



BEFORE THE ARIZONA STATE BOARD OF TECHNICAL REGISTRATION

In the Matter of:
Arcom Security, Inc.
Non-Registrant
Respondent

Case No.: AL16-009

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, Arcom Security, Inc., 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 AL16-009 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 Alarm Business (Arcom Security, Inc.) is not registered with the  
19 Board.

20 3. On March 4, 2016, Board staff received a complaint alleging that Respondent  
21 was offering to provide alarm services by displaying advertisements for alarm services  
22 through the website of Arcom Security, Inc. and by displaying signs, without Alarm  
23 Agent or Controlling Person registration with the Board..

24 4. On March 25, 2016 Board staff received Respondent written response to the  
25 allegations. In their response, Respondent stated that the company had recently  
26 undergone a change in management and as a resulting in an oversight in not obtaining  
27 Alarm Business licensure from the Board. Respondent further stated that immediately  
28 upon notice, they applied for licensure and have shut down their website until they are in

1 compliance with Board rules and statutes.

2 **CONCLUSIONS OF LAW**

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

5 2. The conduct alleged in the Findings of Fact, constitutes grounds for  
6 discipline pursuant to A.R.S. § 32-121, in that Respondent practiced, or offered to  
7 practice, the occupation Alarm Business without first securing licensure with the Board.

8 3. The conduct alleged in the findings of fact, constitutes grounds for discipline  
9 pursuant to A.R.S. 32-141) (A) in that Respondent Alarm Business practiced, or offered  
10 to practice, a Board regulated occupation without Board licensure.

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

14 **ORDER**

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

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

21 2. CIVIL PENALTY. Within Ninety (90) days from the effective date of this  
22 Consent Agreement, Respondent shall pay a civil penalty of One Thousand Dollars  
23 (1000.00), to the Board by cashier's check or money order made payable to the Arizona  
24 State Board of Technical Registration, according to the provisions of A.R.S. § 32-  
25 106.02(A).

26 3. COST OF INVESTIGATION. Within Sixty (60) days from the effective date  
27 of this Consent Agreement, Respondent shall pay the cost of investigation of this case to  
28 the Board in the amount of One Hundred and Sixty Dollars (\$160.00), by certified check

1 or money order made payable to the State of Arizona Board of Technical Registration,  
2 according to the provisions of A.R.S. § 32-128(H).

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

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

8 ACCEPTED and ORDERED this 26<sup>th</sup> day of April, 2016.

9  
10 E. Leroy Brady  
11 E. Leroy Brady, Chairman  
12 Arizona State Board of  
13 Technical Registration

14 Consent Agreement and Order, No. AL16-009 accepted this 12 day of  
15 April, 2016.<sup>x</sup>

16 J. Harsha  
17 <sup>x</sup> James R. Harsha, on behalf of  
18 Respondent Alarm Business

19 ORIGINAL filed this 26 day of  
20 April, 2016, with:

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

24 COPY of the foregoing mailed via Certified Mail  
25 No. 7015 3010 0000 3864 7573 and  
26 First Class mail this 3 day of MAY, 2016, to:

27 Arcom Security  
28 10651 N. cave Creek Rd, Ste. A  
Phoenix, AZ 85020

By: J. Harsha