



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 P24-042 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 Board staff, he may not revoke his acceptance  
22 of the Consent Agreement or make any modifications to the document regardless of  
23 whether the Consent Agreement has been signed on behalf of the Board. Any  
24 modification to this original document is ineffective and void unless mutually agreed by  
25 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2 Board does not approve this Consent Agreement, it is withdrawn and shall be of no  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 Professional Land Surveying in the State of Arizona.

18 2. Respondent is the holder of Arizona Land Surveyor Registration No. 53696.

19 3. On or about September 27, 2022, Respondent sealed an ALTA survey  
20 (“NAU – ALTA/NSPS Survey”) in Coconino County, Arizona.

21 4. On or about March 29, 2023, Respondent sealed a record of survey (“2009  
22 Chestnut Drive”).

23 5. On or about March 31, 2023, Respondent sealed a record of survey for minor  
24 land division (“Section 16 in Joseph City”).

25 6. On or about April 25, 2023, Respondent sealed six boundary surveys (“Lot  
26 #1”, “Lot #2”, “Lot #3”, “Lot #4”, “Lot #6”, “Lot #7”).

27 7. On or about October 23, 2023, the Board received a complaint that  
28 Respondent started a series of surveys for the City of Page for a large boundary survey

1 project, which were not completed when he resigned from his place of employment. It  
2 was also alleged that the surveys revealed a significant number of deficiencies and  
3 violations of the Board's rules and statutes.

4 8. All 9 surveys were provided to two Enforcement Advisory Committee  
5 ("EAC") members for review. Both case assessments found the following deficiencies:

6 A. "Lot 1"

- 7 I. No basis of bearings
- 8 II. No reference documents cited
- 9 III. No quarter corners shown
- 10 IV. Missing bearing and distance on west and south section lines
- 11 V. Legend and notes state "Monuments are to be set"
- 12 VI. Missing controlling monuments on west line of State Highway 89  
13 and State Route 98
- 14 VII. No record bearings or distances shown
- 15 VIII. Drawing is not recorded

16 B. "Lot 2"

- 17 I. No basis of bearings
- 18 II. No reference documents cited
- 19 III. Missing bearings and distances on numerous lines
- 20 IV. Legend and notes state "Monuments are to be set"
- 21 V. Missing controlling monuments on east and west line of State  
22 Highway 89 and State Route 98
- 23 VI. No record bearings or distances shown
- 24 VII. Drawing is not recorded

25 C. "Lot 3"

- 26 I. No basis of bearings
- 27 II. No reference documents cited
- 28 III. Missing bearings and distances on numerous lines

- 1           IV.     All quarter corners not shown
- 2           V.     Northeast corner Section 1 not shown
- 3           VI.     Missing controlling monuments on east and west lines of State
- 4                 Highway 89 and State Route 98
- 5           VII.    No record bearings or distances shown
- 6           VIII.   Drawing is not recorded
- 7     D. "Lot 4"
- 8           I.     No basis of bearings
- 9           II.    No reference documents cited
- 10          III.   Missing bearings and distances on numerous lines
- 11          IV.    All quarter corners not shown
- 12          V.     Missing controlling monuments on State Route 98 as well as most of
- 13                 Section 6
- 14          VI.    No record bearings or distances shown
- 15          V.     Drawing is not recorded
- 16     E. "Lot 6"
- 17          I.     No basis of bearings
- 18          II.    No reference documents cited
- 19          III.   Missing bearings and distances on numerous lines
- 20          IV.    Legend and notes state "Monuments are to be set"
- 21          V.     Section corners of Section 4 are shown as calculated
- 22          VI.    All quarter corners are not shown
- 23          VII.   Controlling monuments on east end of State Route 98 are shown but
- 24                 not dimensioned
- 25          VIII.   Drawing is not recorded
- 26     F. "Lot #7"
- 27          I.     No basis of bearings
- 28          II.    No reference documents cited

- 1 III. Missing bearings and distances on some lines
- 2 IV. Legend and notes state "Monuments are to be set"
- 3 V. All quarter corners are not shown
- 4 VI. Almost no controlling monuments shown
- 5 VII. Drawing is not recorded

6 G. "Section 16, Joseph City"

- 7 I. No basis of bearings
- 8 II. Point of commencement not shown
- 9 III. No description of monuments found on parcel depiction
- 10 IV. Date of survey not listed
- 11 V. Based on the record bearing

12 H. "2009 Chestnut Drive"

- 13 I. No basis of bearing
- 14 II. No references listed
- 15 III. Not enough information to reasonable interpret survey results
- 16 IV. Corners set based on record information
- 17 V. No found monuments shown
- 18 VI. No survey date listed

19 I. "NAU ALTA Survey"

- 20 I. No basis of bearing
- 21 II. Controlling monuments not shown
- 22 III. Not enough information for interpretation of survey relative to legal
- 23 descriptions
- 24 IV. Descriptions of found monuments not complete
- 25 V. Measured dimensions and bearings not shown.

26 9. Respondent acknowledged the deficiencies for all 9 sealed surveys as stated  
27 in the case assessments. He reported he sealed the surveys prior to his departure from the  
28 firm while the surveys were still incomplete and they were never intended to be

1 considered a final draft.

2 **CONCLUSIONS OF LAW**

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

4 2. The conduct alleged in the Findings of Fact constitutes grounds for discipline  
5 pursuant to A.R.S. § 32-128(C)(4) as it relates to A.A.C. R4-30-301(13), in that  
6 Respondent may have failed to conduct a land survey engagement in accordance with the  
7 Arizona Boundary Survey Minimum.

8 3. 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(6), in that  
10 Respondent may have failed to apply the appropriate technical knowledge and skill in the  
11 practice of a Board regulated profession.

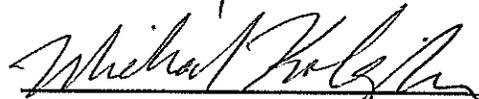
12 **ORDER**

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

15 1. **VOLUNTARY SURRENDER.** Respondent agrees to voluntarily surrender  
16 his Professional Land Surveyor Registration No. 53696 in lieu of a formal hearing.

17 2. **EFFECTIVE DATE.** The effective date of this Consent Agreement is the  
18 date the Respondent and Board sign the Consent Agreement. If the dates are different, the  
19 effective date is the later of the two dates.

20 ACCEPTED and ORDERED this 21 day of May, 2024.

21  
22   
23 Michael Kolejka, R.A., Chairman  
24 Arizona State Board of  
25 Technical Registration

26 Consent Agreement and Order, No. Case P24-042 accepted this 22<sup>nd</sup> day of  
April, 2024.

27  
28   
Andrew Klakulak, Respondent

1 ORIGINAL filed this 21<sup>st</sup> day of  
2 May, 2024, with:

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

6 COPY of the foregoing mailed via Certified Mail  
7 No. 9214 8901 9434 4600 0971 21 and  
8 First Class mail this 21<sup>st</sup> day of May, 2024, to:

9 Andrew Klakulak  
10 20995 W. White Rock  
11 Buckeye, AZ 85396

12  
13 By: Katelyn Crawford  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28