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

<p>In the Matter of:</p> <p>Wood River Consulting, LLC Firm Registration No. 22999</p> <p style="text-align: center;">Respondent Firm</p>	<p style="text-align: center;">Case No. P21-007</p> <p style="text-align: center;">CONSENT AGREEMENT and ORDER OF DISCIPLINE</p>
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12 In the interest of a prompt and judicious resolution of the above-captioned matter before
13 the Arizona State Board of Technical Registration ("Board") and consistent with the public
14 interest, statutory requirements, and the responsibilities of the Board, and pursuant to A.R.S. §
15 32-101 et seq., and A.A.C. R4-30-120(G), the undersigned party, Wood River Consulting, LLC,
16 Non-Registrant Firm ("Respondent Firm") and the Board enter into the following Recitals,
17 Findings of Fact, Conclusions of Law and Order ("Consent Agreement") as a final disposition of
18 this matter.

19

RECITALS

20 1. Respondent Firm has read and understands this Consent Agreement and has had the
21 opportunity to discuss this Consent Agreement with an attorney, or has waived the opportunity to
22 discuss this Consent Agreement with an attorney.

23 2. Respondent Firm understands that he has a right to a public administrative hearing
24 concerning this case. He further acknowledges that at such formal hearing he could present
25 evidence and cross-examine witnesses. By entering into this Consent Agreement, Respondent
26 knowingly, voluntarily, and irrevocably waives his right to such an administrative hearing, as
27 well as rights of rehearing, review, reconsideration, appeal, judicial review or any other
28 administrative and/or judicial action concerning the matters set forth herein.

1 3. Respondent Firm affirmatively agrees that this Consent Agreement shall be
2 irrevocable.

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

5 5. The Consent Agreement, any record prepared in this matter, all investigative
6 materials prepared or received by the Board and all related exhibits and materials, are public
7 records (as defined in A.R.S. § 41-158.18) upon acceptance by the Board of this Consent
8 Agreement and may be retained in the Board's files pertaining to this matter.

9 6. Respondent Firm understands this Consent Agreement deals with Board case
10 number P21-007, involving allegations that Respondent engaged in conduct that would subject
11 him to discipline under the Board's statutes and rules. The investigation into these allegations
12 against Respondent shall be concluded upon the Board's adoption of this Consent Agreement.

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

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

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

25 10. This Consent Agreement is subject to the approval of the Board and is effective
26 only when accepted by the Board and signed on behalf of the Board. If the Board does not accept
27 this Consent Agreement, the Board retains its authority to hold a formal administrative hearing
28 pursuant to A.R.S. § 32-128(E). In the event that the Board does not approve this Consent

1 Agreement, it is withdrawn and shall be of no evidentiary value and shall not be relied upon nor
2 introduced in any action by any party, except that the parties agree that should the Board reject
3 this Consent Agreement and this case proceeds to hearing, Respondent Firm shall assert no claim
4 that the Board was prejudiced by its review and discussion of this document or any records
5 relating thereto.

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

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

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

14 **FINDINGS OF FACT**

15 1. The Board is the duly constituted authority for the regulation and control of the
16 Land Surveyor Firm in the State of Arizona.

17 2. On or about July 27, 2020, the Board received a complaint alleging Respondent
18 Firm advertised the practice of land surveying on a website without firm registration .

19 3. The Board showed no record of Respondent Firm being registered with the Board.

20 4. On July 30, 2020, Board staff observed Respondent Firm's website, www.
21 woodriverconsultingllc.com, advertising the practice of Land Surveying to the public.

22 5. On July 30, 2020, Board staff observed the Arizona Corporation Commission's
23 website that listed Wood River Consulting, LLC, as entity No. 23023675.

24 6. On July 30, 2020, Board staff sent Respondent Firm notice of this investigation. No
25 response was received.

26 7. On August 20, 2020, Board staff sent a second notice of this investigation. This
27 notice requested a response by September 4, 2020. Respondent Firm, again failed to respond to
28 the Board's request.

1 8. On January 12, 2021, the Board granted Wood River Consulting, LLC, Firm
2 Registration No. 22908, that listed Melvin Bautista, R.L.S. No. 13969 as Firm Principal. The firm
3 expiration date is January 12, 2022.

4 **CONCLUSIONS OF LAW**

5 1. The Board has jurisdiction in this matter pursuant to A.R.S. § 32-101, et seq,
6 including A.R.S. § 32-106.02(A).

7 2. The conduct alleged in the Findings of Fact constitutes grounds for discipline
8 pursuant to A.R.S. 32-121 and A.R.S. 32-141, in that Respondent Firm advertised the practice of
9 land surveying on their website without firm registration with the Board.

10 **ORDER**

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

13 1. **ADMINISTRATIVE PENALTY.** Within sixty (60) days from the effective
14 date of this Consent Agreement, Respondent Firm shall pay an administrative penalty of Five
15 Hundred Dollars (\$500.00) by certified check or money order made payable to the State of
16 Arizona Board of Technical Registration.

17 2. **COST OF INVESTIGATION.** Within thirty (30) days from the effective date of
18 this Consent Agreement, Respondent Firm shall pay the cost of investigation of this case to the
19 Board in the amount of One Hundred Sixteen Dollars (\$116.00) by certified check or money
20 order made payable to the State of Arizona Board of Technical Registration, according to the
21 provisions of A.R.S. § 32-128(H).

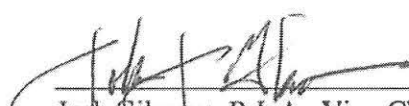
22 3. **OBEY ALL LAWS.** Respondent Firm shall obey all federal, state and local laws,
23 related to the practice of Land Surveying in the State of Arizona. The Board shall consider any
24 violation of this paragraph to be a separate violation of the statutes governing the Arizona Board
25 of Technical Registration.

26 4. **EFFECTIVE DATE.** The effective date of this Consent Agreement is the date the
27 Respondent Firm and Board sign the Consent Agreement. If the dates are different, the effective
28 date is the later of the two dates.

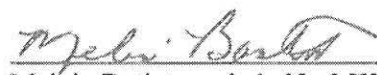
1 5. COSTS OF COMPLIANCE. Respondent Firm shall pay all costs associated with
2 complying with this Consent Agreement.

3 6. NONCOMPLIANCE. If Respondent Firm violates this Order in any way or fails
4 to fulfill the requirements of this Order, the Board may seek a Petition for Injunction in
5 accordance with the provisions set forth in A.R.S. § 32-106.01.

6
7 ACCEPTED and ORDERED this 10 day of MARCH, 2021.

8
9 
10 Jack Gilmore, R.L.A., Vice-Chairman
11 Arizona State Board of Technical
Registration

12 Consent Agreement and Order, No. P21-007, accepted this 7 day of March, 2021.

13
14 
15 Melvin Batista on behalf of Wood River
16 Consulting, LLC, Respondent Firm

17 ORIGINAL filed this 10th day of
18 March, 2021, with:

19
20 Arizona State Board of Technical Registration
21 1110 W. Washington, Suite 240
Phoenix, AZ 85007

22 COPY of the foregoing mailed via Certified Mail
23 No. 9214890194344600079509 and
24 First Class mail this 10th day of March, 2021, to:

25 Melvin Batista
26 Wood River Consulting, LLC
3842 W. Cholla St.
Phoenix, Arizona 85029

27
28 By: 

