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

RECEIVED
FEB 25 2016
B.T.R.

In the Matter of:
James P. Godfrey
Non-Registrant
JPG Security Consulting, LLC
Non-Registrant Alarm Business
Respondents

Case No.: AL16-006

**CONSENT AGREEMENT
and
ORDER OF DISCIPLINE**

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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, James P. Godfrey, Non-Registrant, ("Respondent") and JPG Security Consulting, LLC, Non-Registrant Alarm Business ("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.

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RECITALS

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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.

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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.

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3. Respondent affirmatively agrees that this Consent Agreement shall be

1 irrevocable.

2 4. Respondent understands that this Consent Agreement or any part of the
3 agreement may be considered in any future disciplinary action by the Board against him.

4 5. The Consent Agreement, any record prepared in this matter, all investigative
5 materials prepared or received by the Board and all related exhibits and materials, are
6 public records (as defined in A.R.S. § 41-158.18) upon acceptance by the Board of this
7 Consent Agreement and may be retained in the Board's files pertaining to this matter.

8 6. Respondent understands this Consent Agreement deals with Board case
9 number AL16-006 involving allegations that Respondent engaged in conduct that would
10 subject him to discipline under the Board's statutes and rules. The investigation into
11 these allegations against Respondent shall be concluded upon the Board's adoption of
12 this Consent Agreement.

13 7. Respondent understands that this Consent Agreement does not constitute a
14 dismissal or resolution of any other matters currently pending before the Board, if any,
15 and does not constitute any waiver, express or implied, of the Board's statutory authority
16 or jurisdiction regarding any other pending or future investigation, action or proceeding.

17 8. Respondent also understands that acceptance of this Consent Agreement does
18 not preclude any other agency, subdivision, or officer of this State from instituting any
19 other civil or criminal proceedings with respect to the conduct that is the subject of this
20 Consent Agreement.

21 9. Respondent acknowledges and agrees that, upon signing this Consent
22 Agreement and returning this document to the Board's Executive Director, he may not
23 revoke his acceptance of the Consent Agreement or make any modifications to the
24 document regardless of whether the Consent Agreement has been signed on behalf of the
25 Board. Any modification to this original document is ineffective and void unless
26 mutually agreed by the parties in writing.

27 10. This Consent Agreement is subject to the approval of the Board and is
28 effective only when accepted by the Board and signed on behalf of the Board. If the

1 Board does not accept this Consent Agreement, the Board retains its authority to hold a
2 formal administrative hearing pursuant to A.R.S. § 32-128(E). In the event that the
3 Board does not approve this Consent Agreement, it is withdrawn and shall be of no
4 evidentiary value and shall not be relied upon nor introduced in any action by any party,
5 except that the parties agree that should the Board reject this Consent Agreement and this
6 case proceeds to hearing, Respondent shall assert no claim that the Board was prejudiced
7 by its review and discussion of this document or any records relating thereto.

8 11. If a court of competent jurisdiction rules that any part of this Consent
9 Agreement is void or otherwise unenforceable, the remainder of the Consent Agreement
10 shall remain in full force and effect.

11 12. Respondent understands that any violation of this Consent Agreement may
12 result in disciplinary action, including suspension or revocation of the registration under
13 A.R.S. § 32-150.

14 13. Respondent agrees that the Board will adopt the following Findings of Fact,
15 Conclusions of Law and Order.

16 **FINDINGS OF FACT**

17 1. The Board is the duly constituted authority for the regulation and control of
18 the occupation of Alarm Agent in the state of Arizona.

19 2. The Board is the duly constituted authority for the regulation and control of
20 the practice of Alarm Business in the state of Arizona.

21 3. Respondent is not licensed with the Board as an Alarm Agent.

22 4. Respondent Alarm Business (JPG Security Consulting, LLC) is not licensed
23 with the Board.

24 5. On January 14, 2016 Board staff received a complaint alleging that the
25 Respondent was selling home alarm systems thru his company JPG Security Consulting,
26 LLC, without the benefit of Board licensure.

27 6. On January 15, 2016 Board staff observed the Respondent in booth #3006 at
28 the Arizona Home and Garden Show in Phoenix AZ displaying advertisements for alarm

1 sales. In conversation with the Respondent, he made arrangements to set up an in home
2 visit with Board staff to sell an alarm system.

3 7. On February 7, 2016 Board staff received Respondent written response to
4 the allegations. In his response, Respondent stated that he was under the belief that as
5 long as he was operating under the direct supervision of an alarm agent he did not have to
6 obtain licensure.

7 8. On February 8, 2016 Board staff met with Respondent and his Attorney.
8 During the meeting the Respondent stated he was incorrect in his belief that he did not
9 have to obtain licensure with the Board. The Respondent stated he will obtain licensure
10 immediately with the Board. The Respondent stated that he has been selling residential
11 alarm systems since 2013.

12 CONCLUSIONS OF LAW

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

15 2. The conduct alleged in the Findings of Fact, constitutes grounds for
16 discipline pursuant to A.R.S. § 32-121, in that Respondent practiced the occupation
17 Alarm Agent without first securing licensure with the Board.

18 3. The conduct alleged in the findings of Fact, constitutes grounds for
19 discipline pursuant to A.R.S. § 32-141(A) in that Respondent Alarm Business practiced a
20 Board regulated occupation without Board licensure.

21 4. The conduct alleged in the Findings of Fact constitutes grounds for discipline
22 pursuant to A.R.S. § 32-122.05(A), in that Respondent operated an Alarm Business
23 without Alarm Business certification from the Board.

24 ORDER

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

27 1. ASSURANCE OF DISCONTINUANCE. In accordance with A.R.S. § 32-
28 122.06(C), and until such time as Respondent becomes licensed by the Board,

1 Respondent shall not engage in any practice defined by A.R.S. § 32-101(B) (3) unless
2 done so under the direct supervision of a certified Alarm Agent. Respondent's
3 supervising certified Alarm Agent shall be present at all times during which Respondent
4 is engaged in any activity defined in A.R.S. § 32-101(B) (3).

5 If during the Board application process, Respondent fails to qualify for licensure as an
6 Alarm Agent, Respondent shall not practice, offer to practice, or by any implication hold
7 himself out as qualified to practice as an Alarm Agent as defined by A.R.S.32-101(B) (3)
8 until such time as the Respondent is licensed by the Board and is in full compliance with
9 the Board statutes and rules.

10 Respondent Alarm Business shall not practice, offer to practice or by any implication
11 hold itself out as a qualified to practice as an Alarm Business as defined by A.R.S. 32-
12 101(B) (4) until such time as the Respondent Alarm Business is licensed by the Board
13 and is in full compliance with the Board's statutes and rules.

14 2. CIVIL PENALTY. Within Ninety (90) days from the effective date of this
15 Consent Agreement, Respondent shall pay a civil penalty of Two Thousand Dollars
16 (\$2,000.00) to the Board by cashier's check or money order made payable to the Arizona
17 State Board of Technical Registration, according to the provisions of A.R.S. § 32-
18 106.02(A).

19 3. COST OF INVESTIGATION. Within sixty (60) days from the effective date
20 of this Consent Agreement, Respondent shall pay the cost of investigation of this case to
21 the Board in the amount of Two Hundred and Forty Dollars. (\$240.00) by certified check
22 or money order made payable to the State of Arizona Board of Technical Registration,
23 according to the provisions of A.R.S. § 32-128(H).

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

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

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2 ACCEPTED and ORDERED this 22 day of MARCH, 2016.

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4 E. Leroy Brady
5 E. Leroy Brady, Chairman
6 Arizona State Board of
7 Technical Registration

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9 Consent Agreement and Order, No. AL16-006 accepted this 22nd day of
10 FEBRUARY, 2016.

11 James P. Godfrey
12 James P. Godfrey, Respondent
13 JPG Security Consulting, LLC,
14 Respondent Alarm Business

15 ORIGINAL filed this 22 day of
16 MARCH, 2016, with:

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

20 COPY of the foregoing mailed via Certified Mail
21 No. 7015 1660 0000 1489 5405 and
22 First Class mail this 25 day of MARCH, 2016, to:

23 James P. Godfrey
24 6590 S. Cartier Dr.
25 Gilbert, AZ 85298

26 By: J. Primmer