

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

3 **In the Matter of:**

Case No.: AL17-008

4 **Mountain Alarm Corporation**  
5 **Alarm Business Registration No.**  
6 **18908**  
7                                   **Respondent**

**CONSENT AGREEMENT**  
**and**  
**ORDER OF DISCIPLINE**

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9           In the interest of a prompt and judicious resolution of the above-captioned matter  
10 before the Arizona State Board of Technical Registration (“Board”) and consistent with  
11 the public interest, statutory requirements, and the responsibilities of the Board, and  
12 pursuant to A.R.S. § 32-101 et seq., and A.A.C. R4-30-120(G), the undersigned party,  
13 Mountain Alarm Corporation dba Copperstate Fire protection (“Respondent”), holder of  
14 Registration No.18908, and the Board enter into the following Recitals, Findings of Fact,  
15 Conclusions of Law and Order (“Consent Agreement”) as a final disposition of this  
16 matter.

17                                   **RECITALS**

18           1. Respondent has read and understands this Consent Agreement and has had  
19 the opportunity to discuss this Consent Agreement with an attorney, or has waived the  
20 opportunity to discuss this Consent Agreement with an attorney.

21           2. Respondent understands that he has a right to a public administrative hearing  
22 concerning this case. He further acknowledges that at such formal hearing he could  
23 present evidence and cross-examine witnesses. By entering into this Consent Agreement,  
24 Respondent knowingly, voluntarily, and irrevocably waives his right to such an  
25 administrative hearing, as well as rights of rehearing, review, reconsideration, appeal,  
26 judicial review or any other administrative and/or judicial action concerning the matters  
27 set forth herein.

28           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 AL17-008 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 practice of Alarm Business in the State of Arizona.

19 2. Respondent is the holder of Alarm Business Registration No.18908.

20 3. Respondent Alarm Business operated without a valid Controlling Person  
21 Certification from January 15, 2015, until September 19, 2016, when Respondent Alarm  
22 Business came under control of an active controlling person.

#### 23 CONCLUSIONS OF LAW

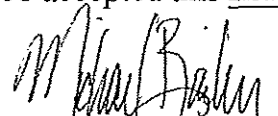
24 1. The Board has jurisdiction in this matter pursuant to A.R.S. § 32-101, et seq.

25 2. The conduct alleged in the Findings of Fact constitutes grounds for discipline  
26 pursuant to A.R.S. § 32-122.05 and A.R.S. 32-141 in that Respondent Alarm Business  
27 operated from January 15, 2015 until September 19, 2016 without a Valid Controlling  
28 Person Certification.



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3 Consent Agreement and Order, No. AL17-008 accepted this 2nd day of  
4 November, 2016.

5   
6 Michael Bailey, on behalf of Mountain  
7 Alarm Corporation,  
8 Respondent

9 ORIGINAL filed this 13 day of  
10 DECEMBER, 2016, with:

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

14 COPY of the foregoing mailed via Certified Mail  
15 No. 9275 0901 1935 6200 0002 7282 22 and  
16 First Class mail this 14 day of DECEMBER, 2016, to:  
17 Fire Protection Service Corporation  
18 3293 Harrison Boulevard  
19 Ogden, UT 84403-1226

20 By: D. Kraemer

