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2 Attorney General  
3 Firm Bar No. 14000

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13 *Attorney for the Arizona State Board of Technical Registration*

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

16 In the Matter of:

Case Nos. P21-003

17 **Martin Kuhn,**  
18 Professional Engineer Registration  
19 No. 10560,

**CONSENT AGREEMENT**

20 and

21 **Mineral Advisory Group, LLC,**  
22 Firm Registration  
23 No. 14952, Expired 5/31/19;

24 Respondents.

25 In the interest of a prompt and judicious resolution of the above-captioned matter  
26 before the Arizona State Board of Technical Registration (the "Board") and consistent  
27 with the public interest, statutory requirements, and the responsibilities of the Board, and  
pursuant to Arizona Revised Statutes ("A.R.S.") § 32-101, *et seq.*, and Arizona  
Administrative Code ("A.A.C.") R4-30-120(G), the Board and the undersigned party,  
Martin Kuhn, ("Respondent") holder of registration No. 10560, on behalf of himself and

1 as the principal of Minerals Advisory Group ("Respondent Firm"), holder of firm  
2 registration No. 14952, enter into the following Recitals, Findings of Fact, Conclusions  
3 of Law and Order ("Consent Agreement") as a final disposition of this matter.

#### 4 **RECITALS**

5 1. Respondent has read and understands this Consent Agreement and has had  
6 the opportunity to discuss this Consent Agreement with an attorney, or has waived the  
7 opportunity to discuss this Consent Agreement with an attorney.

8 2. Respondent understands that he has a right to a public administrative  
9 hearing concerning this case. He further acknowledges that, at such formal hearing, he  
10 could present evidence and cross-examine witnesses. By entering into this Consent  
11 Agreement, Respondent knowingly, voluntarily, and irrevocably waives his right to such  
12 an administrative hearing, as well as rights of rehearing, review, reconsideration, appeal,  
13 judicial review or any other administrative and/or judicial action concerning the matters  
14 set forth herein.

15 3. Respondent affirmatively agrees that this Consent Agreement shall be  
16 irrevocable.

17 4. Respondent understands that this Consent Agreement or any part of the  
18 agreement may be considered in any future disciplinary action by the Board against him.

19 5. The Consent Agreement, any record prepared in this matter, all  
20 investigative materials prepared or received by the Board and all related exhibits and  
21 materials, are records (as defined in A.R.S. § 41-151.18) upon acceptance by the Board  
22 of this Consent Agreement and may be retained in the Board's files pertaining to this  
23 matter.

24 6. Respondent understands this Consent Agreement deals with Board case  
25 number P21-003 involving allegations that Respondent engaged in conduct that would  
26 subject him to discipline under the Board's statutes and rules. The investigation into  
27

1 these allegations against Respondent shall be concluded upon the Board's adoption of  
2 this Consent Agreement.

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

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

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

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

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

4 12. Respondent agrees that any violation of this Consent Agreement may result  
5 in disciplinary action, including suspension or revocation of registration under A.R.S. §  
6 32-150.

7 13. Respondent agrees that the Board will adopt the following Findings of Fact,  
8 Conclusions of Law and Order.

9 **FINDINGS OF FACT**

10 1. The Board is the duly constituted authority for the regulation and control of  
11 the practice of engineering in the State of Arizona.

12 2. Respondent is the holder of professional engineering, registration No.  
13 10560.

14 3. Respondent Firm is the holder of firm registration No. 14952, which  
15 expired on May 31, 2019.

16 4. Respondent did not respond to the Board Notice of Violation, but Marta  
17 Buchanan, who is the Respondent Firm's office Manager, did respond. Ms. Buchanan  
18 stated that she normally takes care of the renewals, but last year Mr. Kuhn was  
19 responsible for that. She was not aware the firm registration had expired.

20 5. Marta renewed the firm registration on August 25, 2020. The new  
21 registration number is 22789.

22 **CONCLUSIONS OF LAW**

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

25 2. The conduct alleged in the Findings of Fact constitutes grounds for  
26 discipline pursuant to A.R.S. § 32-141, in that Respondent Firm practiced or offered to  
27 practice a Board regulated profession without firm registration.





1 **COPY** of the foregoing served via email, with delivery receipt requested,  
2 this 27<sup>th</sup> day of April, 2021, to:

3 Martin Kuhn  
4 mckuhn@magintucson.com

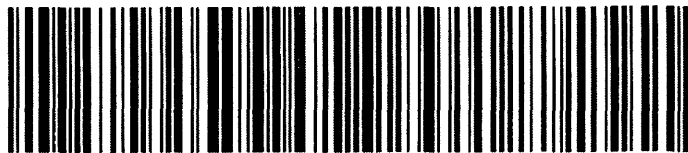
5 **COPY** of the foregoing e-mailed  
6 this 27<sup>th</sup> day of April, 2021, to:

7 Deanie Reh  
8 Assistant Attorney General  
9 deanie.reh@azag.gov  
10 *Attorney for the State of Arizona*

11 By: 

12 #9373000

USPS CERTIFIED MAIL



9214 8901 9434 4600 0812 50

MARTIN KUHN  
3331 W PEPPERWOOD LOOP  
TUCSON AZ 85742-9388

**APR 27 2021**

Username: Andrew Puccino (andrew.puccino@azbtr.gov)

Postage: \$6.9500