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

In the Matter of:

**TODD HOUT
Registered Land Surveyor
Registration No. 35543,
Respondent**

Case No.: P23-039

**CONSENT AGREEMENT
AND
ORDER OF DISCIPLINE**

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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, Todd Hout (“Respondent”), holder of Registration No. 35543, 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.

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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.

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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.

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

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 P23-039 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 practice of Land Surveying in the State of Arizona.

18 2. Respondent is the holder of Arizona Land Surveyor Registration No. 35543,
19 issued by the Board on October 2, 2000.

20 3. At all times relevant to the allegations of this Consent Agreement, Arizona
21 Land Surveyor Registration No. 35543 was active.

22 4. Respondent conducted a boundary survey (“Intersection of Gabler and
23 Camino Aurelia”) for a portion of the N.W. Quarter of Section 26, Township 17 South,
24 Range 15 East, Gila and Salt River Meridian in Pima County, Arizona.

25 5. On or about December 30, 2017, Respondent conducted a boundary survey
26 (“Larson Survey”) of a portion of the N.E. ¼ of the N.W. ¼ of Section 23, T. 15 S., R. 16
27 E., G. & S.R.M, in Pima County, Arizona.

28 6. On or about November 5, 2022, the Board received a complaint alleging that

1 Respondent prepared and sealed a Boundary Survey of a portion of the N.E. 1/4 of the
2 N.W. 1/4 of section 23, T. 15 S., R. 16E, G. & S. R. M., in Pima County, Arizona on or
3 about October 30, 2017 and failed to record the survey. The complaint also alleged that
4 Respondent failed to record any surveys between 2017 and 2019.

5 7. On or about December 21, 2022, Respondent provided a written statement
6 alleging the following:

7 A. Respondent does not have a copy of the survey relating to
8 Intersection of Gabler and Camino Aurelia;

9 B. Respondent attempted to obtain copies of the surveys to both
10 record and address this complaint, without success; and

11 C. Respondent acknowledged that the surveys in question were
12 completed by him and not properly recorded due to an administrative
13 oversight.

14 **CONCLUSIONS OF LAW**

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

16 2. The conduct alleged in the Findings of Fact constitutes grounds for discipline
17 pursuant to A.R.S. § 32-105(A) and A.R.S. § 32-128 (C)(4) as it relates to A.A.C. R4-30-
18 301(4), in that Respondent, on two separate land surveys, failed to file a record of land
19 survey no later than ninety (90) days after its completion with the county recorder of the
20 county where the land is located if such survey establishes points or lines relating to land
21 boundaries or property lines.

22 **ORDER**

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

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

27 2. STAYED SUSPENSION AND PROBATION. As of the effective date of
28 this Order, Respondent's registration as a Registered Land Surveyor, No. 35543, shall be

1 suspended for Six (6) Months; however, the suspension shall be stayed for as long as
2 Respondent remains in compliance with this Order. During the period of stayed
3 suspension, Respondent's registration as a Registered Land Surveyor shall be placed on
4 probation. If Respondent is non-compliant with any term of this Order during the
5 probationary period, the stay of suspension shall be lifted and Respondent's registration
6 as a Registered Land Surveyor shall be automatically suspended without formal hearing,
7 and remain suspended until Respondent is compliant with all terms of this Order.

8 3. ADMINISTRATIVE PENALTY. Within six (6) months from the effective
9 date of this Consent Agreement, Respondent shall pay an administrative penalty of One
10 Thousand Dollars (\$1,000.00) by certified check or money order made payable to the
11 State of Arizona Board of Technical Registration.

12 4. COST OF INVESTIGATION. Within six (6) months from the effective
13 date of this Consent Agreement, Respondent shall pay the cost of investigation of this
14 case to the Board in the amount of Two Hundred and Ten Dollars (\$210.00) by certified
15 check or money order made payable to the State of Arizona Board of Technical
16 Registration.

17 5. OBEY ALL LAWS. Respondent shall obey all federal, state and local
18 laws, as well as, all rules governing the practice of Land Surveying in the State of
19 Arizona. The Board shall consider any violation of this paragraph to be a separate
20 violation of the rules and statues governing the Arizona Board of Technical Registration.

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

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

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

28 9. NONCOMPLIANCE. If Respondent violates this Order in any way or fails

1 to fulfill the requirements of this Order, the Board, after giving notice and the opportunity
2 to be heard, may revoke, suspend, or take other disciplinary actions against the
3 registration. The Board may consider Respondent's non-compliance with this Order as a
4 separate violation of A.R.S. § 32-150 with the sole issue at such a hearing being limited
5 to whether this Order has been violated.

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7 ACCEPTED and ORDERED this 5 day of DECEMBER, 2023.

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11 Jack Gilmore, L.A., Chairman
12 Arizona State Board of
13 Technical Registration

14 Accepted this 28 day of NOVEMBER, 2023.

15 
16 Todd Hout, Respondent

17 ORIGINAL filed this 6th day of
18 December, 2023, with:

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

22 COPY of the foregoing mailed via Certified Mail
23 No. 9214 8901 9434 4600 0952 40 and
24 First Class mail this 6th day of December, 2023, to:

25 Todd Hout
26 11292 N Chynna Rose Place
27 Tucson, AZ 85737
28

1 By: Kaitlyn Crawford

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