

BEFORE THE ARIZONA STATE
BOARD OF TECHNICAL REGISTRATION

In the Matter of:)
Michael DeLay)
Controlling Person, No. 64692)
Red Hawk Fire & Security.)
Alarm Business No. 20423)
Respondent)

Case No.: AL17-014

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, Michael DeLay (“Respondent”), holder of Controlling Person, certification No. 64692, and Red Hawk Fire & Security, Alarm Business No. 20423(“Respondent Alarm Business”), 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.

1 3. Respondent affirmatively agrees that this Consent Agreement shall be
2 irrevocable.

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

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

9 6. Respondent understands this Consent Agreement deals with Board case
10 AL17-014, involving allegations that Respondent engaged in conduct that would subject
11 him to discipline under the Board's statutes and rules. The investigation into these
12 allegations against Respondent shall be concluded upon the Board's adoption of this
13 Consent Agreement.

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

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

22 9. Respondent acknowledges and agrees that, upon signing this Consent
23 Agreement and returning this document to the Board's Executive Director, he may not
24 revoke his acceptance of the Consent Agreement or make any modifications to the
25 document regardless of whether the Consent Agreement has been signed on behalf of the
26 Board. Any modification to this original document is ineffective and void unless
27 mutually agreed by the parties in writing.
28

1 of Five Hundred Dollars (\$500.00) by certified check or money order made payable to
2 the State of Arizona Board of Technical Registration.

3 3. COST OF INVESTIGATION. Within thirty (30) days from the effective
4 date of this Consent Agreement, Respondent shall pay the cost of investigation of this
5 case to the Board in the amount of Three Hundred Twenty-Four Dollars (\$324.00) by
6 certified check or money order made payable to the State of Arizona Board of Technical
7 Registration, according to the provisions of A.R.S. § 32-128(H).

8 4. OBEY ALL LAWS. Respondent shall obey all federal, state and local
9 laws, as well as, all rules governing the practice of Alarm in the State of Arizona. The
10 Board shall consider any violation of this paragraph to be a separate violation of the rules
11 and statues governing the Arizona Board of Technical Registration. The Board may also
12 consider Respondent's non-compliance with this Order as a separate violation of A.R.S. §
13 32-150.

14 5. RENEWAL OF REGISTRATION. Respondent and Respondent Alarm
15 Business shall timely renew their Arizona registration as a Controlling Person an Alarm
16 Business, and timely pay all required registration fees.

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

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

22 8. NONCOMPLIANCE. If Respondent violates this Order in any way or fails
23 to fulfill the requirements of this Order, the Board, after giving notice and the opportunity
24 to be heard, may revoke, suspend or take other disciplinary actions against the
25 registration. The issue at such a hearing will be limited solely to whether this Order has
26 been violated.


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1 ACCEPTED and ORDERED this 24 day of October, 2017.

2
3 
4 _____
5 Alejandro Angel, P.E., Chairman
6 Arizona State Board of
7 Technical Registration

8 Consent Agreement and Order, No. AL17-014, accepted this 10th day of
9 October, 2017.

10 
11 _____
12 Michael DeLay, Personally and on
13 behalf of Red Hawk Fire & Security,
14 Respondents

15 **ORIGINAL** filed this 26th day of
16 OCTOBER, 2017, 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. 9214 8901 9434 4600 0259 57 and
22 First Class mail this 26th day of OCTOBER, 2017, to:

23 Michael Delay
24 Red Hawk Fire & Security
25 2611 S. Roosevelt, Ste 101
26 Tempe, AZ 85282

27
28
By:  _____