

BEFORE THE ARIZONA STATE  
BOARD OF TECHNICAL REGISTRATION

In the Matter of:  
Shadow Surveillance, L.L.C.  
Non-Registrant  
Respondent

Case No.: AL16-003

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, Shadow Surveillance, L.L.C., 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 (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 AL16-003 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 Alarm Business in the State of Arizona.

18 2. Respondent is not registered with the Board as an Alarm Business.

19 3. On December 17<sup>th</sup>, 2015, the Board received a complaint alleging that the  
20 Respondent was offering or providing Board regulated alarm services without the benefit  
21 of Board registration by advertising alarm monitoring services through an email sent to  
22 the Allegor on or about December 3, 2015, and through its website.

23 4. On January 4<sup>th</sup>, 2016, Board staff reviewed the Respondent website Shadow  
24 Surveillance usa.com which advertised to the public that Respondent is an alarm  
25 monitoring service.

26 5. On January 7<sup>th</sup>, 2016, the Board received Respondent response to the  
27 allegations. In their response, Respondent admitted that they did not register with the  
28 Board and have been in the alarm monitoring business since 2013. Respondent further

1 related they would register immediately.

2 6. The Respondent did register with the Board on January 12<sup>th</sup>, 2016.

3 **CONCLUSIONS OF LAW**

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

6 2. The conduct alleged in the Findings of fact constitutes grounds for discipline  
7 pursuant to A.R.S. 32-121 in that Respondent practiced a Board regulated  
8 occupation without first securing a certificate or registration with the Board.

9 3. The conduct alleged in the Findings of fact constitutes grounds for  
10 discipline pursuant to A.R.S. 32-141(A) in that Respondent firm practiced a Board  
11 regulated occupation without Board registration.

12 4. The conduct alleged in the Findings of fact constitutes grounds for discipline  
13 pursuant to A.R.S. 32-122.05(A), in that Respondent operated an Alarm Business without  
14 Alarm Business certification from the Board.

15 **ORDER**

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

18 1. ASSURANCE OF DISCONTINUANCE. Respondent shall not practice, offer  
19 to practice, or by any implication hold itself out as qualified to practice Alarm Business  
20 as defined by A.R.S. § 32-101(B)(4) until such time as the Respondent is registered by  
21 the Board and is in full compliance with the Board's Statutes and Rules

22 2. CIVIL PENALTY. Within Sixty (60) days from the effective date of this  
23 Consent Agreement, Respondent shall pay a civil penalty of Five Hundred Dollars  
24 (\$500.00) to be submitted to the Board by cashier's check or money order made payable  
25 to the Arizona State Board of Technical Registration, according to the provisions of  
26 A.R.S. § 32-106.02(A).

27 3. COST OF INVESTIGATION. Within Sixty (60) days from the effective date  
28 of this Consent Agreement, Respondent shall pay the cost of investigation of this case to

1 the Board in the amount of One Hundred and Ninety Six Dollars (\$196.00) by certified  
2 check or money order made payable to the State of Arizona Board of Technical  
3 Registration, according to the provisions of A.R.S. § 32-128(H).

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

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

9 ACCEPTED and ORDERED this 23<sup>rd</sup> day of FEBRUARY, 2016.

10  
11 E. Leroy Brady  
12 E. Leroy Brady, Chairman  
13 Arizona State Board of  
14 Technical Registration

15 Consent Agreement and Order, No. AL16-003 accepted this 12 day of  
16 F, 2016.

17 Wade Gibson  
18 Wade Gibson, on behalf of  
19 Respondent firm

20 ORIGINAL filed this 23 day of  
21 FEBRUARY, 2016, with:

22 Arizona State Board of Technical Registration  
23 1110 W. Washington, Suite 240  
24 Phoenix, AZ 85007

25 COPY of the foregoing mailed via Certified Mail  
26 No. 7015 1660 0000 1489 5290 and  
27 First Class mail this 24 day of FEBRUARY, 2016, to:

28 Shadow Surveillance L.L.C.  
12637 W. Del Rio Lane  
Avondale, AZ 85323

BY: D. Kraemer