



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 P17-044 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3 Board does not approve this Consent Agreement, it is withdrawn and shall be of no  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 practice of Professional Land Surveying in the State of Arizona.

19 2. Respondent is the holder of Arizona Professional Land Surveyor Registration  
20 No. 16193.

21 3. Respondent firm was not registered with the Board at the time of project  
22 engagements in 2013 and early 2014. Subsequently, Respondent firm was registered with  
23 the Board on March 13, 2014, and issued firm registration No. 18700.

24 4. On or about December 23, 2013, Respondent firm engaged in the practice of  
25 Professional Land Surveying by performing ALTA/ACSM Land Title Survey for a  
26 property located at 2660 & 2680 E. Mohawk Ln., Phoenix, AZ, without Board  
27 registration. Respondent signed and sealed professional documents for an ALTA Land  
28 Title Survey for the aforementioned property, prepared by Timothy Spangler, who is not

1 registered with the Board.

2 5. On or about February 21, 2014, Respondent firm engaged in the practice of  
3 Professional Land Surveying by performing an ALTA Land Title Survey for a property  
4 located at 17271 N. 87th Ave., Peoria, AZ, without Board registration. Respondent  
5 signed and sealed professional documents for an ALTA Land Title Survey for the  
6 aforementioned property, prepared by Timothy Spangler, who is not registered with the  
7 Board.

8 6. On or about February 26, 2014, Respondent firm engaged in the Practice of  
9 Professional Land Surveying by performing an ALTA Land Title Survey for a property  
10 located at 10815 N. 32nd St., Phoenix, AZ, without Board registration. Respondent  
11 signed and sealed professional documents for an ALTA Land Title Survey for the  
12 aforementioned property, prepared by Timothy Spangler, who is not registered with the  
13 Board.

14 7. On or about March 3, 2016, Board staff received a copy of a contract for two  
15 projects, dated July 25, 2013, that Respondent firm engaged in without Board  
16 registration.

17 8. On March 3, 2016, Board staff interviewed Timothy Spangler, a non-  
18 registrant. During the interview, Mr. Spangler stated that he was the owner of Arizona  
19 ALTA Specialists and that he is contracted with CRESurvey to perform ALTA surveys.  
20 Mr. Spangler stated that he performed the surveys located at the addresses listed. These  
21 surveys were done through an unregistered firm.

22 8. On or about August 19, 2016, Board staff received copies of contracts  
23 between CreSurveys and Respondent firm as well as contracts between CreSurveys and  
24 Samer & Associates between the years 2012 and 2016. Staff also received copies of  
25 professional documents for projects performed by Respondent and Respondent firm for  
26 CreSurveys. Three surveys performed in 2013 were done through Respondent firm while  
27 it was unregistered.

28 9. On or about August 19, 2016, Board staff received copies of contracts and

1 professional documents for six ALTA surveys performed by Respondents in July and  
2 August of 2016. The surveys were stamped and signed by Respondent, whose  
3 registration had expired on June 30, 2016.

4 **CONCLUSIONS OF LAW**

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

6 2. The conduct alleged in the Findings of Fact constitutes grounds for discipline  
7 pursuant to A.R.S. § 32-128(C)(3), in that Respondent aided and abetted the practice of  
8 an unregistered person.

9 3. The conduct alleged in the Findings of Fact constitutes grounds for discipline  
10 pursuant to A.R.S. § 32-128(C)(4) as it relates to A.A.C. R4-30-301(16), in that  
11 Respondent signed and sealed professional documents that were prepared by Timothy  
12 Spangler, a Non-Registrant, not a bona fide employee of Respondent firm.

13 4. The conduct alleged in the Findings of Fact constitutes grounds for discipline  
14 pursuant to A.R.S. § 32-145(1) and A.R.S. § 32-125(C), in that Respondent signed and  
15 sealed ALTA surveys during July and August of 2016, during which time his registration  
16 was expired (June 30, 2016).

17 5. The conduct alleged in the Findings of Fact constitutes grounds for discipline  
18 pursuant to A.R.S. § 32-141 and A.R.S. § 32-121, in that Respondent and Respondent  
19 Firm practiced land surveying in 2013 and early 2014 through a firm that was not  
20 registered with the Board until March of 2014.

21 **ORDER**

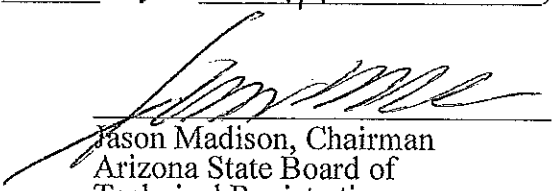
22 Based on the foregoing Findings of Fact and Conclusions of Law, the Board issues  
23 the following Order:

24 1. **VOLUNTARY SURRENDER.** Respondent agrees to voluntarily surrender  
25 his Registered Land Surveyor Registration No. 16193 in lieu of a formal hearing.

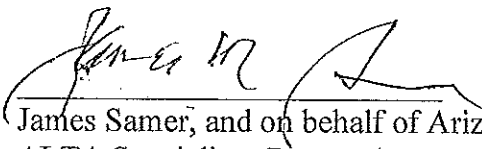
26 2. **VOLUNTARY SURRENDER OF FIRM REGISTRATION CARD.**  
27 Respondent agrees to voluntarily surrender his Firm Registration Card identifying  
28 Arizona ALTA Specialists.

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

4 ACCEPTED and ORDERED this 24 day of JAN., 2017.

5  
6   
7 Jason Madison, Chairman  
8 Arizona State Board of  
9 Technical Registration

10 Consent Agreement and Order, No. P17-044 accepted this 10 day of  
11 January, 2017.

12   
13 James Samer, and on behalf of Arizona  
14 ALTA Specialists, Respondents

15  
16 ORIGINAL filed this 24 day of  
17 JANUARY, 2017, with:

18 Arizona State Board of Technical Registration  
19 1110 W. Washington, Suite 240  
20 Phoenix, AZ 85007

21 COPY of the foregoing mailed via Certified Mail  
22 No. 9214 8901 9434 4600 0076 63 and  
23 First Class mail this 27 day of JANUARY, 2017, to:

24 James Samer  
25 Arizona ALTA Specialists  
26 1668 W Glendale Ave  
27 Phoenix, AZ 85021

28 By: J. Braemer