZ at
2 a time when Respondent Firm was not active with the Board. Board records show that
3 Respondent Firm's registration expired on October 16, 2021.

4 6. Board records confirm that Respondent Firm expired on October 16, 2021.

5 7. On September 7, 2022, Respondent Firm became active, expiring September
6 7, 2023.

7 CONCLUSIONS OF LAW

8 1. The Board has jurisdiction in this matter pursuant to A.R.S. § 32-101, et seq,
9 including A.R.S. § 32-106.02(A)

10 2. The conduct alleged in the Findings of Fact constitutes grounds for discipline
11 pursuant to A.R.S. § 32- 121 and A.R.S. 32-141, in that Respondent and Respondent
12 Firm may have practiced or offered to practice a Board regulated profession without firm
13 registration in case P23-021 and P23-023.

14 ORDER

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

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

19 2. **ADMINISTRATIVE PENALTY.** Within sixty (60) days from the
20 effective date of this Consent Agreement, Respondent shall pay an administrative penalty
21 of Five Hundred Dollars (\$500.00) by certified check or money order made payable to
22 the State of Arizona Board of Technical Registration.

23 3. **COST OF INVESTIGATION.** Within sixty (60) days from the effective
24 date of this Consent Agreement, Respondent shall pay the cost of investigation of this
25 case to the Board in the amount of Three Hundred Eight Dollars (\$308.00) by certified
26 check or money order made payable to the State of Arizona Board of Technical
27 Registration, according to the provisions of A.R.S. § 32-128(H).

28 4. **OBEY ALL LAWS.** Respondent shall obey all federal, state and local

1 laws, as well as, all rules governing the practice of Professional Engineering (Civil) in the
2 State of Arizona. The Board shall consider any violation of this paragraph to be a
3 separate violation of the rules and statues governing the Arizona Board of Technical
4 Registration. The Board may also consider Respondent's non-compliance with this
5 Order as a separate violation of A.R.S. § 32-150.

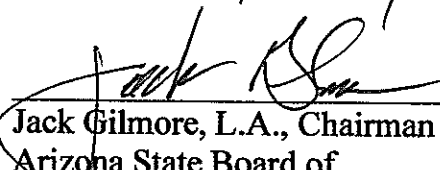
6 5. RENEWAL OF REGISTRATION. Respondent and Respondent Firm shall
7 timely renew their Arizona registration as a Professional Engineering (Civil) Firm, and
8 timely pay all required registration fees.

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

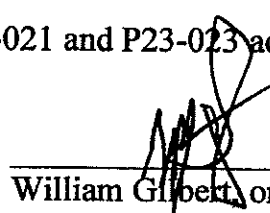
12 7. COSTS OF COMPLIANCE. Respondent shall pay all costs associated
13 with complying with this Consent Agreement.

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

19 ACCEPTED and ORDERED this 10 day of FEBRUARY, 2023.

20
21 
22 Jack Gilmore, L.A., Chairman
23 Arizona State Board of
24 Technical Registration

24 Consent Agreement and Order, No. P23-021 and P23-023 accepted this 15th day
25 of FEBRUARY, 2023.

26
27 
28 William Gilbert, on behalf of himself
and on behalf of
Gilbert Structural, LLC.
Respondents

1 ORIGINAL filed this 28 day of

2 February, 2023, 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. 92750701193562000042703074 and

8 First Class mail this 28 day of February, 2023, to:

9
10 William Gilbert
11 Gilbert Structural, LLC
12 ~~2036 N. Gilbert, Road, Suite 2408~~
~~Mesa, Arizona 85203~~

414 E. SOUTHERN AVE.
TEMPE, ARIZONA 85282

13
14
15 By: Samuel E. [Signature]