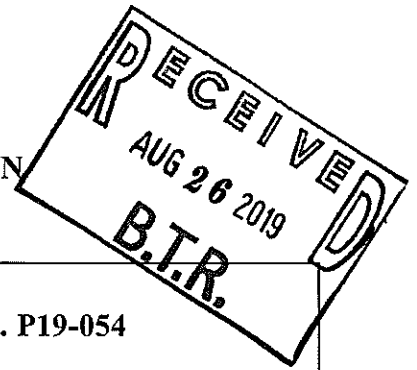


BEFORE THE ARIZONA STATE  
BOARD OF TECHNICAL REGISTRATION



<p><b>In the Matter of:</b></p> <p><b>Thomas Haws</b> <b>Engineer</b> <b>Registration No. 30503</b></p> <p><b>Respondent</b></p>	<p><b>Case No. P19-054</b></p> <p><b>CONSENT AGREEMENT</b> <b>and</b> <b>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, Thomas Haws (“Respondent”), holder of Registration No. 30503, 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**

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 P19-054 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 Professional Engineer, Registration No.  
15 30503.

16 3. On August 8, 2014, Respondent performed, signed and sealed a minor land division  
17 survey in Apache Junction, AZ.

18 4. On April 16, 2019, the Board received a complaint alleging that the Respondent  
19 engaged in the unlicensed practice of Land Surveying on a non-incident project for which he  
20 was not qualified to perform. It was further alleged that Respondent's survey for the Minor Land  
21 Division project on Cortez Rd. in Apache Junction, Arizona demonstrated a lack appropriate  
22 technical knowledge and skill and failed to meet Arizona Boundary Survey Minimum Standards  
23 in that Respondent failed to monument boundary corners and identify accepted monuments as  
24 specified in ABSMS #8, and failed to show basis of bearing, statement of supervision, a legend  
25 and reference documents on his survey as specified in ABSMS #11. It was also alleged that  
26 Respondent recorded his survey without obtaining approval by the appropriate Pinal County  
27 agency.

28 5. On July 8, 2019 an Enforcement Advisory Committee convened to review the

1 complaint against the Respondent. During the meeting, the Committee found that while  
2 Respondent did not intentionally engage in the practice of land surveying, Respondent did  
3 practice outside his expertise and registered category. The Committee also found that  
4 Respondent does not possess the expertise or skill to practice or engage in any survey. The  
5 Committee found that the survey was extremely technically deficient and did not adhere to the  
6 Arizona Boundary Survey Minimum Standards. The Committee found further that the survey was  
7 not approved by the Pinal County Planning and Development Services department. The  
8 Committee stated that there are two issues that exist with the survey, the first is that the survey  
9 fell well below the standards and that it was sealed by the Respondent as an Engineer. The second  
10 issue is that the survey was recorded, which turns a minor land division into a larger public issue,  
11 in that the survey is no longer between the two parties, but that it affects the surrounding  
12 properties. Respondent admitted during the interview that he is not a land surveyor, that he did  
13 practice outside his expertise and Respondent stated that he will not engage in the practice of land  
14 surveying in the future.

#### 15 CONCLUSIONS OF LAW

- 16 1. The Board has jurisdiction in this matter pursuant to A.R.S. § 32-101, et seq.
- 17 2. The conduct alleged in the Findings of Fact constitutes grounds for discipline  
18 pursuant to A.R.S. § 32-128(C)(4) as it relates to A.A.C. R4-30-301(4), in that Respondent failed  
19 to comply with state, municipal, and county laws, codes, ordinances and regulations pertaining to  
20 the practice of land surveying by not gaining the approval Pinal County Planning and  
21 Development Services department for the Minor Land Division on Cortez Rd. located in Apache  
22 Junction, Arizona.
- 23 3. The conduct alleged in the Findings of Fact constitutes grounds for discipline  
24 pursuant to A.R.S. § 32-128(C)(4) as it relates to A.A.C. R4-30-301(6), in that Respondent failed  
25 to apply the appropriate technical knowledge and skill in the practice of land surveying, a Board  
26 regulated profession.
- 27 4. The conduct alleged in the Findings of Fact constitutes grounds for discipline  
28 pursuant to A.R.S. § 32-128(C)(4) as it relates to A.A.C. R4-30-301(13), in that Respondent

1 failed to conduct a land boundary survey in accordance with the Arizona Boundary Survey  
2 Minimum Standards for the Minor Land Division on Cortez Rd. located in Apache Junction,  
3 Arizona.

4 5. The conduct alleged in the Findings of Fact constitutes grounds for discipline  
5 pursuant to A.R.S. § 32-128(C)(4) as it relates to A.A.C. R4-30-301(17), in that Respondent  
6 accepted a professional engagement outside of his professional registered category while lacking  
7 the qualifications, technical knowledge or experience to perform the Minor Land Division on  
8 Cortez Rd. locate in Apache Junction, Arizona.

9 **ORDER**

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

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

13 2. ASSURANCE OF DISCONTINUANCE. Respondent shall not practice, offer to  
14 practice, or by any implication hold itself out as qualified to practice Land Surveying as defined  
15 by A.R.S. § 32-101(B)(20) until such time as the Respondent is registered by the Board and is in  
16 full compliance with the Board's Statutes and Rules.

17 3. STAYED SUSPENSION AND PROBATION. Respondent's registration as a  
18 Professional Engineer, No. 30503, shall be suspended for twelve (12) months; however, the  
19 suspension is stayed for as long as Respondent remains in compliance with this Order. During  
20 the stay of suspension, Respondent's registration as a Professional Engineer is placed on  
21 probation for twelve (12) months. If Respondent is non-compliant with any terms of this Order  
22 during the twelve (12) months stayed suspension and probation period, the stay of the suspension  
23 shall be lifted and Respondent's registration as a Professional Engineer shall be automatically  
24 suspended without a formal hearing, and remain suspended until Respondent is compliant with all  
25 terms of this Order.

26 4. ADMINISTRATIVE PENALTY. Within twelve (12) months from the effective  
27 date of this Consent Agreement, Respondent shall pay an administrative penalty of Two  
28 Thousand Dollars (\$2000.00). Respondent shall make quarterly payments in the amount of Five

1 Hundred Dollars (\$500.00) by certified check or money order made payable to the State of  
2 Arizona Board of Technical Registration.

3 5. COST OF INVESTIGATION. Within thirty (30) days from the effective date of  
4 this Consent Agreement, Respondent shall pay the cost of investigation of this case to the Board  
5 in the amount of Three Hundred Thirty-Eight Dollars (\$338.00) by certified check or money  
6 order made payable to the State of Arizona Board of Technical Registration, according to the  
7 provisions of A.R.S. § 32-128(H).

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

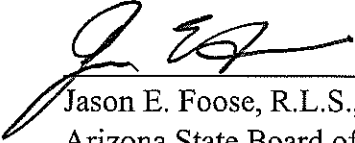
13 7. RENEWAL OF REGISTRATION. Respondent shall timely renew his Arizona  
14 registration as an Engineer, and timely pay all required registration fees.

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

18 9. COSTS OF COMPLIANCE. Respondent shall pay all costs associated with  
19 complying with this Consent Agreement.

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

24  
25 ACCEPTED and ORDERED this 27<sup>TH</sup> day of AUGUST, 2019.

26  
27   
28 Jason E. Foote, R.L.S., Chairman  
Arizona State Board of  
Technical Registration

1 Consent Agreement and Order, No. P19-054 accepted this 26 day of August, 2019.

2  
3   
4 \_\_\_\_\_  
5 Thomas Haws, Respondent

6  
7  
8 **ORIGINAL** filed this 28<sup>th</sup> day of  
9 August, 2019, with:

10  
11 Arizona State Board of Technical Registration  
12 1110 W. Washington, Suite 240  
13 Phoenix, AZ 85007

14  
15 **COPY** of the foregoing mailed via Certified Mail  
16 No. 9214 8901 9454 4600 0604 91 and  
17 First Class mail this 28<sup>th</sup> day of August, 2019, to:

18  
19 Thomas Haws  
20 1094 North Martingale Rd  
21 Gilbert, AZ 85243

22  
23  
24  
25  
26  
27  
28  
29 By:   
30 \_\_\_\_\_