

R G U L A T I V E
OCT 01 2024
B.T.R.

BEFORE THE ARIZONA STATE
BOARD OF TECHNICAL REGISTRATION

In the Matter of:

Gerard Gomez
Non-Registrant

Respondent

Case No.: P24-065

CONSENT AGREEMENT
and
ORDER OF DISCIPLINE

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, Gerard Gomez, Non-Registrant, (“Respondent”) 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
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 P24-065 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 profession of Land Surveying in the State of Arizona.

18 2. Respondent is not currently registered with the Board as a Land Surveyor,
19 nor was he registered with the Board as a Registered Land Surveyor at any time relevant
20 to the allegations underlying this Consent Agreement.

21 3. In or around May 2021, Respondent entered into a verbal agreement via
22 phone with A&E Design Services to perform a topographic survey for a new house build
23 in Fountain Hills, Arizona.

24 4. In or around May of 2021, Respondent conducted and created a topographic
25 survey in Fountain Hills, Arizona, which was provided to A&E Design Services via
26 email based on the verbal agreement.

27 5. On or about September 9, 2021, Respondent emailed the completed
28 topographic survey to Saif Engineering, LLC, which was later used in the production of

1 engineering documents for the residential project in Fountain Hills, AZ.

2 6. On or about January 22, 2024, Board staff opened a complaint alleging that
3 Respondent prepared a land survey in Fountain Hills, Arizona without registration with
4 the Board.

5 7. On or about January 25, 2024, Respondent acknowledged the following:

- 6 a. A&E Design entered into a verbal agreement with Respondent to
7 complete a topographic survey in 2021,
8 b. Respondent performed and completed the topographic survey for a
9 residential project in Fountain Hills, AZ in 2021,
10 c. During this project in 2021, Respondent was not a Registered Land
11 Surveyor.
12 d. Respondent is currently working as a bonafide employee under a
13 Registered Land Surveyor and a registered firm.

14 8. On or about May 20, 2024, Board staff provided the topographic survey to
15 two Enforcement Advisory Committee ("EAC") members for review. Both EAC
16 members confirmed that the document created by Respondent would be considered a land
17 survey with topography.

18 CONCLUSIONS OF LAW

19 1. The Board has jurisdiction in this matter pursuant to A.R.S. § 32-101, et seq,
20 including A.R.S. § 32-106.02(A).

21 2. The conduct alleged in the Findings of Fact, constitutes grounds for
22 discipline pursuant to A.R.S. § 32-106.02(A), A.R.S. § 32-121, and A.R.S § 32-145(1) in
23 that Respondent may have practiced a Board-regulated profession without Board
24 registration.

25 ORDER

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

- 28 1. CIVIL PENALTY. Within Six (6) months from the effective date of this

1 Consent Agreement, Respondent shall pay a civil penalty of One Thousand Dollars
2 (\$1,000.00) by certified check or money order made payable to the State of Arizona
3 Board of Technical Registration, according to the provisions of A.R.S. § 32-106.02(A).

4 2. COST OF INVESTIGATION. Within Six (6) months from the effective date
5 of this Consent Agreement, Respondent shall pay the cost of investigation of this case to
6 the Board in the amount of Fifty One Dollars (\$51.00) by certified check or money order
7 made payable to the State of Arizona Board of Technical Registration, according to the
8 provisions of A.R.S. § 32-128(H).

9 3. OBEY ALL LAWS. Respondent shall obey all federal, state and local laws,
10 related to the practice of Land Surveying in the State of Arizona. The Board shall
11 consider any violation of this paragraph to be a separate violation of the statutes
12 governing the Arizona Board of Technical Registration.

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

16 5. COSTS OF COMPLIANCE. Respondent shall pay all costs associated with
17 complying with this Consent Agreement.

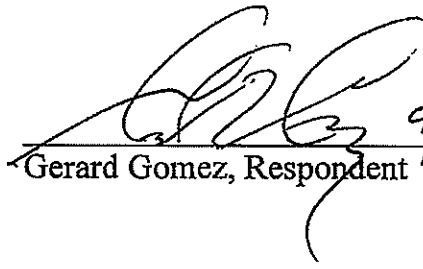
18 6. NONCOMPLIANCE. If Respondent fails to fulfill any requirement of this
19 Order, the Board may seek any available legal remedy including filing a Petition for
20 Injunction in the appropriate court pursuant to A.R.S. § 32-106.01.

21 ACCEPTED and ORDERED this 4th day of October, 2024.

22 

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


27 Consent Agreement and Order, No. P24-065 accepted this 27 day of
28 September, 2024.

 9/27/24
Gerard Gomez, Respondent

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2
3 ORIGINAL filed this 7th day of
4 October, 2024, with:

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

8 COPY of the foregoing mailed via Certified Mail
9 No. 9214 8907 9734 4600 0989 68 and
10 First Class mail this 7th day of October, 2024, to:

11 Gerard Gomez
12 5145 N. 32nd Place 5141  9/27/24
13 Phoenix, AZ 85018

14 By: Kaitlyn Crawford
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