

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

3 In the Matter of

Case No.: HI23-002

4 **HAROLD KUNNEN**
5 Certified Home Inspector
6 Registration No. **38065**,

CONSENT AGREEMENT
AND ORDER OF DISCIPLINE

7 Respondent

8
9 In the interest of a prompt and judicious resolution of the above-captioned matter
10 before the Arizona State Board of Technical Registration ("Board") and consistent with
11 the public interest, statutory requirements, and the responsibilities of the Board, and
12 pursuant to A.R.S. § 32-101 et seq., and A.A.C. R4-30-120(G), the undersigned party,
13 Harold Kunnen ("Respondent"), holder of Registration No. 38065, and the Board enter
14 into the following Recitals, Findings of Fact, Conclusions of Law and Order ("Consent
15 Agreement") as a final disposition of this matter.

16 **RECITALS**

17 1. Respondent has read and understands this Consent Agreement and has had
18 the opportunity to discuss this Consent Agreement with an attorney, or has waived the
19 opportunity to discuss this Consent Agreement with an attorney.

20 2. Respondent understands that he has a right to a public administrative hearing
21 concerning this case. He further acknowledges that at such formal hearing he could
22 present evidence and cross-examine witnesses. By entering into this Consent Agreement,
23 Respondent knowingly, voluntarily, and irrevocably waives his right to such an
24 administrative hearing, as well as rights of rehearing, review, reconsideration, appeal,
25 judicial review or any other administrative and/or judicial action concerning the matters
26 set forth herein.

27 3. Respondent affirmatively agrees that this Consent Agreement shall be
28 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 and may be retained in the Board's files pertaining to this matter.

6 6. Respondent understands this Consent Agreement deals with Board case
7 number HI23-002 involving allegations that Respondent engaged in conduct that would
8 subject him to discipline under the Board's statutes and rules.

9 7. Respondent understands that this Consent Agreement does not constitute a
10 dismissal or resolution of any other matters currently pending before the Board, if any,
11 and does not constitute any waiver, express or implied, of the Board's statutory authority
12 or jurisdiction regarding any other pending or future investigation, action or proceeding.

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

17 9. Respondent acknowledges and agrees that, upon signing this Consent
18 Agreement and returning this document to the Board's Executive Director, he may not
19 revoke his acceptance of the Consent Agreement or make any modifications to the
20 document regardless of whether the Consent Agreement has been signed on behalf of the
21 Board. Any modification to this original document is ineffective and void unless
22 mutually agreed by the parties in writing.

23 10. This Consent Agreement is subject to the approval of the Board and is
24 effective only when accepted by the Board and signed on behalf of the Board. If the
25 Board does not accept this Consent Agreement, the Board retains its authority to hold a
26 formal administrative hearing pursuant to A.R.S. § 32-128(E). In the event that the
27 Board does not approve this Consent Agreement, it is withdrawn and shall be of no
28 evidentiary value and shall not be relied upon nor introduced in any action by any party,

1 except that the parties agree that should the Board reject this Consent Agreement and this
2 case proceeds to hearing, Respondent shall assert no claim that the Board was prejudiced
3 by its review and discussion of this document or any records relating thereto.

4 11. If a court of competent jurisdiction rules that any part of this Consent
5 Agreement is void or otherwise unenforceable, the remainder of the Consent Agreement
6 shall remain in full force and effect.

7 12. Respondent understands that any violation of this Consent Agreement may
8 result in disciplinary action, including suspension or revocation of the registration under
9 A.R.S. § 32-150.

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

12 **FINDINGS OF FACT**

13 1. The Board is the duly constituted authority for the regulation and control of
14 the practice of Home Inspection in the State of Arizona.

15 2. Respondent is the holder of Arizona Certified Home Inspector Certification
16 No. 38065.

17 3. On or about March 22, 2022, Respondent conducted a home inspection in
18 Mesa, Arizona.

19 4. On or about July 8, 2022, a complaint was filed with the Board alleging that
20 Respondent, after conducting the Mesa, Arizona home inspection, failed to accurately
21 report that one of the air conditioning units was not working properly and failed to report
22 a leak found in the master bedroom, which caused damage to the ceiling.

23 5. On January 17, 2023, an Enforcement Advisory Committee (EAC) meeting
24 was held to discuss the case. After reviewing the evidence and conducting interviews
25 including discussion of Respondent's inspection of the home, the Committee found that
26 the initial allegations of the complaint were not substantiated. While Respondent
27 conducted an inspection of the home and believed his report met standards, however, the
28 Committee did find that in his report Respondent failed specifically to:

- a) include the firm address in the agreement as required by Standards of Professional Practice for Arizona Home Inspectors (“S.O.P.”) #2.2
- b) report on the condition of supports and insulation as required by S.O.P. #7.1
- c) report on the presence of cross connections as required by S.O.P. #7.1
- d) accurately report on functional drainage as required by S.O.P. #7.1
- e) report on over amped circuits and undersized conductors as required by S.O.P. #8.1
- f) report on the type and condition of the vapor retarder as required by S.O.P. #12.1 and #12.2

CONCLUSIONS OF LAW

1. The Board has jurisdiction in this matter pursuant to A.R.S. § 32-101, et seq.
2. The conduct alleged in the Findings of Fact constitutes grounds for discipline pursuant to A.R.S. § 32-128(C)(4) as it relates to A.A.C. R4-30-301.01, in that Respondent failed to conduct a Home Inspection in accordance with the Standards of Practice for Arizona Home Inspectors.

ORDER

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

1. LETTER OF REPRIMAND. Respondent is hereby issued a Letter of Reprimand.
2. OBEY ALL LAWS. Respondent shall obey all federal, state and local laws, as well as, all rules governing the practice of Home Inspection in the State of Arizona. The Board shall consider any violation of this paragraph to be a separate violation of the rules and statues governing the Arizona Board of Technical Registration. The Board may also consider Respondent’s non-compliance with this Order as a separate violation of A.R.S. § 32-150.
3. RENEWAL OF REGISTRATION. Respondent shall timely renew his

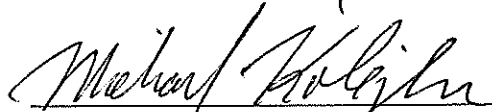
1 Arizona registration as a Certified Home Inspector, and timely pay all required
2 registration fees.

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

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

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

13 ACCEPTED and ORDERED this 30th day of January, 2024.

14
15 
16 Michael Kolejka, R.A., Chairman
17 Arizona State Board of
18 Technical Registration

19 Consent Agreement and Order, No. HI23-002 accepted this 4 day of
20 JAN, 2024.

21 
22 Harold Kunnien, Respondent
23
24
25
26
27
28

1 ORIGINAL filed this 31st day of

2 January, 2024, 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

No. 9214 8901 9434 4600 0959 29 and

7 First Class mail this 31st day of January, 2024, to:

8 Harold Kunnen
9 4752 South Merriman Way
10 Gilbert, AZ 85297

11
12 By: Kaitlyn Crawford

13 #11797813
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28