



1 Agreement, Respondent knowingly, voluntarily, and irrevocably waives his right to such  
2 an administrative hearing, as well as rights of rehearing, review, reconsideration, appeal,  
3 judicial review or any other administrative and/or judicial action concerning the matters  
4 set forth herein.

5 4. Respondent affirmatively agrees that this Consent Agreement shall be  
6 irrevocable.

7 5. Respondent understands that this Consent Agreement or any part of the  
8 agreement may be considered in any future disciplinary action by the Board against him  
9 or Respondent Firm.

10 6. The Consent Agreement, any record prepared in this matter, all  
11 investigative materials prepared or received by the Board and all related exhibits and  
12 materials, are public records (as defined in A.R.S. § 41-151.18) upon acceptance by the  
13 Board of this Consent Agreement and may be retained in the Board's files pertaining to  
14 this matter.

15 7. Respondent understands this Consent Agreement deals with Board case  
16 numbers P16-047 and P19-018 involving allegations that Respondent engaged in conduct  
17 that could subject him to discipline under the Board's statutes and rules. The  
18 investigation into these allegations against Respondents shall be concluded upon the  
19 Board's adoption of this Consent Agreement.

20 8. Respondent understands that this Consent Agreement is solely to settle case  
21 numbers P16-047 and P19-018, does not preclude the Department from instituting other  
22 proceedings as may be appropriate now or in the future, does not constitute a dismissal or  
23 resolution of any other matters currently pending before the Board, if any, and does not  
24 constitute any waiver, express or implied, of the Board's statutory authority or  
25 jurisdiction regarding any other pending or future investigation, action or proceeding.

26 9. Respondent also understands that, with respect to the conduct that is the  
27 subject of this Consent Agreement, acceptance of this Consent Agreement does not  
28 preclude any other agency, subdivision, or officer of this State from instituting any other

1 civil or criminal proceedings, investigating claims, or taking legal action as may be  
2 appropriate now or in the future relating to this matter or other matters concerning  
3 Respondent, including but not limited to violations of Arizona's Consumer Fraud Act.  
4 Respondent acknowledges that, other than with respect to the Board, this Consent  
5 Agreement makes no representations, implied or otherwise, about the views or intended  
6 actions of any other state agency or officer or political subdivision of the state relating to  
7 this matter or other matters concerning Respondent.

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

14       11. This Consent Agreement is subject to the approval of the Board and is  
15 effective only when accepted by the Board and signed on behalf of the Board. If the  
16 Board does not accept this Consent Agreement, the Board retains its authority to hold a  
17 formal administrative hearing pursuant to A.R.S. § 32-128(D). In the event that the  
18 Board does not approve this Consent Agreement, it is withdrawn, shall be of no  
19 evidentiary value, and shall not be relied upon nor introduced in any action by any party.  
20 Respondent agrees that should the Board reject this Consent Agreement and this case  
21 proceeds to hearing, Respondent shall assert no claim that the Board was prejudiced by  
22 its review and discussion of this document or any records relating thereto.

23       12. If a court of competent jurisdiction rules that any part of this Consent  
24 Agreement is void or otherwise unenforceable, the remainder of the Consent Agreement  
25 shall remain in full force and effect.

26       13. Respondent agrees that any violation of this Consent Agreement may result  
27 in disciplinary action.

28



1 Respondent's obligations remained to be paid; and that the peer review reports had not  
2 been submitted.

3 11. During that same email correspondence Respondent stated to the Board  
4 investigator that the peer review reports were completed and delivered to another  
5 individual, who died before providing them to Respondent.

6 12. During that same email correspondence, Respondent also stated that he had  
7 made an initial payment of Three Hundred Dollars (\$300.00), in addition to the two  
8 payments in March, 2017.

9 13. The Board's investigator requested that proof of that initial payment and  
10 copies of the peer review reports be sent to the Board, but, to date, Respondent has not  
11 provided them.

12 14. On January 22, 2019, in Case No. P19-018, the Board reviewed the  
13 complaint of non-compliance with Board Order P16-047 and voted to offer Respondent a  
14 Consent Agreement for Voluntary Surrender of Respondent's registration as a land  
15 surveyor, to be signed within 30 days or forwarded to formal hearing.

16 15. Prior to his hearing on May 26, 2020, Respondent informed the Board's  
17 attorney that he had decided to accept the Consent Agreement for Voluntary Surrender of  
18 his land surveyor registration.

### 19 III. CONCLUSIONS OF LAW

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

22 2. Respondent's conduct alleged above constitutes grounds for discipline  
23 pursuant to A.R.S. §§ 32-128(C)(4) and 32-150, by

24 a. Violation of the statutes governing land surveyors; and

25 b. Failure to comply with a final order of the Board, by not paying the  
26 remainder of his civil penalty and by failing to complete his peer  
27 reviews.

28

1 **IV. ORDER**

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

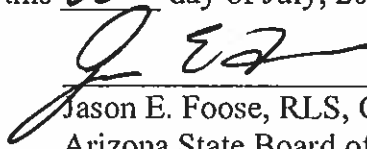
4 1. VOLUNTARY SURRENDER. Respondent agrees to voluntarily surrender  
5 his Arizona Registered Land Surveyor Registration No. 26410 in lieu of a formal hearing.  
6 After surrender of Registration No. 26410, Respondent shall not practice, offer to  
7 practice, or by any implication hold himself out as qualified to practice land surveying  
8 until such time as the Respondent is registered by the Board and is in full compliance  
9 with the Board's statutes and rules.

10 2. ADMINISTRATIVE CLOSURE. The Board orders that Case No. P16-047  
11 shall be administratively closed, and the Board will take no further disciplinary action on  
12 that case, provided that Respondent continues to comply with this Consent Agreement in  
13 Case No. P19-018.

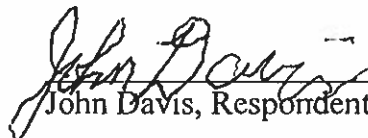
14 3. EFFECTIVE DATE. The effective date of this Consent Agreement is the  
15 date it was last executed by the Respondent or the Board.

16 4. NONCOMPLIANCE. If Respondent violates this Order in any way or fail  
17 to fulfill the requirements of this Order, the Board, after giving notice and the opportunity  
18 to be heard, may seek an injunction or take other disciplinary actions against Respondent.

19  
20 ACCEPTED and ORDERED this 28<sup>th</sup> day of July, 2020.

21   
22 \_\_\_\_\_  
23 Jason E. Foose, RLS, Chairman  
Arizona State Board of Technical Registration

24  
25 Consent Agreement and Order, Numbers P16-047 and P19-018 accepted  
26 this 24<sup>th</sup> day of July, 2020.

27   
28 \_\_\_\_\_  
John Davis, Respondent



1 ORIGINAL of the foregoing filed  
2 this \_\_\_\_ day of July, 2020, with:

3 Arizona State Board of Technical Registration  
4 1110 W. Washington, Suite 240  
5 Phoenix, AZ 85007

6 COPY of the foregoing mailed and e-mailed  
7 this 28 day of July, 2020, to:

8 John Davis  
9 3636 E. Inverness Ave. #1097  
10 Mesa, AZ 85206  
11 jhd3az@aol.com  
12 Respondent

9214 8701 9454 4600 0719 29

13 COPY of the foregoing e-mailed  
14 this 29 day of July, 2020, to:

15 Deanie Reh  
16 deanie.reh@azag.gov  
17 Counsel for the State

18 By:  \_\_\_\_\_

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