BEFORE THE ARIZONA STATE
BOARD OF TECHNICAL REGISTRATION

In the Matter of:
Ackerman Security Systems, Inc.
Non Registrant Alarm Business

Respondent

Case No. AL19-016
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, Ackerman Security Systems,
Inc., ("Respondent"), a non registrant 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 it has a right to a public administrative hearing
   concerning this case. Respondent further acknowledges that at such formal hearing it could
   present evidence and cross-examine witnesses. By entering into this Consent Agreement,
   Respondent knowingly, voluntarily, and irrevocably waives its 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.

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

5. 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. § 41-158.18) upon acceptance by the Board of this Consent Agreement and may be retained in the Board’s files pertaining to this matter.

6. Respondent understands this Consent Agreement deals with Board case number AL19-016 involving allegations that Respondent engaged in conduct that would subject it to discipline under the Board’s statutes and rules. The investigation into these allegations against Respondent shall be concluded upon the Board’s adoption of this Consent Agreement.

7. Respondent understands that this Consent Agreement 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.

8. Respondent also understands that 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 with respect to the conduct that is the subject of this Consent Agreement.

9. Respondent acknowledges and agrees that, upon signing this Consent Agreement and returning this document to the Board’s Executive Director, it may not revoke 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.

10. 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(E). In the event that the Board does not approve this Consent Agreement, it is withdrawn and shall be of no evidentiary value and shall not be relied upon nor
introduced in any action by any party, except that the parties agree that should the Board reject
this Consent Agreement and this case proceeds to hearing, Respondent shall assert no claim that
the Board was prejudiced by its review and discussion of this document or any records relating
thereto.

11. 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.

12. Respondent understands that any violation of this Consent Agreement may result in
disciplinary action, including suspension or revocation of the registration under A.R.S. § 32-150.

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

FINDINGS OF FACT

1. The Board is the duly constituted authority for the regulation and control of the
practice of Alarm Business in the State of Arizona.
2. Respondent has never been registered with the Board.
3. Respondent engaged in door to door sales of alarm systems in Phoenix, AZ on
   April 27, 2019.
4. Respondent provided information that it has been conducting door to door alarm
   system sales in Arizona since October 4, 2018.

CONCLUSIONS OF LAW

1. The Board has jurisdiction in this matter pursuant to A.R.S. § 32-101, et seq.
2. The conduct alleged in the Findings of Fact constitutes grounds for discipline
   pursuant to A.R.S. § 32-122.05 as it relates to A.R.S. § 32-141(A), in that Respondent advertised
   and engaged in Alarm Business activities without being registered with the Board.

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, Respondent shall pay an administrative penalty of Five Hundred Dollars ($500.00) by certified check or money order made payable to the State of Arizona Board of Technical Registration.

2. COST OF INVESTIGATION. Within thirty (30) days from the effective date of this Consent Agreement, Respondent shall pay the cost of investigation of this case to the Board in the amount of One Hundred Ten Dollars ($110.00) 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. Respondent shall obey all federal, state and local laws, as well as, all rules governing the practice of Alarm Business 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 Arizona Board of Technical Registration. The Board may also consider Respondent’s non-compliance with this Order as a separate violation of A.R.S. § 32-150.

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

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

6. NONCOMPLIANCE. If Respondent violates this Order in any way or fails to fulfill the requirements of this Order, the Board may seek a Petition for Injunction in accordance with the provisions set forth in A.R.S. § 32-106.01.

ACCEPTED and ORDERED this 27th day of AUGUST, 2019.

Jason E. Foose, R.L.S., Chairman
Arizona State Board of Technical Registration
Consent Agreement and Order, No. AL19-016 accepted this 12th day of July, 2019.

Samantha L. Southall on behalf of Ackerman Security Systems, Inc, Respondent

ORIGINAL filed this 20th day of August, 2019, with:

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

COPY of the foregoing mailed via Certified Mail
No. 9219 8701 9134 7400 0777 and
First Class mail this 20th day of August, 2019, to:

Samantha L. Southall
Buchanan Ingersoll & Rooney PC
Two Liberty Place
50 S. 16th Street, Suite 3200
Philadelphia, PA 19102-2555

By:  

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