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

In the Matter of:

**John Ware
Land Surveyor
Registration No. #37937**

Respondent

Case No.: P24-030

**CONSENT AGREEMENT
and
ORDER OF DISCIPLINE**

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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 Board enter into the following Recitals, Findings of Fact, Conclusions of Law and Order (“Consent Agreement”) as a final disposition of this matter.

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RECITALS

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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.

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2. Respondent understands that he has a right to a public administrative hearing concerning this case and 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.

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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 him.

3 5. Respondent understands this document, any record prepared in this matter,
4 all investigative materials prepared or received by the Board, and all related exhibits and
5 materials are public records upon acceptance by the Board of this Consent Agreement
6 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 P24-030 involving allegations that Respondent engaged in conduct that would
9 subject him to discipline under the Board's statutes and rules. The investigation into
10 these allegations against Respondent shall be concluded upon the Board's adoption of
11 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,
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 understands that acceptance of this Consent Agreement does not
17 preclude any other agency, subdivision, or officer of this State from instituting any other
18 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, he may not
22 revoke his 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. Respondent understands this Consent Agreement is subject to the approval of
27 the Board and is effective only when accepted by the Board and signed on behalf of the
28 Board. If the Board does not accept this Consent Agreement, the Board retains its

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2 event that the Board does not approve this Consent Agreement, it shall be withdrawn and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

7 11. Respondent understands if a court of competent jurisdiction rules that any
8 part of this Consent Agreement is void or otherwise unenforceable, the remainder of the
9 Consent Agreement 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 the
17 practice of Land Surveying in the State of Arizona.

18 2. Respondent is the holder of Arizona Land Surveyor Registration No. 37937.

19 3. On or about January 27, 2021, Respondent signed and accepted Board Order
20 P21-041 regarding practicing or offering to practice a Board regulated profession without
21 firm registration.

22 4. On or about July 23, 2023, Respondent submitted a Land Surveyor renewal
23 application in which he failed to disclose Board order P21-041 and answered "No" to the
24 question regarding if he had ever been investigated or disciplined by any regulatory
25 agency since his last renewal.

26 5. On or about November 8, 2023, Respondent confirmed that he had received the
27 prior discipline but had forgotten about the written agreement.

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CONCLUSIONS OF LAW

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

2. The conduct alleged in the Findings of Fact constitutes grounds for discipline pursuant to ARS 32-128(C)(4) as it relates to R4-30-301(1), and A.R.S. 32-145(5), in that Respondent submitted false statements and failed to disclose material facts requested in connection with an application for registration.

ORDER

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

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

2. **ADMINISTRATIVE PENALTY.** Within Ninety (90) days from the effective date of this Consent Agreement, Respondent shall pay an administrative penalty of Two Hundred Dollars (\$200.00) by certified check or money order made payable to the State of Arizona Board of Technical Registration.

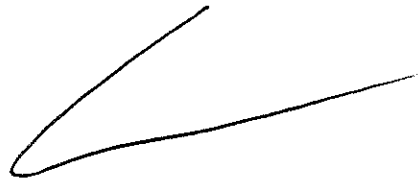
3. **COST OF INVESTIGATION.** Within Ninety (90) days from the effective date of this Consent Agreement, Respondent shall pay the cost of investigation of this case to the Board in the amount of Eighty Eight Dollars (\$88.00) by certified check or money order made payable to the State of Arizona Board of Technical Registration, according to the provisions of A.R.S. § 32-128(H).

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

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

1 No. 9214 890194344602096162
2 First Class mail this 29 day of FEBRUARY, 2024, to:

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4 John Ware
5 11445 East Via Linda
6 Scottsdale Arizona 85259

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9 By:  _____

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