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

<p>In the Matter of:</p> <p>Michael York R.L.S. #19862</p> <p style="text-align: center;">Respondent</p>	<p style="text-align: center;">Case No. P21-019</p> <p style="text-align: center;">CONSENT AGREEMENT and ORDER OF DISCIPLINE</p>
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12 In the interest of a prompt and judicious resolution of the above-captioned matter before
13 the Arizona State Board of Technical Registration ("Board") and consistent with the public
14 interest, statutory requirements, and the responsibilities of the Board, and pursuant to A.R.S. §
15 32-101 et seq., and A.A.C. R4-30-120(G), the undersigned party, Michael York ("Respondent"),
16 holder of Registration No. 19862, and the Board enter into the following Recitals, Findings of
17 Fact, Conclusions of Law and Order ("Consent Agreement") as a final disposition of this matter.

18 **RECITALS**

- 19 1. Respondent has read and understands this Consent Agreement and has had the
20 opportunity to discuss this Consent Agreement with an attorney, or has waived the opportunity to
21 discuss this Consent Agreement with an attorney.
- 22 2. Respondent understands that he has a right to a public administrative hearing
23 concerning this case. He further acknowledges that at such formal hearing he could present
24 evidence and cross-examine witnesses. By entering into this Consent Agreement, Respondent
25 knowingly, voluntarily, and irrevocably waives his right to such an administrative hearing, as well
26 as rights of rehearing, review, reconsideration, appeal, judicial review or any other administrative
27 and/or judicial action concerning the matters set forth herein.
- 28 3. Respondent affirmatively agrees that this Consent Agreement shall be irrevocable.

1 4. Respondent understands that this Consent Agreement or any part of the agreement
2 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 public
5 records (as defined in A.R.S. § 41-158.18) upon acceptance by the Board of this Consent
6 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 number
8 P21-019 involving allegations that Respondent engaged in conduct that would subject him to
9 discipline under the Board's statutes and rules. The investigation into these allegations against
10 Respondent shall be concluded upon the Board's adoption of this Consent Agreement.

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

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

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

23 10. This Consent Agreement is subject to the approval of the Board and is effective
24 only when accepted by the Board and signed on behalf of the Board. If the Board does not accept
25 this Consent Agreement, the Board retains its authority to hold a formal administrative hearing
26 pursuant to A.R.S. § 32-128(E). In the event that the Board does not approve this Consent
27 Agreement, it is withdrawn and shall be of no evidentiary value and shall not be relied upon nor
28 introduced in any action by any party, except that the parties agree that should the Board reject

1 this Consent Agreement and this case proceeds to hearing. Respondent shall assert no claim that
2 the Board was prejudiced by its review and discussion of this document or any records relating
3 thereto.

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

7 12. Respondent understands that any violation of this Consent Agreement may result in
8 disciplinary action, including suspension or revocation of the registration under A.R.S. § 32-150.

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

11 **FINDINGS OF FACT**

12 1. The Board is the duly constituted authority for the regulation and control of the
13 practice of Land Surveying in the State of Arizona.

14 2. Respondent is the holder of Arizona Registered Land Surveyor. Registration No.
15 19862.

16 3. On August 24, 2020 Board staff received an anonymous complaint alleging that
17 Respondent's ALTA/ACSM Land Title Survey for the River Square Apartments in Pima County,
18 Arizona conducted on or about March 3, 2015. did not contain sufficient curve information to
19 close the lot, did not find or set the two north corner monuments, failed to make it clear if found
20 monuments were accepted and did not tag the monuments. accepted a magnetic symbol for
21 corners in the parking lot which may or may not be an original monument, failed to show the wall
22 along the south and west side in relation to the boundary, failed to show ties from the boundary to
23 the buildings, and failed to record the survey with found monuments not of record.

24 4. On October 21, 2020 Board staff received Respondent's response to the Notice of
25 Investigation. Respondent acknowledged "there may have been some deficiencies" in the land
26 survey. Respondent stated that the owner had recently had the parking lot resealed and did not
27 want to dig up the set monuments. Respondent stated the "curve data is correct as shown" and
28 indicated that he would "prepare and record" this survey.

1 2. ADMINISTRATIVE PENALTY. Within sixty (60) days from the effective
2 date of this Consent Agreement, Respondent shall pay an administrative penalty of One
3 Thousand Dollars (\$1000.00) by certified check or money order made payable to the State of
4 Arizona Board of Technical Registration.

5 3. COST OF INVESTIGATION. Within thirty (30) days from the effective date of
6 this Consent Agreement, Respondent shall pay the cost of investigation of this case to the Board
7 in the amount of One Hundred Sixty-Five Dollars (\$165.00) by certified check or money order
8 made payable to the State of Arizona Board of Technical Registration, according to the
9 provisions of A.R.S. § 32-128(H).

10 4. OBEY ALL LAWS. Respondent shall obey all federal, state and local laws, as
11 well as, all rules governing the practice of Land Surveying in the State of Arizona. The Board
12 shall consider any violation of this paragraph to be a separate violation of the rules and statutes
13 governing the Arizona Board of Technical Registration. The Board may also consider
14 Respondent's non-compliance with this Order as a separate violation of A.R.S. § 32-150.

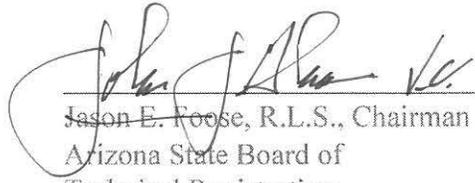
15 5. RENEWAL OF REGISTRATION. Respondent shall timely renew their Arizona
16 registration as a Land Surveyor, and timely pay all required registration fees.

17 6. EFFECTIVE DATE. The effective date of this Consent Agreement is the date the
18 Respondent and Board sign the Consent Agreement. If the dates are different, the effective date is
19 the later of the two dates.

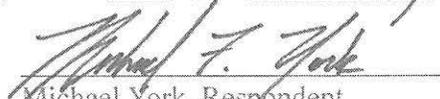
20 7. COSTS OF COMPLIANCE. Respondent shall pay all costs associated with
21 complying with this Consent Agreement.

22 8. NONCOMPLIANCE. If Respondent violates this Order in any way or fails to
23 fulfill the requirements of this Order, the Board, after giving notice and the opportunity to be
24 heard, may revoke, suspend or take other disciplinary actions against the registration. The issue
25 at such a hearing will be limited solely to whether this Order has been violated.

1 ACCEPTED and ORDERED this 23 day of FEBRUARY, 2021.

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5 Jason E. Foose, R.L.S., Chairman
6 Arizona State Board of
7 Technical Registration
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10 Consent Agreement and Order, No. P21-019 accepted this 22 day of JANUARY, 2021.

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12 
13 Michael York, Respondent

14 ORIGINAL filed this 23rd day of

15 February, 2021, with:

16
17 Arizona State Board of Technical Registration
18 1110 W. Washington, Suite 240
19 Phoenix, AZ 85007

20 COPY of the foregoing mailed via Certified Mail

21 No. _____ and

22 First Class mail this 25th day of February, 2021, to:

23 Michael York

24 ~~1101 West Grant Road #208~~

25 ~~Tucson, Arizona 85705~~

26 4343 S. SHIELA AVE.
27 TUCSON, AZ 85735

28 By: 