



1 or judicial action concerning the matter set forth herein.

2 3. Respondents understand that this Consent Agreement may be considered in any future  
3 disciplinary action by the Board.

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

7 5. Respondents understand this Consent Agreement deals with Board case number P19-046  
8 involving allegations that Respondents engaged in conduct that would constitute violations of the  
9 Board's statutes and rules. The investigation into these allegations against Respondent shall be  
concluded upon the Board's adoption of this Consent Agreement.

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

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

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

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23 not approve this Consent Agreement, it is withdrawn and shall be of no evidentiary value and  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

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

1 11. Respondents agree that the Board will adopt the following Findings of Fact, Conclusions  
2 of Law, and Order.

3 **FINDINGS OF FACT**

4 12. Respondent Firm is an Arizona LLC incorporated January 30, 2017.

5 13. Respondent Firm operates an internet presence through <https://www.droneworksaz.com/>  
6 (“droneworksaz.com”).

7 14. On [droneworksaz.com](https://www.droneworksaz.com/), Respondent, described as “Division Manager”, holds out as  
8 “...running Droneworks with my team ...”

9 15. At all times relevant to the allegations in this Complaint, Respondent Firm had an office  
10 at 2915 W. Fairview St., Chandler, AZ, 85224.

11 16. On or about April 3, 2019, the Board received a complaint that Respondent Firm was  
12 providing professional land surveying services without being registered with the Board.

13 17. Board staff provided the complaint to Respondent Firm, and on or about April 18, 2019,  
14 Respondent provided a response alleging, in part, Respondent Firm makes no claim to being  
15 registered, contracts with registrants when a project so requires, and provides a registrant should  
16 the client not have one in-house. Additionally, the response provided that Respondent Firm’s  
17 website included a disclaimer that:

18 Droneworks is NOT an RLS nor do we hold a license. We collect data via drone  
19 and with the help of an RLS the information is collected and then processed. This  
20 process is faster and less expensive than traditional survey methods.

21 18. All file materials were provided to two members of a Board Enforcement Advisory  
22 Committee (“EAC”) for independent evaluation and recommendation. These evaluations were  
23 received by the Board dated May 21, 2019 and May 28, 2019 respectively.

24 19. The first evaluator found in his report that Respondent Firm advertised on its website  
25 “services that fall under the definition of land surveying...” through use of terms such as  
26 “contours, DSM, DTM, orthomosaics, volume computations, area calculations, and mapping/

1 work for surveyors...” Additionally, the evaluator found “[t]he processing and geo-referencing  
2 of the imagery into the types of products DroneWorks advertises requires expertise in  
3 photogrammetry and land surveying.” The first reviewer recommended a full EAC be convened  
4 to review the materials and interview the Respondent.

5 20. The second evaluator found in his report that Respondent Firm advertised services  
6 regulated by the Board. Among the specified points, the evaluator found:

7 [d]etermining topography and contours and then generating maps showing these  
8 features is included in the definition of the practice. All of these listed items are  
9 included in the advertising materials for the Respondent.

10 21. On June 27, 2019, a formal EAC meeting was held with the Respondent and the initial  
11 Alleger (appearing telephonically). After reviewing all available investigation materials the  
12 committee voted to substantiate the allegations that Respondent Firm may have practiced or  
13 offered to practice a Board-regulated profession without registration and that Respondent may  
14 have offered to practice or by any implication held himself out as qualified to practice a Board-  
15 regulated profession without registration.

16 22. On August 27, 2019 the Board voted to offer a consent agreement to Respondents, with  
17 the matter to proceed to a Complaint/ Notice of Hearing should the consent not be entered into  
18 within 30 days.

19 23. Respondent avows Respondent Firm is no longer performing business services.

#### 20 **CONCLUSIONS OF LAW**

21 24. The Board possesses jurisdiction over the subject matter hereof and over Respondents  
22 pursuant to A.R.S. § 32-101, *et seq.*

23 25. The conduct alleged in the Findings of Fact above constitutes grounds for an  
24 administrative penalty pursuant to A.R.S. § 32-106.02 as regards Respondent.

25 26. The conduct alleged in the Findings of Fact above constitutes grounds for an  
26 administrative penalty pursuant to A.R.S. § 32-106.02 as regards Respondent Firm.

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**ORDER**


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

**1. ADMINISTRATIVE PENALTY.** Within ninety (90) days from the effective date of this Order, Respondents shall pay an administrative penalty in the total amount of one-thousand dollars (\$1000.00) directly to the Board by certified check or money order made payable to the State of Arizona Board of Technical Registration. Respondents shall be jointly and severally liable for the full amount of the Administrative Penalty.

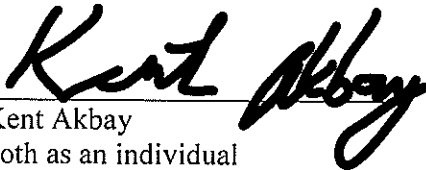
**2. FEES AND COSTS.** Within thirty (30) days of the effective date of this Order, Respondents shall pay fees and costs of enforcement in the total amount of two-hundred dollars (\$200.00) directly to the Board by certified check or money order made payable to the State of Arizona Board of Technical Registration. Respondents shall be jointly and severally liable for the full amount of Fees and Costs.

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

ACCEPTED and ORDERED this 16 day of January, 2020

  
\_\_\_\_\_  
Jason Foose, R.L.S.  
Chairman  
Arizona State Board of  
Technical Registration

Consent Agreement and Order, Case No. P19-046 accepted:

  
\_\_\_\_\_  
Kent Akbay  
both as an individual  
and as a qualified representative  
of Respondent Firm

1/16/20  
Date

1 **ORIGINAL** of the foregoing filed  
2 this \_\_\_\_ day of \_\_\_\_\_, 2019, with:

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

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

10 **Kent Akbay**  
11 DroneWorks, LLC  
12 2915 W. Fairview St.  
13 Chandler, AZ 85224

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