



OBEFORE THE ARIZONA STATE
BOARD OF TECHNICAL REGISTRATION

In the Matter of:

Case No.: P16-059

Ray Jones
Registered Land Surveyor
Registration No. 05713

Respondent

CONSENT AGREEMENT
AND ORDER
for
VOLUNTARY SURRENDER

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, Ray Jones ("Respondent"), holder of Registration No. 05713, 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 P16-059 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 Land Surveying in the State of Arizona.

18 2. Respondent is the holder of Arizona Registered Land Surveyor Registration
19 No. 05713.

20 3. On March 29, 2016, the Board received a complaint alleging that Respondent
21 conducted a survey on a lot of land located at 601 E. Bonita Street in Payson, Arizona, in
22 May of 2015 that failed to meet the Arizona Boundary Survey Minimum Standards
23 (“ABSMS”).

24 4. On August 25, 2016, an Enforcement Advisory Committee met to review the
25 complaint. The Respondent attended the meeting by phone. After reviewing the
26 evidence and interviewing the Respondent, the Committee found that Respondent’s
27 survey plat did not display Respondent’s R.L.S. seal as required for a plat in the public
28 domain. The Committee further found that Respondent’s plat did not contain

1 Respondent's certification statement, a legend and a scale or arrow indicating north, all
2 requirements of the ABSMS. The committee opined that the items left off the
3 Respondent's survey plat were major in nature and Respondent failed to demonstrate a
4 grasp of minimum standards required for a survey plat.

5 5. On September 22, 2016, Board staff called and discussed with Respondent
6 the committee conclusions and chair report. Board further discussed options to resolve
7 this complaint. Respondent said he no longer conducts surveys and agreed to the
8 voluntary surrender in lieu of a monetary penalty.

9 CONCLUSIONS OF LAW

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

11 2. The conduct alleged in the Findings of Fact constitutes grounds for discipline
12 pursuant to A.R.S. § 32-128(C)(4) as it relates to A.A.C. R4-30-301(13), in that
13 Respondent failed to conduct a survey in accordance with the Arizona Boundary Survey
14 Minimum Standards.

15 3. The conduct alleged in the Findings of Fact constitutes grounds for discipline
16 pursuant to A.R.S. § 32-125(B) and A.R.S. § 32-128(C)(4) as it relates to A.A.C. R4-30-
17 304(D)(1), in that Respondent failed to seal a survey plat before the plat was submitted to
18 a client or any other person.

19 ORDER

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

22 1. **VOLUNTARY SURRENDER.** Respondent agrees to voluntarily surrender
23 his Registered Land Surveyor Registration No. 05713 in lieu of an administrative penalty.

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

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1 ACCEPTED and ORDERED this 25th day of OCTOBER, 2016.

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3 E. Leroy Brady
4 E. Leroy Brady, Chairman
5 Arizona State Board of
6 Technical Registration

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9 Consent Agreement and Order, No. P16-059 accepted this 27 day of
10 SEPT., 2016.

11 Ray Jones
12 Ray Jones, Respondent

13 ORIGINAL filed this 25 day of
14 OCTOBER, 2016, 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. 7016 0750 0000 2510 8642 and
20 First Class mail this 27 day of OCTOBER, 2016, to:

21 Ray Jones
22 1118 N. Karen Way
23 Payson, AZ 85541

24 By: D. Kraemer