

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

<p>In the Matter of:</p> <p>Edgar Reynolds Land Surveyor Registration No. 31031</p> <p style="text-align: center;">Respondent</p>	<p style="text-align: center;">Case No. P19-038</p> <p style="text-align: center;">CONSENT AGREEMENT and ORDER OF DISCIPLINE</p>
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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, Edgar Reynolds, (“Respondent”), holder of Registration No. 31031, 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.
3. Respondent affirmatively agrees that this Consent Agreement shall be irrevocable.

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

7 6. Respondent understands this Consent Agreement deals with Board case number
8 P19-038 involving allegations that Respondent engaged in conduct that would subject him to
9 discipline under the Board's statutes and rules. The investigation into these allegations against
10 Respondent shall be concluded upon the Board's adoption of this Consent Agreement.

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

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

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

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

1 this Consent Agreement and this case proceeds to hearing, Respondent shall assert no claim that
2 the Board was prejudiced by its review and discussion of this document or any records relating
3 thereto.

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

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

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

11 **FINDINGS OF FACT**

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

14 2. Respondent is the holder of Arizona Land Surveying, Registration No. 31031.

15 3. On or about July 18, 2006, Respondent and the Board entered into a Consent
16 Agreement and Order of Discipline to resolve Case M05-130 because Respondent failed to
17 conduct a land survey in accordance with the Arizona Boundary Survey Minimum Standards.
18 The Board issued the following Order:

19 a. Letter of Reprimand

20 b. Cost of Investigation in the amount of \$200.00

21 4. On or about August 30, 2006, Respondent complied with the Consent Agreement
22 and Order of Discipline for Case M05-130.

23 5. On or about May 25, 2010, Respondent and the Board entered into a Consent
24 Agreement and Order of Discipline to resolve Case M09-087 because Respondent failed to
25 conduct a land survey in accordance with the Arizona Boundary Survey Minimum Standards.

26 The Board issued the following Order:

27 a. Letter of Reprimand

28 b. Amend Survey

1 c. Cost of Investigation in the amount of \$250.00

2 6. On or about August 3, 2010, Respondent complied with the Consent Agreement
3 and Order of Discipline for Case M09-087.

4 7. On or about August 18, 2014, Respondent performed a land survey for Lot 67 of
5 TRES LOMAS in Pima County, Arizona.

6 8. On or about January 24, 2019, the Board received a complaint alleging that
7 Respondent failed to show controlling monuments, failed to record his Results of Survey after
8 setting new monuments and after accepting unrecorded monuments on his survey, and that
9 Respondent failed to include the basis of bearings, statement of direct supervision, a legend/table,
10 a list of pertinent documents used, and curve data on his Results of Survey for Lot 67 of TRES
11 LOMAS in Pima County, Arizona.

12 9. On or about June 10, 2019, an Enforcement Advisory Committee ("EAC")
13 convened to review the complaint against Respondent. After reviewing the evidence and
14 interviewing Alleger and Respondent, the Committee determined the following:

15 a. Respondent failed to conduct a land survey in accordance with the Arizona
16 Boundary Survey Minimum Standards ("ABSMS") as follows:

17 i. The survey did not identify record and/or measured bearing and distance
18 between the found monuments as required in ABSMS #5,

19 ii. Respondent, when noting and accepting found property corners, did not
20 indicate that there was any record and physical evidence identifying it
21 creator. As such, Respondent should have affixed his registration license
22 number to the existing monuments as required in ABSMS #8(B),

23 iii. Sufficient ties to controlling monuments to allow the survey to be retraced
24 were not shown and the basis of bearing was not identified. There was no
25 surveyor's statement of direct supervision and there was no legend
26 identifying and explaining the symbology and abbreviations as required in
27 ABSMS #11(A), (C), and (D),

28 iv. All curve data was missing from the survey as required in ABSMS #12(B),

- v. The survey was not recorded as required in ABSMS #13(A) and (C),
- vi. Any difference as measured between the land boundary or property corner monuments, where the new measured distance, as compared to a previously determined ("record") distance, where such difference exceeds +/- 0.25 feet, plus 100 parts per million (PPM), of the overall distance between the points as required in ABSMS #13(E).

CONCLUSIONS OF LAW

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

ORDER

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

1. **LETTER OF REPRIMAND.** Respondent is hereby issued a Letter of Reprimand.
2. **STAYED SUSPENSION AND PROBATION.** Respondent's registration as a Registered Land Surveyor, No. 31031, shall be suspended for Six (6) months; however, the suspension is stayed for as long as Respondent remains in compliance with this Order. During the stay of suspension, Respondent's registration as a Registered Land Surveyor is placed on probation for Six (6) months. If Respondent is non-compliant with any terms of this Order during the Six (6) months stayed suspension and probation period, the stay of the suspension shall be lifted and Respondent's registration as a Registered Land Surveyor shall be automatically suspended without a formal hearing, and remain suspended until Respondent is compliant with all terms of this Order.
3. **PEER REVIEW.** Respondent shall submit his next Four (4) Land Boundary Survey projects for peer review. Respondent shall furnish to the Board, the name of an Arizona registered Land Surveyor ("Peer Reviewer") who agrees to review and report on Respondent's work. The proposed Peer Reviewer shall have at least five years of actual engagement as a Land Surveyor,

1 shall be registered and in good standing with the Board and shall not have received any
2 disciplinary action from the Board within the last three years. Respondent shall submit to the
3 Board a current resume detailing the qualifications of the proposed Peer Reviewer, and an
4 Affidavit and Agreement to conduct Peer Review signed by the proposed Peer Reviewer. Upon
5 approval by the Board of the Peer Reviewer, Respondent shall ensure that the Peer Reviewer
6 provides a written report to the Board after each peer reviewed project describing any
7 deficiencies in Respondent's practice, and certifying that the peer reviewed project provided to
8 the client by the Respondent is in compliance with the Board's rules and statutes. Respondent
9 shall not give final approval on any projects to a client, contractor, any regulatory, or review body
10 or any other person until the project has been reviewed and approved by the Peer Reviewer.
11 Respondent shall retain the Peer Reviewer at his own expense.

12 4. REMEDIAL TRAINING. Within Thirty (30) days of the effective date of this
13 Consent Agreement, Respondent shall provide proof to the Board that he has successfully
14 completed a minimum of two (2) hours of Boundary Survey training that is Board approved.

15 5. ADMINISTRATIVE PENALTY. Within Six (6) months from the effective
16 date of this Consent Agreement, Respondent shall pay an administrative penalty of One
17 Thousand Dollars (\$1000.00) by certified check or money order made payable to the State of
18 Arizona Board of Technical Registration.

19 6. COST OF INVESTIGATION. Within Six (6) months from the effective date of this
20 Consent Agreement, Respondent shall pay the cost of investigation of this case to the Board in
21 the amount of Six Hundred Dollars (\$600.00) by certified check or money order made payable to
22 the State of Arizona Board of Technical Registration, according to the provisions of A.R.S. §
23 32-128(H).

24 7. OBEY ALL LAWS. During the probationary period, Respondent shall obey all
25 federal, state and local laws, as well as, all rules governing the practice of Land Surveying in the
26 State of Arizona. The Board shall consider any violation of this paragraph to be a separate
27 violation of the rules and statutes governing the Arizona Board of Technical Registration. The
28 Board may also consider Respondent's non-compliance with this Order as a separate violation of

1 A.R.S. § 32-150.

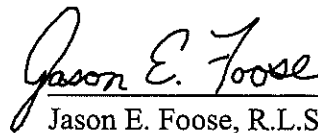
2 8. RENEWAL OF REGISTRATION. Respondent shall timely renew his Arizona
3 registration as a Registered Land Surveyor, and timely pay all required registration fees.

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

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

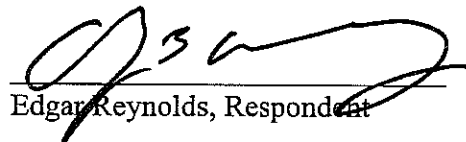
9 11. NONCOMPLIANCE. If Respondent violates this Order in any way or fails to
10 fulfill the requirements of this Order, the Board, after giving notice and the opportunity to be
11 heard, may revoke, suspend or take other disciplinary actions against the registration. The issue
12 at such a hearing will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

13
14 ACCEPTED and ORDERED this 26th day of August, 2019.

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17 Jason E. Foose, R.L.S., Chairman
18 Arizona State Board of
19 Technical Registration

20 Consent Agreement and Order, No. P19-038 accepted this 25th day of August, 2019.

21
22 
23 Edgar Reynolds, Respondent

1 ORIGINAL filed this 28 day of

2 August, 2019, with:

3 Arizona State Board of Technical Registration
4 1110 W. Washington, Suite 240
5 Phoenix, AZ 85007
6

7 COPY of the foregoing mailed via Certified Mail
8 No. 9214 8901 9434 4600 0604 22 and
9 First Class mail this 28 day of August, 2019, to:

10 Edgar Reynolds
11 1926 W. Calle Mecedora
12 Tucson, AZ 85745
13

14 By:  _____
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