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

In the Matter of:

**HELMUTH HACK
REGISTERED LAND SURVEYOR
REGISTRATION NO. 32226**

Respondents.

Case No.: P18-064

**CONSENT AGREEMENT
AND
ORDER OF DISCIPLINE**

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 parties, Helmuth Hack ("Respondent"), holder of Registration No. 32226, 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 this this Consent Agreement, Respondent knowingly, voluntarily, and irrevocably waives his right to such an administrative hearing as well as rights of rehearing, reconsideration, appeal, judicial review, or any other administrative and/ or judicial action concerning the matter set forth herein.
3. Respondent understands that this Consent Agreement or any part of the agreement may be considered in any future disciplinary action by the Board.

1 4. Respondent understands the Consent Agreement, any record prepared in this
2 matter, all investigative materials prepared or received by the Board and all related
3 exhibits and materials, are public records (as defined in A.R.S. § 41-158.18).

4 5. Respondent understands this Consent Agreement deals with Board case number
5 P18-064 involving allegations that Respondent engaged in conduct that would constitute
6 violations of the Board's statutes and rules. The investigation into these allegations
7 against Respondent shall be concluded upon the Board's adoption of this Consent
8 Agreement.

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

13 7. Respondent understands that acceptance of this Consent Agreement does not
14 preclude any other agency, subdivision, or officer of this State from instituting any other
15 civil or criminal proceedings with respect to the conduct that is the subject of this
16 Consent Agreement.

17 8. Respondent understands that, upon signing this Consent Agreement and returning
18 this document to the Board's Executive Director, he may not revoke acceptance of the
19 Consent Agreement or make any modifications to the document regardless of whether the
20 Consent Agreement has been signed on behalf of the Board. Any modification to this
21 original document is ineffective and void unless mutually agreed by the parties in writing.

22 9. This Consent Agreement is subject to the approval of the Board and is effective
23 only when accepted by the Board and signed on behalf of the Board. In the event that the
24 Board does not approve this Consent Agreement, it is withdrawn and shall be of no
25 evidentiary value and shall not be relied upon nor introduced in any action by any party.

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

11. Respondent understands that any violation of this Consent Agreement may result

1 in disciplinary action, including suspension or revocation of the registration under A.R.S.
2 § 32-150.

3 12. Respondent agrees that the Board will adopt the following Findings of Fact,
4 Conclusions of Law, and Order.

5 **FINDINGS OF FACT**

6 13. The Board is the duly constituted authority for the regulation and control of the
7 practice of several professions in the State of Arizona, including that of Land Surveyor.
8 A.R.S. § 32-101, *et seq.*

9 14. Respondent is the holder of Arizona Registered Land Surveyor Registration No.
10 32226.

11 15. On or about May 16, 2005, Respondent conducted a land boundary survey at
12 Encanto Boulevard and 197th Avenue in Buckeye, Arizona.

13 16. On April 10, 2018, the Board received a complaint alleging Respondent performed
14 a Lot Combination and Split at Encanto Boulevard and 197th Avenue in Buckeye, AZ that
15 may have failed to meet Arizona Boundary Survey Minimum Standards (“ABSMS”).

16 17. On January 30, 2019, an Enforcement Advisory Committee (“EAC”) was
17 convened at the Board office to review the complaint against the Respondent. After
18 interviewing the Complainant and the Respondent, the EAC found Respondent’s survey
19 failed to explain in detail the reason for not accepting a monument as required by
20 ABSMS 8(A).

21 **CONCLUSIONS OF LAW**

22 18. The Board is the duly constituted authority for the regulation and control of the
23 practice of several professions in the State of Arizona, including that of Land Surveyor.
24 A.R.S. § 32-101, *et seq.*

25 19. The conduct alleged in the Findings of Fact above constitutes grounds for
26 discipline pursuant to A.R.S. § 32-128(C)(4) as it relates to A.A.C. R4-30-301(13) (“[t]o
the extent applicable to the professional engagement, a registrant shall conduct a land
survey engagement in accordance with the April 12, 2001 Arizona Professional Land
Surveyors Association (APLS) Arizona Boundary Survey Minimum Standards...”]

1 **ORDER**

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

4 **1. LETTER OF REPRIMAND.** Respondent is hereby issued a Letter of
5 Reprimand.

6 **2. STAYED SUSPENSION AND PROBATION.** Respondent's Registration No.
7 32226 shall be suspended for ten (10) months; however, the suspension is stayed so long
8 as Respondent remains in compliance with this Order. During the stay of suspension,
9 Respondent's Registration No. 32226 is placed on probation. If Respondent is non-
10 compliant with any provision of this Order during the stayed suspension and probation
11 period, the stay of suspension shall be lifted and Respondent's Registration No. 32226
12 shall be automatically suspended without a formal hearing and remain suspended until
13 Respondent is compliant with the terms of this Order. If Respondent completes all terms
14 of this Order prior to the end of ten (10) months stayed suspension period, Respondent
15 may be eligible for early termination of any remaining stayed suspension period.

16 **3. ADMINISTRATIVE PENALTY.** Within Ten (10) months from the effective
17 date of this Consent Agreement, Respondent shall pay an administrative penalty in the
18 total amount of two-hundred and fifty dollars (\$250.00). Respondent shall make
19 payments towards the Administrative Penalty monthly in the amount of twenty-five
20 dollars (\$25.00) directly to the Board by certified check or money order made payable to
21 the State of Arizona Board of Technical Registration.

22 **4. FEES AND COSTS.** Within ten (10) months of the effective date of this Consent
23 Agreement, Respondent shall pay fees and costs of enforcement in the total amount of
24 five-hundred and eighty dollars (\$580.00). Respondent shall make payments towards the
25 Fees and Costs monthly in the amount of fifty-eight dollars (\$58.00) directly to the Board
26 by certified check or money order made payable to the State of Arizona Board of
27 Technical Registration.

5. EFFECTIVE DATE. The effective date of this Consent Agreement is the date
the Respondent and Board sign the Consent Agreement. If the dates are different, the


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effective date is the later of the two dates.

6. OBEY ALL LAWS. During the pendency of this Order, Respondent shall obey all federal, state, and local laws as well as all rules governing the practice of land surveying in the State of Arizona. The Board shall consider any violation of this paragraph to be a violation of A.R.S. § 32-150 (“[f]ailure to comply with any final order of the board...”).

7. NONCOMPLIANCE. If Respondent violates this Order in any way or fails to fulfill the requirements of this Order, the Board, after giving notice and the opportunity to be heard, may revoke, suspend or take other disciplinary action against Respondent’s Registration No. 32226. The issue at such a hearing will be limited solely to whether this Order has been violated.

ACCEPTED and ORDERED this 22ND day of OCTOBER, 2019.



Jason Foosc, R.L.S.
Chairman
Arizona State Board of
Technical Registration

Consent Agreement and Order, Case No. P18-064 accepted this 27 day of SEPTEMBER, 2019.



Helmuth Hack, R.L.S.

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ORIGINAL of the foregoing filed
this 23 day of October, 2019, with:

The Arizona State Board of Technical Registration
1110 W. Washington Street
Suite 240
Phoenix, Arizona 85007

COPY of the foregoing mailed by
both Certified and First Class Mail
this same date to:

CERT. MAIL NO. 9214 8901 9434 4600 062792

Helmuth Hack
9061 N. 115 Dr.
Youngtown, AZ 85363

