

1 **BEFORE THE ARIZONA STATE**
2 **BOARD OF TECHNICAL REGISTRATION**
3

4 **In the Matter of:**

5 **James Brucci**
6 **Land Surveyor**
7 **Registration No. 29865**

8 **Respondent**

Case No.: P24-002

CONSENT AGREEMENT
and
ORDER OF DISCIPLINE

9
10 In the interest of a prompt and judicious resolution of the above-captioned matter
11 before the Arizona State Board of Technical Registration (“Board”) and consistent with
12 the public interest, statutory requirements, and the responsibilities of the Board, and
13 pursuant to A.R.S. § 32-101 et seq., and A.A.C. R4-30-120(G), the undersigned party,
14 James Brucci (“Respondent”), holder of Registration No. 29865, and the Board enter into
15 the following Recitals, Findings of Fact, Conclusions of Law and Order (“Consent
16 Agreement”) as a final disposition of this matter.

17 **RECITALS**

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

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

28 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 P24-002 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 Land Surveyor Registration No. 29865,
19 issued by the Board on January 10, 1996.

20 3. At all times relevant to the allegations of this Consent Agreement, Arizona
21 Land Surveyor Registration No. 29865 was active.

22 4. On or about December 14, 2022, Respondent, through his firm, entered into a
23 written contract with a member of the public (“Client”) to produce a topographic survey
24 and a boundary survey of Client’s property in Phoenix, Arizona.

25 5. On or about January 31, 2023, Respondent prepared and sealed a topographic
26 survey for Client’s property.

27 6. On or about March 28, 2023, Respondent prepared and sealed a boundary
28 survey for Client’s property.

1 the following Order:

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

4 2. ADMINISTRATIVE PENALTY. Within Twelve (12) Months from the
5 effective date of this Consent Agreement, Respondent shall pay an administrative penalty
6 of One Thousand Five Hundred Dollars (\$1,500.00) by certified check or money order
7 made payable to the State of Arizona Board of Technical Registration.

8 3. COST OF INVESTIGATION. Within Twelve (12) Months from the
9 effective date of this Consent Agreement, Respondent shall pay the cost of investigation
10 of this case to the Board in the amount of One Hundred Seventy-Nine Dollars (\$179.00)
11 by certified check or money order made payable to the State of Arizona Board of
12 Technical Registration, according to the provisions of A.R.S. § 32-128(H).

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

19 5. RENEWAL OF REGISTRATION. Respondent shall timely renew his
20 Arizona registration as a Land Surveyor, and timely pay all required registration fees.

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

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

26 8. NONCOMPLIANCE. If Respondent violates this Order in any way or fails
27 to fulfill the requirements of this Order, the Board, after giving notice and the opportunity
28 to be heard, may revoke, suspend or take other disciplinary actions against the

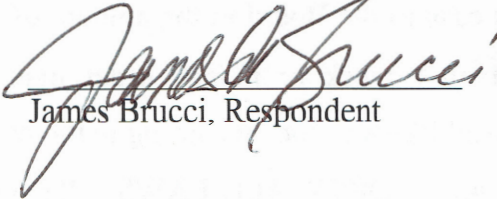
1 registration. The issue at such a hearing will be limited solely to whether this Order has
2 been violated.

3 ACCEPTED and ORDERED this 26th day of August, 2024.

4 

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6 Michael Kolejka, R.A., Chairman
7 Arizona State Board of
8 Technical Registration

9 Consent Agreement and Order, No. P24-002 accepted this 26th day of
10 AUGUST, 2024.

11 
12 James Brucci, Respondent
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1 **ORIGINAL** filed this 27th day of
2 August, 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 0983 88 and
8 First Class mail this 27th day of August, 2024, to:

9 James Brucci
10 8671 E Thomas Rd
11 Scottsdale, AZ
12 85251

13 By: *Daniel Carthel*

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