

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

3 **In the Matter of:**

4 **Geoffrey Brimhall**
5 **Registered Land Surveyor**
6 **Registration No. 33308**

7 **Respondent**

Case No.: P22-084

CONSENT AGREEMENT
and
ORDER OF DISCIPLINE

8
9 In the interest of a prompt and judicious resolution of the above-captioned matter
10 before the Arizona State Board of Technical Registration ("Board") and consistent with
11 the public interest, statutory requirements, and the responsibilities of the Board, and
12 pursuant to A.R.S. § 32-101 et seq., and A.A.C. R4-30-120(G), the undersigned party,
13 Geoffrey Brimhall ("Respondent"), holder of Registration No. 33308, and the Board
14 enter into the following Recitals, Findings of Fact, Conclusions of Law and Order
15 ("Consent Agreement") as a final disposition of this matter.

16 **RECITALS**

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

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

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

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

3 5. The Consent Agreement, any record prepared in this matter, all investigative
4 materials prepared or received by the Board and all related exhibits and materials, are
5 public records upon acceptance by the Board of this Consent Agreement and may be
6 retained in the Board's files pertaining to this matter.

7 6. Respondent understands this Consent Agreement deals with Board case
8 number P22-084 involving allegations that Respondent engaged in conduct that would
9 subject him to discipline under the Board's statutes and rules. The investigation into
10 these allegations against Respondent shall be concluded upon the Board's adoption of
11 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,
14 and does not constitute any waiver, express or implied, of the Board's statutory authority
15 or jurisdiction regarding any other pending or future investigation, action or proceeding.

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

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

26 10. This Consent Agreement is subject to the approval of the Board and is
27 effective only when accepted by the Board and signed on behalf of the Board. If the
28 Board does not accept this Consent Agreement, the Board retains its authority to hold a

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

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

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

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

15 **FINDINGS OF FACT**

16 1. The Board is the duly constituted authority for the regulation and control of
17 the practice of Land Surveying in the State of Arizona.

18 2. Respondent is the holder of Arizona Registered Land Surveyor Registration
19 No. 33308.

20 3. On May 24, 2022, the Board received a complaint from Allegor that included
21 an allegation involving the failure to conduct a land boundary survey in accordance with
22 the Arizona Boundary Survey Minimum Standards that require land boundary surveys be
23 recorded under certain circumstances.

24 4. On Respondent's July 1, 2022 written statement and again during the
25 February 24, 2023 Enforcement Advisory Committee (EAC) meeting, Respondent
26 admitted to the allegation regarding his failure to record land boundary surveys as
27 required.

28 5. On February 24, 2023, an EAC meeting was held regarding the case. EAC

1 members substantiated the allegation regarding Respondent's failure to conduct a land
2 boundary survey in accordance with the Arizona Boundary Survey Minimum Standards.
3 The Committee considered the fact that Respondent specifically admitted to the
4 allegation and had not prepared a survey as required.

5 **CONCLUSIONS OF LAW**

- 6 1. The Board has jurisdiction in this matter pursuant to A.R.S. § 32-101, et seq.
7 2. The conduct alleged in the Findings of Fact constitutes grounds for discipline
8 pursuant to A.R.S. § 32-128(C)(4) as it relates to A.A.C. R4-30-301(13), in that
9 Respondent failed to conduct a land boundary survey in accordance with the Arizona
10 Boundary Survey Minimum Standards.

11 **ORDER**

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

- 14 1. **LETTER OF REPRIMAND.** Respondent is hereby issued a Letter of
15 Reprimand.
- 16 2. **ADMINISTRATIVE PENALTY.** Within six (6) months from the effective
17 date of this Consent Agreement, Respondent shall pay an administrative penalty of One
18 Thousand (\$1,000.00) Dollars by certified check or money order made payable to the
19 State of Arizona Board of Technical Registration.
- 20 3. **COST OF INVESTIGATION.** Within thirty (30) days from the effective date
21 of this Consent Agreement, Respondent shall pay the cost of investigation of this case to
22 the Board in the amount of Eight Hundred Ninety-One Dollars (\$891.00) by certified
23 check or money order made payable to the State of Arizona Board of Technical
24 Registration, according to the provisions of A.R.S. § 32-128(H).
- 25 4. **OBEY ALL LAWS.** Respondent shall obey all federal, state and local laws,
26 as well as, all rules governing the practice of Engineering in the State of Arizona. The
27 Board shall consider any violation of this paragraph to be a separate violation of the rules
28 and statutes governing the Arizona Board of Technical Registration. The Board may also

1 consider Respondent's non-compliance with this Order as a separate violation of A.R.S. §
2 32-150.


3 5. RENEWAL OF REGISTRATION. Respondent and Respondent Firm shall
4 timely renew their Arizona registration as a Registered Land Surveyor and a Land
5 Surveyor Firm, and timely pay all required registration fees.

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

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

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

16 ACCEPTED and ORDERED this 12 day of APRIL, 2023.

17
18 
19 Jack Gilmore, L.A., Chairman
20 Arizona State Board of
21 Technical Registration

22 Consent Agreement and Order, No. P22-084 accepted this 12 day of
23 April, 2023.

24 
25 Geoffrey Brimhall, Respondent

26 ORIGINAL filed this 14 day of
27 April, 2023, with:

28 Arizona State Board of Technical Registration

1 1110 W. Washington, Suite 240
2 Phoenix, AZ 85007

3 **COPY** of the foregoing mailed via Certified Mail

4 No. 9214890194344600091983A and

5 First Class mail this 14 day of APRIL, 2023, to:

6 Geoffrey Brimhall
7 4655 N. Flowing Wells Rd.
8 Tucson, AZ. 85705

9
10 By: 