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BEFORE THE ARIZONA STATE  
BOARD OF TECHNICAL REGISTRATION

<p>In the Matter of:</p> <p>Deborah Gary Alarm Business Controlling Person # 68864</p> <p>Prodigy Smart Home, LLC Alarm Business # 21782</p> <p style="text-align: center;">Respondents</p>	<p style="text-align: center;">Case No. AL19-017</p> <p style="text-align: center;"><b>CONSENT AGREEMENT and ORDER OF DISCIPLINE</b></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 parties, Deborah Gary , Controlling Person # 68864, ("Respondent"), Prodigy Smart Home, LLC Alarm Business # 21782 ("Respondent Alarm Business") 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. Respondents have read and understand this Consent Agreement and have had the opportunity to discuss this Consent Agreement with an attorney, or have waived the opportunity to discuss this Consent Agreement with an attorney.
2. Respondents understand that they have a right to a public administrative hearing concerning this case. Respondents further acknowledge that at such formal hearing they could present evidence and cross-examine witnesses. By entering into this Consent Agreement, Respondents knowingly, voluntarily, and irrevocably waive their 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.     Respondents affirmatively agree that this Consent Agreement shall be irrevocable.

2           4.     Respondents understand that this Consent Agreement or any part of the agreement  
3 may be considered in any future disciplinary action by the Board against them.

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.     Respondents understand this Consent Agreement deals with Board case number  
9 AL19-017 involving allegations that Respondents engaged in conduct that would subject them to  
10 discipline under the Board's statutes and rules. The investigation into these allegations against  
11 Respondents shall be concluded upon the Board's adoption of this Consent Agreement.

12          7.     Respondents understand 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.     Respondents also understand 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.     Respondents acknowledge and agree that, upon signing this Consent Agreement  
20 and returning this document to the Board's Executive Director, they may not revoke their  
21 acceptance of the Consent Agreement or make any modifications to the document regardless of  
22 whether the Consent Agreement has been signed on behalf of the Board. Any modification to this  
23 original 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. Respondents understand 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. Respondents agree 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 Alarm Industry in the State of Arizona.

15 2. Respondent is the holder of Controlling Person # 68864.

16 3. Respondent Alarm Business holds Alarm Business License # 21782.

17 4. On May 28, 2019, the Board received a response from Counsel for the  
18 Respondents that indicated the Respondent Alarm Business had participated in aiding or  
19 abetting 32 individuals, by employing or contracting with Respondent Firm to conduct the  
20 business of selling alarm system services in the State of Arizona. 31 of these individuals  
21 have never been licensed by the Board.

22 5. Respondent certification as a Controlling Person became delinquent on May 7,  
23 2019 which nullified the ability of Respondent Alarm Business to legally operate.

24 6. Respondent and Respondent Alarm Business advertised and engaged in Alarm  
25 Business activities without an active Controlling Person from from May 7, 2019 to June 7, 2019.  
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1 CONCLUSIONS OF LAW

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

3 2. The conduct alleged in the Findings of Fact constitutes grounds for discipline  
4 pursuant to A.R.S. § 32-128(C)(3)(4) in that the Respondents participated in aiding and abetting  
5 unlicensed persons by employing or contracting with unlicensed alarm agent to conduct the  
6 business of selling alarm systems door to door for Respondent Alarm Business.

7 3. The conduct alleged in the Findings of Fact constitutes grounds for discipline  
8 pursuant to A.R.S. § 32-122.05 as it relates to A.R.S. § 32-141(A), in that Respondent and  
9 Respondent Alarm Business advertised and engaged in Alarm Business activities without an  
10 active Controlling Person.

11 ORDER

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

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

15 2. ADMINISTRATIVE PENALTY. Within sixty (60) days from the effective  
16 date of this Consent Agreement, Respondents shall pay an administrative penalty of Two  
17 Thousand Dollars (\$2000.00) by certified check or money order made payable to the State of  
18 Arizona Board of Technical Registration.

19 3. COST OF INVESTIGATION Within thirty (30) days from the effective date of  
20 this Consent Agreement, Respondents shall pay the cost of investigation of this case to the Board  
21 in the amount of One Hundred Fifty-Four Dollars (\$154.00) by certified check or money order  
22 made payable to the State of Arizona Board of Technical Registration, according to the provisions  
23 of A.R.S. § 32-128(H).

24 4. OBEY ALL LAWS. Respondent shall obey all federal, state and local laws, as well  
25 as, all rules governing the practice of an Alarm Business in the State of Arizona. The Board shall  
26 consider any violation of this paragraph to be a separate violation of the rules and statutes  
27 governing the Arizona Board of Technical Registration. The Board may also consider  
28 Respondents non-compliance with this Order as a separate violation of A.R.S. § 32-150.

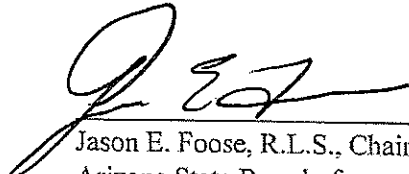
1           5.     RENEWAL OF REGISTRATION. Respondent and Respondent Alarm Business  
2 shall timely renew their Arizona registration as a Controlling Person and Alarm Business, and  
3 timely pay all required registration fees.

4           6.     EFFECTIVE DATE. The effective date of this Consent Agreement is the date the  
5 Respondents and Board sign the Consent Agreement. If the dates are different, the effective date  
6 is the later of the two dates.


7           7.     COSTS OF COMPLIANCE. Respondents shall pay all costs associated with  
8 complying with this Consent Agreement.

9           8.     NONCOMPLIANCE. If Respondents violate this Order in any way or fails to  
10 fulfill the requirements of this Order, the Board, after giving notice and the opportunity to be  
11 heard, may revoke, suspend or take other disciplinary actions against the registration. The issue  
12 at such a hearing will be limited solely to whether this Order has been violated.

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14 ACCEPTED and ORDERED this 27<sup>TH</sup> day of AUGUST, 2019.

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

21 Consent Agreement and Order, No. AL19-017 accepted this 12<sup>TH</sup> day of July, 2019.

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23   
24 Samantha L. Southall on behalf of Deborah  
25 Gary and Prodigy Smart Home, LLC,  
26 Respondents

27 ORIGINAL filed this 28 day of  
28 August, 2019, with:

1 Arizona State Board of Technical Registration  
2 1110 W. Washington, Suite 240  
3 Phoenix, AZ 85007

4 **COPY** of the foregoing mailed via Certified Mail

5 No. 9214 8901 9434 4600 0604 77 and

6 First Class mail this 28 day of August, 2019, to:

7 Samantha L. Southall  
8 Buchanan Ingersoll & Rooney PC  
9 Two Liberty Place  
10 50 S. 16th Street, Suite 3200  
11 Philadelphia, PA 19102-2555

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