

**BEFORE THE ARIZONA STATE
BOARD OF TECHNICAL REGISTRATION**

In the Matter of:

Case No.: P16-003

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.

3. Respondent affirmatively agrees that this Consent Agreement shall be

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 P16-003 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.

FINDINGS OF FACT

17 1. The Board is the duly constituted authority for the regulation and control of
18 the practice of Professional Land Surveying in the State of Arizona.

19 2. Respondent is the holder of Arizona Registered Land Surveying Registration
20 No. 57279.

21 3. Respondent firm, Miller Land Surveying, is not registered with the Board and
22 was dissolved in December 2014.

23 4. On or about September 4, 2014, Respondent entered into a contract with the
24 Nature Conservancy to provide a boundary survey and legal description for the project
25 located at Section 23, T18N, R4E, Yavapai County, AZ.

26 5. On or about May 22, 2015, Respondent signed and sealed a boundary survey
27 for the aforementioned project.

28 6. On or about June 24, 2015, the Board received a complaint alleging that

1 Respondent failed to practice Land Surveying in accordance with the minimum standards
2 by not locating all the proper sectional control monuments. The complaint states the
3 Respondent did not follow established protocol and procedures for subdividing a section
4 that would be used by other licensed surveyors.

5 7. On October 22, 2015 the Board's Enforcement Advisory Committee
6 ("EAC") convened to review the complaint against Respondent. After interviewing the
7 Allegor and the Respondent, the committee found that Respondent failed to conduct a
8 land survey in accordance with the Arizona Boundary Survey Minimum Standards in
9 violation of ARS 32-128(C) (4) as it relates to R4-30-301(6)(13). The EAC concluded
10 that although the Respondent stated that he made a more than reasonable effort to find the
11 missing corners, Respondent was not fully aware that the original survey was unable to
12 run the survey lines as shown or aware other methods of retracing this type of survey for
13 correction, as Respondent's experience in the Public Land Survey System was limited.
14 The committee also found Respondent firm to be in violation of ARS 32-141(A) and 32-
15 121, in which Respondent was performing Land Surveying through a non-registered firm.

CONCLUSIONS OF LAW

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

18 2. The conduct alleged in the Findings of Fact, constitutes grounds for

19 discipline pursuant to A.R.S. § 32-128(C)(4) as it relates to A.A.C. R4-30-301(6)(13), in

20 that a registrant shall apply technical knowledge and skill that would be applied by other

21 qualified registrants who practice the same profession and shall conduct a land survey

22 engagement in accordance with Arizona Boundary Survey Minimum Standards.

23 3. The conduct alleged in the Findings of Fact, constitutes grounds for

24 discipline pursuant to A.R.S. § 32-141(A) and A.R.S. § 32-121, in that a firm shall not

25 engage in the practice of any board regulated profession unless the firm is registered with

26 the Board.

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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.

6 2. STAYED SUSPENSION AND PROBATION. Respondent's registration as
7 Land Surveyor No. 57279 shall be suspended for six (6) months; however, the suspension
8 is stayed for as long as Respondent remains in compliance with this Order. During the
9 stay of suspension, Respondent's registration as a Professional Land Surveyor is placed
10 on probation for six (6) months. If Respondent is non-compliant with any terms of this
11 Order during the six (6) months stayed suspension and probation period, the stay of the
12 suspension shall be lifted and Respondent's registration as a Professional Land Surveyor
13 shall be automatically suspended without a formal hearing, and remain suspended until
14 Respondent is compliant with all terms of this Order. If Respondent completes all terms
15 of this Order prior to the six (6) months stayed suspension and probation period,
16 Respondent may seek an early termination of this Order by requesting a formal review by
17 the Board. The Board may also consider Respondent's non-compliance with this Order as
18 a separate violation of A.R.S. § 32-150.

19 3. PEER REVIEW. Within six months (6) months of the effective date of this
20 Consent Agreement, and in addition to the corrected survey specified in paragraph 4 of
21 this Order, Respondent shall submit his next two Land Boundary Survey projects for peer
22 review. Respondent may select a Board approved Registered Land Surveyor, and/or, a
23 member of the Board's Enforcement Advisory Committee to serve as his Peer Reviewer.
24 The Peer Reviewer shall be retained by the Respondent at his own expense. Respondent
25 shall insure that the selected peer reviewer(s) provides written reports to the Board on
26 each project, detailing Respondent's compliance with Board rules and statutes. The peer
27 review reports shall list any observed deficiencies in Respondent's practice as a Land
28 Surveyor, and document the appropriate corrections. Respondent shall not give final

1 approval on any of the peer reviewed projects to a client, contractor, any regulatory or
2 review body, until Respondent's work has been reviewed and approved by the peer
3 reviewer.

4 4. CORRECTED SURVEY. Within six (6) months from the effective date of
5 this Consent Agreement, Respondent shall perform a new survey for the aforementioned
6 project for the Nature Conservatory, Yavapai County, AZ, and submit it to the Board for
7 review. Upon review, Respondent shall file the new survey and refile the original survey
8 with a statement that it is void.

9 5. ADMINISTRATIVE PENALTY. Within three (3) months from the
10 effective date of this Consent Agreement, Respondent shall pay an administrative penalty
11 of One Thousand Five Hundred Dollars (\$1500.00) by certified check or money order
12 made payable to the State of Arizona Board of Technical Registration.

13 6. COST OF INVESTIGATION. Within three (3) months from the effective
14 date of this Consent Agreement, Respondent shall pay the cost of investigation of this
15 case to the Board in the amount of Five Hundred Twenty-Nine Dollars (\$529.00) by
16 certified check or money order made payable to the State of Arizona Board of Technical
17 Registration, according to the provisions of A.R.S. § 32-128(H).

18 7. OBEY ALL LAWS. During the probationary period, Respondent shall obey
19 all federal, state and local laws, as well as, all rules governing the practice of Land
20 Surveying in the State of Arizona. The Board shall consider any violation of this
21 paragraph to be a separate violation of the rules and statutes governing the Arizona Board
22 of Technical Registration.

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

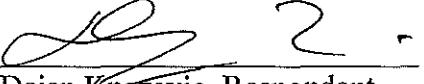
26 10. COSTS OF COMPLIANCE. Respondent shall pay all costs associated with
27 complying with this Consent Agreement.

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2 ACCEPTED and ORDERED this 31st day of DECEMBER, 2015.
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5 E. Leroy Brady
6 E. Leroy Brady, Chairman
7 Arizona State Board of
8 Technical Registration

9 Consent Agreement and Order, No. P16-003 accepted this 30 day of
10 DECEMBER, 2015.

11 
12 Dejan Knezevic, Respondent

13 ORIGINAL filed this 30 day of
14 DECEMBER, 2015, with:

15 Arizona State Board of Technical Registration
16 1110 W. Washington, Suite 240
17 Phoenix, AZ 85007

18 COPY of the foregoing mailed via Certified Mail
19 No. 1015 1660 0000 1489 5184 and
20 First Class mail this 4 day of JANUARY, 2016, to:

21 Dejan Knezevic
22 131 S. 20th St.
23 Phoenix, AZ 85034

24 By: P. Brown