

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

3 **In the Matter of:**

4 **David Putt**
5 **Registered Land Surveyor**
6 **Registration No. 13019**

7 **Respondent**

Case No.: P23-093 & P23-112

CONSENT AGREEMENT
and
ORDER OF DISCIPLINE

8
9 In the interest of a prompt and judicious resolution of the above-captioned matter
10 before the Arizona State Board of Technical Registration (“Board”) and consistent with
11 the public interest, statutory requirements, and the responsibilities of the Board, and
12 pursuant to A.R.S. § 32-101 et seq., and A.A.C. R4-30-120(G), the undersigned party,
13 David Putt (“Respondent”), holder of Registration No. 13019, and the Board enter into
14 the following Recitals, Findings of Fact, Conclusions of Law and Order (“Consent
15 Agreement”) as a final disposition of this matter.

16 **RECITALS**

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

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

27 3. Respondent affirmatively agrees that this Consent Agreement shall be
28 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. 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 numbers P23-093 and P23-112 involving allegations that Respondent engaged in conduct
9 that would subject him to discipline under the Board's statutes and rules. The
10 investigation into these allegations against Respondent shall be concluded upon the
11 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,
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 Land Surveying in the State of Arizona.

18 2. Respondent is the holder of Arizona Land Surveyor Registration No. 13019,
19 issued by the Board on February 22, 1980.

20 3. At all times relevant to the allegations of this Consent Agreement, Arizona
21 Land Surveyor Registration No. 13019 was active.

22 **CASE NO. P23-093**

23 4. On or about December 1, 2005, Respondent conducted a boundary survey for
24 a minor land division in Pima County, Arizona.

25 5. On or about March 15, 2023, the Board received a complaint, which included
26 allegations that Respondent failed to record his Pima County boundary survey within 90
27 days as required.

28 6. On or about April 14, 2023, Respondent recorded his boundary survey with

1 the Pima County Recorder; approximately 18 years after Respondent conducted the
2 boundary survey.

3 7. On or about March 5, 2024, an Enforcement Advisory Committee (“EAC”)
4 meeting was convened to review the complaint filed against Respondent. During his
5 interview, Respondent acknowledged that he did not record his boundary survey with the
6 Pima County Recorder until April 14, 2023. The EAC Committee determined the
7 following:

8 A. Respondent failed to conduct a boundary survey in accordance with
9 the Arizona Boundary Survey Minimum Standards (“ABSMS”), in
10 that he failed to record his survey as required per ABSMS No. 13.

11 B. Respondent failed to record a record of land survey, which establishes
12 points or lines related to land boundaries of property lines, no later
13 than ninety days after its completion as required per A.R.S. § 33-
14 105(A)

15 **CASE NO. P23-112**

16 8. On or about October 7, 2014, Respondent prepared and sealed an ALTA
17 Survey for Block “C” of Willow Ridge Per Book 60, Page 22, being a portion of Section
18 25, Township 12 South, Range 12 East, Gila and Salt River Meridian in Pima County,
19 Arizona and failed to record the survey within Ninety (90) Days of completion.

20 9. On or about May 16, 2023, the Board received a complaint alleging that
21 Respondent prepared and sealed an ALTA Survey for Block “C” of Willow Ridge Per
22 Book 60, Page 22, being a portion of Section 25, Township 12 South, Range 12 East,
23 Gila and Salt River Meridian in Pima County, Arizona and failed to record the survey
24 within Ninety (90) days as required.

25 10. On or about May 25, 2023, Respondent recorded his boundary survey with
26 the Pima County Recorder; approximately 9 years after Respondent conducted the
27 boundary survey.
28

- 1 d. Pima County, Arizona, survey sequence No. 2023-2890367. The survey
2 is dated March 26, 2007, and was recorded over 16 years later on
3 October 16, 2023.
- 4 e. Pima County, Arizona, survey sequence No. 2023-2650136. The survey
5 is dated February 23, 2012, and was recorded over 11 years later on
6 September 22, 2023.
- 7 f. Pima County, Arizona, survey sequence No. 2023-2090548. The survey
8 is dated June 25, 2014, and was recorded over 9 years later on July 28,
9 2023.
- 10 g. Pima County, Arizona, survey sequence No. 2023-2090552. The survey
11 is dated November 4, 2014, and was recorded over 8 years later on July
12 28, 2023.
- 13 h. Pima County, Arizona, survey sequence No. 2023-2090556. The survey
14 is dated May 6, 2016, and was recorded over 7 years later on July 28,
15 2023.
- 16 i. Pima County, Arizona, survey sequence No. 2024-0610183. The survey
17 is dated February 14, 2017, and was recorded over 7 years later on
18 March 1, 2024.
- 19 j. Pima County, Arizona, survey sequence No. 2024-1010562. The survey
20 is dated February 16, 2018, and was recorded over 6 years later on April
21 10, 2024.
- 22 k. Pima County, Arizona, survey sequence No. 2023-2090481. The survey
23 is dated April 11, 2019, and was recorded over 4 years later on July 28,
24 2023.
- 25 l. Pima County, Arizona, survey sequence No. 2023-1350398. The survey
26 is dated October 13, 2020, and was recorded over 2 years later on May
27 15, 2023.
- 28 m. Pima County, Arizona, survey sequence No. 2024-0610177. The survey

1 is dated November 1, 2021, and was recorded over 2 years later on
2 March 1, 2024.

3 n. Pima County, Arizona, survey sequence No. 2023-2890549. The survey
4 is dated December 16, 2021, and was recorded over a year later on
5 October 16, 2023.

6 o. Pima County, Arizona, survey sequence No. 2023-2890376. The survey
7 is dated January 4, 2022, and was recorded over a year later on October
8 16, 2023.

9 p. Pima County, Arizona, survey sequence No. 2023-2090535. The survey
10 is dated January 20, 2022, and was recorded over a year later on July 28,
11 2023.

12 q. Pima County, Arizona, survey sequence No. 2023-2090491. The survey
13 is dated April 19, 2022, and was recorded over a year later on July 28,
14 2023.

15 **CONCLUSIONS OF LAW**

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

17 2. The conduct alleged in the Findings of Fact constitutes grounds for discipline
18 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-
19 301(4), in that Respondent, on nineteen separate land surveys, failed to file a record of a
20 land survey no later than Ninety (90) days after its completion with the county recorder
21 of the county where the land is located if such survey establishes points or lines relating
22 to land boundaries or property lines.

23 **ORDER**

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

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

28 2. ADMINISTRATIVE PENALTY. Within Twelve (12) Months from the

1 effective date of this Consent Agreement, Respondent shall pay an administrative penalty
2 of One Thousand Dollars (\$1,000.00) by certified check or money order made payable to
3 the State of Arizona Board of Technical Registration.

4 3. COST OF INVESTIGATION. Within Twelve (12) Months from the
5 effective date of this Consent Agreement, Respondent shall pay the cost of investigation
6 of this case to the Board in the amount of Two Hundred and Three Dollars (\$203.00) by
7 certified check or money order made payable to the State of Arizona Board of Technical
8 Registration, according to the provisions of A.R.S. § 32-128(H).

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

15 5. RENEWAL OF REGISTRATION. During the probationary period,
16 Respondent shall timely renew his Arizona registration as a Registered Land Surveyor,
17 and timely pay all required registration fees.

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

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

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

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1 ACCEPTED and ORDERED this 12th day of September, 2024.

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3 _____
4 Michael Kolejka, R.A., Chairman
5 Arizona State Board of
6 Technical Registration

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8 Consent Agreement and Order, No. P23-093 & P23-112 accepted this 9th day of
9 September, 2024.

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12 David Putt, Respondent
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1 **ORIGINAL** filed this 12th day of
2 September, 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 0986 47 and
8 First Class mail this 12th day of September, 2024, to:

9 David Putt
10 510 N. Placita Mira
11 Tucson, AZ 85711

12
13 By: *Daniel Carthel*

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