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10 **BEFORE THE ARIZONA STATE
BOARD OF TECHNICAL REGISTRATION**

11 In the Matter of:

Case No.: P21-048

12 **David Klepadlo,**
13 Environmental Engineer Registration
14 No. 37639 (Delinquent),

CONSENT AGREEMENT

15 Respondent.

16 In the interest of a prompt and judicious resolution of the above-captioned matter before
17 the Arizona State Board of Technical Registration (the "Board") and consistent with the public
18 interest, statutory requirements, and the responsibilities of the Board, and pursuant to Arizona
19 Revised Statutes ("A.R.S.") § 32-101, *et seq.*, and Arizona Administrative Code ("A.A.C.") R4-
20 30-120(G), the Board and the undersigned party, David Klepadlo, holder of delinquent
21 Registration No. 37639 ("Respondent"), enter into the following Recitals, Findings of Fact,
22 Conclusions of Law and Order ("Consent Agreement") as a final disposition of this matter.

23 **RECITALS**

24 1. Respondent has read and understands this Consent Agreement and has had the
25 opportunity to discuss this Consent Agreement with an attorney, or has waived the opportunity to
26 discuss this Consent Agreement with an attorney.

27 2. Respondent understands that he has a right to a public administrative hearing

1 concerning this case. He further acknowledges that, at such formal hearing, he could present
2 evidence and cross-examine witnesses. By entering into this Consent Agreement, Respondent
3 knowingly, voluntarily, and irrevocably waives his right to such an administrative hearing, as
4 well as rights of rehearing, review, reconsideration, appeal, judicial review or any other
5 administrative and/or judicial action concerning the matters set forth herein.

6 3. Respondent affirmatively agrees that this Consent Agreement shall be irrevocable.

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

9 5. The Consent Agreement, any record prepared in this matter, all investigative
10 materials prepared or received by the Board and all related exhibits and materials, are records (as
11 defined in A.R.S. § 41-151.18) upon acceptance by the Board of this Consent Agreement and
12 may be retained in the Board's files pertaining to this matter.

13 6. Respondent understands this Consent Agreement deals with Board case number
14 P21-048 involving allegations that Respondent engaged in conduct that would subject him to
15 discipline under the Board's statutes and rules. The investigation into these allegations against
16 Respondent shall be concluded upon the Board's adoption of this Consent Agreement.

17 7. Respondent understands that this Consent Agreement does not constitute a
18 dismissal or resolution of any other matters currently pending before the Board, if any; and does
19 not constitute any waiver, express or implied, of the Board's statutory authority or jurisdiction
20 regarding any other pending or future investigation, action or proceeding.

21 8. Respondent also understands that acceptance of this Consent Agreement does not
22 preclude any other agency, subdivision, or officer of this state from instituting any other civil or
23 criminal proceedings with respect to the conduct that is the subject of this Consent Agreement.

24 9. Respondent acknowledges and agrees that, upon signing this Consent Agreement
25 and returning this document to the Board's Executive Director, Respondent may not revoke
26 acceptance of the Consent Agreement or make any modifications to the document regardless of
27 whether the Consent Agreement has been signed on behalf of the Board. Any modification to

1 this original document is ineffective and void unless mutually agreed by the parties in writing.

2 10. This Consent Agreement is subject to the approval of the Board and is effective
3 only when accepted by the Board and signed on behalf of the Board. If the Board does not
4 accept this Consent Agreement, the Board retains its authority to hold a formal administrative
5 hearing pursuant to A.R.S. § 32-128(E). In the event that the Board does not approve this
6 Consent Agreement, it is withdrawn, shall be of no evidentiary value, and shall not be relied
7 upon nor introduced in any action by any party. Respondent agrees that should the Board reject
8 this Consent Agreement and this case proceeds to hearing, Respondent shall assert no claim that
9 the Board was prejudiced by its review and discussion of this document or any records relating
10 thereto.

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

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

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

18 **FINDINGS OF FACT**

19 1. The Board is the duly constituted authority for the regulation and control of the
20 practice of engineering in the State of Arizona pursuant to A.R.S. § 32-101, *et seq.*

21 2. Respondent is the holder of Arizona Environmental Engineer Registration No.
22 37639, which became delinquent on June 30, 2020.

23 3. In the State of Pennsylvania, Respondent operated the Greenfield Township
24 Sewer Authority from 1991 to 2018, and the Benton-Nicholson Sewer Authority since 2007
25 (collectively, the "Sewer Authorities").

26 4. In connection with operation of the Sewer Authorities, Respondent was
27 investigated by the U.S. Department of Justice for filing false statements with regard to sampling

1 **ORIGINAL** of the foregoing filed
this ____ day of _____, 2021, with:

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

5 **COPY** of the foregoing served via email, with delivery receipt requested,
6 First Class Mail and U.S. Certified Mail No.: _____
this ____ day of _____, 2021, to:

7 Wesley J. Rish
8 Rish Law Office, LLC
9 2431 N. Second Street, Suite 201
10 Harrisburg, PA 17110
wesley@rishlawoffice.com
Attorney for Respondent

11 **COPY** of the foregoing e-mailed
12 this ____ day of _____, 2021, to:

13 Deanie Reh
14 Assistant Attorney General
deanie.reh@azag.gov
Attorney for the State of Arizona

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16 By: _____

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