



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. 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  
5 public records upon acceptance by the Board of this Consent Agreement and may be  
6 retained in the Board's files pertaining to this matter.

7           6. Respondent understands this Consent Agreement deals with Board case  
8 number P23-045 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 also understands that acceptance of this Consent Agreement does  
17 not preclude any other agency, subdivision, or officer of this State from instituting any  
18 other 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. This Consent Agreement is subject to the approval of the Board and is  
27 effective only when accepted by the Board and signed on behalf of the Board. If the  
28 Board does not accept this Consent Agreement, the Board retains its authority to hold a

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2 Board does not approve this Consent Agreement, it is withdrawn and shall be of no  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

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

18 2. Respondent is not registered with the Board as a Land Surveyor, nor has she  
19 ever been.

20 3. On or about December 16, 2021, Respondent filed a Record of Survey with  
21 the county recorder in Santa Cruz County, Arizona. The Record of Survey listed  
22 Respondent in the title block and contained an affixed seal belonging to Robert Acken,  
23 Registered Land Surveyor No. 41659, (“Registered Land Surveyor”).

24 4. On or about August 11, 2022, Board staff received a copy of the Record of  
25 Survey from the Santa Cruz County recorder’s office in response to a records request  
26 filed by Board staff during the investigation of case P22-049.

27 5. On or about August 12, 2022, Board staff spoke with Registered Land  
28 Surveyor. He acknowledged that Respondent completed the “*field work*” and prepared

1 the Record of Survey. He indicated that Respondent provided the Record of Survey to  
2 him for review prior to his seal being affixed to it. Registered Land Surveyor further  
3 acknowledged that Respondent was not his bona fide employee, and said he received  
4 monetary payment from Respondent for his involvement.

5 6. On or about December 16, 2022, Board staff received a written statement  
6 from Registered Land Surveyor in response to a notice of investigation for case P23-046.  
7 In his written statement, Registered Land Surveyor indicated that he supervised  
8 Respondent during the preparation of the Record of Survey by reviewing her initial draft  
9 of the Record of Survey, and giving her "*redline*" comments to guide her in making  
10 revisions to the Record of Survey. Registered Land Surveyor further indicated that when  
11 he reviewed the final version of the Record of Survey, after it had been recorded, he  
12 found that some of his "*redline*" comments were not adhered to.

13 7. On or about January 3, 2023, Board staff received a written statement from  
14 Respondent in response to a notice of investigation for this case, P23-045. Respondent  
15 acknowledged that she conducted the "*field work*" and prepared the Record of Survey.  
16 Respondent indicated that she provided her initial draft of the Record of Survey to  
17 Registered Land Surveyor for review, and he responded with some "*redline*" comments  
18 for her to make revisions. Respondent indicated that after she revised the Record of  
19 Survey, per Registered Land Surveyor's "*redline*" comments, Registered Land Surveyor  
20 provided Respondent with a digital copy of his signature and professional seal, via email,  
21 to affix to the Record of Survey for recording. Respondent acknowledged that she affixed  
22 Registered Land Surveyor's signature and professional seal to the Record of Survey prior  
23 to recording it, but said she did so with Registered Land Surveyor's authorization.

24 8. On or about January 4, 2023, Registered Land Surveyor confirmed that he  
25 provided Respondent with a digital copy of his signature and professional seal,  
26 authorizing Respondent to affix it to the Record of Survey so it could be recorded.

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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 including A.R.S. § 32-106.02(A).

4 2. The conduct alleged in the Findings of Fact, constitutes grounds for  
5 discipline pursuant to A.R.S. § 32-106.02(A), A.R.S. § 32-121, and A.R.S. § 32-145(1) in  
6 that Respondent practiced, or offered to practice, a Board regulated profession without  
7 Board registration.

8 **ORDER**

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

11 1. CIVIL PENALTY. Within Twelve (12) months from the effective date of  
12 this Consent Agreement, Respondent shall pay a civil penalty of Two Thousand Dollars  
13 (\$2,000.00) by certified check or money order made payable to the State of Arizona  
14 Board of Technical Registration, according to the provisions of A.R.S. § 32-106.02(A).

15 2. COST OF INVESTIGATION. Within Sixty (60) days from the effective date  
16 of this Consent Agreement, Respondent shall pay the cost of investigation of this case to  
17 the Board in the amount of One Hundred Twenty Three Dollars (\$123.00) by certified  
18 check or money order made payable to the State of Arizona Board of Technical  
19 Registration, according to the provisions of A.R.S. § 32-128(H).

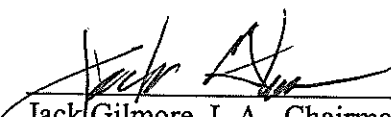
20 3. OBEY ALL LAWS. Respondent shall obey all federal, state and local laws,  
21 related to the practice of Land Surveying in the State of Arizona. The Board shall  
22 consider any violation of this paragraph to be a separate violation of the statutes  
23 governing the Arizona Board of Technical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

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

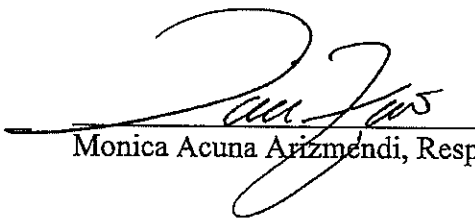
27 5. COSTS OF COMPLIANCE. Respondent shall pay all costs associated with  
28 complying with this Consent Agreement.

1           6. NONCOMPLIANCE. If Respondent violates this Order in any way or fails  
2 to fulfill the requirements of this Order, the Board may seek a Petition for Injunction in  
3 accordance with the provisions set forth in A.R.S. § 32-106.01.  
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5  
6 ACCEPTED and ORDERED this 28 day of FEBRUARY, 2023.  
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9   
10 Jack Gilmore, L.A., Chairman  
11 Arizona State Board of  
12 Technical Registration

13 Consent Agreement and Order, No. P23-045 accepted this 21 day of  
14 February, 2023.  
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16   
17 Monica Acuna Arizmendi, Respondent  
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1 **ORIGINAL** filed this 2nd day of

2 March, 2023, with:

3 Arizona State Board of Technical Registration  
4 1110 W. Washington, Suite 240  
5 Phoenix, AZ 85007

6 **COPY** of the foregoing mailed via Certified Mail  
7 No. 9214 8901 9434 4600 0914 02 and

8 First Class mail this 2nd day of March, 2023, to:

9 Monica Acuna Arizmendi  
10 5813 S. Mahan Dr.  
11 Tucson, AZ 85746

12 By: *Daniel Carthel*