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

In the Matter of:

**Melvin Bautista
Land Surveyor
Registration No. 13969**

Respondent

Case No.: P24-039

**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, Melvin Bautista ("Respondent"), holder of Registration No. 13969, 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 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.

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 P24-039 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. 13969,
19 issued by the Board on July 31, 1981.

20 3. At all times relevant to the allegations of this Consent Agreement, Arizona
21 Land Surveyor Registration No. 13969 was active.

22 4. At all times relevant to the allegations of this Consent Agreement,
23 Respondent was the registered principal of Wood River Consulting, Firm Registration
24 No. 22999, ("Respondent Firm").

25 5. On or about October 14, 2023, Respondent reviewed, signed, and affixed his
26 professional seal to a survey map that was prepared by non-registrant members of
27 Respondent Firm for a client in Fountain Hills, Arizona.

28 A. Respondent failed to apply the appropriate technical knowledge and skill

1 in that he did not adequately verify the survey data before approving and
2 sealing the survey map, which contained incorrect contour lines due to a
3 missed brake line.

4 B. Respondent failed to conduct a land boundary survey in accordance with
5 the Arizona Boundary Survey Minimum Standards (“ABSMS”) in that:

6 I. Respondent failed to reflect a sufficient effort to locate existent
7 physical evidence that affects the location of the surveyed
8 boundary, as required by ABSMS No. 4.

9 II. The survey map showed a monument at the most southerly corner
10 of the property without a registrant’s number attached as required
11 by ABSMS No. 8B.

12 III. Respondent failed to include sufficient curve data in the survey as
13 required by ABSMS No. 12B.

14 IV. Respondent failed to record the survey with the jurisdictional
15 county recorder’s office as required by ABSMS No. 13.

16 V. Although the survey map was reportedly intended as a topographic
17 survey map, it contained land boundary data and was therefore
18 subject to the ABSMS requirements.

19 **CONCLUSIONS OF LAW**

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

21 2. The conduct alleged in the Findings of Fact constitutes grounds for discipline
22 pursuant to A.R.S. § 32-128(C)(4) as it relates to A.A.C. R4-30-301(6), in that
23 Respondent failed to apply the appropriate technical knowledge and skill in the practice
24 of a Board regulated profession.

25 3. The conduct alleged in the Findings of Fact constitutes grounds for discipline
26 pursuant to A.R.S. § 32-128(C)(4) as it relates to A.A.C. R4-30-301(13), in that
27 Respondent failed to conduct a land boundary survey in accordance with the Arizona
28 Boundary Survey Minimum Standards (“ABSMS”).

1 **ORDER**

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

4 1. LETTER OF REPRIMAND. Respondent is hereby issued a Letter of
5 Reprimand.

6 2. ADMINISTRATIVE PENALTY. Within Twelve (12) Months from the
7 effective date of this Consent Agreement, Respondent shall pay an administrative penalty
8 of Three Hundred Seventy Five Dollars (\$375.00) for each of the two violations for a
9 total administrative penalty amount of Seven Hundred Fifty Dollars (\$750.00), with
10 payment to be made by certified check or money order made payable to the State of
11 Arizona Board of Technical Registration.

12 3. COST OF INVESTIGATION. Within Twelve (12) Months from the
13 effective date of this Consent Agreement, Respondent shall pay the cost of investigation
14 of this case to the Board in the amount of Two Hundred Forty Dollars (\$240.00) by
15 certified check or money order made payable to the State of Arizona Board of Technical
16 Registration, according to the provisions of A.R.S. § 32-128(H).

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

23 5. RENEWAL OF REGISTRATION. Respondent shall timely renew his
24 Arizona registration as an Arizona Land Surveyor, and timely pay all required
25 registration fees.

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

1 **ORIGINAL** filed this 30th day of

2 January, 2025, 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 1005 93 and

8 First Class mail this 30th day of January, 2025, to:

9 Melvin Bautista
10 4210 E. Kiowa St.
11 Phoenix, AZ 85044

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13
14 By: *Daniel Carthel*