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

<p><b>In the Matter of:</b></p> <p><b>Dennis Shirley</b> <b>Geologist</b> <b>Registration No.26393</b></p> <p><b>Synergy Environmental LLC</b> <b>Firm Registration No.16318</b> <b>Expired 2/27/19</b></p> <p style="text-align: right;"><b>Respondent</b></p>	<p style="text-align: center;"><b>Case No. P21-023</b></p> <p style="text-align: center;"><b>CONSENT AGREEMENT and 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, Dennis Shirley ("Respondent"), holder of Registration No. 26393, and the Principal of Synergy Environmental LLC (Firm Registration No.16318, Expired 2/27/19)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

1 and/or judicial action concerning the matters set forth herein.

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

3 4. Respondent understands that this Consent Agreement or any part of the agreement  
4 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 understands this Consent Agreement deals with Board case number  
10 P21-023 involving allegations that Respondent engaged in conduct that would subject him to  
11 discipline under the Board's statutes and rules. The investigation into these allegations against  
12 Respondent shall be concluded upon the Board's adoption of this Consent Agreement.

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

20 9. Respondent acknowledges and agrees that, upon signing this Consent Agreement  
21 and returning this document to the Board's Executive Director, he may not revoke his acceptance  
22 of the Consent Agreement or make any modifications to the document regardless of whether the  
23 Consent Agreement has been signed on behalf of the Board. Any modification to this original  
24 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 shall assert no claim that  
4 the Board was prejudiced by its review and discussion of this document or any records relating  
5 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 understands that any violation of this Consent Agreement may result in  
10 disciplinary action, including suspension or revocation of the registration under A.R.S. § 32-150.

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

### 13 FINDINGS OF FACT

14 1. The Board is the duly constituted authority for the regulation and control of the  
15 practice of Geology in the State of Arizona.

16 2. Respondent is the holder of Arizona Geologist, Registration No. 26393.

17 3. Respondent Firm is the holder of Firm Registration No. 16318, which expired on  
18 February 27, 2019.

19 4. Respondent indicated to Staff that he did not realize the Firm Registration had  
20 expired. He stated he does not remember getting a reminder from the Board to renew.

21 5. After receiving notice from staff of the firm's expiration, he renewed it on  
22 September 22, 2020. The new Firm Registration No. is 22836

### 23 CONCLUSIONS OF LAW

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

25 2. The conduct alleged in the Findings of Fact constitutes grounds for discipline  
26 pursuant to A.R.S. § 32-141, in that Respondent Firm practiced or offered to practice a Board  
27 regulated profession without firm registration.

### 28 ORDER

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

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

4 2. ADMINISTRATIVE PENALTY. Within Sixty (60) days from the effective  
5 date of this Consent Agreement, Respondent shall pay an administrative penalty of Two Hundred  
6 Fifty Dollars (\$250.00) by certified check or money order made payable to the State of Arizona  
7 Board of Technical Registration.

8 3. COST OF INVESTIGATION. Within thirty (30) days from the effective date of  
9 this Consent Agreement, Respondent shall pay the cost of investigation of this case to the Board  
10 in the amount of Two Hundred Twenty Dollars (\$220.00) by certified check or money order made  
11 payable to the State of Arizona Board of Technical Registration, according to the provisions of  
12 A.R.S. § 32-128(H).

13 4. OBEY ALL LAWS. Respondent shall obey all federal, state and local laws, as  
14 well as, all rules governing the practice of Geology in the State of Arizona. The Board shall  
15 consider any violation of this paragraph to be a separate violation of the rules and statutes  
16 governing the Arizona Board of Technical Registration. The Board may also consider  
17 Respondent's non-compliance with this Order as a separate violation of A.R.S. § 32-150.

18 5. RENEWAL OF REGISTRATION. Respondent and Respondent Firm shall timely  
19 renew their Arizona registration as a Geologist and an Geology Firm, and timely pay all required  
20 registration fees.


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

24 7. COSTS OF COMPLIANCE. Respondent shall pay all costs associated with  
25 complying with this Consent Agreement.


26 8. NONCOMPLIANCE. If Respondent violates this Order in any way or fails to  
27 fulfill the requirements of this Order, the Board, after giving notice and the opportunity to be  
28 heard, may revoke, suspend or take other disciplinary actions against the registration. The issue

1 at such a hearing will be limited solely to whether this Order has been violated.

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3 ACCEPTED and ORDERED this 8<sup>th</sup> day of DECEMBER, 2020.

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7 Jason E. Foose, R.L.S., Chairman  
8 Arizona State Board of  
9 Technical Registration

10 Consent Agreement and Order, No. P21-023 accepted this 9<sup>th</sup> day of OCTOBER 2020.

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13 Dennis Shirley, Respondent

14 ORIGINAL filed this 8<sup>th</sup> day of  
15 December, 2020, with:

16  
17 Arizona State Board of Technical Registration  
18 1110 W. Washington, Suite 240  
19 Phoenix, AZ 85007

20 COPY of the foregoing mailed via Certified Mail  
21 No. 9214 85019 434400 075990 and  
22 First Class mail this 10<sup>th</sup> day of December, 2020, to:

23 Dennis Shirly Geologist #26393  
24 Synergy Environmental LLC  
25 10645 N. Tatum Blvd #200-437  
26 Phoenix, AZ 85028

27 By:   
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