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

In the Matter of:

**Geoffrey Brimhall
Land Surveyor
Registration No. 33308**

Respondent

Case No.: P23-078

**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, Geoffrey Brimhall ("Respondent"), holder of Registration No. 33308, 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.

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RECITALS

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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.

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2. Respondent understands that he has a right to a public administrative hearing concerning this case and 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.

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

7 6. Respondent understands this Consent Agreement deals with Board case
8 number P23-078 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 understands that acceptance of this Consent Agreement does not
17 preclude any other agency, subdivision, or officer of this State from instituting any other
18 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. Respondent understands this Consent Agreement is subject to the approval of
27 the Board and is effective only when accepted by the Board and signed on behalf of the
28 Board. If the Board does not accept this Consent Agreement, the Board retains its

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2 event that the Board does not approve this Consent Agreement, it shall be withdrawn and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

7 11. Respondent understands if a court of competent jurisdiction rules that any
8 part of this Consent Agreement is void or otherwise unenforceable, the remainder of the
9 Consent Agreement 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 Professional Land Surveyor Registration
19 No. 33308, issued by the Board on January 12, 1999.

20 3. At all times relevant to the allegations of this Consent Agreement, Arizona
21 Professional Land Surveyor Registration No. 33308 was active.

22 4. In January of 2002, Respondent conducted a boundary survey of Lot 30 of
23 White Fence Farms in Pima County.

24 5. On or about January 23, 2023, Board staff received a complaint alleging that
25 Respondent did not record a survey map for Lot 30 of White Fence Farms with the Pima
26 County Recorder. It is also alleged that Respondent did not record any jobs before 2013.

27 6. On or about May 23, 2023, Respondent provided a written statement with the
28 following:

1 A. Respondent does not have a copy of the survey relating to Lot 30 of White
2 Fence Farms;

3 B. Respondent acknowledged that the survey in question was completed by
4 him and not properly recorded for unknown reasons. Respondent said that
5 the survey for this property was placed on a disc, which has since
6 deteriorated and is no longer readable.

7 7. Respondent acknowledged that some surveys may have not been recorded;
8 however, he no longer has access to such records.

9 **CONCLUSIONS OF LAW**

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

11 2. The conduct alleged in the Findings of Fact constitutes grounds for discipline
12 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-
13 301(4), in that Respondent may have failed to file a record of a land survey not later than
14 ninety days after its completion with the county recorder of the county where the land is
15 located if such survey establishes points or lines relating to land boundaries or property
16 lines.

17 **ORDER**

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

20 1. **LETTER OF REPRIMAND.** Respondent is hereby issued a Letter of
21 Reprimand.

22 2. **ADMINISTRATIVE PENALTY.** Within sixty (60) days from the
23 effective date of this Consent Agreement, Respondent shall pay an administrative penalty
24 of Five Hundred Dollars (\$500.00) by certified check or money order made payable to
25 the State of Arizona Board of Technical Registration.

26 3. **COST OF INVESTIGATION.** Within sixty (60) days from the effective
27 date of this Consent Agreement, Respondent shall pay the cost of investigation of this
28 case to the Board in the amount of One Hundred Seventy Dollars (\$178.00) by certified

1 check or money order made payable to the State of Arizona Board of Technical
2 Registration, according to the provisions of A.R.S. § 32-128(H).

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

9 5. RENEWAL OF REGISTRATION. Respondent shall timely renew their
10 Arizona registration as a Land Surveyor, and timely pay all required registration fees.

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

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

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

21 ACCEPTED and ORDERED this 28th day of July, 2024.

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24 Michael Kolejka, R.A., Chairman
25 Arizona State Board of
26 Technical Registration
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1 Consent Agreement and Order, No. P23-078 accepted this 24 day of
2 July, 2024.

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4 Geoffrey Brimhall, Respondent

5 ORIGINAL filed this 31 day of

6 July, 2024, with:

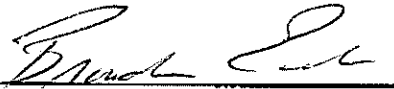
7 Arizona State Board of Technical Registration
8 1110 W. Washington, Suite 240
9 Phoenix, AZ 85007

10 COPY of the foregoing mailed via Certified Mail

11 No. 92148901943440009811 and

12 First Class mail this 31 day of July, 2024, to:

13 Geoffrey Brimhall
14 5102 W. Nighthawk Way
15 Tucson, Arizona 85742

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17 By: 
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