BEFORE THE ARIZONA STATE
BOARD OF TECHNICAL REGISTRATION

In the Matter of:

DAVE ROMAN,
Non-Registrant,

and

SECURITY SYSTEMS, INC., dba
SAFEGUARD AMERICA, dba SAFE
HOME SECURITY,
Non-Registered Firm,

Respondents.

Case No. AL18-003
CONSENT AGREEMENT AND
ORDER OF DISCIPLINE

In the interest of a prompt and judicious resolution of the above-captioned matters before the Arizona State Board of Technical Registration (the “Board”), and consistent with the public interest, statutory requirements, and the responsibilities of the Board, and pursuant to Arizona Revised Statutes (“A.R.S.”) § 32-101, et seq., and Arizona Administrative Code (“A.A.C.”) R4-30-120(G), the undersigned party, Dave Roman, Non-Registrant ("Respondent"), on behalf of himself and Security Systems, Inc., dba Safeguard America, dba Safe Home Security, Non-Registered Firm ("Respondent Firm") (collectively, "Respondents") 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.

I. RECITALS

1. The Board has not conducted a hearing nor made a determination on the merits contained herein. Instead, the Board and Respondent have agreed to a full and final settlement of this matter in lieu of formal disciplinary proceedings, pursuant to A.A.C. R4-30-123(B).

2. 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.

3. Respondent understands that he has a right to a public administrative hearing concerning this case. He further acknowledges that at such formal hearing, Respondents could present evidence and cross-examine witnesses. By entering into this Consent Agreement, Respondent, for himself and on behalf of Respondent Firm, knowingly, voluntarily, and irrevocably waives the 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.

4. Respondent affirmatively agrees that this Consent Agreement shall be irrevocable.

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

6. The Consent Agreement, any record prepared in this matter, all investigative materials prepared or received by the Board and all related exhibits and materials, are public records (as defined in A.R.S. § 41-151.18) upon acceptance by the Board of this Consent Agreement and may be retained in the Board's files pertaining to this matter.

7. Respondent understands this Consent Agreement deals with Board case number AL18-003 involving allegations that Respondents engaged in conduct that could subject Respondents to discipline under the Board's statutes and rules. The investigation into these allegations against Respondents shall be concluded upon the Board's adoption of this Consent Agreement.

8. Respondent understands that this Consent Agreement is solely to settle case number AL18-003, does not preclude the Department from instituting other proceedings as may be appropriate now or in the future, does not constitute a dismissal or resolution
of any other matters currently pending before the Board, if any, and does not constitute
any waiver, express or implied, of the Board’s statutory authority or jurisdiction
regarding any other pending or future investigation, action or proceeding.

9. Respondent also understands that, with respect to the conduct that is the
subject of this Consent Agreement, acceptance of this Consent Agreement does not
preclude any other agency, subdivision, or officer of this State from instituting any other
civil or criminal proceedings, investigating claims, or taking legal action as may be
appropriate now or in the future relating to this matter or other matters concerning
Respondents, including but not limited to violations of Arizona’s Consumer Fraud Act.
Respondent acknowledges that, other than with respect to the Board, this Consent
Agreement makes no representations, implied or otherwise, about the views or intended
actions of any other state agency or officer or political subdivision of the state relating to
this matter or other matters concerning Respondents.

10. All admissions made by Respondent in this Consent Agreement and Order
of Discipline are solely for final disposition of case number AL18-003 and any
subsequent related administrative or enforcement proceedings or civil litigation involving
the Board and Respondents in case number AL18-003. Therefore, said admissions by
Respondent are not intended or made for any other use, such as in the context of another
state or federal government regulatory agency proceeding, civil or criminal court
proceeding, in the State of Arizona or any other state or federal court.

11. Respondent acknowledges and agrees that, upon signing this Consent
Agreement and returning this document to the Board’s Executive Director, he may not
invoke his acceptance of the Consent Agreement or make any modifications to the
document regardless of whether the Consent Agreement has been signed on behalf of the
Board. Any modification to this original document is ineffective and void unless
mutually agreed by the parties in writing.
12. This Consent Agreement is subject to the approval of the Board and is effective only when accepted by the Board and signed on behalf of the Board. If the Board does not accept this Consent Agreement, the Board retains its authority to hold a formal administrative hearing pursuant to A.R.S. § 32-128(D). In the event that the Board does not approve this Consent Agreement, it is withdrawn, shall be of no evidentiary value, and shall not be relied upon nor introduced in any action by any party. Respondent agrees that should the Board reject this Consent Agreement and this case proceeds to hearing, Respondents shall assert no claim that the Board was prejudiced by its review and discussion of this document or any records relating thereto.

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

14. Respondent agrees that any violation of this Consent Agreement may result in disciplinary action.

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

II. FINDINGS OF FACT

1. The Board is the duly constituted authority for the regulation and control of the practice of alarm business activity in the State of Arizona.

2. Respondent was not registered with the Board at the time between July, 2017, and April, 2018.

3. Respondent Firm was not registered with the Board between July, 2017, and April, 2018.

4. On or about July 26, 2017, Respondent Firm and Jason Taylor, of Taylor Armed Concepts, LLC, entered into a contract in which Jason Taylor conducted alarm sales on behalf of Respondent Firm.
5. On or about August 1, 2017, Respondent Firm conducted an alarm systems sale and installation without Board registration at the Lambert residence, 10611 E. Boulder Dr., Apache Junction, Arizona.

6. On or about October 26, 2017, the Board received a complaint alleging that Respondent Firm conducted alarm systems sales, installation and monitoring activities without Board registration at the Lambert residence, which included Respondent Firm's completed business contracts.

7. On or about November 15, 2017, Craig Altmeyer, Director of Dealer Programs for Respondent Firm acknowledged that Jason Taylor, on behalf of Respondent Firm, sold an alarm system to the Lambert residence.

8. On or about February 16, 2018, the Board received a second complaint alleging that Respondent Firm conducted alarm systems sales, installation, and monitoring activities without Board registration at the Sromek residence, 6231 W. Columbine Dr., Glendale, AZ, which included Respondent Firm's completed business contracts.

9. On April 3, 2018, Respondent admitted that Respondent Firm uses licensed sub-contractors to service customers and uses dealers to create accounts for clients.

10. On April 6, 2018, Respondent acknowledged that Respondent Firm is a funding company that purchases alarm contracts from licensed dealers or through acquisitions then uses sub-contractors to provide the field service and central station monitoring.

11. On July 16, 2018, Respondent obtained firm registration with the Board for Respondent Firm, and on July 18, 2018, Respondent obtained a controlling person registration with the Board.

III. CONCLUSIONS OF LAW

1. The Board has jurisdiction in this matter pursuant to A.R.S. § 32-101, et seq., including A.R.S. § 32-106.02(A).
2. The conduct alleged in the Findings of Fact, constitutes grounds for discipline pursuant to A.R.S. §§ 32-121, 32-122.05, and 32-141(A) in that Respondent Firm conducted alarm business activities in Arizona without alarm business registration.

IV. ORDER

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

1. CIVIL PENALTY. Within Sixty (60) days from the effective date of this Consent Agreement, Respondents shall jointly and severally pay a civil penalty of One Thousand Dollars ($1,000.00) to the Board by cashier’s check or money order made payable to the Arizona State Board of Technical Registration, according to the provisions of A.R.S. § 32-106.02.

2. COST OF INVESTIGATION. Within Thirty (30) days from the effective date of this Consent Agreement, Respondents shall jointly and severally pay the cost of investigation of this case to the Board in the amount of Four Hundred and Fifty-One Dollars ($451.00) by certified check or money order made payable to the State of Arizona Board of Technical Registration, according to the provisions of A.R.S. § 32-128(H).

3. OBEY ALL LAWS. Respondents shall obey all federal, state, and local laws, as well as all rules governing alarm business activities in the State of Arizona. The Board shall consider any violation of this paragraph to be a separate violation of the rules and statutes governing the Board. The Board may also consider Respondent’s non-compliance with this Order as a separate violation of A.R.S. § 32-150.

4. RENEWAL OF REGISTRATION. Respondents shall not engage in alarm business activities without continuing to timely renew necessary Board registrations, and will timely pay all required registration fees.

5. EFFECTIVE DATE. The effective date of this Consent Agreement is the date it was last executed by the Respondent or the Board.
6. COSTS OF COMPLIANCE. Respondents shall pay all costs associated with complying with this Consent Agreement.

7. NONCOMPLIANCE. If Respondents violate this Order in any way or fail to fulfill the requirements of this Order, the Board, after giving notice and the opportunity to be heard, may revoke, suspend or take other disciplinary actions against Respondents' registrations. The issue at such a hearing will be limited solely to whether this Order has been violated.

ACCEPTED and ORDERED this 28th day of July, 2020.

Jason E. Foose, R.L.S.
Chairman
Arizona State Board of Technical Registration

Consent Agreement and Order, Number AL18-003 accepted this ___ day of July, 2020.

David Roman, Respondent

ORIGINAL of the foregoing filed this 28th day of July, 2020, with:

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

COPY of the foregoing mailed and e-mailed this 28th day of July, 2020, to:

Joseph Lipari
The Sultzer Law Group, P.C.
270 Madison Avenue, Suite 1800
New York, New York 10016
Lipari@TheSultzerLawGroup.com
Counsel for Respondent
COPY of the foregoing e-mailed
this 24th day of July, 2020, to:

Deanie Reh
deanie.reh@azag.gov
Counsel for the State

By:

#8846223