

1
2
3
4
5
6
7
8
9

**BEFORE THE ARIZONA STATE
BOARD OF TECHNICAL REGISTRATION
IN THE OFFICE OF ADMINISTRATIVE HEARINGS**

In the Matter of:

NATHANIEL B. STEVENS
Alarm Agent No. 57304

Respondent;

) Case No. AL17-007

)
) **FINDINGS OF FACT,**
) **CONCLUSIONS OF LAW**
) **AND ORDER**

10 This matter came before the Arizona Board of Technical Registration ("Board") on
11 September 24, 2019. Nathaniel Stevens ("Respondent") was not present and was not represented
12 by an attorney. Assistant Attorney General Deanie Reh appeared on behalf of the State. The
13 Board received independent legal advice from Assistant Attorney General Marc Harris. After
14 hearing evidence and arguments from the State, the Board issues 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 the practice
18 of alarm agents, controlling persons, and alarm firms. ARS § 32-101, et seq.
- 19 2. Respondent, Nathaniel B. Stevens, holds Board-issued, delinquent Arizona Alarm Agent
20 Registration No. 57304.
- 21 3. The Board granted Respondent alarm agent certification number 57304 on February 7,
22 2014.
- 23 4. On May 18, 2016, the Board received Respondent's application for the renewal of his
24 alarm agent certificate. On the renewal application, Respondent answered 'no' to the following
25 questions: "Have you been convicted of a misdemeanor other than a minor traffic offence?" and
26 "Have you been convicted of a felony?"
- 27 5. Before granting the certificate renewal, Board staff conducted a public records search of
28 Respondent and learned that the Goodyear Arizona Municipal Court had issued a "Failed to

1 Appear” arrest warrant for Respondent on or about January 15, 2016, which was related to a
2 citation he had received for driving on a suspended/revoked/cancelled driver’s license on
3 December 8, 2015, which, upon conviction, is a Class 1 Misdemeanor pursuant to ARS §28-
4 3473.

5 6. Board staff also learned during that public records search that the Phoenix Arizona
6 Municipal Court issued a “Failed to Appear” arrest warrant for Respondent on or about April 4,
7 2016, which was related to a citation he had received for driving on a
8 suspended/revoked/cancelled driver’s license on September 11, 2015, which, upon conviction, is
9 a Class 1 Misdemeanor pursuant to ARS § 28-3473.

10 7. Board staff also learned during the public records search that on March 23, 2011,
11 Respondent had been “convicted by plea” in Hamilton County, Ohio, for the criminal charge of
12 Possession of Drugs (the “Ohio Charge”), although it wasn’t clear from the record whether the
13 conviction was for a misdemeanor or felony. Under Ohio Rev. Code Ann. § 2925.11, it appears
14 that the charge of possession of drugs may be either a felony or misdemeanor, depending on the
15 amount of drugs possessed.

16 8. Board staff opened this complaint in October 2016, and sent Respondent notice of it,
17 along with a request for him to provide to the Board by November 5, 2016, the underlying court
18 records and documents related to these public record searches to conclusively determine the
19 nature and disposition of the referenced charges. Respondent failed to respond to the Board’s
20 requests.

21 9. To date, it is unknown whether Respondent answered the charges of “Failure to Appear”
22 or the citation for driving on a suspended/revoked/cancelled license in Goodyear and Phoenix,
23 Arizona. It is also unknown why Respondent neglected to disclose his conviction for possession
24 of drugs.

1 **CONCLUSIONS OF LAW**

2 10. In view of the fact that the Ohio Charge was either a misdemeanor or a felony,
3 Respondent is subject to discipline pursuant to A.R.S. §32-128(C)(1) for committing fraud or
4 misrepresentation in attempting to obtain the renewal of his alarm agent certificate when he
5 answered 'no' to either the question regarding whether he had been convicted of a felony or the
6 question whether he had been convicted of a misdemeanor other than a minor traffic violation.

7 11. In addition, the conduct alleged above constitutes ground for discipline pursuant to
8 A.R.S. § 32-128(C)(4), in that Respondent violated board rule A.A.C. R4-30-101(12),
9 subsections (c), (e) and (h), and demonstrated his lack of good moral character and repute, which
10 is required to maintain his alarm agent certificate, when he dishonestly answered 'no' to one or
11 both of the conviction questions.

12 12. Finally, the conduct alleged above constitutes grounds for discipline pursuant to A.R.S. §
13 32-128(C)(4), in that Respondent violated board rule A.A.C. R4-30-101(16) when he refused to
14 respond fully to the Board's inquiry related to his criminal history.

15 **ORDER**

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

18 1. **REVOCATION OF REGISTRATION.** As of the effective date of this Order,
19 Respondent's Arizona Registered Alarm Agent Certification No. 57304 shall be revoked.

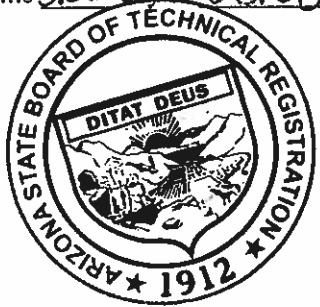
20 **Right to Petition for Rehearing or Review**

21 Respondent and Respondent Firm are notified that they have the right to file a motion for
22 rehearing or review of this Order. Pursuant to A.R.S. § 41-1092.09(B) and A.A.C. R4-30-
23 126(A), the motion for rehearing or review must be filed with the Board's Executive Director
24 within 30 days after service of this Order. Service of this Order is defined as five calendar days
25 after mailing.

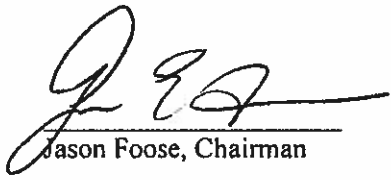
26 The motion for rehearing or review must set forth legally sufficient reasons for granting a
27 rehearing or review. A.A.C. R4-30-126(C). If a petition for rehearing or review is not filed, the
28 Board's Order becomes effective thirty-five (35) days after it is mailed to Respondent and

1 Respondent Firm. Respondent and Respondent Firm are further advised that the filing of a
2 motion for rehearing or review is required to preserve any rights of appeal to Superior Court.

3
4 DATED this 3RD day of OCTOBER, 2019.



5 Arizona State Board of
6 Technical Registration

7
8 
9 Jason Foose, Chairman

10 ORIGINAL filed this 3 day of October, 2019, with:

11 Arizona State Board of Technical Registration
12 1110 W. Washington, Ste. 240
13 Phoenix, AZ 85007

14
15 COPY mailed via Certified Mail
16 First Class mail this 3 day of October, 2019, to:

17 Nathaniel Stevens
18 6964 W. Hubbel St.
19 Phoenix, AZ 85035

20 Nathaniel Stevens
21 1018 S, 96 Pl.
22 Mesa, AZ 85208
23 Respondent

24 COPY of the foregoing mailed this 3 day of October, 2019, to:

25 Deanie Reh
26 Deanie.Reh@azag.gov

27 COPY of the foregoing mailed this 3 day of October, 2019, to:

28 Marc Harris
29 marc.harris@azag.gov

30 By: Kurt Winter