

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

3
4 **In the Matter of:**)

5 **Wayne Quimby,**)
6 **Non-Registrant**)

Cases No. P17-076

7 **All In Aerial Solutions, L.L.C.,**)
8 **Unregistered Firm,**)

**FINDINGS OF FACT
CONCLUSIONS OF LAW
AND FINAL BOARD ORDER**

9 **Respondents,**)
10)
11
12

13 On October 27, 2020 this matter came before the Arizona Board of Technical
14 Registration ("Board") for consideration of the State's Motion to Deem Allegations Admitted
15 regarding the Complaint and Notice of Hearing and the imposition of disciplinary action
16 pursuant to A.R.S §32-128(F). Respondents were not present and were not represented by legal
17 counsel. The State was represented by Assistant Attorney General Scott Donald. The Board
18 received independent legal advice from Assistant Attorney General Mona Baskin. The Board,
19 after due consideration of the issues before it, granted the State's Motion to Deem the
20 Allegations Admitted and adopted the Findings of Fact, Conclusions of Law, and issued the
21 following Order:

22 **FINDINGS OF FACT**

23 1. The Board is the duly constituted authority for the regulation and control of the
24 practice of land surveying, etc., and the firms under which registrants practice pursuant to
25 A.R.S. § 32-101, *et seq.*

26 2 Respondents do not hold required Board-issued registrations to practice land
27 surveying in Arizona.
28

1 3. On or about March 2, 2017, the Board received a complaint alleging that
2 Respondent, through Respondent Firm, advertised professional land surveying services to the
3 Town of Taylor, Arizona, without required Board registration. Respondent's website and
4 business cards advertised that Respondent and Respondent Firm could provide 'surveying'
5 services to the public.

6 4. On March 17, 2017, staff sent Respondent notice of its investigation into this
7 complaint and requested that he respond and provide pertinent records.

8 5. On March 27, 2017, Scott Stiles, a partner in Respondent Firm, responded to the
9 Board's request. He told staff that Respondent Firm and its employees were not surveyors, 'only
10 data collectors.' Staff informed Mr. Stiles that Respondent Firm's website could not indicate that
11 it provided surveying services to the public unless it was registered. Mr. Stiles told staff he
12 would remove all references to 'surveying' from the Respondent Firm's website, and confirmed
13 this avowal in a March 30, 2017 email to Board staff.

14 6. From May through June 2017, Board staff attempted to contact Respondents in
15 writing and by phone to resolve this case informally, without success.

16 **CONCLUSIONS OF LAW**

17 7. Respondent, Wayne Quimby, may be guilty of a class 2 misdemeanor pursuant to
18 A.R.S. § 32-145(2) when he advertised or displayed a device (a business card and firm website)
19 that may have indicated to the public that he was registered or qualified to practice land
20 surveying without Board registration.

21 8. The conduct alleged above constitutes grounds for discipline pursuant to A.R.S. §
22 32-106.02, in that Respondents were not registered with the Board to practice land-surveying in
23 Arizona at the time Respondent entered into an agreement to provide surveying services to the
24 Town of Taylor, Arizona, as required pursuant to A.R.S. § 32-121 and A.R.S. § 32-141.

25 9. The conduct alleged above constitutes grounds for discipline pursuant to A.R.S. §
26 32-128(C)(4) as it relates to A.A.C. R4-30-301(4), in that Respondent engaged in the practice of
27 land surveying through an unregistered firm.
28

1 **ORDER**

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

4 1. **CIVIL PENALTY.** Within ninety (90) days of the effective date of this Order,
5 Respondents shall pay to the Board a civil penalty in the amount of four-thousand dollars
6 (\$4,000.00) by certified check or money order made payable to the State of Arizona Board of
7 Technical Registration or by credit card. A.R.S. § 32-106.02(B).

8 2. **COST OF INVESTIGATION.** Within ninety (90) days of the effective date of
9 this Order, Respondent shall pay to the Board the cost of investigation in the amount of seven-
10 hundred and fifteen dollars (\$715.00) by certified check or money order made payable to the
11 State of Arizona Board of Technical Registration or by credit card. A.R.S. § 32-128(H).

12 3. **ATTORNEYS FEES.** Within ninety (90) days of the effective date of this
13 Order, Respondents shall pay to the Board attorneys fees in the amount of three-hundred and
14 sixty-two dollars (\$362.00) by certified check or money order made payable to the State of
15 Arizona Board of Technical Registration or by credit card. A.R.S. § 32-128(H).

16 **Right to Petition for Rehearing or Review**

17 Respondents are hereby notified that they have the right to file a motion for rehearing or
18 review. Pursuant to A.R.S. § 41-1092.09(B) and A.A.C. R4-30-126(A) the motion for rehearing
19 or review must be filed with the Board's Executive Director within 30 days after service of this
20 Order. Service of this Order is defined as five calendar days after mailing.

21 The motion for rehearing or review must set forth legally sufficient reasons for granting a
22 rehearing or review. A.A.C. R4-30-126(C). If a petition for rehearing or review is not filed, the
23 Board's Order becomes effective 35 days after it is mailed to Respondents. Respondents are
24 further advised that the filing of a motion for rehearing or review is required to preserve any
25 rights of appeal to Superior Court.

1 **ORDER**

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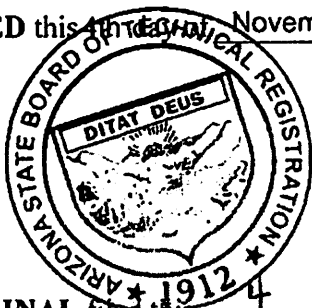
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25 rights of appeal to Superior Court.

1 DATED this 4th day of November 2020.



Arizona Board of Technical Registration

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5
Jason E. Foose
Jason Foose, Chairman

6 ORIGINAL filed this 4 day
7 of November 2020, to:

8 Board of Technical Registration
9 1110 West Washington, Suite 240
Phoenix, Arizona 85007

10 COPY mailed via Certified Mail
11 No. 9214 8901 9434 4600 0000 0750 75
and First Class mail this 4 day of November, 2020, to:

12 Wayne Quimby
13 All in Aerial Solutions LLC
14 2441 W. North View Road
15 Snowflake, AZ 85937
Respondent

16 COPY of the foregoing emailed this 4 day of November, 2020 to:

17 Scott Donald
18 Assistant Attorney General
19 Scott.donald@azag.gov

20 Mona Baskin
21 Assistant Attorney General
Mona.baskin@azag.gov

22 By: Kurt Winter
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