

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

<p>In the Matter of:</p> <p>John Ware Registered Land Surveyor Registration No.37937</p> <p>AZ Surveyors Inc. Firm Registration No.12800 Expired 8/31/19</p> <p style="text-align: right;">Respondent</p>	<p style="text-align: center;">Case No. P21-041</p> <p style="text-align: center;">CONSENT AGREEMENT and ORDER OF DISCIPLINE</p>
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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, John Ware ("Respondent"), holder of Registration No. 37937, and the Principal of Arizona Surveyors Inc. (Firm Registration No. 12800, Expired 8/31/19), 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 into this Consent Agreement, Respondent knowingly, voluntarily, and irrevocably waives his 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.

- 1 3. Respondent affirmatively agrees that this Consent Agreement shall be irrevocable.
- 2 4. Respondent understands that this Consent Agreement or any part of the agreement
- 3 may be considered in any future disciplinary action by the Board against him.
- 4 5. The Consent Agreement, any record prepared in this matter, all investigative
- 5 materials prepared or received by the Board and all related exhibits and materials, are public
- 6 records (as defined in A.R.S. § 41-158.18) upon acceptance by the Board of this Consent
- 7 Agreement and may be retained in the Board's files pertaining to this matter.
- 8 6. Respondent understands this Consent Agreement deals with Board case number
- 9 P21-041 involving allegations that Respondent engaged in conduct that would subject him to
- 10 discipline under the Board's statutes and rules. The investigation into these allegations against
- 11 Respondent shall be concluded upon the Board's adoption of this 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, and does
- 14 not constitute any waiver, express or implied, of the Board's statutory authority or jurisdiction
- 15 regarding any other pending or future investigation, action or proceeding.
- 16 8. Respondent also understands that acceptance of this Consent Agreement does not
- 17 preclude any other agency, subdivision, or officer of this State from instituting any other civil or
- 18 criminal proceedings with respect to the conduct that is the subject of this Consent Agreement.
- 19 9. Respondent acknowledges and agrees that, upon signing this Consent Agreement
- 20 and returning this document to the Board's Executive Director, he may not revoke his acceptance
- 21 of the Consent Agreement or make any modifications to the document regardless of whether the
- 22 Consent Agreement has been signed on behalf of the Board. Any modification to this original
- 23 document is ineffective and void unless mutually agreed by the parties in writing.
- 24 10. This Consent Agreement is subject to the approval of the Board and is effective
- 25 only when accepted by the Board and signed on behalf of the Board. If the Board does not accept
- 26 this Consent Agreement, the Board retains its authority to hold a formal administrative hearing
- 27 pursuant to A.R.S. § 32-128(E). In the event that the Board does not approve this Consent
- 28 Agreement, it is withdrawn and shall be of no evidentiary value and shall not be relied upon nor

1 introduced in any action by any party, except that the parties agree that should the Board reject
2 this Consent Agreement and this case proceeds to hearing, Respondent shall assert no claim that
3 the Board was prejudiced by its review and discussion of this document or any records relating
4 thereto.

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

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

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

12 **FINDINGS OF FACT**

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

15 2. Respondent is the holder of Arizona Registered Land Surveyor, Registration No.
16 37937.

17 3. Respondent Firm is the holder of Firm Registration No. 12800, which expired on
18 August 31, 2019.

19 4. Respondent indicated to staff that allowing the Firm Registration to expire was
20 simply an oversight and thanked us for bringing it to his attention.

21 5. After receiving notice from staff of his Firm's expiration of registration,
22 Respondent renewed it on November 20, 2020. The new Registration Number is 22928.

23 **CONCLUSIONS OF LAW**

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

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

28 **ORDER**

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

3 1. LETTER OF REPRIMAND. Respondent is hereby issued a Letter of Reprimand.

4 2. ADMINISTRATIVE PENALTY. Within Sixty (60) days from the effective
5 date of this Consent Agreement, Respondent shall pay an administrative penalty of Two Hundred
6 Fifty Dollars (\$250.00) by certified check or money order made payable to the State of Arizona
7 Board of Technical Registration.

8 3. COST OF INVESTIGATION. Within thirty (30) days from the effective date of
9 this Consent Agreement, Respondent shall pay the cost of investigation of this case to the Board
10 in the amount of Two Hundred Twenty Dollars (\$220.00) by certified check or money order made
11 payable to the State of Arizona Board of Technical Registration, according to the provisions of
12 A.R.S. § 32-128(H).

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

18 5. RENEWAL OF REGISTRATION. Respondent and Respondent Firm shall timely
19 renew their Arizona registration as a Land Surveyor and Surveying Firm, and timely pay all
20 required registration fees.

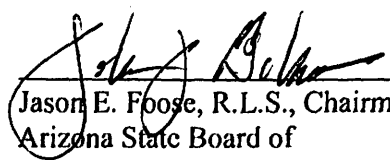
21 6. EFFECTIVE DATE. The effective date of this Consent Agreement is the date the
22 Respondent and Board sign the Consent Agreement. If the dates are different, the effective date is
23 the later of the two dates.

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

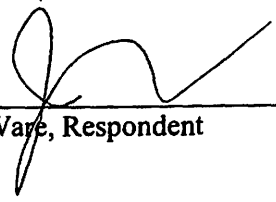
26 8. NONCOMPLIANCE. If Respondent violates this Order in any way or fails to
27 fulfill the requirements of this Order, the Board, after giving notice and the opportunity to be
28 heard, may revoke, suspend or take other disciplinary actions against the registration. The issue

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

Consent Agreement and Order, No. P21-041 accepted this 11 day of December, 2020.


John Ware, Respondent

ORIGINAL filed this 21st day of
January, 2021, with:

Arizona State Board of Technical Registration
110 W. Washington, Suite 240
Phoenix, AZ 85007

COPY of the foregoing mailed via Certified Mail
No. 9214 8901 9434 4600 0777 58 and
First Class mail this 27th day of January, 2021, to:

John Ware
Arizona Surveyors Inc
11445 E. Via Linda
Scottsdale, AZ 85259

By: 