

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

3 **In the Matter of:**)

4 **Theodore Saquilayan**)
5 Registered Engineer)
6 No. 62725,)

BTR Case No.: P22-038

7 And)

**FINDINGS OF FACT
CONCLUSIONS OF LAW
AND FINAL BOARD ORDER**

8 **Saquilayan Consulting Engineering**)
9 Non-Registrant Firm)

10 **Respondents.**

11 On May 23, 2023 this matter came before the Arizona Board of Technical Registration
12 (“Board”) for consideration of Administrative Law Judge (“ALJ”) Adam D. Stone’s proposed
13 Findings of Fact, Conclusions of Law, and Recommended Order. Respondents were not present
14 and were not represented by legal counsel. Assistant Attorney General Deanie Reh represented
15 the State. The Board received independent legal advice from Assistant Attorney General Diane
16 DeDea. The Board, having considered the ALJ’s Decision and the entire record in this matter,
17 hereby issues the following Findings of Fact, Conclusions of Law, and Order:

18 **FINDINGS OF FACT**

19 1. Respondent Theodore Saquilayan held Registration No. 62725, issued by the
20 Board of Technical Registration (“Board”) through the State of Arizona, which became
21 delinquent of September 30, 2022.

22 2. Respondent Saquilayan Consulting Engineering (“Firm”) was not registered with
23 the Board.

24 3. On or about September 28, 2021, Respondent, on behalf of the Firm and himself,
25 entered into a contract with Anthony Williams (“Williams”). Respondent agreed to provide
26 mechanical system designs for a total fee of \$1,800.00. The Scope of Services in the contract
27 provided as follows:
28

1 **SCOPE OF SERVICES**

2 CONSULTANT shall provide mechanical system designs for the building
3 additions currently in construction. Signed mechanical drawings shall be prepared
4 and submitted for homeowner and mechanical contractor use. Scope of the
5 mechanical systems in the existing building shall be limited to capping of
6 ductwork serving the new bedroom. Conventional rooftop units and multi-zone
7 VRF units shall be compared for the new spaces and options shall be provided to
8 the owner. Additionally, a mechanical system shall be designed and installed for
9 the future build-out of a garage mezzanine.

10 4. On or about September 29, 2021, Williams was invoiced and paid \$600.00 to
11 Respondent.

12 5. On or about October 19, 2021, Respondent provided an initial drawing to
13 Williams. Williams provided a few corrections/comments to the drawing, and requested that
14 Respondent provide an updated drawing. Williams was also invoiced and paid \$600.00 to
15 Respondent

16 6. On or about November 8, 2021, Williams did not hear from Respondent, he
17 followed up, and Respondent stated he would have the drawings later that day or the next day.

18 7. After failing to receive the updated drawing, Williams placed phone calls
19 voicemails, text and e-mail messages to Respondent, however, Respondent never responded to
20 the same.

21 8. On November 16, 2021, Williams filed a complaint with the Board.

22 9. A Notice of Hearing was issued on December 8, 2022, setting a hearing on
23 January 13, 2023 at the Office of Administrative Hearings, an independent State agency.

24 10. The Board further provided an Affidavit of Publication which indicated that the
25 Board published the Amended Complaint and Notice of Hearing on February 27, 2023, March
26 6, 2023, March 13, 2023, and March 20, 2023.

1 11. After a continuance, a hearing was held on April 24, 2023. The Board presented
2 the testimony of Kaitlyn Crawford and offered five exhibits into evidence.

3 12. Ms. Crawford was an Investigator on the matter and testified as to the above
4 timeline.

5 13. Ms. Crawford testified that from November 29, 2021 through June 3, 2022,
6 Board staff attempted numerous times to contact Respondent at his various addresses provided
7 to the Board, to no avail. Ms. Crawford also testified that a Notice of Investigation was sent via
8 certified mail was sent to one of Respondent's addresses, and was signed for, and accepted by,
9 an unknown individual at that address.

10 14. Finally, the Board argued that Respondent failed to apply the knowledge and
11 skill of a registered engineer as he abandoned his client in the middle of a contract. Further, the
12 Board argued that the Firm was in violation of the statutes and rules as it was not registered with
13 the Board.

14 15. The commencement of the scheduled hearing was delayed approximately 15
15 minutes to allow for the late arrival of a representative for Respondent. After the delay, the
16 Administrative Law Judge conducted the hearing in Respondent's absence, and consequently
17 Respondent presented no evidence to defend its license.

18 **CONCLUSIONS OF LAW**

19 1. The Board has jurisdiction over Respondent pursuant to A.R.S. § 32-101, *et seq.*

20 2. Respondent's actions, as set forth above, constitute grounds for discipline against
21 Respondent pursuant to A.R.S. § 32-128(C)(4) and as it relates to A.A.C. R4-30-301(6), as
22 Respondent failed to abide by the terms of his agreement with Williams to provide a complete
23 and correct drawing.

24 3. Further, Respondent's actions, as set forth above, constitute grounds for
25 discipline against Respondent pursuant to A.R.S. § 32-128(C)(4), 32-141(A) and A.A.C. R4-30-
26 301(4) and (20) as Respondent and Firm contracted with Williams to provide engineering
27 services while the Firm was unregistered.

1 **ORDER**

2 Based on the foregoing, it is ORDERED that:

3 1. Respondent Theodore Saquilayan's registration is issued a Letter of Reprimand;

4 2. Respondent shall pay restitution to Anthony Williams in the amount of One
5 Thousand Two Hundred Dollars (\$1,200.00) within thirty (30) days from the effective date of the
6 Order, and provide proof of payment to the Board;

7 3. Within six (6) months from the effective date of the Order, Respondent shall pay
8 an administrative penalty of Four Thousand Dollars (\$4,000.00) by certified check or money
9 order made payable to the State of Arizona Board of Technical Registration;

10 4. Within sixty (60) days from the effective date of the Order, Respondent shall pay
11 to the Board: attorney's fees in the amount of One Thousand One Hundred Twelve Dollars and
12 Forty-Two Cents (\$1,112.42), and the cost of investigation of this case in the amount of One
13 Thousand One Hundred Eighty-five Dollars and Seventy-One Cents (\$1,185.71), combined for a
14 total amount of Two Thousand Two Hundred Ninety-Eight Dollars and Thirteen Cents
15 (\$2,298.13), by certified check or money order made payable to the State of Arizona Board of
16 Technical Registration, according to the provisions of A.R.S. § 32-128(H).

17 5. Respondent and Respondent's Firm shall timely renew their Arizona registration as
18 an engineer and an engineering firm, and timely pay all required registration fees.

19 **RIGHT TO PETITION FOR REHEARING OR REVIEW**

20 Respondents are hereby notified that they have the right to file a motion for rehearing or
21 review. Pursuant to A.R.S. § 41-1092.09(B) and A.A.C. R4-30-126(A) the motion for rehearing
22 or review must be filed with the Board's Executive Director within thirty (30) days after service
23 of this Order. Service of this Order is defined as five (5) calendar days after mailing.

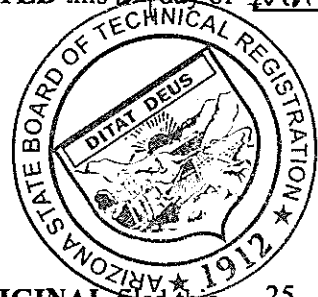
24 The motion for rehearing or review must set forth legally sufficient reasons for granting a
25 rehearing or review. A.A.C. R4-30-126(C). If a petition for rehearing or review is not filed, the
26 Board's Order becomes effective thirty-five (35) days after it is mailed to Respondents.

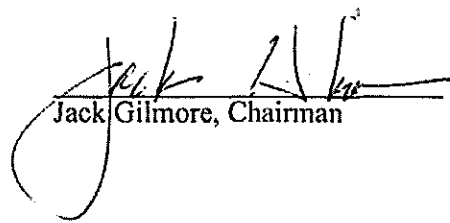
1 Respondents are further advised that the filing of a motion for rehearing or review is required to
2 preserve any rights of appeal to Superior Court.

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DATED this 24 day of MAY 2023.

Arizona Board of Technical Registration




Jack Gilmore, Chairman

ORIGINAL filed this 25 day of May, 2023, to:

Board of Technical Registration
1110 West Washington, Suite 240
Phoenix, Arizona 85007

COPY mailed via Certified Mail No. 9214 8901 9434 4600 0924 78
and First Class mail this 25 day of May, 2023, to:

Theodore Saquilayan
5812 North 12th Street, Unit 20
Phoenix, AZ 85014
tjs@scephx.com
Respondent

COPY of the foregoing emailed this 25 day of May, 2023 to:

Deanie Reh
Assistant Attorney General
deanie.reh@azag.gov

Diane DeDea
Assistant Attorney General
diane.dedea@azag.gov
By: Hayden Weber