

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

In the Matter of: Bruce Heyse Registered Land Surveyor R.L.S. No. 23949 Respondent	Case No. P18-033 CONSENT AGREEMENT and ORDER OF DISCIPLINE
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In the interest of a prompt and judicious resolution of the above-captioned matter before the Arizona State Board of Technical Registration ("Board") and consistent with the public interest, statutory requirements, and the responsibilities of the Board, and pursuant to A.R.S. § 32-101 et seq. and A.A.C. R4-30-120(G), the undersigned party, Bruce Heyes, ("Respondent"), holder of Arizona Registered Land Surveyor No. 23949, and the Board enter into the following Recitals, Findings of Fact, Conclusions of Law and Order ("Consent Agreement") as a final disposition of this matter.

RECITALS

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

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

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

2 4. Respondent understands that this Consent Agreement or any part of the agreement
3 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 public
6 records (as defined in A.R.S. § 41-158.18) upon acceptance by the Board of this Consent
7 Agreement and may be retained in the Board's files pertaining to this matter.

8 6. Respondent understands this Consent Agreement deals with Board case number
9 P18-033, involving allegations that Respondent engaged in conduct that would subject him to
10 discipline under the Board's statutes and rules. The investigation into these allegations against
11 Respondent shall be concluded upon the Board's adoption of 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, and does
14 not constitute any waiver, express or implied, of the Board's statutory authority or jurisdiction
15 regarding any other pending or future investigation, action or proceeding.

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

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

24 10. This Consent Agreement is subject to the approval of the Board and is effective
25 only when accepted by the Board and signed on behalf of the Board. If the Board does not accept
26 this Consent Agreement, the Board retains its authority to hold a formal administrative hearing
27 pursuant to A.R.S. § 32-128(E). In the event that the Board does not approve this Consent
28 Agreement, it is withdrawn and shall be of no evidentiary value and shall not be relied upon nor

1 introduced in any action by any party, except that the parties agree that should the Board reject
2 this Consent Agreement and this case proceeds to hearing, Respondent shall assert no claim that
3 the Board was prejudiced by its review and discussion of this document or any records relating
4 thereto.

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

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

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

12 **FINDINGS OF FACT**

13 1. The Board is the duly constituted authority for the regulation and control of the
14 practice of Land Surveying the State of Arizona.

15 2. Respondent is the holder of Registered Land Surveyor No. 23949.

16 3. On or about June 3, 2016, Respondent completed a Boundary and Topographic
17 Survey of the property for a three-acre parcel located north of 211-53-004D at 35116 N. 3rd St. in
18 Phoenix, AZ.

19 4. On September 27, 2017, Respondent recorded in Maricopa County Recorder's
20 Office, Boundary and Topographic Survey of the property for a three-acre parcel located north of
21 211-53-004D, Book 1344, Page 24.

22 5. On March 27, 2018, the Board received a complaint alleging Respondent
23 conducted a land boundary survey and produced a Record of Survey that is inaccurate and fails to
24 include information related to the long term established boundaries of the property for a
25 three-acre parcel located north of 211-53-004D at 35116 N. 3rd St. in Phoenix, AZ. It is further
26 alleged that Respondent failed to record a survey with the Maricopa County Recorder's Office
27 within ninety days of its completion date.

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1 6. On April 16, 2019, the Boards Enforcement Advisory Committee ("EAC")
2 convened to review the complaints against Respondent. After a review of the evidence and
3 interviewing Alleger and Respondents and Respondents admissions of fault during the interview,
4 the committee determined the following:

5 A. Respondent failed to conduct a land survey in accordance with the Arizona Boundary
6 Survey Minimum Standards ("ABSMS") on the following (6) items:

- 7 1) Respondent failed to set a Witness Corner Monument or Reference Markers
8 for the Southwest corner of the property he surveyed in possible violation of
9 ABSMS #10,
10 2) Respondent rejected a found monument and several fence corners with no
11 explanation as to why they were rejected in possible violation of ABSMS
12 #8(A),
13 3) Respondent failed to obtain, examine and list recorded documents necessary
14 to perform the survey in possible violation of ABSMS #2 and #11(E),
15 4) Respondent accepted monuments that were unidentified by recorded or
16 physical evidence and failed to perpetuate those monuments with
17 Respondent's registration number in possible violation of ABSMS #8(B),
18 5) Respondent's survey revealed unrecorded monuments, monuments
19 inadequately described by recorded documents and Respondent set new
20 monuments without recording his survey as specified in A.R.S. 33-105 in
21 possible violation of ABSMS #13,
22 6) Respondent failed to document the methods used to recover physical evidence
23 identifying boundaries and conflicts in possible violation of ABSMS #4.

24 B. Respondent failed to apply the same technical knowledge and skill that would be
25 applied by other qualified registrants who practice the same profession in the same area and at the
26 same time. The Committee was concerned that Respondents lack of research, and rush to
27 complete his survey based solely on a single Quit Claim Deed would cause acute issues for the
28 public or any future Land Surveyors attempting to piece together the Respondent's thoughts on
the date of his survey.

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1 C Respondent failed to file a record of land survey within ninety days of its
2 completion date (June 3, 2016), due to Respondent response to Board Staff, and Respondents
3 admission during the Committee's interview, that he only recorded the survey of the three-acre
4 parcel located north of 211-53-004D at 35116 N. 3rd St. in Phoenix, AZ, with the Maricopa
5 County Recorder's Office (September 27, 2017), as a reaction to the Boards complaint.

6 **CONCLUSIONS OF LAW**

7 1. The Board has jurisdiction in this matter pursuant to A.R.S. § 32-101, et seq.

8 2. The conduct alleged in the Findings of Fact constitutes grounds for discipline
9 pursuant to A.R.S. 32-128(C)(4) as it relates to A.A.C. R4-30-301(13), in that Respondent, failed
10 to conduct a land boundary survey in accordance with the Arizona Boundary Survey Minimum
11 Standards.

12 3. The conduct alleged in the Findings of Fact constitutes grounds for discipline
13 pursuant to A.R.S. 32-128(C)(4) as it relates to A.A.C. R4-30-301(6), in that Respondent, failed
14 to apply the appropriate technical knowledge and skill in the practice of a Board-regulated
15 profession.

16 4. The conduct alleged in the Findings of Fact constitutes grounds for discipline
17 pursuant to A.R.S. 33-105(A) and A.R.S. 32-128(C)(4) as it relates to A.A.C. R4-30-301(4), in
18 that Respondent, failed to file a record of a land survey not later than ninety days after its
19 completion with the county recorder of the county where the land is located if such survey
20 establishes points or lines relating to land boundaries or property lines.

21 **ORDER**

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

24 1. LETTER OF REPRIMAND. Respondent is hereby issued a Letter of Reprimand.

25 2. STAYED SUSPENSION AND PROBATION. Respondent's registration as a
26 Registered Land Surveyor, No.23949, shall be suspended for twelve (12) months; however, the
27 suspension is stayed for as long as Respondent remains in compliance with this Order. During the
28 stay of suspension, Respondent's registration as a Registered Land Surveyor is placed on
probation for twelve (12) months. If Respondent is non-compliant with any terms of this Order

1 during the twelve (12) months stayed suspension and probation period, the stay of the suspension
2 shall be lifted and Respondent's registration as a Professional Land Surveyor shall be
3 automatically suspended without a formal hearing, and remain suspended until Respondent is
4 compliant with all terms of this Order.

5 3. CORRECTED SURVEY. Within Ninety (90) days of the effective date of this
6 Consent Agreement, Respondent shall provide proof to the Board that Respondent has prepared
7 and recorded a corrected survey for the three-acre parcel located north of 21-23-004D at 35116 N.
8 3rd St. in Phoenix, AZ, that addresses the areas found by the Board not to be in compliance with
9 the Arizona Boundary Survey Minimum Standards as specified in paragraph 6.A.1-6 of the
10 Findings of Fact of this Consent Agreement.

11 4. REMEDIAL TRAINING. Within Ninety (90) days of the effective date of this
12 Consent Agreement, Respondent shall provide proof to the Board that he has successfully
13 completed a minimum of eight (8) hours of Board approved remedial training in Boundary and
14 Case Law.

15 5. PEER REVIEW. Within Six (6) months of the effective date of this Consent
16 Agreement, Respondent shall submit his next two Land Boundary Survey projects for peer
17 review. Respondent may select his peer reviewers; however, Respondent's selection shall be a
18 member of the Board's Enforcement Advisory Committee for Registered Land Surveyors and
19 shall be retained by the Respondent at his own expense. Respondent shall ensure that the selected
20 peer reviewer(s) provides written reports to the Board on each project, detailing Respondent's
21 compliance with Board rules and statutes. The peer review reports shall list any observed
22 deficiencies in Respondent's practice as a Land Surveyor, and document the appropriate
23 corrections. Respondent shall not give final approval on any of the peer-reviewed projects to a
24 client, contractor, any regulatory or review body, until Respondent's work has been reviewed and
25 approved by the peer reviewer.

26 6. ADMINISTRATIVE PENALTY. Within Twelve (12) months from the effective
27 date of this Consent Agreement, Respondent shall pay an administrative penalty of Three
28 Thousand Dollars (\$3,000.00), by certified check or money order made payable to the State of

1 Arizona Board of Technical Registration. The Respondent shall make Four (4) quarterly
2 Payments of Seven Hundred Fifty Dollars (\$750.00), with the first payment to be submitted on
3 the first of the month following the Board's acceptance of the agreement.

4 7. Within Six (6) months from the effective date of this Consent Agreement,
5 Respondent shall pay the cost of investigation of this case to the Board in the amount of Five
6 Hundred Eighty Dollars (\$580.00), by certified check or money order made payable to the State
7 of Arizona Board of Technical Registration, according to the provisions of A.R.S. § 32-128(H).

8 8. OBEY ALL LAWS. Respondent shall obey all federal, state and local laws, as well
9 as, all rules governing the practice of Land Surveying in the State of Arizona. The Board shall
10 consider any violation of this paragraph to be a separate violation of the rules and statutes
11 governing the Arizona Board of Technical Registration. The Board may also consider
12 Respondent's non-compliance with this Order as a separate violation of A.R.S. § 32-150.

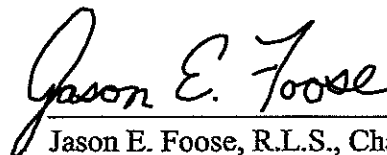
13 9. RENEWAL OF REGISTRATION. Respondent shall timely renew his Arizona
14 registration as a Land Surveyor and timely pay all required registration fees.

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

18 11. COSTS OF COMPLIANCE. Respondent shall pay all costs associated with
19 complying with this Consent Agreement.

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

24 ACCEPTED and ORDERED this 1st day of July, 2019.

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27 Jason E. Foose, R.L.S., Chairman
28 Arizona State Board of
Technical Registration

Consent Agreement and Order, No. P18-033 accepted this 12 day of June, 2019.


Bruce Heyse, R.L.S. 23949, Respondent

ORIGINAL filed this 10th day of
July, 2019, with:

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

COPY of the foregoing mailed via Certified Mail
No. 9214 8901 9434 4600 0579 34 and
First Class mail this 10th day of July, 2019, to:

Bruce Heyse
1915 E. Velvet Dr.
Tempe, AZ 85254

By: 

