

Received
B.T.R.
AUG 21 2015
 Allegor Respondent

BEFORE THE ARIZONA STATE
BOARD OF TECHNICAL REGISTRATION

In the Matter of:

Case No.: P16-007

Darren J. Curtis
Geologist
Registration No. 49068

CONSENT AGREEMENT
and
ORDER OF DISCIPLINE

Respondent

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, Darren J. Curtis ("Respondent"), holder of Registration No. 49068, 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 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 irrevocable.

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

3 5. The Consent Agreement, any record prepared in this matter, all investigative
4 materials prepared or received by the Board and all related exhibits and materials, are
5 public records (as defined in A.R.S. § 41-158.18) upon acceptance by the Board of this
6 Consent Agreement and may be retained in the Board's files pertaining to this matter.

7 6. Respondent understands this Consent Agreement deals with Board case
8 number P16-007 involving allegations that Respondent engaged in conduct that would
9 subject him to discipline under the Board's statutes and rules. The investigation into
10 these allegations against Respondent shall be concluded upon the Board's adoption of
11 this Consent Agreement.

12 7. Respondent understands that this Consent Agreement does not constitute a
13 dismissal or resolution of any other matters currently pending before the Board, if any,
14 and does not constitute any waiver, express or implied, of the Board's statutory authority
15 or jurisdiction regarding any other pending or future investigation, action or proceeding.

16 8. Respondent also understands that acceptance of this Consent Agreement does
17 not preclude any other agency, subdivision, or officer of this State from instituting any
18 other civil or criminal proceedings with respect to the conduct that is the subject of this
19 Consent Agreement.

20 9. Respondent acknowledges and agrees that, upon signing this Consent
21 Agreement and returning this document to the Board's Executive Director, he may not
22 revoke his acceptance of the Consent Agreement or make any modifications to the
23 document regardless of whether the Consent Agreement has been signed on behalf of the
24 Board. Any modification to this original document is ineffective and void unless
25 mutually agreed by the parties in writing.

26 10. This Consent Agreement is subject to the approval of the Board and is
27 effective only when accepted by the Board and signed on behalf of the Board. If the
28 Board does not accept this Consent Agreement, the Board retains its authority to hold a

1 formal administrative hearing pursuant to A.R.S. § 32-128(E). In the event that the
2 Board does not approve this Consent Agreement, it is withdrawn and shall be of no
3 evidentiary value and shall not be relied upon nor introduced in any action by any party,
4 except that the parties agree that should the Board reject this Consent Agreement and this
5 case proceeds to hearing, Respondent shall assert no claim that the Board was prejudiced
6 by its review and discussion of this document or any records relating thereto.

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

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

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

15 **FINDINGS OF FACT**

16 1. The Board is the duly constituted authority for the regulation and control of
17 the practice of Geology in the State of Arizona.

18 2. Respondent is the holder of Arizona Geology Registration No. 49068.

19 3. On or about May 8, 2015, the Board received Respondent's application for
20 renewal as a Registered Geologist. On his application, Respondent answered "Yes" to
21 the following question: "Have you been convicted of a felony or misdemeanor other than
22 a minor traffic violation since your last renewal?"

23 4. Respondent provided court documents from Phoenix municipal court
24 showing he was found guilty of shoplifting, a class one misdemeanor, on February 18,
25 2014. No written explanation was provided by Respondent.

26 5. On May 12, 2015, Board staff sent a letter to Respondent, at his address of
27 record with the Board, requesting that he provide a detailed written explanation and any
28 relevant court documents related to this conviction.

1 of One Hundred Fifty (\$150.00) Dollars by certified check or money order with monthly
2 payments of Fifty (\$50.00) Dollars to the Arizona Board of Technical Registration,
3 according to the provisions of A.R.S. § 32-128(A)(3). The effective date of this Consent
4 Agreement is the date the Respondent and Board sign the Consent Agreement. If the
5 dates are different, the effective date is the later of the two dates.

6 **3. COST OF INVESTIGATION.** Within three (3) months of the effective
7 date of this consent agreement, Respondent shall pay cost of investigation of this case in
8 the amount of Two Hundred Sixty Seven Dollars (\$267.00) by certified check or money
9 order with monthly payments of Eighty Nine (\$89.00) Dollars to the Arizona Board of
10 Technical Registration, according to the provisions of A.R.S. § 32-128(H). The effective
11 date of this consent agreement is the date the Respondent and Board sign the Consent
12 Agreement. If the dates are different, the effective date is the later of the two dates.

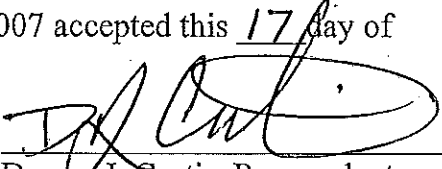
13 **4. COSTS OF COMPLIANCE.** Respondent shall pay all costs associated
14 with complying with this Consent Agreement.

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

20 ACCEPTED and ORDERED this 29th day of SEPTEMBER, 2015.

21
22 
23 Edward T. Marley, Chairman
24 Arizona State Board of
25 Technical Registration

26 Consent Agreement and Order, No. P16-007 accepted this 17 day of
27 AUGUST, 2015.

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Darren J. Curtis, Respondent

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ORIGINAL filed this 29 day of
SEPTEMBER, 2015, with:
Arizona State Board of Technical Registration
1110 W. Washington, Suite 240
Phoenix, AZ 85007
COPY of the foregoing mailed via Certified Mail
No. 70141200 0000 6616 3647 and
First Class mail this 30 day of SEPTEMBER, 2015, to:

Darren Curtis
715 W. Summit Ave #D
Flagstaff, AZ 86001

By: D. Kramer