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

<p><b>In the Matter of:</b></p> <p><b>Michael York R.L.S. #19862</b></p> <p style="text-align: center;"><b>Respondent</b></p>	<p style="text-align: center;"><b>Case No. P21-019</b></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 party, Michael York ("Respondent"), holder of Registration No. 19862, 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**

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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.
  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 irrevocable.

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

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 public  
5 records (as defined in A.R.S. § 41-158.18) upon acceptance by the Board of this Consent  
6 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 number  
8 P21-019 involving allegations that Respondent engaged in conduct that would subject him to  
9 discipline under the Board's statutes and rules. The investigation into these allegations against  
10 Respondent shall be concluded upon the Board's adoption of this Consent Agreement.

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

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

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

23          10.       This Consent Agreement is subject to the approval of the Board and is effective  
24 only when accepted by the Board and signed on behalf of the Board. If the Board does not accept  
25 this Consent Agreement, the Board retains its authority to hold a formal administrative hearing  
26 pursuant to A.R.S. § 32-128(E). In the event that the Board does not approve this Consent  
27 Agreement, it is withdrawn and shall be of no evidentiary value and shall not be relied upon nor  
28 introduced in any action by any party, except that the parties agree that should the Board reject

1 this Consent Agreement and this case proceeds to hearing. Respondent shall assert no claim that  
2 the Board was prejudiced by its review and discussion of this document or any records relating  
3 thereto.

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

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

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

11 **FINDINGS OF FACT**

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

14 2. Respondent is the holder of Arizona Registered Land Surveyor, Registration No.  
15 19862.

16 3. On August 24, 2020 Board staff received an anonymous complaint alleging that  
17 Respondent's ALTA/ACSM Land Title Survey for the River Square Apartments in Pima County,  
18 Arizona conducted on or about March 3, 2015, did not contain sufficient curve information to  
19 close the lot, did not find or set the two north corner monuments, failed to make it clear if found  
20 monuments were accepted and did not tag the monuments, accepted a magnetic symbol for  
21 corners in the parking lot which may or may not be an original monument, failed to show the wall  
22 along the south and west side in relation to the boundary, failed to show ties from the boundary to  
23 the buildings, and failed to record the survey with found monuments not of record.

24 4. On October 21, 2020 Board staff received Respondent's response to the Notice of  
25 Investigation. Respondent acknowledged "there may have been some deficiencies" in the land  
26 survey. Respondent stated that the owner had recently had the parking lot resealed and did not  
27 want to dig up the set monuments. Respondent stated the "curve data is correct as shown" and  
28 indicated that he would "prepare and record" this survey.



1           2.       ADMINISTRATIVE PENALTY. Within sixty (60) days from the effective  
2 date of this Consent Agreement, Respondent shall pay an administrative penalty of One  
3 Thousand Dollars (\$1000.00) by certified check or money order made payable to the State of  
4 Arizona Board of Technical Registration.

5           3.       COST OF INVESTIGATION. Within thirty (30) days from the effective date of  
6 this Consent Agreement, Respondent shall pay the cost of investigation of this case to the Board  
7 in the amount of One Hundred Sixty-Five Dollars (\$165.00) by certified check or money order  
8 made payable to the State of Arizona Board of Technical Registration, according to the  
9 provisions of A.R.S. § 32-128(H).

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

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

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

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

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

1 ACCEPTED and ORDERED this 23 day of FEBRUARY, 2021.

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

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10 Consent Agreement and Order, No. P21-019 accepted this 22 day of JANUARY, 2021.

11 Michael F. York  
12 Michael York, Respondent

13 ORIGINAL filed this 23<sup>rd</sup> day of  
14 February, 2021, with:

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16  
17 Arizona State Board of Technical Registration  
18 1110 W. Washington, Suite 240  
19 Phoenix, AZ 85007

20 COPY of the foregoing mailed via Certified Mail  
21 No. \_\_\_\_\_ and  
22 First Class mail this 25<sup>th</sup> day of February, 2021, to:

23 Michael York  
24 ~~1101 West Grant Road #208~~ 4343 S. SHIELA AVE.  
~~Tucson, Arizona 85705~~ TUCSON, AZ 85735

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26 By: Si Cnell  
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