

BEFORE THE BOARD OF LICENSURE FOR ARCHITECTS, PROFESSIONAL ENGINEERS, AND PROFESSIONAL LAND SURVEYORS

STATE OF COLORADO

Case No. 2019-0464

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**STIPULATED CEASE AND DESIST ORDER**

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IN THE MATTER OF THE ALLEGED UNLICENSED PRACTICE OF ENGINEERING BY REDFLEX TRAFFIC SYSTEMS, INC.,

Respondent.

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The State Board of Licensure for Architects, Professional Engineers, and Professional Land Surveyors ("Board"), by and through the Colorado Attorney General, and Respondent Redflex Traffic Systems, Inc. and its officers and agents ("Respondent" or "Redflex"), hereby enter into this Stipulated Cease and Desist Order ("Stipulated Order") and agree as follows:

**BACKGROUND**

**Without admitting or denying the allegations herein, Respondent hereby consents to the entry of this Stipulated Order, and disclaiming any liability in connection herewith, and before any testimony has been taken, the parties hereby find:**

1. In or about July 2008, Respondent provided services to the City and County of Denver, Colorado, specifically:
  - a. Respondent prepared four design drawings of "Red Light Photo Enforcement" at four signalized intersections within the City and County of Denver.
  - b. Each drawing included a design layout of the necessary intersection improvements with detailed construction notes identifying the following specific elements required for the installation of a Redflex red light photo system: camera enclosures, flash units, metered cabinet power panel, system wiring and conductor cables, support poles and foundations for mounting Redflex equipment, vehicle detection loops, junction boxes (pull boxes) and underground conduits.
  - c. The drawings incorporated three design elements:
    - (i) installation of hardware and wiring associated with the "Redflex System," such as camera enclosures, flash units, and power panels;
    - (ii) installation of

new infrastructure for mounting Redflex equipment such as support poles and footings; and (iii) installation of new infrastructure to facilitate the wiring of Redflex equipment such as pull boxes and conduits.

d. The drawings identified locations for the installation of new poles, footings, conduits, pull boxes, and detector loops.

e. The drawings included a "Schedule" of poles to be installed at each of the project intersections for attaching Redflex camera enclosures and/or other associated equipment. Drawing 3122-104 specifically included a foundation detail for these support poles.

2. The Board alleges that the services Respondent provided, as set forth in paragraph 1 above, constitute the "practice of engineering" as defined in section 12-25-102(10)(b), C.R.S. (2008).<sup>1</sup>

3. The Board further alleges that at the time Respondent provided the services set forth in paragraph 1 above, the individual in responsible charge was not licensed to practice as a professional engineer in Colorado.

4. The Board further alleges that the Respondent, without an individual license to practice as an engineer in Colorado in responsible charge, practiced engineering as defined in section 12-25-102(10)(b), C.R.S. (2008).

5. Upon execution by the Board, this Stipulated Order shall become effective and shall be a permanent public record in the possession of the Board. Pursuant to Board policy, the Program Director is authorized to sign this Stipulated Order on behalf of the Board. The signature of the Program Director shall be considered, and have the full force and effect of, execution by the Board.

### CONCLUSIONS OF LAW

**The Board finds, and Respondent agrees, that:**

6. The Board has jurisdiction over Respondent and the subject matter of this Stipulated Order.

7. Respondent's conduct, as referenced in paragraph 1 above, if proven by the Board at a hearing, would constitute prima facie evidence that Respondent engaged in the practice of engineering in Colorado without an individual in responsible charge, in violation of section 12-25-105(2), C.R.S. (2008).

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<sup>1</sup> Effective October 1, 2019, Title 12 was repealed and re-enacted with relocations, to Articles 20 and 120 of Title 12, C.R.S.

## ORDER

**In order to resolve the Board's allegations against the Respondent, the Board orders, and Respondent agrees to, the following:**

8. CEASE AND DESIST ORDER. Respondent shall cease and desist from practicing engineering in Colorado unless all such engineering work that may be required to be performed by Respondent in Colorado is supervised by an individual licensed to practice as a professional engineer in Colorado in accordance with Part 2 of Article 120 of Title 12, C.R.S. (2019).

9. Respondent and the Board consent to this Stipulated Order in lieu of Board action pursuant to section 12-25-109(8.2), C.R.S. (2008).

### OTHER MATTERS

10. Respondent enters into this Stipulated Order freely and voluntarily, and absent any duress or coercion on behalf of the Board or the Colorado Attorney General. Respondent has had the opportunity to consult with and be represented by legal counsel in this matter. Respondent understands the legal consequences of this Stipulated Order and agree that no term or condition contained herein is unconscionable.

11. Respondent has the right to a formal hearing conducted in accordance with the provisions of article 4 of title 24, C.R.S. and knowingly waives its right to a hearing on the allegations that are the subject of this Stipulated Order. By waiving its right to such a hearing, Respondent also waives its right to receive a notice of charges from the Board in this matter, to present evidence and be represented by counsel at such hearing, and to appeal the Board's final agency action in this matter.

12. The intent and purpose of this Stipulated Order is to provide for the complete settlement of the facts and issues related to Respondent's practice of engineering as set forth above.

13. This Stipulated Order constitutes the entire and final agreement of the parties. There are no other promises express or implied. In the event any provision of this Stipulated Order is deemed invalid or unenforceable by a court of competent jurisdiction, such provision shall be stricken, and all other remaining provisions shall be binding upon the parties and given full force and effect.

14. The Board shall not be deemed, by mere lapse of time, to have waived any breach by Respondent of any provision of this Stipulated Order. No waiver of the provisions hereto shall be effective unless in writing and signed by a representative of the Board. Neither the Board's waiver of any provision of this Stipulated Order nor Respondent's breach of any provision of this Stipulated Order

shall be construed as, or constitute, a waiver of any other provisions of this Stipulated Order, a continuing waiver of any such breach, or any breaches of the same or other provisions of this Stipulated Order.

15. Upon execution by the Board, this Order shall become effective and shall be a permanent public record in the possession of the Board. Pursuant to Board policy, the Board delegates authority to the Program Director to sign this Order on behalf of the Board. The signature of the Program Director shall be considered, and have the full force and effect of, execution by the Board.

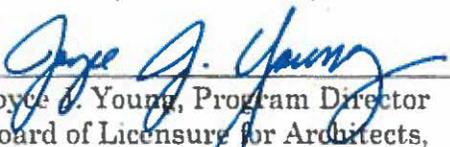
**AGREED TO AND ACCEPTED BY:**

RESPONDENT



\_\_\_\_\_  
Lew Miller, Vice President  
Redflex Traffic Systems, Inc.

**AGREED TO, EXECUTED, AND ORDERED BY:**

By:   
\_\_\_\_\_  
Joyce A. Young, Program Director  
Board of Licensure for Architects,  
Professional Engineers, and  
Professional Land Surveyors  
1560 Broadway, Suite 1350  
Denver, Colorado 80202

EFFECTIVE DATE: November 7, 2019

APPROVED AS TO FORM:  
GREENBERG TRAURIG, LLP

John A. Wharton  
Ron Tomassi, 50802  
John Wharton, 47776

Attorneys for Redflex Traffic  
Systems, Inc.

1144 15th Street, Suite 3300  
Denver, Colorado 80202  
Telephone: 303-685-7433

PHILIP J. WEISER  
Attorney General

John J. Roberts  
John J. Roberts, 30124\*  
First Assistant Attorney General  
Nursing & Professional Boards  
Business & Licensing

Attorneys for the Board of Licensure for  
Architects, Professional Engineers,  
and Professional Land Surveyors

1300 Broadway, 10<sup>th</sup> Floor  
Denver, Colorado 80203  
Telephone: 720-508-6434  
\*Counsel of Record