



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 AL22-001 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3 Board does not approve this Consent Agreement, it is withdrawn and shall be of no  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 occupation Alarm Agent and Alarm Controlling Person in the State of Arizona.

19 2. Respondent was the holder of Alarm Agent Certification No. 60033.

20 3. Respondent's certification as an Alarm Agent expired on August 26, 2019.

21 4. Respondent failed to apply for new Alarm Agent Certification with the  
22 Board.

23 5. On or about September 28, 2021, Respondent's certification as an Alarm  
24 Agent was canceled by the Board.

25 6. On or about December 5, 2019, Respondent became certified with the Board  
26 as a controlling person for Smart Tech LLC, which was registered with the Board as an  
27 Alarm Business on or about December 3, 2019.

28 7. On or about May 11, 2021, Respondent engaged in the sale and installation

1 of an alarm system and alarm monitoring services at 15240 West Latham Street in  
2 Goodyear, Arizona, at a time when his Alarm Agent Certification was expired and in a  
3 delinquent status.

4 8. On September 16, 2021, the Board received a complaint alleging that on May  
5 11, 2021, Respondent engaged in the sale, installation, and repair of an alarm system at  
6 15240 West Latham Street in Goodyear, Arizona, without valid Alarm Agent  
7 Certification.

8 9. On September 27, 2021, Respondent told Board staff he failed to renew his  
9 Alarm Agent Certification due to believing his Controlling Person registration replaced it.  
10 Respondent indicated that he intended to renew his Alarm Agent Certification but has  
11 since failed to do so.

#### 12 CONCLUSIONS OF LAW

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

14 2. The conduct alleged in the Findings of Fact constitutes grounds for discipline  
15 pursuant to § 32-128(C)(4) as it relates to A.A.C. R4-30-301(4), in that Respondent,  
16 while registered as Controlling Person for Respondent's Alarm Business (Smart Tech  
17 Security LLC), installed and repaired an in-home alarm system while his Alarm Agent  
18 Certification was expired and in a delinquent status.

#### 19 ORDER

20  
21 Based on the foregoing Findings of Fact and Conclusions of Law, the Board issues  
22 the following Order:

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

25 2. ADMINISTRATIVE PENALTY. Within sixty (60) days from the  
26 effective date of this Consent Agreement, Respondent shall pay an administrative penalty  
27 of Five Hundred Dollars (\$500.00) by certified check or money order made payable to  
28 the State of Arizona Board of Technical Registration.

1           3.     **COST OF INVESTIGATION.** Within thirty (30) days from the effective  
2 date of this Consent Agreement, Respondent shall pay the cost of investigation of this  
3 case to the Board in the amount of One Hundred Twenty Six Dollars (\$126.00) by  
4 certified check or money order made payable to the State of Arizona Board of Technical  
5 Registration, according to the provisions of A.R.S. § 32-128(H).

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

12           5.     **RENEWAL OF REGISTRATION.** Respondent shall timely renew his  
13 Arizona Certification as an Alarm Controlling Person, and timely pay all required  
14 registration fees. If Respondent engages in any activity defined in A.R.S. § 32-101(B)(3),  
15 Respondent shall obtain certification with the Board as an Alarm Agent.

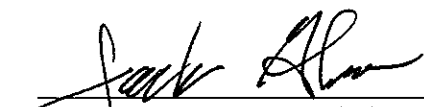
16           6.     **EFFECTIVE DATE.** The effective date of this Consent Agreement is the  
17 date the Respondent and Board sign the Consent Agreement. If the dates are different, the  
18 effective date is the later of the two dates.

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

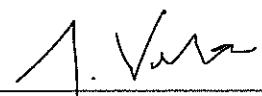
21           8.     **NONCOMPLIANCE.** If Respondent violates this Order in any way or fails  
22 to fulfill the requirements of this Order, the Board, after giving notice and the opportunity  
23 to be heard, may revoke, suspend or take other disciplinary actions against the  
24 registration. The issue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

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

ACCEPTED and ORDERED this 22 day of Feb., 2022.

  
\_\_\_\_\_  
Jack Gilmore, L.A., Chairman  
Arizona State Board of  
Technical Registration

Consent Agreement and Order, No. AL22-001 accepted this 27th day of  
January, 2022.

  
\_\_\_\_\_  
Nicolas Vara, Respondent

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**ORIGINAL** filed this 23<sup>rd</sup> day of

February, 2022, 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 9434 4600 0867 36 and

First Class mail this 23<sup>rd</sup> day of February, 2022, to:

Nicolas Vara  
15164 North 140<sup>th</sup> Drive  
Surprise, AZ 85374

By: Daniel Carthel  
