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

In the Matter of:

Case No.: P21-072

**Monica Acuna Arizmendi
Non-Registrant**

**CONSENT AGREEMENT
and
ORDER OF DISCIPLINE**

Respondent

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 party, Monica Acuna Arizmendi, Non-Registrant, (“Respondent”) 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 she has a right to a public administrative hearing concerning this case. She further acknowledges that at such formal hearing she could present evidence and cross-examine witnesses. By entering into this Consent Agreement, Respondent knowingly, voluntarily, and irrevocably waives her right to such an administrative hearing, as well as rights of rehearing, review, reconsideration, appeal, judicial review or any other administrative and/or judicial action concerning the matters set forth herein.

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

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

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
5 public records (as defined in A.R.S. § 41-158.18) upon acceptance by the Board of this
6 Consent 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
8 number P21-072 involving allegations that Respondent engaged in conduct that would
9 subject her to discipline under the Board's statutes and rules. The investigation into these
10 allegations against Respondent shall be concluded upon the Board's adoption of this
11 Consent Agreement.

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

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

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

26 10. This Consent Agreement is subject to the approval of the Board and is
27 effective only when accepted by the Board and signed on behalf of the Board. If the
28 Board does not accept this Consent Agreement, the Board retains its authority to hold a

1 formal administrative hearing pursuant to A.R.S. § 32-128(E). In the event that the
2 Board does not approve this Consent Agreement, it is withdrawn and shall be of no
3 evidentiary value and shall not be relied upon nor introduced in any action by any party,
4 except that the parties agree that should the Board reject this Consent Agreement and this
5 case proceeds to hearing, Respondent shall assert no claim that the Board was prejudiced
6 by its review and discussion of this document or any records relating thereto.

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

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

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

15 **FINDINGS OF FACT**

16 1. The Board is the duly constituted authority for the regulation and control of
17 the practice of Engineering and Land Surveying in the state of Arizona.

18 2. Respondent is not registered with the Board as an Engineer or Land
19 Surveyor.

20 3. Beginning in September 2019, Respondent began a business association with
21 Alleger, who is a Registered Land Surveyor and Civil Engineer that was later terminated
22 by Alleger in March 2021.

23 4. In May 2020, Respondent was involved in the submission of a total of three
24 professional documents to Santa Cruz County, Arizona, two of which were Record of
25 Surveys specific to an area on Pennsylvania Avenue in Patagonia, Arizona. The involved
26 parcel number is: APN 106-27-008. All three documents had a forged professional seal
27 and signature of the Alleger.

28 5. On February 18, 2021, an Arizona Department of Environmental Quality

1 Engineering Review-Notice of Intent to Discharge On-Site Wastewater Treatment
2 Facility Application was submitted to Santa Cruz County, Arizona for a residence located
3 at 1713 Camino Barrera in Rio Rico, Arizona, APN 125-01-214. Respondent is
4 responsible for the submission of the application that included a total of four forged
5 professional seals and signatures of the Alleger.

6 6. Respondent engaged in both Land Surveying and Engineering practice
7 primarily in Santa Cruz County, Arizona. The Respondent submitted both Land
8 Surveying and Engineering project work to Alleger, who reviewed and applied his
9 professional stamp for Respondent. The Respondent compensated the Alleger for his
10 review and professional stamp and signature on related documents.

11 7. On April 26, 2021, Alleger submitted a complaint in which he alleged
12 Respondent fraudulently applied his professional seal and signature on a number of
13 professional documents later submitted to Santa Cruz County, Arizona without his
14 knowledge.

15 8. On June 29, 2021, Respondent accepted "*full responsibility*" for one instance,
16 in which a total of four professional documents related to the Camino Barrera project,
17 were submitted with a fraudulently applied seal and signature of the Alleger. Respondent
18 denied being actually involved in the forged signatures and seals and offered that a
19 "*Draftsman*" friend actually committed the forgeries. The Draftsman, during a
20 subsequent interview, said Respondent previously asked him to admit involvement for
21 her sake and not to answer telephone calls from the United States. The Draftsman
22 conveyed that he had no involvement in the case.

23 9. On August 4, 2021, Alleger specifically identified a total of seven
24 professional documents, involving Respondent, with a fraudulently applied seal and
25 signature of Alleger later submitted to authorities in Santa Cruz County, Arizona:

- 26 a) Records received from Alleger, show Alleger's Professional Engineer seal
27 and his signature affixed to a Percolation Test Datasheet, Soils Report, Site
28 Investigation Report and Septic System Site Plan, all dated February 15,

1 2021 for the Camino Barrera project in Rio Rico, Arizona. Alleger
2 indicated that he had no involvement with this project and his seal and
3 signature were applied to the professional documents without his
4 knowledge.

5 b) Records received from Alleger show Alleger's Registered Land Surveyor
6 Seal and his signature affixed to two Record of Survey documents and
7 Parcel Addition Description all related to the Patagonia Townsite Eastside
8 Addition project in Patagonia, Arizona. Alleger indicated that he had no
9 involvement with this project and that his seal and signature were applied to
10 the professional documents without his knowledge.

11 CONCLUSIONS OF LAW

12 1. The Board has jurisdiction in this matter pursuant to A.R.S. § 32-101, et seq,
13 including A.R.S. § 32-106.02(A).

14 2. The conduct alleged in the Findings of Fact, constitutes grounds for
15 discipline pursuant to A.R.S. § 32-145(1), in that Respondent engaged in the practice of
16 Land Surveying and Engineering on two projects in Santa Cruz County, Arizona, without
17 Board registration.

18 3. The conduct alleged in the Findings of Fact, constitutes grounds for
19 discipline pursuant to A.R.S. § 32-145(4), in that Respondent used the registration of
20 another on seven professional documents related to two projects in Santa Cruz County,
21 Arizona.

22 ORDER

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

25 1. CIVIL PENALTY. Within Twelve (12) months from the effective date of
26 this Consent Agreement, Respondent shall pay a civil penalty of Ten Thousand Dollars
27 (\$10,000.00) to be submitted to the Board by cashier's check or money order made
28 payable to the Arizona State Board of Technical Registration, according to the provisions

1 of A.R.S. § 32-106.02(A).

2 2. COST OF INVESTIGATION. Within Ninety (90) days from the effective
3 date of this Consent Agreement, Respondent shall pay the cost of investigation of this
4 case to the Board in the amount of Three Thousand Three Hundred and Thirty Four
5 Dollars (\$3,334.00) by certified check or money order made payable to the State of
6 Arizona Board of Technical Registration, according to the provisions of A.R.S. § 32-
7 128(H).

8 3. OBEY ALL LAWS. Respondent shall obey all federal, state and local laws,
9 related to the practice of Engineering and Land Surveying in the State of Arizona. The
10 Board shall consider any violation of this paragraph to be a separate violation of the
11 statutes governing the Arizona Board of Technical Registration.

12 4. EFFECTIVE DATE. The effective date of this Consent Agreement is the
13 date the Respondent and Board sign the Consent Agreement. If the dates are different, the
14 effective date is the later of the two dates.

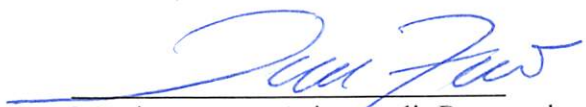
15 5. COSTS OF COMPLIANCE. Respondent shall pay all costs associated with
16 complying with this Consent Agreement.

17 6. NONCOMPLIANCE. If Respondent violates this Order in any way or fails
18 to fulfill the requirements of this Order, the Board may seek a Petition for Injunction in
19 accordance with the provisions set forth in A.R.S. § 32-106.01.

20 ACCEPTED and ORDERED this 2 day of NOVEMBER, 2021.

21
22 
23 Jack Gilmore, P.L.A., Vice-Chairperson
24 Arizona State Board of
25 Technical Registration

25 Consent Agreement and Order, No. P21-072 accepted this 22 day of
26 October, 2021.

27 
28 Monica Acuna Arizmendi, Respondent

28 ORIGINAL filed this 3
22 day of



November

1 ~~October~~, 2021, with:

2 ^{GMP}
Arizona State Board of Technical Registration
3 1110 W. Washington, Suite 240
Phoenix, AZ 85007

4 **COPY** of the foregoing mailed via Certified Mail
5 No. 9214 8901 9434 4600 0856 09 and
6 First Class mail this 3 day of November, 2021, to:

7 Craig L. Cline Esq., on behalf of Monica Acuna Arizmendi
8 4801 E. Broadway Blvd, Suite 400
Tucson, Arizona 85711

9
10 By: 

11 Gregory M. Roehn
12 Investigator-BTR
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