BEFORE THE ARIZONA STATE
BOARD OF TECHNICAL REGISTRATION

In the Matter of:
Deborah Gary
Alarm Business
Controlling Person # 68864
Prodigy Smart Home, LLC
Alarm Business # 21782

Respondents

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 parties, Deborah Gary, Controlling Person # 68864, ("Respondent"), Prodigy Smart Home, LLC Alarm Business # 21782 ("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. Respondents have read and understand this Consent Agreement and have had the opportunity to discuss this Consent Agreement with an attorney, or have waived the opportunity to discuss this Consent Agreement with an attorney.

2. Respondents understand that they have a right to a public administrative hearing concerning this case. Respondents further acknowledge that at such formal hearing they could present evidence and cross-examine witnesses. By entering into this Consent Agreement, Respondents knowingly, voluntarily, and irrevocably waive their 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. Respondents affirmatively agree that this Consent Agreement shall be irrevocable.

4. Respondents understand that this Consent Agreement or any part of the agreement may be considered in any future disciplinary action by the Board against them.

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. Respondents understand this Consent Agreement deals with Board case number AL19-017 involving allegations that Respondents engaged in conduct that would subject them 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.

7. Respondents understand 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. Respondents also understand 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. Respondents acknowledge and agree that, upon signing this Consent Agreement and returning this document to the Board’s Executive Director, they may not revoke their 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. Respondents understand 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. Respondents agree 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
Alarm Industry in the State of Arizona.

2. Respondent is the holder of Controlling Person # 68864.


4. On May 28, 2019, the Board received a response from Counsel for the
Respondents that indicated the Respondent Alarm Business had participated in aiding or
abetting 32 individuals, by employing or contracting with Respondent Firm to conduct the
business of selling alarm system services in the State of Arizona. 31 of these individuals
have never been licensed by the Board.

5. Respondent certification as a Controlling Person became delinquent on May 7,
2019 which nullified the ability of Respondent Alarm Business to legally operate.

6. Respondent and Respondent Alarm Business advertised and engaged in Alarm
Business activities without an active Controlling Person from from May 7, 2019 to June 7, 2019.
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. § 32-128(C)(3)(4) in that the Respondents participated in aiding and abetting unlicensed persons by employing or contracting with unlicensed alarm agent to conduct the business of selling alarm systems door to door for Respondent Alarm Business.

3. 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 and Respondent Alarm Business advertised and engaged in Alarm Business activities without an active Controlling Person.

ORDER

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

1. LETTER OF REPRIMAND. Respondent is hereby issued a Letter of Reprimand.

2. ADMINISTRATIVE PENALTY. Within sixty (60) days from the effective date of this Consent Agreement, Respondents shall pay an administrative penalty of Two Thousand Dollars ($2000.00) by certified check or money order made payable to the State of Arizona Board of Technical Registration.

3. COST OF INVESTIGATION. Within thirty (30) days from the effective date of this Consent Agreement, Respondents shall pay the cost of investigation of this case to the Board in the amount of One Hundred Fifty-Four Dollars ($154.00) 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).

4. OBEY ALL LAWS. Respondent shall obey all federal, state and local laws, as well as, all rules governing the practice of an 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 Respondents non-compliance with this Order as a separate violation of A.R.S. § 32-150.
5. RENEWAL OF REGISTRATION. Respondent and Respondent Alarm Business shall timely renew their Arizona registration as a Controlling Person and Alarm Business, and timely pay all required registration fees.

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

7. COSTS OF COMPLIANCE. Respondents shall pay all costs associated with complying with this Consent Agreement.

8. NONCOMPLIANCE. If Respondents violate this Order in any way or fails 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 the registration. The issue at such a hearing will be limited solely to whether this Order has been violated.

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. AL19-017 accepted this 27th day of JULY, 2019.

Samantha L. Southall on behalf of Deborah Gary and Prodigy Smart Home, LLC, Respondents

ORIGINAL filed this 28th 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. 9214 8901 9Y34 4600 0604 77 and
First Class mail this 28 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: ___________________________