

BEFORE THE ARIZONA STATE
BOARD OF TECHNICAL REGISTRATION

In the Matter of:

Case No.: P22-029

William J. Perez
Registered Land Surveyor
Registration No. 50105

CONSENT AGREEMENT
and
ORDER OF DISCIPLINE

MLP Land Surveying, LLC.
Firm Registration No. 22031

Respondents

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, William J. Perez ("Respondent"), holder of Registration No. 50105, and MLP Land Surveying, LLC ("Respondent Firm"), holder of Registration No. 22031 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.

3. Respondent affirmatively agrees that this Consent Agreement shall be

1 irrevocable.

2 4. Respondent understands that this Consent Agreement or any part of the
3 agreement 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
6 public records (as defined in A.R.S. § 41-158.18) upon acceptance by the Board of this
7 Consent 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
9 number P22-029 involving allegations that Respondent engaged in conduct that would
10 subject him to discipline under the Board's statutes and rules. The investigation into
11 these allegations against Respondent shall be concluded upon the Board's adoption of
12 this Consent Agreement.

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

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

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

27 10. This Consent Agreement is subject to the approval of the Board and is
28 effective only when accepted by the Board and signed on behalf of the Board. If the

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

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

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

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

16 **FINDINGS OF FACT**

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

19 2. Respondent is the holder of Registered Land Surveyor Registration No.
20 50105.

21 3. Respondent Firm is the holder of Firm Registration No. 22031, which
22 expired on August 1, 2020.

23 4. For an approximate six-month period in 2019, Respondent was associated
24 with a Non-Registrant, who was engaged in the practice of land surveying. The Non-
25 Registrant secured land survey type projects and prepared the required professional
26 documents. The Respondent then reviewed the documents submitted by the Non-
27 Registrant, and ultimately affixed Respondent's professional seal and signature on the
28 documents for payment from the Non-Registrant.

1 5. On March 30, 2019, an email message between Respondent and the Non-
2 Registrant specifically outlined a total of six land surveying projects in Santa Cruz
3 County, Arizona. The amount of compensation was outlined to include the review of
4 documents and the application of Respondent's professional seal for a specific amount.

5 6. On July 24, 2019, Respondent registered Respondent Firm with the Board on
6 behalf of the Non-Registrant. Respondent is specifically listed as the Principal Registrant.
7 The registration document specifically states that Respondent Firm "*must have a*
8 *principal registrant who has the authority and responsibility for professional services of*
9 *that firm.*"

10 7. On November 17, 2021, Respondent admitted that he registered Respondent
11 Firm for a Non-Registrant. The Firm registration document specifically listed the address,
12 telephone number and email address of the Non-Registrant, rather than the Respondent.

13 8. Subsequent to the registration of Respondent Firm, the Non-Registrant
14 prepared numerous land surveying and engineering related documents in which
15 Respondent Firm is listed on the professional documents prepared by the Non-Registrant.
16 The professional documents were produced by the Non-Registrant, subsequent to the
17 Respondent Firm's expiration of registration on August 1, 2020.

18 9. On December 16, 2021, Respondent admitted to the review and application
19 of his professional seal and signature to land survey professional documents prepared by
20 the Non-Registrant.

21 CONCLUSIONS OF LAW

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

23 2. The conduct alleged in the Findings of Fact constitutes grounds for discipline
24 pursuant to A.R.S. § 32-128(C)(3), in that Respondent effectively Aided and Abetted a
25 Non-Registrant in evading Board statutes.

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

1 4. The conduct alleged in the Findings of Fact constitutes grounds for discipline
2 pursuant to A.R.S. § 32-128(C)(4), as it relates to Arizona Administrative Code R4-30-
3 301(16), as Respondent affixed his professional seal and signature on professional
4 documents not prepared by himself or a bona fide employee of Respondent.

5 **ORDER**

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

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

10 2. STAYED SUSPENSION AND PROBATION. Respondent's registration as
11 Registered Land Surveyor, shall be suspended for 6 months; however, the suspension is
12 stayed for as long as Respondent remains in compliance with this Order. During the stay
13 of suspension, Respondent's registration as a Land Surveyor is placed on probation for 6
14 months. If Respondent is non-compliant with any terms of this Order during the 6
15 months stayed suspension and probation period, the stay of the suspension shall be lifted
16 and Respondent's registration as a Registered Land Surveyor shall be automatically
17 suspended without a formal hearing, and remain suspended until Respondent is compliant
18 with all terms of this Order.

19 3. ADMINISTRATIVE PENALTY. Within six (6) months from the effective
20 date of this Consent Agreement, Respondent shall pay an administrative penalty of Three
21 Thousand Dollars (\$3,000) by certified check or money order made payable to the State
22 of Arizona Board of Technical Registration.

23 4. COST OF INVESTIGATION. Within thirty (30) days from the effective date
24 of this Consent Agreement, Respondent shall pay the cost of investigation of this case to
25 the Board in the amount of Six Hundred Sixty-Two Dollars (\$662) by certified check or
26 money order made payable to the State of Arizona Board of Technical Registration,
27 according to the provisions of A.R.S. § 32-128(H).

28 5. OBEY ALL LAWS. Respondent shall obey all federal, state and local laws,

1 as well as, all rules governing the practice of Land Surveying in the State of Arizona.
2 The Board shall consider any violation of this paragraph to be a separate violation of the
3 rules and statues governing the Arizona Board of Technical Registration. The Board may
4 also consider Respondent's non-compliance with this Order as a separate violation of
5 A.R.S. § 32-150.

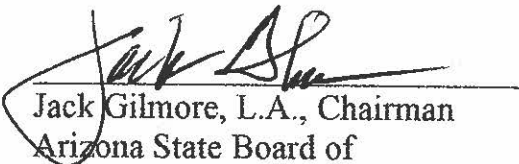
6 6. RENEWAL OF REGISTRATION. Respondent shall timely renew his
7 Arizona registration as a Land Surveyor, and timely pay all required registration fees.

8 7. EFFECTIVE DATE. The effective date of this Consent Agreement is the
9 date the Respondent and Board sign the Consent Agreement. If the dates are different, the
10 effective date is the later of the two dates.

11 8. COSTS OF COMPLIANCE. Respondent shall pay all costs associated with
12 complying with this Consent Agreement.


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

18 ACCEPTED and ORDERED this 25 day of JANUARY, 2022.

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20 
21 Jack Gilmore, L.A., Chairman
22 Arizona State Board of
23 Technical Registration

24 Consent Agreement and Order, No. P22-029 accepted this 8th day of

25 JANUARY, 2021. 2022

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27 
28 William J. Perez, on behalf of
himself and MLP Land Surveying LLC,
Respondents

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ORIGINAL filed this 26th day of

January, 2022, with:

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

COPY of the foregoing mailed via Certified Mail
No. 9214 8901 9434 4100 0864 46 and
First Class mail this 26th day of January, 2022, to:

William J. Perez
11418 W. Tonto St.
Avondale, AZ 85323

By: 

GM Roehn, BTR Investigator