

BEFORE THE ARIZONA STATE BOARD OF TECHNICAL REGISTRATION

In the Matter of: Enrique Olivares Alarm Controlling Person Registration No. 58669 Respondent

Case No.: AL16-001

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, Enrique Olivares ("Respondent"), holder of Registration No. 58669, 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 (as defined in A.R.S. § 41-158.18) upon acceptance by the Board of this
6 Consent Agreement 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 AL16-001 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 the Board's Executive Director, he may not
22 revoke his acceptance of the Consent Agreement or make any modifications to the
23 document regardless of whether the Consent Agreement has been signed on behalf of the
24 Board. Any modification to this original document is ineffective and void unless
25 mutually agreed by 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 Alarms and Controlling Persons in the State of Arizona.

18 2. Respondent is the holder of Alarm Controlling Person Certification No.
19 58669.

20 3. Respondent's Controlling Person Certification #58669, became invalid on
21 October 16, 2014, after Respondent failed to submit his fingerprint background check fee
22 to the Board as required. Notice of Respondent's responsibility to comply with this
23 requirement was sent to Respondent's address of record with the Board on September 17,
24 2014.

25 4. On January 15, 2015, Certification #58669 was placed in a delinquent status.

26 5. Between October 16, 2014 and August 13, 2015, Respondent acted as
27 Controlling Person for APL Access and Security Inc. on an invalid Controlling Person
28 certification.

1 **CONCLUSIONS OF LAW**

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

3 2. The conduct alleged in the Findings of Fact, paragraphs 3 thru 5, constitutes
4 grounds for discipline under A.R.S. § 32-128 (C)(4) as it relates to A.R.S. § 32-
5 122.05(A) (requirement to pay fingerprint background check fee) and A.R.S. § 32-
6 127(D) (practice or offer to practice with an invalid or inactive certificate).

7 **ORDER**

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

10 1. LETTER OF REPRIMAND. Respondent is hereby issued a Letter of
11 Reprimand.

12 2. ADMINISTRATIVE PENALTY. Within Three (3) months from the
13 effective date of this Consent Agreement, Respondent shall pay an administrative penalty
14 of One Hundred Fifty Dollars (\$150.00) by certified check or money order made payable
15 to the State of Arizona Board of Technical Registration. Monthly payments of Fifty
16 (\$50.00) Dollars shall be made to the Board on the first of each month.


17 3. COST OF INVESTIGATION. Within Three (3) months from the effective
18 date of this Consent Agreement, Respondent shall pay the cost of investigation of this
19 case to the Board in the amount of Three Hundred Dollars (\$300.00) by certified check or
20 money order made payable to the State of Arizona Board of Technical Registration,
21 according to the provisions of A.R.S. § 32-128(H). Monthly payments of One Hundred
22 (\$100.00) Dollars shall be made to the Board on the first of each month.

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

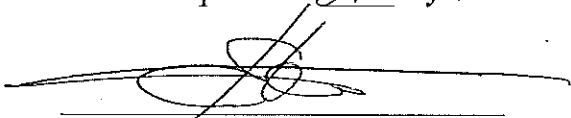
26 5. COSTS OF COMPLIANCE. Respondent shall pay all costs associated
27 with complying with this Consent Agreement.
28

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

6 ACCEPTED and ORDERED this 21st day of September, 2015.

7
8 
9 Edward T. Marley, Chairman
10 Arizona State Board of
11 Technical Registration

12 Consent Agreement and Order, No. AL16-001 accepted this 27th day of
13 August, 2015.

14 
15 Enrique Olivares, Respondent

16 ORIGINAL filed this 29 day of
17 SEPTEMBER, 2015, with:

18 Arizona State Board of Technical Registration
19 1110 W. Washington, Suite 240
20 Phoenix, AZ 85007

21 COPY of the foregoing mailed via Certified Mail
22 No. 7017 1200 0000 6616 3654 and
23 First Class mail this 30 day of SEPTEMBER, 2015, to:

24 Enrique Olivares
25 115 S. Williams Dillard Dr.
26 Gilbert, AZ 85233

27 By: D. [Signature]
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