

*Minutes*  
**ARIZONA STATE BOARD OF TECHNICAL REGISTRATION**  
1110 West Washington, Conference Room #240  
Phoenix, AZ 85007

**Tuesday, January 27, 2015**

9:00 a.m.

OPEN SESSION

**1. CALL TO ORDER – 9:06AM**

**2. ROLL CALL** – Board Members in attendance: Alejandro Angel, LeRoy Brady, Douglas Folk, Stuart Lane, Jason Madison, Edward Marley, Stephen Noel, and Robert Stanley. Absent: Neal Jones. Staff: Lorraine Brown, Melissa Cornelius, Michelle Johnson, Michael Martinez, Douglas Parlin, and Patrice Pritzl. Assistant Attorney General: Carrie Smith

**3. CALL TO THE PUBLIC** – Roe Olapour, Director of Engineering for SDC Engineering addressed the Board. Mr. Olapour voiced concerns over the requirements and the process of licensing for Professional Engineering. Mr. Olapour asked the Board to review the process.

**4. ADOPTION OF MINUTES**

Review, Consideration, and Possible Action on the following:

A. Approve, modify and/or reject October 28, 2014 Executive session meeting minutes. Mr. Brady moved to approve October 28, 2014 9:26AM executive session minutes. Mr. Folk seconded the motion. Mr. Stanley abstained. No further discussion; motion carried.

Dr. Angel moved to approve October 28, 2014 12:00PM Executive Session minutes. Mr. Madison seconded the motion. Mr. Folk and Mr. Stanley abstained. No further discussion; motion carried.

Dr. Angel moved to approve October 28, 2014 1:13PM executive Session minutes. Mr. Noel seconded the motion. No further discussion; motion carried.

B. Approve, modify and/or reject December 16, 2014 Board meeting minutes. Mr. Stanley seconded the motion. Mr. Brady and Dr. Angel abstained. No further discussion; motion carried.

**5. FORMAL HEARINGS:**

A. Case No. M12-069-BTR, DAF Enterprises and Dennis Flahart, non-registrants – Roll

call taken; Board Members in attendance: Alejandro Angel, LeRoy Brady, Douglas Folk, Stuart Lane, Jason Madison, Edward Marley, Stephen Noel, and Robert Stanley. Absent: Neal Jones. State Assistant Attorney General, Anne Froedge, and Mr. Flahart came before the Board. Mr. Flahart appeared on his own behalf. Mr. Marley stated to Mr. Flahart that he had a right to have an attorney represent him. Mr. Flahart elected to continue without legal counsel.

Ms. Froedge made opening remarks, stating a complaint was received claiming Mr. Flahart was advertising as registered land surveyor. Mr. Flahart made opening remarks, holding that he never claimed to be a registered surveyor.

Ms. Froedge called Board investigator, Jeffrey Hunt, to testify. Mr. Marley swore in Mr. Hunt. Mr. Hunt explained state exhibits 1-10 to the Board. Ms. Froedge asked the Board to admit state exhibits 1-10 into evidence. Mr. Marley admitted the exhibits to be admitted into evidence. Mr. Flahart had no questions for Mr. Hunt. Board members had no questions for Mr. Hunt. The State rested its case.

Mr. Marley swore in Mr. Flahart. Mr. Flahart testified that he never represented himself to be a land surveyor but he did refer potential clients to surveying firms. Mr. Flahart asserted that the investigative team made assumptions without any substantiation. Ms. Froedge questioned Mr. Flahart. Mr. Flahart admitted to doing field work under supervision of a registered surveyor. The Board questioned Mr. Flahart. Mr. Flahart admitted that, when doing field work, a registered land surveyor was not usually in the field with him. Mr. Flahart rested his case.

Ms. Froedge made closing remarks, explaining that Mr. Flahart gave the public the impression that he was a licensed land surveyor and asserted that the Board should find that Mr. Flahart had been holding himself to be a registered professional. Mr. Flahart made closing remarks, stating again that in no case had he presented himself to be registered land surveyor. Mr. Flahart asserted that he simply made a mistake when filling out fictitious name report and explained that the name should have been DAF ENTERPRISES instead of DAF SURVEYING.

The Board deliberated.

Mr. Lane moved to adopt all of the State's proposed Findings of Fact. Dr. Angel seconded the motion. No further discussion; motion passed. Mr. Folk moved to adopt the State's alleged violations 1-5 as Conclusions of Law with a modification that would reference to the Board's authority to require Mr. Flahart to abide by statute and rules regarding unauthorized practice and the Board may authorize the Executive Director to seek an injunction with the Superior Court, if needed, and to impose the cost of the investigation. Mr. Lane seconded the motion. No further discussion; motion carried. Mr. Folk moved to assess a civil penalty of \$2000, admonish Mr. Flahart to comply with professional practice statute and law, authorize the Executive Director to seek an injunction, and impose the cost of the investigation. No further discussion; a roll call vote was taken and the motion passed.

## 6. ENFORCEMENT MATTERS

Review, Consideration and Possible Vote on the following:

### A. Complaints Proposed for Resolution by Dismissal:

1. M13-033, Carlos Padilla, RLS #46474 – Mr. Lane moved to consider this agenda item with agenda item 6.E.1. Mr. Folk seconded the motion. No further discussion; motion carried.
2. AL15-001, Michael Melton, Non-Registrant – Dr. Angel moved to dismiss this complaint. Mr. Stanley seconded the motion. No further discussion; motion carried.
3. P15-015, David Murrey, RLS #13013(Retired) – Dr. Angel moved to dismiss this complaint. Mr. Stanley seconded the motion. No further discussion; motion carried. Mr. Lane requested to discuss an issue with the case. Dr. Angel agreed to amend previous motion. Mr. Marley reopened the discussion. Mr. Lane expressed concern over a surveying report conducted by Mr. Murrey in which he improperly included a statement that the area was in dispute, ultimately causing the property title to be clouded. Mr. Lane made a motion to issue a Letter of Concern. Mr. Folk seconded the motion. No further discussion; motion carried.
4. P15-033, Brian R. McGlaughlin, Non-Registrant, Graphic CADD Productions, Inc., Non-Registrant firm – Dr. Angel moved to dismiss this complaint. Mr. Stanley seconded the motion. No further discussion; motion carried.

### B. Complaints Proposed for Resolution by Letters of Concern:

1. M13-002, Carlos Padilla, RLS #46474 – Mr. Lane moved to consider this agenda item with agenda item 6.E.1. Mr. Folk seconded the motion. No further discussion; motion carried.
2. P15-023, Arturo Chavarria, P.E. (Civil) #52605 – Mr. Folk moved to issue a letter of concern. Mr. Noel seconded the motion. Mr. Folk withdrew the motion. Mr. Madison moved to administratively close this complaint. Mr. Stanley seconded the motion. No further discussion; motion carried.

### C. Complaints Proposed for Resolution with Signed Consent Agreements:

1. P15-028, Klindt Breckenridge, Architect #17605, The Breckenridge Group, Firm Registration #11482 – Mr. Folk recused himself from the discussion. Mr. Marley reported that he and Mr. Breckenridge practiced in the same community and they sometimes bid on the same projects. Mr. Marley also reported that the Respondent was in his community, as well, but that he could remain fair and objective in the adjudication of this case. Mr. Breckenridge addressed the Board. Mr. Stanley moved to accept the Consent Agreement as signed with a Letter of Reprimand, a Stayed Suspension/Probation, order of payment to collaborating professionals in the amount of \$51,039.72 within six months from the effective date of the consent agreement, including written proof that such payments were made within 10 days of payment, administrative penalties in the amount of \$6000, impose costs of investigation in the amount of \$526 and any costs of compliance with the consent agreement. Mr. Brady seconded the motion. No further discussion; motion carried.
  
2. P14-039, P15-018, Scott Ritchie, Non-Registrant – Dr. Angel and Mr. Brady recused themselves from the discussion. Mr. Marley stated that regardless of action on consent agreement, this situation is worth monitoring. Mr. Folk voiced concerns over timeframes offered by Mr. Ritchie. Mr. Folk also expressed concerns over words in the Finding regarding Mr. Ritchie's perception of responsibility. Mr. Lane moved to accept the consent agreement. Mr. Noel seconded the motion. No further discussion; motion carried with Mr. Folk voting no.

D. Complaints Proposed to Offer Consent Agreement:

1. HI10-030, Bradley W. Isaly, Non-Registrant – Dr. Angel moved to resend the Consent Agreement via Certified Mail and, if not signed within 30 days, proceed to a formal hearing. Mr. Folk seconded the motion. No further discussion; motion carried.
  
2. HI11-001, Frank H. Long, Non-Registrant – Mr. Long addressed the Board, explaining this was the first chance he had to relay his side of the story. Mr. Long disputed the facts of investigation, stated that he would not be willing to sign a consent agreement, and asked for a formal hearing. Mr. Folk moved to send the case to a formal hearing. Mr. Brady seconded the motion. No further discussion; motion carried.
  
3. HI15-005, Iain C. Findlay, CHI #43627 – Mr. Findlay addressed the Board explaining his concern over this complaint. The complainant, Mr. William Easton addressed the Board explaining why he made the complaint. Ms. Jamie Opic addressed the Board as a witness for the complainant. Dr. Angel moved to offer a consent agreement with a Letter of Reprimand, a Stayed Suspension with remedial education, impose an administrative penalty of

\$1000, and impose the cost of investigation in the amount of \$800. Failure to sign the consent agreement within 30 days will result in a formal hearing. Mr. Folk seconded the motion. No further discussion; motion carried.

E. Complaints Requiring Board Guidance:

1. A13-015, A13-018, P14-082, Carlos Padilla, RLS #46474 – Mr. Lane moved to consider agenda items 6.A.1. and 6.B.1. with agenda item 6.E.1. Mr. Folk seconded the motion. No further discussion; motion carried. Respondent was not present due to hospitalization, Stephen Gonzalez, the lawyer for the Respondent, addressed the Board on behalf of Mr. Padilla, stating his concerns. Dr. Angel moved to go into Executive Session. Mr. Folk seconded the motion. No further discussion; motion carried.

The Board went into Executive Session at 11:04AM.

The Board resumed regular session at 11:16AM. Thomas Patteruti addressed the Board explaining his complaint against Mr. Padilla. Mr. Lane motioned to offer a consent agreement to Respondent, including a Letter of Reprimand, assessment of administrative penalty of \$4000, Probation until successful completion of peer review, and impose the cost of investigation in the amount of \$4944. Failure to sign the agreement within 30 days will result in a formal hearing. Mr. Lane seconded the motion. No further discussion; motion carried.

2. HI15-015, Dale Thomas Carroll, Non-Registrant – Mr. Carroll addressed the Board stating that he has not been inspecting homes, however he had done a favor for his daughter's boyfriend and created a report of issues regarding the house. Dr. Angel moved to issue a Consent Agreement with a civil penalty of \$500 and assurance of discontinuation. Mr. Folk seconded the motion. No further discussion; motion carried.
3. P15-024, Brandon Potts, P.E. (Civil) #33654 – Mr. Potts addressed the Board regarding his application and answered questions regarding his criminal background. Mr. Madison made a motion to grant the application. Mr. Brady seconded the motion. Mr. Marley thanked Mr. Potts for his honesty during the investigative process. No further discussion; motion carried.
4. HI15-013, Robert J. Jeglum, CHI #42690 – Mr. Jeglum addressed the Board explaining he had been complying with a previous consent agreement. Mr. Jeglum presented the Board with a list of 55 home inspections that he performed while his license was lapsed. Mr. Folk moved to offer him another consent agreement with an additional administrative penalty of \$1000 for

performing 55 home inspections while his license was lapsed. Mr. Stanley seconded the motion. No further discussion; motion carried.

Mr. Stanley excused himself from the Board meeting at 1:20PM

**F. Review and Approval of Appointment for EAC Membership:**

1. Brian M. Andersen, Architect #48867 – Mr. Marley moved to approve and appoint Mr. Andersen to the Enforcement Advisory Committee. Mr. Lane seconded the motion. No further discussion; motion carried.

**G. Compliance Monitoring Investigations:**

1. P14-077, Alan E. Money, P.E. (Civil) #30895 – Mr. Madison moved to approve the three Professional Engineers provided by Mr. Money to act as the Peer Reviewers required in his Consent Agreement. Dr. Angel seconded the motion. No further discussion; motion carried.

**H. Review, Consideration and Action on Respondent's Counter-Offer of Consent:**

1. P14-035, Ahmad N. Zarifi, P.E. (Structural) #32008, P.E. (Civil) #41872 – Staff informed the Board that Mr. Zarifi's attorney had asked for an opportunity to present a counter-offer to the Board's proposed consent agreement. However, the only document provided by Mr. Zarifi was a letter written by his expert witness. The Board reviewed the letter and determined that the matter should proceed to hearing, per a previous vote.

**7. LICENSING MATTERS**

Discussion, Consideration and Vote on the following:

**A. Discussion, Consideration, and Vote to Grant or Deny Registration**

1. Factor, Bradley, Electrical Engineer Application # 142079 – Dr. Angel moved to grant this application. Mr. Madison seconded the motion. No further discussion; motion carried.
2. Pekas, Bradley, Geologist Application # 141830 – Mr. Noel moved to grant this application pursuant to A.R.S. § 32-126(A)(3). Dr. Angel seconded the motion. No further discussion; motion carried.
3. Romstad, Keith, Geologist Application # 140713 – Mr. Noel moved to allow the applicant to take the PG exam or applicant can withdraw application and

reapply in two years. Mr. Madison seconded the motion. No further discussion; motion carried.

4. Kraus, David, Geologist Application 142324 – Mr. Noel moved to grant this application. Dr. Angel seconded the motion. No further discussion; motion carried.

**B. Review, Consideration and Allow or Deny Registrant to Renew Registration that is Scheduled to be Cancelled:**

1. Bruce Jordan, Architect Registration # 34220 – Mr. Marley moved to grant the renewal application pending a sworn affidavit that Mr. Jordan hasn't sealed and signed any professional documents in Arizona while his license was lapsed, and payment of all late fees within 30 days. Mr. Lane seconded the motion. No further discussion; motion carried.

**8. LICENSING CONSENT AGENDA**

**A. Review, Consideration, and Action on the Evaluation Committee and Staff Recommendations for the following:**

*Lists of names available at the Board's office for public review*

1. Granting professional registrations, certifications or in-training designations pursuant to A.R.S. §§ 32-122.01, 32-123;
2. Granting approval to applicants to sit for the professional or in-training examinations pursuant to A.R.S. § 32-122;
3. Granting professional registrations to those applicants possessing NCARB Blue Cover or NCEES Model Law Engineer certifications, pursuant to A.R.S. § 32-122.01, and § 32-123;
4. Granting professional registrations, certifications or in-training designations or authorizations to test to those applicants who disclosed minor criminal history that has no reasonable relationship to the applicant's proposed area of practice or who disclosed lesser disciplinary action taken against their registrations in other jurisdictions, pursuant to A.R.S. §§32-122, 32-122.01 and § 32-123;
5. Administratively closing professional or in-training applications pursuant to A.R.S. §§ 32-122, 32-122.01(A); A.A.C. R4-30-204(E);
6. Re-Open Files of Alarm Agents Closed in Error
7. Cancellation of registrations and certifications that have been expired for one full renewal period;
8. List of Alarm firm and Alarm Agent certifications granted by the Executive Director pursuant to A.R.S. § 32-122.05 and A.R.S. § 32-122.06.

Mr. Stanley moved to approve the January 27, 2015 consent agenda items 8.A.1-8.A.8. Mr. Brady seconded the motion. No further discussion; motion carried.

## 9. POLICY MATTERS

Review, Consideration, and Possible Action on the following:

- A. Potential Legislation this Session – Ms. Cornelius advised the Board about legislative bills HB 2127, HB 2336, HB 2504, and SB1062, which are going through the legislature this session.
- B. Whether to Modify SPS #15: the Definition of “Practice” – Mr. Brady moved to accept modification to policy statement #15 to broaden the definition of “practice” to include all professions. Dr. Angel seconded the motion. No further discussion; motion carried.
- C. Whether to Remove the Three (3) Minute Limit during Call to the Public – Mr. Folk stated concerns about limiting public comment to three minutes. The Board took no action.
- D. Board Training: Alarm Industry Scams—*For Information Only* – Ms. Pritzl addressed the Board explaining the collection of documentation on apparent new alarm industry scam targeting elderly communities.
- E. Whether to Modify SPS #3, and if so, how; and Determine whether Flow Tests should be conducted by PEs only, and whether conducting Flow Tests constitutes the practice of Engineering – Ms. Cornelius updated the Board on research done regarding how Fire Protection engineers view this subject. The Board took no action at this time.

## 10. DIRECTOR'S REPORT

- A. Budget Update – Ms. Cornelius stated that 50% of the FY15 budget year had lapsed and that 43% of our appropriation and 95% of our revenue had been expended.
- B. Staff Update – Ms. Cornelius reported that Sarah Selzer, the Board's Assistant Attorney General, left her position at the Attorney General's office. Ms. Cornelius and Ms. Pritzl met with Ms. Selzer before she left to discuss pending legal matters to help with the transition to the Board's new Assistant Attorney General. Ms. Cornelius introduced Michael Martinez who was hired to fill the Communications Officer position in the Board Operations Unit.
- C. Previous Meeting Follow-Up – Ms. Cornelius reported that the RFP for the Board's new computer system is being reviewed by ADOA/ASET and, once approved, a “kick-off” meeting will be scheduled to initiate the procurement process.



- D. Director's Meetings – Ms. Cornelius reported that on December 17, 2014, Ms. Pritzl and herself met with the Executive Directors of AIA-Arizona, ACEC, and the Lobbyist for the Engineering Association to discuss legislation regarding the alarm industry. On the same day, Ms. Cornelius met with Rep. Darin Mitchell after he came to the Board's office to discuss his ideas on legislation. Ms. Cornelius also reported that on January 7, 2015, Ms. Pritzl and the Board's lobbyist met with Rep. Mitchell to discuss the draft of the alarm industry legislation. Ms. Cornelius reported that she presented a PowerPoint presentation at the FARB conference in Tucson on January 23, 2015 and that she hosted a representative from CLARB during the conference. Ms. Cornelius reported that she and Mr. Marley represented the Board with the NCARB representative at the University of Arizona on January 26, 2015. Ms. Cornelius reported that Ms. Pritzl and Mr. Marley will attend the NCEES President's Assembly in Atlanta, GA on February 7, 2015.

11. **BOARD CHAIR'S REPORT** – Mr. Marley reported that he signed six Consent Agreements that had been previously approved by the Board and that he received correspondence from NCARB including a survey regarding the streamlining of IDP and the RFP NCARB has out for the registration upon graduation program, and that he would

## 12. **STANDING COMMITTEE REPORTS**

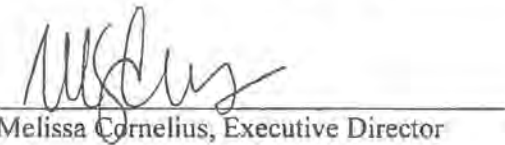
- A. Legislation and Rules Committee – Mr. Folk reported that the L&R committee met, considered, and decided not to act on a proposed table that would define criteria for categorization of offenses for discipline and to have staff notify that they would be checking records for reported violations. The committee also looked at and supported the proposed NCARB decision to shorten the required 96 months of experience for required for registration and recommended that the Board should come up with common standards for all professions regulated by the Board. The committee discussed whether the Board should have state specific jurisprudence exam, and whether a registrant needs to seal or stamp as built plans if the contractor has noted the modification on those drawings.
- B. Home Inspector Rules and Standards Committee – Next meeting is February 3, 2015 at 9:30AM.
- C. Environmental Remediation Rules and Standards Committee – No meeting.

## 13. **BOARD MEMBER REPORTS ON OUTSIDE ACTIVITIES**

- A. National Council of Examiners for Engineering and Surveying (“NCEES”) – Dr. Angel reported that NCEES will roll out a computer based exam for the professional land surveyor examination and it made progress doing the same for the professional engineering exam. Additionally, NCEES plans to make exams available at all times of the year.

- B. National Council of Architectural Registration Boards (“NCARB”) – NCARB will be having its regional summit in March, in Long Beach, CA.
  - C. Council of Landscape Architectural Registration Boards (“CLARB”) – Mr. Brady reported that CLARB has been giving their professional exam on computers for the last year and is happy with the computer based exam. Mr. Brady also reported that he sat in on a webinar on registration across the country.
  - D. National Association of State Boards of Geology (“ASBOG”) – Mr. Noel had no new news. Ms. Pritzl reported that ASBOG has appointed an Interim Director and they were looking to involve member boards more than they have in the past.
  - E. Public Member News/Information – Mr. Folk had nothing to report.
14. **FUTURE BOARD MEETINGS** – Tuesday, February 24, 2015 at 9:00 a.m.
15. **SUGGESTED TOPICS FOR FUTURE MEETING AGENDAS** – Ms. Cornelius will report on agricultural engineering in regards to the PE exam that NCEES is offering.
16. **MEETING ADJOURNMENT** – 3:22PM

  
Ed Marley, Chair

  
Melissa Cornelius, Executive Director

Minutes  
**ARIZONA STATE BOARD OF TECHNICAL REGISTRATION**  
1110 West Washington, Conference Room #240  
Phoenix, AZ 85007

**Tuesday, February 24, 2015**

9:00 a.m.

OPEN SESSION

**1. CALL TO ORDER – 9:04 AM**

- 2. ROLL CALL** - Board Members in attendance: Alejandro Angel, LeRoy Brady, Neal Jones, Stuart Lane, Jason Madison, Edward Marley, Stephen Noel, and Robert Stanley. Absent: Douglas Folk. Staff: Lorraine Brown, Melissa Cornelius, Michael Martinez, Douglas Parlin, and Patrice Pritzl. Assistant Attorney General: Carrie Smith

**3. CALL TO THE PUBLIC**

Mr. David Swartz, Chairman of the Home Inspector Rules and Standards Committee, addressed the Board. Mr. Swartz stated that he was available to offer input on any Home Inspector issues that may arise during the meeting.

**4. ADOPTION OF MINUTES**

Review, Consideration, and Possible Action on the following:

- A. Approve, modify and/or reject January 27, 2015 Board meeting minutes – Mr. Stanley moved to approve the Board minutes from the January 27, 2015 meeting with minor technical modifications offered by Dr. Angel. Mr. Lane seconded the motion. No further discussion; motion carried.
- B. Approve, modify and/or reject January 27, 2015 Executive Session meeting minutes – Mr. Lane moved to approve the Executive Session minutes from the January 27, 2015 Board meeting. Mr. Brady seconded the motion. No further discussion; motion carried.

**5. FORMAL HEARINGS**

There were no formal hearings scheduled for this Board meeting.

## 6. ENFORCEMENT MATTERS

Review, Consideration and Possible Vote on the following:

### A. Complaints Proposed for Resolution by Dismissal or Closure:

1. M11-005, Todd Connelly, P.E. (Civil) #23974 and Resource Concepts Inc., Firm Registration #16022 – Mr. Marley explained that this is a case that the Board considered previously and was referred back to staff in September of 2014 for further investigation and review from the Enforcement Advisory Committee. Mr. Bruce Scott, a principal from Resource Concepts, Inc., addressed the Board. Dr. Angel, citing a conversation a Board investigator had with the author of the PBS&J report, stated concerns over the respondent's possible lack of technical expertise or an influence of politics. Mr. Scott addressed Dr. Angel's concerns, stating RCI used AMEC's model and that PBS&J were already working for Lake Havasu City and therefore could not be considered an "independent" third-party review. Mr. Scott also stated that the EAC review could be considered an "independent" third-party review and the Board should honor their recommendation. Dr. Angel moved to issue a Letter of Concern. Mr. Lane seconded the motion. Mr. Madison stated concerns that the Board may be taking the word of one side over the other when both could be right, and stated he believes the matter should be dismissed. No further discussion. A roll call vote was taken:

Ayes: Alejandro Angel, Stuart Lane. Nays: LeRoy Brady, Neal Jones, Jason Madison, Edward Marley, Stephen Noel, Robert Stanley. Absent: Douglas Folk.

Motion Failed.

Mr. Madison moved to dismiss the case. Mr. Brady seconded the motion. No further discussion; motion carried with Dr. Angel and Mr. Lane voting no.

2. P14-078, Johnny Fisher, Non-Registrant – Mr. Lane moved to dismiss the case. Mr. Stanley seconded the motion. No further discussion; motion carried.
3. P15-030, Bob Groat, Non-Registrant – Dr. Angel stated that Mr. Groat's website, although currently corrected, had stated that he offered architectural services. Dr. Angel also stated concerns that an architect, Mr. William Slatton (#43265), was not employed by the firm yet sealed and signed plans. Mr. Marley also voiced concerns over surveyors sealing the plans. Dr. Angel moved to offer a Consent Agreement to Mr. Groat with an Assurance of Discontinuation and imposing the cost of investigation, as well as direction to staff to open an investigation regarding Mr. Slatton.

4. HI14-057, Kurt S. Hurst, Non-Registrant – Mr. Lane moved to close the case. Mr. Stanley seconded the motion. No further discussion; motion carried.

B. Complaints Proposed for Resolution with Signed Consent Agreements:

1. P15-027, Carlos Dominguez, Non-Registrant – The complainant, Roger Amaya, addressed the Board. Mr. Amaya stated that Mr. Dominguez is continues work on projects in other areas. Mr. Marley directed staff to investigate any other alleged violations by Mr. Dominguez. Mr. Stanley moved to accept the staff recommendation to offer a Consent Agreement with an Assurance of Discontinuance, imposing a civil penalty of \$3,000, and imposing the cost of the investigation in the amount of \$800. Mr. Jones seconded the motion. No further discussion; motion carried.

C. Complaints Proposed to Offer Consent Agreement:

1. P14-061, Joel Eric Kramer, Architect #27000 – Mr. Marley recused himself from this case. Mr. Stanley moved to accept staff's recommendation to offer respondent a Consent Agreement with an Assurance of Discontinuance, imposing an administrative penalty of \$2,000, and imposing the cost of the investigation in the amount of \$666. Failure to sign the consent agreement within 30 days will result in a formal hearing. Mr. Lane seconded the motion. No further discussion; motion carried.
2. P15-034, Victor M. Fontes, Non-Registrant – Mr. Adrian Fontes, acting as counsel for Mr. Victor Fontes, addressed the Board stating his concerns with the complaint.

Mr. Jones expressed his concerns over the fact that respondent used the term "Managing Engineer" was used, stating that you can't call yourself an Engineer if you're not. Mr. Madison expressed concern that Mr. Victor Fontes used the title "Civil Engineer," he noted that the use of the title clearly violated statute stating that unlicensed individuals could not claim to be a member of a Board regulated profession. Mr. Lane stated that the Board's mission is to protect the public, and if services are only offered to one individual then you're offering services to the public.

Dr. Angel asked about the seal that is used on Mr. Victor Fontes' website that looks identical to Board seals. Mr. Victor Fontes explained that seal was given to him by the U.S. Department of Housing and Urban Development as a Federal building inspector. Dr. Angel recommended that he not use that seal when referring to "Civil Engineering" on his website because it could be deceiving. Dr. Angel stated that according to A.R.S. § 32-101, an engineer is defined as a "Professional Engineer," and noted that all registered firms received a letter from the Board in September in 2013 stating that they should not use a title including the word engineer unless that person is a registered professional engineer with the Board.

Mr. Marley stated that he was more concerned over the firm's role in this case. Mr. Madison moved to offer the respondent a Consent Agreement with an Assurance of Discontinuance and imposing the cost of investigation in the amount of \$240. Mr. Stanley seconded the motion. Mr. Lane and Dr. Angel stated that there should be some civil penalty involved. No further discussion; motion carried with Mr. Lane and Dr. Angel voting no.

3. AL15-010, Jared Wright, Tekna LLC, Non-Registrants – Mr. Jared Wright addressed the Board voicing his concerns about the complaint. Mr. Wright stated he does not dispute his firm was not registered with the Board. Mr. Wright explained that he was unaware that the law requires alarm firms to register with the Board. Mr. Wright stated he felt as though a \$2,000 Civil Penalty was too high. Ms. Cornelius stated that the burden is on the business owner to understand the laws applying their industry and to comply with those laws and regulations. Mr. Wright stated he understood that and was not disputing the cost of investigation but that the amount of the Civil Penalty was unreasonable considering there wasn't a reasonable attempt to notify him that the firm must now be registered. Mr. Wright stated he is the only employee of his firm and he is a full-time student studying Geology and cannot afford a \$2,000 fine. Dr. Angel moved to offer him an amended Consent Agreement with an Assurance of Discontinuance, imposing a reduced Civil Penalty of \$1,000, imposing the cost of investigation in the amount of \$497, and to allow the penalties to be paid over the course of 24 months. Mr. Lane seconded the motion. No further discussion; motion carried.
4. P15-029, Dennis Donovan, P.E. (Civil) #41697 – Mr. Dennis Donovan appeared before the Board with Cochise County Deputy Attorney Britt Hanson and Cochise County Engineer Karen Riggs. Mr. Donovan addressed the Board, explaining his professional history in Arizona and Colorado before starting work with Cochise County as a Civil Engineer. Mr. Donovan stated he applied for reactivation of his registration with the Board and instead of getting his approval of registration; he got an investigative notice about practicing without a license.

Mr. Hanson clarified that there were two allegations against Mr. Donovan; practicing while his registration was inactive and printing business cards with "PE" before he got his license. Ms. Riggs explained how Mr. Donovan came to be employed by Cochise County. Ms. Riggs explained that the cards were a timing issue. She stated that the county was under a directive to use new business cards, that they were printed after Mr. Donovan applied for registration, and that the "PE" was used in anticipation of the approval of his reactivation. Mr. Hanson added that Mr. Donovan's application was approved and the cards were not meant to be distributed to anyone, so Mr. Donovan wasn't holding himself to be a Professional Engineer to the public.

Mr. Jones asked Mr. Donovan if he was a Professional Engineer in Colorado and, if so, if he was still registered in Colorado. Mr. Donovan stated he was registered in Colorado but he is not currently registered. Mr. Jones asked if Mr. Donovan is current in Arizona. Mr. Parlin answered that Mr. Donovan is currently registered in Arizona.

Dr. Angel moved to issue a Letter of Concern regarding Mr. Donovan having represented himself as an active, registered Engineer prior to reactivation. Mr. Madison seconded the motion. No further discussion; motion carried. Mr. Marley clarified that, even though the Letter will go in Mr. Donovan's file, it is not a disciplinary action.

D. Complaints Requiring Board Guidance:

1. P15-036, Ryan Trudell, LA #43528 and Hadley Design Group Inc., Firm Registration #13047(expired 3/31/13) – Mr. Brady recused himself from the case. Mr. Hadley addressed the Board regarding his concerns about the complaint. Mr. Hadley stated that Mr. Trudell left the firm around February of 2013 and, in August of 2013, Mr. Hanneman joined the firm and they re-registered as a Landscape Architect firm. Mr. Hadley said he then received a notice that the firm was not in compliance with the law but he had assumed that the Board just hadn't updated the paperwork yet. Because of this, Mr. Hadley stated that they were operating the firm with the belief that it was compliant.

Dr. Angel asked if there was any reason it took a subpoena for Mr. Hadley to respond to the Board. Mr. Hadley answered that a temp had actually received the notices and never delivered them to Mr. Hadley. Dr. Angel asked if the collaborating professionals had been paid and, if not, why. Mr. Hadley mentioned that they had not been paid, due to their invoices incorrectly being filed as "paid" in their system. Mr. Hadley stated that those subcontractors should be paid within the next couple of weeks.

The Board questioned whether Mr. Trudell should be listed on the complaint. Mr. Trudell addressed the Board stating he was only informed about this investigation recently after being called by a Board investigator. Assistant Attorney General Smith advised the Board that they could dismiss Mr. Trudell from the complaint. Mr. Stanley moved to remove Mr. Trudell from the complaint. Mr. Jones seconded the motion. Ms. Catherine Alcorn, the complainant, addressed the Board on her firm not receiving payment and explained why they filed a complaint. No further discussion; motion carried.

Dr. Angel moved to offer a Consent Agreement to the respondent with a Stayed Suspension requiring the subcontractors to be paid within 30 days, imposing an Administrative Penalty of \$2,000 plus a \$500 fine for a lack of firm registration, and imposing the cost of investigation in the amount of \$1,352. Failure to sign the Consent Agreement within 30 days will result in a

formal hearing. Mr. Lane seconded the motion. No further discussion; motion carried.

2. P15-038, Stephen P. Maslan, P.E. (Civil) #31790 – Per his request, the Board called Mr. Maslan and teleconferenced him into the Board meeting. Mr. Maslan addressed the Board, stating his concerns over the complaint. Mr. Maslan explained that the Missouri Board revoked his license simply because they didn't receive his renewal check. Mr. Marley asked if Mr. Maslan had worked out arrangements to reinstate his license in Missouri. Mr. Maslan answered that he had been reinstated and then the Missouri Board revoked it again claiming that he had been practicing without a license. Mr. Maslan stated he submitted a letter from another architect stating that Mr. Maslan could mark up some plans and that the Missouri Board said that since he had red-marked the plans, he was practicing architecture. Mr. Maslan stated he disagreed with the Missouri Board's findings since he had the permission of the architect before marking the plans.

Mr. Jones asked if Mr. Maslan had ever checked his bank to see if the check had been cashed. Mr. Maslan said he didn't check because his bookkeeper handled his finances and that he figured the Missouri Board received his check but didn't cash it. Mr. Marley asked for clarification on the current status of his license in Missouri. Mr. Maslan stated his license was currently revoked and that he was going to reapply for a license in about a year.

Dr. Angel read the Missouri Board's order reflecting that Mr. Maslan failed to report at least 4 projects that he was required to report, as well as marking and signing architectural plans. Mr. Maslan stated that there was a misunderstanding between him and the Missouri Board about what constituted practicing architecture. Dr. Angel stated concerns about two different recent disciplines from Kansas and Texas, as well as a Letter of Concern from Utah and that there seemed to be a pattern forming. Dr. Angel also stated concerns that Mr. Maslan was required to report any actions taken by the Missouri Board within 10 days, and that he didn't report to the Board the action taken on December 8, 2014 by Missouri until January.

Mr. Madison stated that Mr. Maslan violated his Consent Order with the Board by not staying licensed in Missouri. Mr. Maslan asked the Board to consider how hard he and his firm have been working to live up to what is being expected of him. Mr. Marley stated that he is deeply concerned about the wave of disciplinary actions taken against Mr. Maslan from Board's across the country. Dr. Angel stated that appeared Mr. Maslan's skills were technically incompetent and didn't know what the bounds of practice were in his profession. Mr. Marley stated that the reason the Board was hearing this complaint was because Mr. Maslan's Consent Agreement with the Board was tied to the actions of Missouri's Board. Ms. Cornelius noted that the Board



could send the case to a formal hearing. Ms. Smith stated that they could continue the current consent agreement, offer a modified consent agreement, or to send the case to a formal hearing.

Mr. Stanley moved to offer a new Consent Agreement with a Stayed Suspension of three years or peer reviews on Mr. Maslan's next three projects in Arizona, extension of probation to 3 years, and require that Mr. Maslan not receive any disciplinary actions on new violations in other states. Mr. Brady seconded the motion. No further discussion; motion carried.

E. Review and Approval of Appointment for EAC Membership:

1. Mark Fellingner, Landscape Architect #36734 – Mr. Brady moved to approve the appointment of Mr. Fellingner to the Enforcement Advisory Committee. Mr. Lane seconded the motion. No further discussion; motion carried.

F. Review, Consideration and Action on Respondent's Counter-Offer of Consent:

1. M13-038, John H. Davis, RLS #26410 – Mr. John Davis addressed the Board, stating that the terms of the offered Consent Agreement required monthly payments and that he would like to be able to make payments every six months instead. Mr. Davis explained that he has basically retired and is currently living on a fixed-income. Dr. Angel asked Mr. Davis if he had recorded the survey at issue yet. Mr. Davis replied that he had not completed the survey yet as he had been waiting to find out the Board's ruling. Mr. Noel voiced concerns stating he would like to see the survey amended by Mr. Davis within 30 days. Mr. Davis stated he could amend the survey within 30 days. Ms. Cornelius asked Mr. Davis if he would rather surrender his license. Mr. Davis replied that he still does some surveyor work and does not want to surrender his license. Dr. Angel moved to amend the Consent Agreement to impose a Stayed Suspension, require that the survey be amended within 30 days, and to impose payments of Administrative Penalties (\$500) and the costs of investigation (\$540) to be paid over the next 12 months. Mr. Lane seconded the motion. No further discussion; motion carried.

## 7. LICENSING MATTERS

Discussion, Consideration and Vote on the following:

A. Discussion, Consideration, and Vote to Grant or Deny Registration

1. Brisco, Michael, Home Inspector Application # 141657 – Mr. Brisco addressed the Board regarding his concerns over the review conducted of his inspection report. Mr. Brisco stated he was unsure about why his application was recommended for denial. Ms. Brown addressed the Board, clarifying that Mr. Brisco's application hasn't been denied. Ms. Brown explained that an evaluator reviewed one of Mr. Brisco's inspection reports and felt that Mr.

Brisco's report did not meet the standards and that Mr. Brisco did not understand the Standards of Practice. Dr. Angel asked if the Board had, in the past, sent a report to a second evaluator. Ms. Brown confirmed that the Board has sent reports to a second evaluator in the past. Mr. Brisco explained a misunderstanding of what was being asked of him when his report was sent back to him. Mr. Brisco stated that he was asked to make changes to his report but he did not have a copy of the report he sent in. Mr. Marley stated concerns that the evaluator was overly vague in what he was asking for in response from Mr. Brisco and that sending the report to a second evaluator may be the prudent thing to do.

Mr. Peter Maxie, who conducted the evaluation of Mr. Brisco's report, addressed the Board regarding his evaluation. Mr. Maxie stated that he was attempting to get Mr. Brisco to protect himself by quoting the Standards of Practice within the inspector's report itself. Mr. Noel asked Mr. Maxie to clarify if he was saying that Mr. Brisco's report was okay but he just wasn't quoting the appropriate standards. Mr. Maxie stated that was correct and that, by not quoting the appropriate standards, Mr. Brisco was exposing himself to a potential lawsuit. Dr. Angel asked Mr. Maxie what action he would recommend the Board take. Mr. Maxie answered that someone should show Mr. Brisco how to cite the Standards of Practice and to ensure Mr. Brisco and his clients are signing the standards. Mr. Maxie also stated that Mr. Brisco is currently meeting the standards and will improve as he gains more experience.

Mr. Briscoe stated he carries the Standards of Practice with him on inspections and that he does have his clients sign a standards agreement before he conducts an inspection. Mr. Madison moved to grant Mr. Brisco's application. Mr. Brady seconded the motion. No further discussion; motion carried.

2. Scott, William, Civil Engineer Application # 141431 – Dr. Angel explained that he evaluated Mr. William Scott's application and wanted to get the opinion of the rest of the Board. The Board clarified that Mr. Scott had worked in Colorado for 10 of the last 15 years. Dr. Angel moved to grant Mr. Scott's application. Mr. Stanley seconded the motion. No further discussion; motion carried.
3. Ramos, Simon, Civil Engineer Application # 142479 – Dr. Angel stated that he knows the respondent, Mr. Simon Ramos, and has worked with him on projects but felt that he could be impartial in his judgment of this case. Mr. Ramos addressed the Board regarding his past convictions that were disclosed on his application. Dr. Angel asked if Mr. Ramos was currently employed. Mr. Ramos stated that he'd be employed with ADOT the following Monday. Mr. Noel asked if he went to college after the reported incidents. Mr. Ramos

responded that he attended the University of Arizona after the last incident in 2004. Mr. Madison moved to approve Mr. Ramos' application. Mr. Noel seconded the motion. No further discussion; motion carried.

- B. Review, Consideration and Action to Accept, Modify or Reject the Administrative Law Judge's February 5, 2015 Recommended Decision and Order in: The Matter of Adam Yahl, Applicant for Certification as a Home Inspector in Arizona, Case No. 014-141091-BTR – Marc Harris was present on behalf of the State. Dr. Angel moved to approve the Administrative Law Judge's finding of fact 1-15. Mr. Brady seconded the motion. Mr. Noel asked if all Mr. Yahl's charges were dismissed by the Court. Mr. Harris stated that the charges against Mr. Yahl were dismissed and that Mr. Yahl disclosed that fact on his initial application, however, Mr. Yahl had not disclosed the fact that he pled guilty to those charges, was given probation, and that those charges weren't dismissed until completion of his probation. No further discussion; motion carried. Mr. Lane moved to adopt the Administrative Law Judge's conclusions of law 1-5. Mr. Brady seconded the motion. No further discussion; motion carried. Mr. Lane moved to accept the recommended order of the Administrative Law Judge. Mr. Brady seconded the motion. No further discussion; motion carried.

## 8. LICENSING CONSENT AGENDA

- A. Review, Consideration, and Action on the Evaluation Committee and Staff Recommendations for the following:

*Lists of names available at the Board's office for public review*

1. Granting professional registrations, certifications or in-training designations pursuant to A.R.S. §§ 32-122.01, 32-123;
2. Granting approval to applicants to sit for the professional or in-training examinations pursuant to A.R.S. § 32-122;
3. Granting professional registrations to those applicants possessing NCARB Blue Cover or NCEES Model Law Engineer certifications, pursuant to A.R.S. § 32-122.01, and § 32-123;
4. Granting professional registrations, certifications or in-training designations or authorizations to test to those applicants who disclosed minor criminal history that has no reasonable relationship to the applicant's proposed area of practice or who disclosed lesser disciplinary action taken against their registrations in other jurisdictions, pursuant to A.R.S. §§32-122, 32-122.01 and § 32-123;
5. Administratively closing professional or in-training applications pursuant to A.R.S. §§ 32-122, 32-122.01(A); A.A.C. R4-30-204(E);
6. Re-Open Files of Alarm Agents Closed in Error
7. Cancellation of registrations and certifications that have been expired for one full renewal period;

8. List of Alarm firm and Alarm Agent certifications granted by the Executive Director pursuant to A.R.S. § 32-122.05 and A.R.S. § 32-122.06.

Mr. Marley stated he'd like to pull Demetrius Vaughn (Architect Application #070585) and Gregory Darvauex (Home Inspector Application #141825) from the Agenda item 8.5 consent list. Mr. Stanley moved to approve the February 24, 2015 consent agenda items 8.A.1-8.A.8 with the exception of Mr. Vaughn and Mr. Darvauex. Mr. Lane seconded the motion. No further discussion; motion carried.

Mr. Darvauex addressed the Board asking for his application deadline to be extended. Ms. Brown stated that Mr. Darvauex failed to respond to the request for additional information to support his application within the timeframe allotted and was asked to come before the Board to request an extension. Ms. Pritzl stated that, due to licensing timeframe laws, Mr. Deveauex was placed on the closed list automatically after 90 days. Dr. Angel moved to extend the application deadline to September of 2015. Mr. Lane seconded the motion. No further discussion; motion carried.

Mr. Marley explained that Mr. Vaughn initially applied in 2007. Ms. Brown stated that was correct and that Mr. Vaughn originally tested in 2012 but failed the test. Mr. Marley also explained that Mr. Vaughn stated that he was retesting on the date of the Board meeting. Mr. Marley moved to close Mr. Vaughn's application and invite him to reapply, subject to verification that NCARB will keep his test scores, and to advise Mr. Vaughn that he needs to complete the IDP. Mr. Lane seconded the motion. No further discussion; motion carried.

## 9. POLICY MATTERS

Review, Consideration, and Possible Action on the following:

- A. Review and discuss industry comments regarding NCEES' proposed changes to the Agricultural PE and vote to approve or reject the exam as satisfying State licensing requirements – Mr. Madison moved to approve the proposed exam changes. Dr. Angel seconded the motion. No further discussion; motion carried.

Dr. Angel excused himself from the meeting – 1:33 PM

- B. Board Member Training: The Home Inspector EAC Process – Mr. David Swartz addressed the Board explaining Home Inspector's standards and how the Home Inspector EAC process works. Mr. Swartz explained the limited responsibility of home inspectors to report on items that may be obscured from view.

- C. Home Inspector Rules and Standards Committee's Recommendation to Modify Substantive Policy Statement #8: The Home Inspector Preferred Vendor or Similar Programs (eff. 1/13/04.) – Mr. Swartz explained the history of the policy, preferred vendor programs, and the need to update the policy to include Marketing Service Agreements into the language of the policy. Mr. Madison moved to approve and publish the modification of SPS#8. Mr. Stanley seconded the motion. No further discussion; motion carried.
- D. Whether to Adopt New Substantive Policy Statements on the following:
1. Referring Tradesmen To Correct Adverse Conditions Identified During a Home Inspection – Mr. Swartz addressed the Board regarding a change to the policy statement to allow referrals of tradesmen as long as the Home Inspector does not have a vested interest in that referral. Dr. Angel moved to approve the changes to the substantive policy statement. Mr. Brady seconded the motion. No further discussion; motion carried.
  2. Referring Termite Inspectors at the Time of a Home Inspection – Mr. Swartz addressed the Board stating this change would stop home inspectors from accepting a low-price from a termite inspector for referrals while still charging the client a higher price. Mr. Noel stated that the home inspectors are accepting liability for the referral and that he didn't understand why they shouldn't receive some compensation. Mr. Marley agreed with Mr. Noel's concerns. Mr. Swartz stated that no matter the action, it would be difficult to enforce. Dr. Angel moved to proposed policy to the Home Inspectors Standards and Rules committee to make the modifications to the termite issue and replace the approvals made in agenda item 9.D.1. Mr. Brady seconded the motion. No further discussion; motion carried.
  3. The Definition of "Peer Review" as it Relates to Home Inspector Registrants Involved in Board Disciplinary Actions – Mr. Swartz addressed the committee regarding changing the definition of "peer review" to include that peer reviewers must have been in business for 5 years and have completed no less than 250 inspections. Dr. Angel asked about broadening the language to include other professions regulated by the Board. Mr. Noel agreed that the language should be broadened. Mr. Marley directed this item to be sent back to the Legislative and Rules Committee.
- E. The Latest Edition of the Board's Newsletter – Mr. Marley directed the staff to publish the Board newsletter after making minor edits.

- F. Whether to Participate in CLARB's Model Board Partnership Pilot Program – Ms. Cornelius explained CLARB's pilot program and the process the Board must take to be included in the program. Mr. Brady mentioned that the good thing about the program is that it isn't a very long program. Dr. Angel asked Mr. Brady if he is willing to take the lead on this project. Mr. Brady agreed. The Board directed staff to apply to the program.

Mr. Jones and Mr. Brady excused themselves from the Board meeting – 1:20 PM

- G. Press Release Regarding Alarm Industry Door-To-Door Marketing Scams – Ms. Pritzl addressed the Board regarding the expansion of door-to-door marketing scams. Mr. Stanley moved to approve the Press Release as written. Mr. Lane seconded the motion. No further discussion; motion carried.

## 10. DIRECTOR'S REPORT

- A. Budget Update – Ms. Cornelius reported that with 58% of the FY15 budget year lapsed, 51% of the Board's appropriation and all revenue has been spent.
- B. Staff Update – Ms. Cornelius reported that Sylvia Bates had retired from State service on January 31, 2015 and that Dolly Lucero, who had been "temping" with the Board for several months, was hired to fill the position on February 9, 2015.
- C. Previous Meeting Follow-Up – Ms. Cornelius reported that the RFP for a new computer system should be posted by the next week.

Per the request of Mr. Folk, Mr. Cornelius reported that she sent out letters to certain NCEES members to see if their states include GIS and Photogrammetry in their Practice Act for Surveying and has received four responses.

Ms. Cornelius reported that they would be requesting an exception to the Governor's Rule Moratorium so that, if the Board has to keep regulative authority over the Alarm Industry, the Board could write new rules to govern them.

Ms. Cornelius asked the Board's opinion regarding reaching out to engineers on the Enforcement Advisory Committee to help with the processing of Professional Engineering applications. Dr. Angel asked about the possibility of hiring a part-time engineer to help. Ms. Cornelius stated that the Board might be able to cover that expense.

- D. Director's Meetings – Ms. Cornelius reported that she joined Harry Falconer from NCARB at an AIA conference on February 7, 2014 where they presented

information to students interested in taking the ARE and answered questions from interested potential candidates.

Ms. Cornelius reported that she and Ms. Pritzl had attended the 90/10 Director's meeting on February 10, 2015 to hear a discussion on pending legislation that could affect the entire regulatory community. Ms. Cornelius also met with Ryan Peters, who works for the Governor and handles Appointments to Boards and Commissions. He encouraged those members of the Board who would like to be re-appointed to serve on the Board to submit applications to him several months prior to the end of their term.

Finally, Ms. Cornelius reported that she had a meeting with Attorney General Mark Brnovich regarding the Board's concerns on obtaining and retaining competent legal services from the AG's office.

- E. Legislative Update – Ms. Cornelius explained that she would be leaving the meeting early in order to speak to Senator Yee about introducing another amendment to HB2127 that would change the amendment added to the bill on the House floor by Representative Petersen and would require the Board only to issue refunds if the Board rejected an application and, after a hearing, the registrant was granted an application.

Ms. Cornelius reported that HB2504, the Alarms bill, died after it was held in Caucus. Ms. Cornelius explained that since then, a staff member had had a firsthand experience with an alarm industry marketing scam and Ms. Cornelius stated she has reached out to other organizations to attempt to move regulatory authority over the alarm industry to the Department of Public Safety.

Ms. Cornelius reported that SB1062 passed the Senate and is awaiting action in the House. Ms. Cornelius reported that ADEQ is interested in accepting the jurisdiction over the Drug Lab Remediation industry, but felt the language of the current bill requires an amendment.

- 11. **BOARD CHAIR'S REPORT** – Mr. Marley reported that he attended the NCEES President's meeting with Ms. Pritzl and that a full report could be found in his communique included in the Board's newsletter.

## 12. **STANDING COMMITTEE REPORTS**

- A. Legislation and Rules Committee – Next meeting on March 19, 2015
- B. Home Inspector Rules and Standards Committee – Next meeting is March 12, 2015
- C. Environmental Remediation Rules and Standards Committee – Nothing new to report


### 13. BOARD MEMBER REPORTS ON OUTSIDE ACTIVITIES

- A. National Council of Examiners for Engineering and Surveying (“NCEES”) – NCEES event in Scottsdale the May 14-16 and the national meeting will be in August in Williamsburg, Virginia. Mr. Marley reported that Arizona was not the only state having examination score problems and that NCEES is now taking steps to rectify the issue.
- B. National Council of Architectural Registration Boards (“NCARB”) – NCARB will be having their Regional Summit in March in Long Beach, CA, and their annual meeting in June in New Orleans.
- C. Council of Landscape Architectural Registration Boards (“CLARB”) – CLARB will be having their annual meeting in September in New Orleans.
- D. National Association of State Boards of Geology (“ASBOG”) – ASBOG will be meeting in Calgary in April.
- E. Public Member News/Information – Mr. Folk being absent, there was nothing new to report.

14. **FUTURE BOARD MEETINGS** – Tuesday, March 24, 2015 at 9:00 a.m.

15. **SUGGESTED TOPICS FOR FUTURE MEETING AGENDAS** – Board strategic planning meeting in Flagstaff.

16. **MEETING ADJOURNMENT** – 1:54 PM

  
Ed Marley, Chair

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Melissa Cornelius, Executive Director



Minutes  
**ARIZONA STATE BOARD OF TECHNICAL REGISTRATION**  
1110 West Washington, Conference Room #240  
Phoenix, AZ 85007

**Wednesday, April 1, 2015**

9:00 a.m.

OPEN SESSION

1. **CALL TO ORDER** – 9:00am
2. **ROLL CALL** – Board Members in attendance: LeRoy Brady, Neal Jones, Stuart Lane, Jason Madison, Edward Marley, and Stephen Noel. Absent: Alejandro Angel, Douglas Folk, and Robert Stanley. Staff: Melissa Cornelius, Michelle Johnson, Douglas Parlin, and Patrice Pritzl. Assistant Attorney General: Michael Raine
3. **CALL TO THE PUBLIC** – Mr. Brian Kelly addressed the Board with regard to his lapsed Home Inspectors license. Mr. Robert Oikarinan addressed the Board and asked that the Board not close his application.

4. **ADOPTION OF MINUTES**

Review, Consideration, and Possible Action on the following:

- A. Approve, modify and/or reject February 24, 2015 Board meeting minutes – Mr. Brady moved to approve the February 24, 2015 Board minutes. Mr. Lane seconded the motion. No further discussion; motion carried.

5. **FORMAL HEARINGS**

6. **ENFORCEMENT MATTERS**

Review, Consideration and Possible Vote on the following:

- A. Complaints Proposed for Resolution by Dismissal or Closure:
  1. HI14-027, Jesse Ramirez, CHI #51755 (cancelled) and Sherlock Inspections, LLC, Firm Registration #16710 (expired) – Mr. Noel moved to dismiss complaint. Mr. Lane seconded the motion. No further discussion; motion carried.
  2. HI15-019, Craig Collier, CHI #43520 – Mr. Lane motioned to dismiss complaint. Mr. Jones seconded the motion. No further discussion; motion carried.

3. P14-090, David Vargulic, P.E. (Mechanical) #33672 – Mr. David Vargulic addressed the Board regarding the complaint against him. Mr. Noel and Mr. Marley asked if it was a revision drawing that he sealed. Mr. Vargulic stated that he didn't have the plans in front of him but he believed they were revisions because the plans were reissued numerous times. AAG Michael Raine explained that, according to the investigative findings, these plans were produced before Mr. Vargulic was even hired. Mr. Madison moved to dismiss the complaint. Mr. Noel seconded the motion. Mr. Jones asked Mr. Vargulic if he was registered at the time he responded to the Board in August of 2014. Mr. Vargulic answered that he was registered. Mr. Jones pointed out that his signature didn't include his engineering title of "PE" after his name. No further discussion; motion carried.
- B. Complaints Proposed for Resolution by Letters of Concern:
1. HI14-023, C.S.I. Home Inspections, LLC, Firm Registration #17411 – Mr. Lane moved to issue a Letter of Concern. Mr. Noel Seconded the motion. No further discussion; motion carried.
  2. P14-032, Adow D. Albert, RLS #09428 – Mr. Lane moved to issue a Letter of Concern. Mr. Noel Seconded the motion. No further discussion; motion carried.
  3. HI15-011, David Berry, CHI #38633 – Mr. Lane moved to issue a Letter of Concern. Mr. Noel Seconded the motion. No further discussion; motion carried.
- C. Complaints Proposed for Resolution with Signed Consent Agreements:
1. HI14-048, Joseph Purtell, CHI #41254 – Mr. Marley voiced concerns that the inspection software that Mr. Purtell was required to use by his employer may not meet standards in law. He directed staff to investigate that issue. Mr. Lane moved to accept the signed Consent Agreement that included a Letter of Reprimand, imposed an administrative penalty in the amount of \$1,000, and imposed the cost of investigation in the amount of \$963. Mr. Jones seconded the motion. No further discussion; motion carried.
  2. HI14-051, David Sturgeon, CHI #40109 – Mr. Lane moved to accept the signed Consent Agreement that included a Letter of Reprimand, imposed an administrative penalty in amount of \$1,000, and imposed the cost of investigation in the amount of \$333. Mr. Noel seconded the motion. No further discussion; motion carried.
  3. HI15-020, Gerald Hofmann, CHI #52799 (cancelled) – Mr. Gerald Hofmann addressed the Board regarding the complaint against him. Mr. Hofmann stated concerns about not receiving notice for his need to renew his application. Mr. Marley asked if Mr. Hofmann had reapplied for registration.

Mr. Hoffman stated he had reapplied with the Board and was awaiting Board approval. Mr. Marley asked staff if Mr. Hofmann should have received a notice. Ms. Cornelius explained that, currently, the Board sends out renewal notices, but the Board policies may have been different then and she was unsure if Home Inspectors received a renewal notice at that time. Mr. Marley asked staff how they arrived at the \$2,000 civil penalty. Mr. Kraemer stated the number was based on how long it had been since Mr. Hofmann's license had expired and on the fact that Mr. Hofmann had conducted roughly 20 home inspections a month while his registration was expired. Mr. Lane moved to amend the Consent Agreement to include an Assurance of Discountenance until Mr. Hofmann is registered, remove the Civil Penalty, and assess the cost of investigation. Mr. Jones seconded the motion. No further discussion; motion carried.

4. HI15-012, Michael Denninger, CHI #43881 – Ms. Kimberly Davis addressed the Board regarding the complaint she filed against Mr. Denninger. Ms. Davis asked to Board to amend the Consent Agreement to include paying restitution in the amount of \$300 to cover the costs that she paid for the inspections performed by Mr. Denninger. Mr. Marley asked staff if the Board could issue that type of order. Ms. Cornelius confirmed that, in this case, the Board could order Mr. Denninger to pay restitution asked for by Ms. Davis. Mr. Denninger addressed the Board regarding the complaint against him. Mr. Noel asked Ms. Davis if the deficiencies would have stopped her from buying the home. Ms. Davis stated that she would not have bought the house had she known about the problems without the sellers fixing the problems before closing. Ms. Davis explained that the costs to fix the issues missed by Mr. Denninger amounted to \$4,700. Mr. Jones moved to offer an amended Consent Agreement that includes a Letter of Reprimand, imposing an administrative penalty for \$800, imposing the cost of investigation in the amount of \$1,201, and ordering Mr. Denninger to pay restitution in the amount of \$345. Mr. Lane seconded the motion. No further discussion; motion carried.

D. Complaints Proposed to Offer Consent Agreement:

1. P14-062, Evan Crane, Non-Registrant owner of Crane Concepts, Non-Registrant Firm – Mr. Crane appeared before the Board telephonically. Mr. Crane asked which Board members were in attendance. Ms. Johnson read off the roster of Board members in attendance. Mr. Crane asked the professions of the Board members in attendance. Mr. Marley listed the professions of the Board members in attendance. Mr. Crane asked if there were any attorneys present. Mr. Marley explained that the Board had an Assistant Attorney General, Michael Raine, in attendance to represent the Board. Mr. Crane addressed the Board regarding the complaint against him. Mr. Crane explained the exhibits he provided for the Board to review. Mr. Marley asked Mr. Crane if he was the employee of the registrant that sealed the plans. Mr. Crane stated that he hired the registrant to supervise the project and that he

was not an employee of the registrant. Mr. Marley voiced concerns that an out-of-state architect sealed plans by someone that was not a bona fide employee. Mr. Marley voiced concerns that the drafting of the plans constituted practicing Architecture and, since the plans also included electrical designs, it could also be seen as practicing Electrical Engineering. Mr. Lane stated that Mr. Crane's firm is clearly offering architectural services in violation of ARS § 32-101. AAG Michael Raine stated that he understood Mr. Crane's arguments, but he was inclined to agree with the Board's interpretation of the statutes. Mr. Brady voiced concerns that Mr. Crane continued to interrupt the Board while the Board was discussing the complaint. AAG Michael Raine offered technical revisions to the proposed Consent Agreement, including naming the firm as well as the individual so that both would be subject to the Assurance of Discontinuance. Mr. Lane moved to offer the Consent Agreement as modified by the AAG, including an Assurance of Discontinuance, imposing a civil penalty of \$1,000, and imposing the cost of investigation in the amount of \$1,138. In addition, Mr. Madison stated the matter would go to formal hearing of the Consent Agreement was not signed within 30 days. Mr. Jones seconded the motion. No further discussion; motion carried. Mr. Marley directed staff to open an investigation on the architect that sealed the plans for Mr. Crane.

2. AL15-002, Jake Murray, Alarm Controlling Person #57078 and Alliance Security, Inc. Alarm Firm #18520 – Ms. Louise Marcus, attorney for Alliance Security, Inc., addressed the Board regarding the complaint against her client. Mr. Madison moved to offer an amended consent agreement including a Letter of Reprimand, a Stayed Suspension/Probation, imposing an administrative penalty in the amount of \$500, and imposing the cost of investigation in the amount of \$859. The amended agreement also included administrative changes offered by AAG Michael Raine. Failure to sign the Consent Agreement within 30 days will result in a formal hearing. Mr. Lane seconded the motion. No further discussion; motion carried.

E. Complaints Requiring Board Guidance:

1. P15-003, Dustin Curtis, Architect #23470 – Mr. Dustin Curtis addressed the Board regarding the disciplinary action taken against him by Nevada and the resulting actions taken against him by Mississippi and Missouri. Mr. Jones asked if Mr. Curtis paid the fines to Nevada and Mississippi. Mr. Curtis stated he had paid the fines levied against him. Mr. Jones voiced concerns about Mr. Curtis failing to disclose the investigations into his practice on his application in Mississippi. Mr. Lane moved to dismiss the complaint. Mr. Brady seconded the motion. No further discussion; motion carried.
2. P15-012, Charles C. Kelley, RLS #37039 – Ms. Cornelius explained that Staff had been unsuccessful in their numerous attempts to gain a response from Mr. Kelley on the issue. Mr. Lane moved to offer a Consent Agreement including a Letter of Reprimand, imposing an administrative penalty of \$1,000,

imposing the cost of investigation, and a Stayed Suspension. Failure to sign the Consent Agreement within 30 days will result in a Formal Hearing. Mr. Noel seconded the motion. The Board directed staff to send Consent Agreement via certified mail. No further discussion; motion carried.

3. P15-014, Robert V. Nangia, P.E. (Structural) #48411 – Mr. Madison moved to issue a Letter of Concern stating that Mr. Nangia will need to follow the laws and rules of the State of Arizona. Mr. Noel seconded the motion. No further discussion; motion carried.
4. AL15-007, Gregory A. Rice, Non-Registrant owner of Young Alarm, Inc., Non-Registrant Firm – Ms. Cornelius stated that it appeared that Mr. Rice was well aware of the statutes requiring alarm firms to be regulated by the Board but that Mr. Rice had refused to comply. Mr. Madison moved to proceed to a Formal Hearing. Mr. Jones seconded the motion. No further discussion; motion carried.

## 7. LICENSING MATTERS

Discussion, Consideration and Vote on the following:

### A. Discussion, Consideration, and Vote to Grant or Deny Registration

1. Osman, Ibrahim, Structural Engineer Application # 150022 – Mr. Madison stated that Mr. Osman was a Civil Engineer that was disciplined by the Board for practicing Structural Engineering and had taken and failed the SE exam nine times. Mr. Madison also stated that it appeared the experience documented Mr. Osman seemed inadequate. AAG Michael Raine stated that, since he had a Consent Agreement with the Board already, the Board could deny his application for Civil Engineering based on this previous unprofessional conduct. Mr. Madison moved to authorize Mr. Osman to take and pass the NCEES Structural Engineer exam before being issued a Structural Engineer registration in Arizona. Mr. Lane seconded the motion. No further discussion; motion carried.
2. Zhao, Yun, Civil Engineer Application # 140531 – Ms. Cornelius explained that this case was the reason why the Board would later discuss honoring the “Canadian Accord.” Ms. Cornelius explained that Mr. Zhao was awarded a license in Canada but the Canadian exam doesn’t test for too many of the things that the NCEES exam tests for and he doesn’t technically qualify for the experience waiver because he hasn’t been licensed long enough. Mr. Madison asked if there needed to be a Board action in this case. Ms. Cornelius explained that the Board could authorize Mr. Zhao to take the NCEES exam to prove he has the knowledge needed to be a registrant in Arizona. Mr. Brady moved to authorize Mr. Zhao to take the exams through

NCEES. Mr. Lane seconded the motion. No further discussion; motion carried.

- B. Review, Consideration and Action to Accept, Modify or Reject the Administrative Law Judge's Recommendation – There were no ALJ recommendations at this meeting.
- C. Applicants that Fail to Disclose Criminal History on Their Applications:
  - 1. Sherwood, David, Alarm Agent Application #142289 – Ms. Cornelius read a letter Mr. Sherwood wrote in response to the Board. In the letter, Mr. Sherwood stated differences between California's classifications of crimes compared to infractions. Mr. Sherwood's letter stated that he was convicted of infractions. AAG Michael Raine stated that Mr. Sherwood's statement isn't necessarily incorrect, but it is possible that the charge was pled down. Ms. Cornelius stated that the County of Los Angeles sent a letter stating that the records for Mr. Sherwood's case were purged. Mr. Marley stated the issue is whether these prior convictions would put the public at risk. Mr. Madison moved to grant certification to Mr. Sherwood. Mr. Brady seconded the motion. No further discussion; motion carried with Mr. Noel voting against the motion.
  - 2. Garcia, Gilbert, Alarm Agent Application #142279 – Mr. Madison asked if Mr. Garcia had been contacted by Staff after the second conviction was found to allow Mr. Garcia to explain why he didn't disclose the conviction. Ms. Cornelius stated that Staff had obtained a response about the conviction Mr. Garcia had disclosed, but had no explanation from Mr. Garcia about the conviction he did not disclose. Mr. Noel moved to defer the application until the applicant has a chance to respond to why he didn't disclose the conviction. Mr. Madison seconded the motion. No further discussion; motion carried.
- D. Rescind EIT Registration Granted in Error and Applicant to Sit for the FE
  - 1. Canez, Isaac, EIT # 011885, Civil Application #150101 – Mr. Lane moved to rescind the registrant's EIT designation and to allow Mr. Canez to sit for the FE. Mr. Brady seconded the motion. No further discussion; motion carried.

## 8. LICENSING CONSENT AGENDA

- A. Review, Consideration, and Action on the Evaluation Committee and Staff Recommendations for the following:

*Lists of names available at the Board's office for public review*

- 1. Granting professional registrations, certifications or in-training designations pursuant to A.R.S. §§ 32-122.01, 32-123;

2. Granting approval to applicants to sit for the professional or in-training examinations pursuant to A.R.S. § 32-122;
3. Granting professional registrations to those applicants possessing NCARB Blue Cover or NCEES Model Law Engineer certifications, pursuant to A.R.S. § 32-122.01, and § 32-123;
4. Granting professional registrations, certifications or in-training designations or authorizations to test to those applicants who disclosed minor criminal history that has no reasonable relationship to the applicant's proposed area of practice or who disclosed lesser disciplinary action taken against their registrations in other jurisdictions, pursuant to A.R.S. §§32-122, 32-122.01 and § 32-123;
5. Administratively closing professional or in-training applications pursuant to A.R.S. §§ 32-122, 32-122.01(A); A.A.C. R4-30-204(E);
6. Re-Open Files of Alarm Agents Closed in Error
7. Cancellation of registrations and certifications that have been expired for one full renewal period;
8. List of Alarm firm and Alarm Agent certifications granted by the Executive Director pursuant to A.R.S. § 32-122.05 and A.R.S. § 32-122.06.

Ms. Cornelius asked the Board to pull Mr. Jeffery Turville (Civil Engineer Application #140980) and Mr. Marley asked to pull Mr. Robert Oikarinen (Civil Engineer application #140428) from the consent agenda.

Mr. Lane moved to approve the April 1, 2015 consent agenda items 8.A.1-8.A.8 with the exception of Mr. Vaughn and Mr. Darvauex. Mr. Lane seconded the motion. No further discussion; motion carried.

## 9. POLICY MATTERS

Review, Consideration, and Possible Action on the following:

- A. Whether the Board can Honor the "Canadian Accord" – Ms. Cornelius explained that in September of 2008, members of the Board traveled to Canada and determined that Canadian registrants were equally qualified to Board registrants and asked the Board if they wanted to honor this accord or continue to review applications on a case-by-case basis. Mr. Madison asked if the Board even had the authority to enter into an agreement with Canada. AAG Michael Raine explained that what really matters is if the requirements in Canada are "substantially identical" to Arizona's requirements or not and, if not, the Board shouldn't honor an accord. Mr. Madison stated it might be a good idea to contact NCEES to see if they have taken any new standpoints on if the Canadian exams are equivalent to theirs. The Board directed staff to continue to review these applicants on a case-by-case basis.

- B. Possible Locations for the Board's Strategic Planning Meeting – Mr. Brady asked if Staff had contacted the City of Flagstaff to see if the city's town hall would be available. Ms. Cornelius stated that staff would look into reserving the town hall. The Board directed staff to look at venues for a Friday in early July and get firm costs.

## 10. DIRECTOR'S REPORT

- A. Budget Update – Ms. Cornelius reported that with 67% of the FY15 budget year elapsed, the Board has spent 58% of the Board's appropriation and 93% of the Board's revenue.
- B. Staff Update – Ms. Cornelius reported that the Board's Licensing Manager position is now open and that the Board will be looking to fill that position. Ms. Cornelius introduced Michael Raine, who is now the Board's assigned Assistant Attorney General.
- C. Previous Meeting Follow-Up – Ms. Cornelius reported that she sent out letters to approximately 95 current Engineer EAC members regarding an application review committee and that she had received 40 responses. Ms. Cornelius stated she scheduled an orientation meeting on April 17<sup>th</sup>.

Ms. Cornelius reported that the Board's RFP closes April 21<sup>st</sup> and she was impressed by some of the vendors making proposals.

- D. Director's Meetings – Ms. Cornelius reported that she and Doug Parlin met with representatives from APLS on February 27, 2015, and discussed many issues, including their desire to raise the requirements for Land Surveyor registration to 96 months.

Ms. Cornelius reported that she attended NCARB's Regional Meeting in Long Beach, CA from March 11 to March 15, 2015. At the meeting, as Chair of the MBE Committee, she welcomed everyone, reviewed committee charges, facilitated roundtable discussions, and presented a 90 minute session on the new member Board Member Orientation Manual she has been helping to draft.

Ms. Cornelius reported that she attended a national association meeting representing the membership of CLARB on March 20, 2015, in Washington, D.C. and that the Board has been invited to join a pilot program. Ms. Cornelius reported that Ms. Pritzl presented a lecture to engineers attending the LEAP conference in Phoenix on March 20, 2015 in Ms. Cornelius' place.

- E. Legislative Update – Ms. Cornelius advised that HB 2127, which would allow the Board to delegate power to the Executive Director to approve certain applications, passed through the legislature and was awaiting signature from the Governor.



Ms. Cornelius advised that the Alarm Industry bill, HB 2504, died in Caucus in the House but that ACEC and AIA would help the Board try to pass legislation next year to transfer regulatory authority of the alarm industry to DPS. Ms. Cornelius also advised that drug lab bill, SB 1062, died in the legislature but that ADEQ is willing to work with the Board over the summer to draft legislation to transfer regulatory authority next session.

11. **BOARD CHAIR'S REPORT** – Mr. Marley reported that he and Mr. Brady attended the NCARB meeting in Long Beach. Mr. Marley shared that NCARB seems to be facing some push-back from the Broadly Experience Architect (BEA) program. Ms. Cornelius stated that Mr. Marley was elected to serve as Secretary Treasurer for WCARB.

## 12. STANDING COMMITTEE REPORTS

- A. Legislation and Rules Committee – Mr. Marley reported that L&R sent a SPS back to the Board. Mr. Lane reported that L&R had a discussion based on a magazine article on whether or not discovery reports should be considered practicing surveying.
- B. Home Inspector Rules and Standards Committee – Mr. Madison reported that the committee was discussing the changes to the severity ranges used by the EAC committee. Mr. Madison also reported that the committee voted to make some grammatical changes to the standards of practice for home inspectors.
- C. Environmental Remediation Rules and Standards Committee – Nothing new to report.

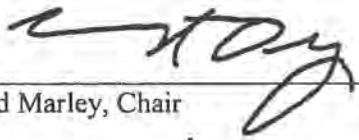
## 13. BOARD MEMBER REPORTS ON OUTSIDE ACTIVITIES

- A. National Council of Examiners for Engineering and Surveying (“NCEES”) – Mr. Madison reported there would be a NCEES meeting in Scottsdale in May.
- B. National Council of Architectural Registration Boards (“NCARB”) – Mr. Marley reported that the NCARB Annual Meeting in New Orleans on June 17-20, 2015.
- C. Council of Landscape Architectural Registration Boards (“CLARB”) – Ms. Cornelius reported that the Board would be visited by a representative in May about the pilot program.
- D. National Association of State Boards of Geology (“ASBOG”) – Nothing new to report.
- E. Public Member News/Information – Mr. Folk being absent, there was nothing new to report.

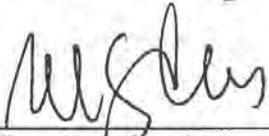
14. **FUTURE BOARD MEETINGS** – Tuesday, April 28, 2015 at 9:00 a.m.

15. **SUGGESTED TOPICS FOR FUTURE MEETING AGENDAS** – Mr. Madison asked to have a discussion on what constitutes a “bona fide employee.” Mr. Marley stated he would like to have the L&R Committee to have a detailed discussion about some of the ambiguities in some of the Board’s laws and rules. Mr. Jones asked to have the Board discuss whether record drawings need to be sealed and on architect supplement instructions. Mr. Marley asked to have the proposed NCARB resolutions to be added to the Board’s May agenda.

16. **MEETING ADJOURNMENT** – 1:05 p.m.



Ed Marley, Chair



Melissa Cornelius, Executive Director

Minutes  
**ARIZONA STATE BOARD OF TECHNICAL REGISTRATION**  
1110 West Washington, Conference Room #240  
Phoenix, AZ 85007

**Tuesday, April 28, 2015**

9:00 a.m.

OPEN SESSION

1. **CALL TO ORDER** – 9:05am
2. **ROLL CALL** – Board Members in attendance: Alejandro Angel, LeRoy Brady, Douglas Folk, Neal Jones, Jason Madison, Edward Marley, Stephen Noel, and Robert Stanley. Absent: Stuart Lane. Staff: Melissa Cornelius, Michael Martinez, Douglas Parlin, and Patrice Pritzl. Assistant Attorney General: Michael Raine
3. **CALL TO THE PUBLIC** – No one addressed the Board.
4. **ADOPTION OF MINUTES**

Review, Consideration, and Possible Action on the following:

- A. Approve, modify and/or reject April 1, 2015 Board meeting minutes – Mr. Marley asked for some technical corrections to be made. Mr. Brady moved to approve the April 1, 2015 minutes as amended by Mr. Marley. Mr. Noel seconded the motion. No further discussion; motion carried with Dr. Angel, Mr. Folk, and Mr. Stanley not voting.

5. **FORMAL HEARINGS:**

- A. No formal hearings were scheduled.

6. **ENFORCEMENT MATTERS**

Review, Consideration and Possible Vote on the following:

A. Complaints Proposed for Resolution by Dismissal or Closure:

1. P14-026, Roe Olapour, Non-Registrant – Mr. Stanley moved to dismiss the complaint. Mr. Jones seconded the motion. No further discussion; motion carried.
2. P15-056, Jess R. Alvarez (deceased), RLS #37172 – Mr. Stanley moved to dismiss the complaint. Mr. Jones seconded the motion. No further

discussion; motion carried.

3. P14-005, Gary Rogers, P.E. (Civil) #29952 – Mr. Rogers appeared telephonically before the Board to address the complaint against him. Mr. Rogers explained that the alleger filed a complaint after the alleger was sued. Mr. Rogers stated he didn't understand the complaint because the lot the alleger was sued over was not the same lot that Mr. Rogers' firm had worked on. He stated that his firm's employees in the field made the call to change the compaction to 85% without his approval. Dr. Angel asked Mr. Rogers if an engineer was consulted when deciding to use 85% compaction. Mr. Rogers stated he didn't recall ever being contacted and he didn't know why the employees in the field made the decision to reduce the compaction. Dr. Angel moved to dismiss the complaint. Mr. Jones seconded the motion. No further discussion; motion carried.
- B. Complaints Proposed for Resolution by Letters of Concern:
1. P15-035, Gary Lamb, Architect #13454 – Mr. Folk recused himself from the discussion. Mr. Marley explained that this complaint was filed due to nonpayment to a collaborating professional but the Respondent had already paid the collaborating professional in full. Dr. Angel stated that Mr. Lamb was never paid by the client. Mr. Marley added that Mr. Lamb paid the debt to the collaborating professional out of his own pocket. Dr. Angel moved to issue a Letter of Concern for failing to timely pay a collaborating professional. Mr. Jones seconded the motion. No further discussion; motion carried.
- C. Complaints Proposed for Resolution with Signed Consent Agreements:
1. HI15-004, Michael Moon, CHI #39350 – Dr. Angel moved to accept the signed Consent Agreement. Mr. Jones seconded the motion. No further discussion; motion carried with Mr. Madison voting no.
- D. Complaints Proposed to Offer Consent Agreement:
1. HI09-013, John M. O'Coin, CHI #39184 – Mr. O'Coin addressed the Board regarding the complaint against him. Mr. O'Coin stated that there were no signs that the home had polybutylene plumbing because the homeowners had done extensive renovations and the polybutylene was hidden. Mr. O'Coin stated he advised his client that there could be polybutylene plumbing but because it was hidden, the only way they would be able to tell would be to cut a hole in the wall. Mr. O'Coin stated that his client eventually hired a plumber who cut a hole in the wall and found out that the house actually did have polybutylene plumbing. Mr. O'Coin stated this matter was to be sent to a formal hearing with an Administrative Judge, but that he was never given notice by the Board about when that hearing would take place. Ms. Cornelius explained that the case was sent to the Attorney General's office for a hearing but they never took the case to formal hearing, so the case is still pending. Ms. Cornelius also explained that the case would continue on to formal hearing unless the Board took different action. Mr. Jones stated concerns over other

discrepancies on the report. Dr. Angel stated concerns that there was a picture provided of the electrical panel in which "Nonmetallic pipe" was written on the panel, giving notice that the home had nonmetallic pipes. Mr. O'Coin stated that 20% of the houses he inspects have that written but it doesn't necessarily mean that the home had polybutylene pipes. Mr. O'Coin stated that there were no other indications that the home had polybutylene plumbing. Dr. Angel stated that it seemed like there were enough signs that there was polybutylene plumbing and that the home buyer should have been told there was a high likelihood of polybutylene plumbing and the concern should be investigated further. Mr. Stanley moved to issue a Letter of Concern regarding the failure to notify the client of the possibility of polybutylene plumbing. Mr. Brady seconded the motion. No further discussion; motion carried with Dr. Angel voting no.

2. P15-011, John Anthony, Non-Registrant, John Anthony Drafting and Design, Non-Registrant Firm – Mr. Marley stated concerns over the fact that construction documents were created even though they did not fall under the exempt status and that a Civil Engineer was signing those architectural documents. Mr. Marley was also concerned that there was no proof that Mr. Anthony was the bona fide employee of the registrant sealing the documents. Mr. Jones voiced concerns that the City of Scottsdale said this practice was okay. Mr. Marley explained that the Board sent out a letter to all municipalities asking them not to interpret Board rules and policies. Mr. Marley stated he felt that the civil penalty included in the proposed Consent Agreement was not enough. Mr. Brady moved to offer an amended Consent Agreement including an Assurance of Discontinuance, imposing a civil penalty in the amount of \$4,000, and imposing the cost of investigation in the amount of \$1,336. Failure to sign the Consent Agreement within 30 days will result in the case proceeding to a formal hearing. Mr. Jones seconded the motion. No further discussion; motion carried. Mr. Marley directed staff to open an investigation into the Civil Engineer that stamped plans for Mr. Anthony to ensure he is in compliance with all rules, laws, and standards of practice.
3. P15-053, Hector Medina, Non-Registrant, Median Design Studio, Non-Registrant Firm – Mr. Marley stated that Mr. Medina already signed a Consent Agreement, offered by staff, that included an Assurance of Discontinuance, imposed a civil penalty in that amount of \$6,000, and imposed the cost of investigation in the amount of \$292. Dr. Angel moved to accept the signed Consent Agreement. Mr. Madison seconded the motion. No further discussion; motion carried.
4. P15-043, Harold Ross Wells, Landscape Architect #48144 – Mr. Marley explained that Mr. Wells failed to disclose a felony conviction and failed to comply with the Board issued subpoena for court records regarding the conviction. Mr. Brady moved to offer a Consent Agreement that included a

voluntary surrender of Mr. Wells' registration. Failure to sign the Consent Agreement within 30 days will result in the matter proceeding to a formal hearing. Mr. Stanley seconded the motion. No further discussion; motion carried.

5. A13-010, Alex Enoch, Non-Registrant, CADman Design, Non-Registrant Firm (*For review in conjunction with Agenda Item 6.D.7*) – After two attempts, the Board was unable to reach Mr. Enoch, who had requested a telephonic appearance. Mr. Marley explained the complaints against Mr. Enoch. Mr. Marley stated concerns that CADman Design was clearly advertising architectural services and that the design in question did not fall into the scope of licensing exception. Mr. Jones moved to offer an amended Consent Agreement including an Assurance of Discontinuance, imposing a civil penalty in the amount of \$4,000, and imposing the cost of investigation in the amount of \$459. Failure to sign the Consent Agreement within 30 days will result in the case proceeding to a formal hearing. Mr. Stanley seconded the motion. No further discussion; motion carried.
6. P15-039, George A. Bergman, Architect #58852 – Mr. Bergman addressed the Board regarding the complaint against him. Mr. Bergman explained that he didn't self-report his arrest on his original application because he was waiting to see what the judgment of the court was. Jacqueline Pons-Bunney, counsel for the Respondent, addressed the Board stating that Mr. Bergman self-reported on his renewal form and that she hoped that fact would help to mitigate any disciplinary action against Mr. Bergman. Mr. Stanley moved to issue a Letter of Concern. Mr. Madison seconded the motion. No further discussions; motion carried.
7. P15-064, Mariano Rodriguez, Architect #27502 (*For review in conjunction with Agenda Item 6.D.5*) – Mr. Rodriguez addressed the Board regarding the complaint against him. Mr. Rodriguez explained that Mr. Enoch had been drafting for him, on and off, for six years. Mr. Rodriguez stated that he read the Board's laws regarding sealing plans and had taken steps to rectify the issue so it doesn't happen in the future. Mr. Jones asked Mr. Rodriguez if he knew why the Board was unable to reach Mr. Enoch earlier. Mr. Rodriguez answered that he did not know. Mr. Martinez stated that he had just received an email from Mr. Enoch stating that he missed the Board's attempts to reach him because of a family emergency. Mr. Jones stated concerns that Mr. Rodriguez made a statement to Board Investigator, Vernon Lewis that it was okay to make a note on the plans stating, "This drawing has been prepared by others and reviewed for architectural compliance only." Mr. Marley stated that the rules clearly state that plans can only be sealed by a registrant if a bona fide employee drafted the plans; however, Mr. Rodriguez had received compensation only to seal the drawings. Mr. Jones asked if Mr. Enoch was still sealing drawings for Mr. Rodriguez. Mr. Rodriguez answered that he is no longer sealing drawings for him but that he knows Mr. Enoch is still

engaging in this practice. Mr. Madison moved to offer an amended Consent Agreement including a Letter of Reprimand, a Stayed Suspension and Probation stating Mr. Rodriguez must obey all laws regarding the practice of architecture and that he must comply with all terms of the Consent Agreement, and imposing an administrative penalty in the amount of \$3,500. Failure to sign the Consent Agreement within 30 days will result in the matter proceeding to a formal hearing. Mr. Jones seconded the motion. No further discussion; motion carried.

E. Complaints Requiring Board Guidance:

1. HI15-026, John Thorp, CHI #40941 – Mr. Thorp addressed the Board regarding the complaint against him. Mr. Thorp stated that his secretary missed the deadline to submit his renewal and that he didn't know that his license was delinquent until a real estate agent let him know. Mr. Thorp stated that he paid his renewal and late fees. Mr. Thorp also explained the reason he didn't disclose the charges against him was because, at the time of filing his renewal, his lawyer had told him that the charges would likely be dismissed. Dr. Angel moved to issue a Letter of Concern. Mr. Jones seconded the motion. No further discussion; motion carried.
2. P15-041, Robert Harmsma, P.E. (Civil) #43297 – The Board was unable to reach Mr. Harmsma, who had requested a telephonic appearance. Mr. Marley explained the complaint against Mr. Harmsma. Dr. Angel stated he appreciated that Mr. Harmsma self-reported the disciplinary action against him but was concerned that it was a technical competence issue that led Nevada to take such action. Dr. Angel moved to issue a Letter of Concern. Mr. Noel seconded the motion. No further discussion; motion carried.
3. P15-059, Jersy D. DePonty, Geologist #38729 – Mr. Noel stated that he knew Mr. DePonty but felt his relationship would not bias his judgment on the matter. Mr. DePonty addressed the Board regarding the complaint against him, explaining the circumstances that led to his conviction. Mr. DePonty stated that during pre-sentencing the Judge presiding over his case felt it was excessively prosecuted and asked the court reporter to record that he felt Mr. DePonty should not lose his professional registration over the matter. Mr. Stanley moved to dismiss the complaint. Mr. Noel seconded the motion. No further discussion; motion carried.

Mr. Folk excused himself from the meeting at 10:35 a.m.

4. P15-060, Carrie Perrone, Architect #48378 – Ms. Perrone appeared telephonically and addressed the Board regarding the complaint against her. Ms. Perrone stated that the complaint stemmed from a proposal that was sent to the State of Nevada by her firm. Ms. Perrone stated that Nevada has strict rules about how architects and engineers are listed on proposals and she was listed as an Architectural Designer on the proposal. Mr. Jones asked if Ms.

Perrone was based in Phoenix and a principal. Ms. Perrone answered that she was based out of Phoenix and is a principal for the firm. Mr. Stanley moved to dismiss the complaint. Mr. Angel seconded the motion. No further discussion; motion carried.

5. P15-061, Robb Dibble, P.E. (Civil) #43450 – Mr. Jones recused himself from the discussion. Mr. Marley explained that Mr. Dibble disclosed the disciplinary action against him on his renewal. Mr. Stanley moved to dismiss the case. Dr. Angel seconded the motion. No further discussion; motion carried.

F. Compliance Monitoring Investigations:

1. M09-011 and M09-089, Raad M. Salih, P.E. (Civil) #34016 – Dr. Angel stated concerns over the course on hydrology that Mr. Salih took, explaining that it was only a 1 hour webinar and that there was no way to evaluate the course. Dr. Angel recommended that the Board place standards on the course that Mr. Salih may take in order to be in compliance. Mr. Marley stated concerns that the content of the course didn't actually address the issue that led to Mr. Salih being required to take the course in the first place. Mr. Madison asked if the Board actually could place standards on a course at this point. Mr. Marley stated he was unsure that they could place requirements on the course since the Consent agreement had already been signed and approved. AAG Michael Raine advised the Board that they could place standards on the course that Mr. Salih must take and further advised that Mr. Salih is technically out of compliance with the Consent Agreement and therefore the Board could take further disciplinary actions against him. Mr. Madison moved to have staff issue a new Consent Agreement including a Letter of Reprimand, Stayed Suspension requiring Mr. Salih to comply with the orders in the previous Consent Agreement, requiring completion of four hours of further education in an approved course within 90 days, imposing an administrative penalty of \$500, and imposing the cost of investigation. Failure to sign the Consent Agreement within 30 days will result in the matter proceeding to a formal hearing. Mr. Noel seconded the motion. No further discussion; motion carried.
2. P14-077, Alan E. Money, P.E. (Civil) #30895 – Mr. Money addressed the Board asking for an early release from his Stayed Probation since he completed all the terms of his Consent Agreement. Mr. Money stated that he made changes to his practice to ensure similar issues do not arise in the future. Mr. Stanley moved to release Mr. Money from his probation. Mr. Brady seconded the motion. No further discussion; motion carried.

## 7. LICENSING MATTERS

Discussion, Consideration and Vote on the following:



A. Whether to Grant or Deny Registration:

1. Mosallai, Mojtaba, Civil Engineer Application #142016 – Dr. Angel recused himself from the discussion. Mr. Mosallai addressed the Board, asking them to grant his registration. Mr. Mosallai explained that he didn't agree with or understand the previous disciplinary action taken against him by the Board. Mr. Madison asked about the timeline on Mr. Mosallai's case. Ms. Cornelius explained that the complaint in 2004 was resolved with a Consent Agreement but that Mr. Mosallai did not comply with the agreement. Ms. Cornelius further explained that Mr. Mosallai's noncompliance was the reason that a second complaint was opened in 2005, which resulted in the revocation of his license and that Mr. Mosallai failed to comply with that order, as well. Ms. Cornelius explained that the Attorney General's office then forced collection of part of the monetary penalties owed by Mr. Mosallai, but that there was a remaining balance. Ms. Cornelius stated concerns that it appeared Mr. Mosallai did not respect the Board's authority to regulate his profession. Mr. Marley and Mr. Madison also voiced concerns with Mr. Mosallai not complying with Board orders. Mr. Noel asked if Mr. Mosallai was still practicing. Mr. Mosallai stated he was still working for Pima County as a Senior Civil Engineer Assistant. Mr. Marley read part of the transcript from Mr. Mosallai's administrative hearing in which Mr. Mosallai stated that he didn't comply with a previous order because he didn't agree with it. Mr. Marley stated concerns that, if the Board did issue Mr. Mosallai a registration, they had no assurance that Mr. Mosallai would comply with any future Board orders. Mr. Madison stated concerns over granting an application while still having Board orders that Mr. Mosallai hadn't complied with. Mr. Mosallai stated that he believed he paid the outstanding balance. Ms. Cornelius stated that Mr. Mosallai still has not paid the imposed penalties from the 2004 Consent Agreement but it could be possible that the Attorney General's office resolved that issue. Mr. Marley directed staff to further investigate whether Mr. Mosallai has paid the entire balance and tabled the discussion until May's Board meeting.

B. Whether to Grant Requests for Extension of Licensing Time Frames:

1. Acosta, Paul, Geologist Application #150024 – Mr. Madison moved to extend Mr. Acosta's application 12 months from the date of the application. Mr. Brady seconded the motion. No further discussion; motion carried.
2. Erickson, Matthew, Electrical Engineer Application #142298 – Mr. Madison moved to extend Mr. Erickson's application 12 months from the date of the application. Mr. Brady seconded the motion. No further discussion; motion carried.
3. McGowan, Charles, Mechanical Engineer Application #150001 – Mr. McGowan addressed the Board regarding his application and asked the Board

for an extension so that he can earn the remaining 3 months of experience needed to complete his application. Mr. Madison moved to grant a four month extension on Mr. McGowan's application. Mr. Jones seconded the motion. No further discussion; motion carried.

4. Miller, Jeffrey, Land Surveyor Application #142273 – Mr. Madison moved to extend Mr. Miller's application 12 months from the date of the application. Mr. Brady seconded the motion. No further discussion; motion carried.
  5. Najjar, Assaad, Civil Engineer Application #150102 – Mr. Madison moved to extend Mr. Najjar's application 12 months from the date of the application. Mr. Brady seconded the motion. No further discussion; motion carried.
  6. Pancrazio, Steven, Structural Engineer Application #142204 – Mr. Madison moved to extend Mr. Pancrazio's application 12 months from the date of the application. Mr. Brady seconded the motion. No further discussion; motion carried.
- C. Whether to Grant an Extension or Close the Application for Failure to Meet the Licensing Time Frames:
1. Oikarinen, Robert, Civil Engineer Application #140428 – Ms. Cornelius explained that the timeframe on Mr. Oikarinen's application already expired. Dr. Angel moved to close Mr. Oikarinen's application and to have staff advise the applicant that he can reapply when he has earned a sufficient amount of experience. Mr. Noel seconded the motion. No further discussion; motion carried.

## 8. LICENSING CONSENT AGENDA

- A. Review, Consideration, and Action on the Evaluation Committee and Staff Recommendations for the following:

*Lists of names available at the Board's office for public review*

1. Granting professional registrations, certifications or in-training designations pursuant to A.R.S. §§ 32-122.01, 32-123;
2. Granting approval to applicants to sit for the professional or in-training examinations pursuant to A.R.S. § 32-122;
3. Granting professional registrations to those applicants possessing NCARB Blue/Green Cover or NCEES Model Law Engineer certifications, pursuant to A.R.S. § 32-122.01, and § 32-123;
4. Granting professional registrations, certifications or in-training designations or authorizations to test to those applicants who disclosed minor criminal history that has no reasonable relationship to the applicant's proposed area of practice

- or who disclosed lesser disciplinary action taken against their registrations in other jurisdictions, pursuant to A.R.S. §§32-122, 32-122.01 and § 32-123;
5. Administratively closing professional or in-training applications pursuant to A.R.S. §§ 32-122, 32-122.01(A); A.A.C. R4-30-204(E);
  6. Cancellation of registrations and certifications that have been expired for one full renewal period;

Ms. Jennifer Meek (Architect Application #050839) addressed the Board regarding her application. Ms. Meek stated concerns that her application was being closed before her NCARB rolling clock expires. Mr. Marley asked Ms. Meek when her NCARB rolling clock expires. Ms. Meek answered that she has until August 20, 2015 to take the remaining six exams. Ms. Cornelius stated that Ms. Meek didn't pass her first exam with NCARB until five years after she originally applied with the Board. Mr. Stanley moved to remove Ms. Meek's application from the consent agenda. Dr. Angel seconded the motion. No further discussion; motion carried. Mr. Marley moved to extend Ms. Meek's application until August 20, 2015. Mr. Jones seconded the motion. No further discussion; motion carried.

Ms. Erin Umberger (Architect Application #090423) addressed the Board and asked for an extension on her application. Ms. Umberger explained that she applied before the IDP requirement rule change and, because of that, she hasn't been logging her hours. Ms. Umberger further explained that her NCARB rolling clock does not expire until July 11, 2016. Dr. Angel asked how many exams Ms. Umberger has taken. Ms. Umberger answered that she has taken four exams and has to pass two more. Dr. Angel moved to pull Ms. Umberger's application from the consent agenda. Mr. Brady seconded the motion. No further discussion; motion carried. Mr. Marley moved to extend Ms. Umberger's application until July 11, 2016. Mr. Brady seconded the motion. No further discussion; motion carried.

Mr. Madison made a motion to pull Bruce Preston (Architect Application #071812), Bernard Gaston (Architect Application #080657), Sandy Straus (Environmental Engineer Application #031482), Heeyoung Lee (Architect Application #090243), and Carl Hubbard (Architect Application #060274) from the consent agenda. Mr. Noel seconded the motion. No further discussion; motion carried.

The Board discussed Mr. Gaston's application. Ms. Cornelius explained that Mr. Gaston originally applied with the Board in 2008 and took his first exam that same year. Ms. Cornelius further explained that he passed his second exam in 2011 and that his NCARB rolling clock did not expire until 2016. Dr. Angel moved to extend Mr. Gaston's application until August of 2016. Mr. Stanley seconded the motion. No further discussion; motion carried. The Board discussed Mr. Hubbard's application. Ms. Cornelius explained that Mr. Hubbard was requesting an extension due to some health issues. Ms.

Cornelius explained that he had taken exams but had not passed any of them so he has no NCARB rolling clock. Mr. Stanley moved to close Mr. Hubbard's application. Dr. Angel seconded the motion. No further discussion; motion carried.

The Board discussed Ms. Lee's application. Ms. Pritzl explained that Ms. Lee took four exams and passed her first in 2013. Dr. Angel moved to allow Ms. Lee's application to stay open until August of 2016. Mr. Stanley seconded the motion. No further discussion; motion carried.

The Board discussed Ms. Straus' application. Ms. Pritzl explained that Ms. Straus originally applied with the Board in 2005 and did not take her first test until April of 2011, which she failed. Mr. Stanley moved to extend Ms. Straus' application until the end of April of 2016. Mr. Jones seconded the motion. No further discussion; motion carried.

The Board discussed Mr. Preston's application. Mr. Stanley moved to extend Mr. Preston's application to December of 2016. Dr. Angel seconded the motion.

Mr. Stanley moved to approve the April 28, 2015 consent agenda items 8.A.1-8.A.7 with the exception of those applications that the Board had previously pulled from the agenda. Mr. Brady seconded the motion. No further discussion; motion carried.

Mr. Stanley excused himself from the meeting at 1:13 p.m.

7. List of Alarm firm and Alarm Agent certifications granted by the Executive Director pursuant to A.R.S. § 32-122.05 and A.R.S. § 32-122.06.

## 9. POLICY MATTERS

Review, Consideration, and Possible Action on the following:

- A. Introduction of Veronica Meadows, Director of Member Engagement at CLARB, and discussion regarding the Model Board Pilot Program – Ms. Meadows gave a presentation to the Board on CLARB's Model Board Pilot Program. Arizona was one of two Boards selected to partner with CLARB on the pilot program.
- B. Review of April 7, 2015 ADOT Memorandum regarding *Replacement of the Terms "as built drawing," and/or "as build drawing" with the updated term "record drawing,"* and Discussion and possible Guidance to staff regarding whether Record Drawings and Architect Supplemental Instructions require Registrant Seals – Mr. Brady stated that he works for ADOT but felt that he could remain objective in the discussion of this issue. The Board discussed the definitions of "as-built drawing" in the engineering and architectural fields. Dr.

Angel read the statute regarding “as-built drawing” and voiced concerns that even if ADOT changed the name to “record drawing” in an attempt to immunize legal liability, these drawings would still be “as-built” as defined by law. The Board directed Ms. Cornelius to draft a letter to ADOT and present it to the Board during the May meeting for review and approval.

- C. Discussion and possible Guidance to staff and the Legislation and Rules Committee regarding whether to revise the Rule definition of “Bona Fide Employee” – No action taken; Board directed this item to be moved to the May meeting.
- D. Proposed Home Inspector Rules and Standards Committee Recommended Disciplinary Severity Ratings – No action taken; Board directed this item to be moved to the May meeting.

## 10. DIRECTOR’S REPORT

- A. Budget Update – Ms. Cornelius reported that with 75% of the FY15 budget year elapsed, the Board has spent 66% of its appropriation and 89% of its revenue.
- B. Legislative Update – Ms. Cornelius reported that HB 2127, which allowed the Board to delegate the ability to approve certain applications, was signed by the Governor on Monday, April 6, 2015 and will become effective as of July 3, 2015.
- C. Previous Meeting Follow-Up – Ms. Cornelius reported that they held an engineer’s applications meeting with 30 EAC member engineers that showed up and were interested in helping to evaluate applications for the Board.

Ms. Cornelius reported that the Board’s RFP for the new computer system was pushed out two weeks due to the number of questions received from the vendors.

Ms. Cornelius reported that, after researching prices, the strategic planning meeting as considered for Flagstaff was too expensive to justify. The Board directed staff to schedule the meeting on July 10, 2015 at the Board’s office.

Ms. Cornelius reported that she had contacted NCARB about the Canadian accord issue discussed at the Board’s previous meeting. She reported that NCARB’s response was that the education that Canadians receive is equivalent but the exam that they take is not equivalent to the exams given by NCARB.

Ms. Cornelius reported that she is still waiting to hear back from the Governor’s office regarding his rule moratorium and how it will influence some of the Board’s rule re-writing.

## 11. BOARD CHAIR’S REPORT – Mr. Marley had nothing new to report.

**12. STANDING COMMITTEE REPORTS**

- A. Legislation and Rules Committee – Nothing new to report. Next meeting will be on July 21, 2015.
- B. Home Inspector Rules and Standards Committee – Nothing new to report. Next meeting will be on June 9, 2015.
- C. Environmental Remediation Rules and Standards Committee – Nothing new to report.

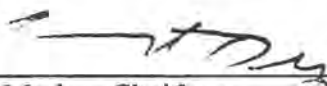
**13. BOARD MEMBER REPORTS ON OUTSIDE ACTIVITIES**

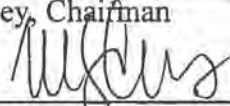
- A. National Council of Examiners for Engineering and Surveying (“NCEES”) – Mr. Marley reported that NCEES will be having a meeting in Scottsdale during May. The Annual meeting will be held in Williamsburg from August 19-22 2015.
- B. National Council of Architectural Registration Boards (“NCARB”) – The Annual meeting will be held in New Orleans from June 17-20 2015.
- C. Council of Landscape Architectural Registration Boards (“CLARB”) – Arizona’s acceptance as a partner in CLARB’s Model Board Pilot Program. The Annual meeting in New Orleans in September 2015.
- D. National Association of State Boards of Geology (“ASBOG”) – Nothing new to report
- E. Public Member News/Information – Nothing new to report

**14. FUTURE BOARD MEETINGS** – Tuesday, May 26, 2015 at 9:00 a.m.

**15. SUGGESTED TOPICS FOR FUTURE MEETING AGENDAS** – Defining “bona fide” employees, proposed updated severity rating used in home inspector’s EAC meetings, polices giving direction to Executive Director in light of the passage of HB 2127, Newsletter, Mr. Mosallai’s application, and the drafts of letters that the Board directed staff to write.

**16. MEETING ADJOURNMENT** – The Board meeting was adjourned at 2:10 p.m.

  
\_\_\_\_\_  
Ed Marley, Chairman

  
\_\_\_\_\_  
Melissa Cornelius, Executive Director

Minutes  
**ARIZONA STATE BOARD OF TECHNICAL REGISTRATION**  
1110 West Washington, Conference Room #240  
Phoenix, AZ 85007

**Tuesday, May 26, 2015**  
9:00 a.m.  
OPEN SESSION

1. **CALL TO ORDER** – 9:02 a.m.
2. **ROLL CALL** – Board Members in attendance: Alejandro Angel, LeRoy Brady, Douglas Folk, Neal Jones, Stuart Lane Jason Madison, Edward Marley, Stephen Noel, and Robert Stanley. Staff: Melissa Cornelius, Michelle Fleming, Douglas Parlin, Patrice Pritzl and Gregory Wisher. Assistant Attorney General: Michael Raine
3. **CALL TO THE PUBLIC** – No one addressed the Board.
4. **ADOPTION OF MINUTES**

Review, Consideration, and Possible Action on the following:

- A. Approve, modify and/or reject April 28, 2015 Board meeting minutes - Dr. Angel recommended a minor change be made to the minutes and then he made a motion to approve them as modified. Mr. Stanley seconded the motion. No further discussion; motion carried with Mr. Folk, and Mr. Lane abstaining.

5. **FORMAL HEARINGS:**

- A. Review, Consider and Act on State's Motion to Deem
  1. P14- 058, Mark Brownell, non-registrant and J.R. Tuttle Co., non-registrant

Mr. Marley recused himself and Mr. Brady chaired this matter. Assistant Attorney General Michael Raine presented the State's case against the Respondent and requested that the Board deem the allegations admitted due to the Respondents failure to respond to the Complaint and Notice of Hearing. Neither the Respondent nor a representative was present for the proceeding. Respondent failed to file an answer to the complaint. Mr. Lane moved to deem the Factual Allegations of the Complaint as admitted. Dr. Angel seconded the motion. Mr. Folk moved to adopt the Alleged Violations as Conclusion of Law. Mr. Lane seconded the motion. Mr. Folk moved to impose civil penalties of \$2000.00 per violation per Respondent (there were four violations) plus investigation costs; Mr. Stanley seconded the motion. No further discussion; motion carried.

## 6. ENFORCEMENT MATTERS

Review, Consideration and Possible Vote on the following:

### A. Complaints Proposed for Resolution by Dismissal or Closure:

1. P15-040, John Trummer, P.E. (Structural) #12528 – Mr. Jones recused himself from this case. Mr. Lane moved to have this case dismissed. Mr. Brady seconded the motion. No further discussion; motion carried.
2. HI15-022, Roy Sirakis, C.H.I. #42681 - Mr. Lane moved to have this case dismissed. Mr. Brady seconded the motion. No further discussion; motion carried.

### B. Complaints Proposed for Resolution with Signed Consent Agreements:

1. P15-026, Don E. Petersen, R.L.S. #33877 - Mr. Peterson appeared and addressed the Board. Mr. Lane moved to accept the signed Consent Agreement. Mr. Stanley seconded the motion. No further discussion; motion carried.
2. P15-037 and M13-051, Holten A. Bjoin, R.L.S. #37400 – Mr. Stanley moved to accept the signed Consent Agreement. Mr. Lane seconded the motion. No further discussion; motion carried.
3. HI15-016, Darren Wright, C.H.I. #50446 - Mr. Lane moved to accept the Respondent's signed Consent Agreement. Mr. Noel seconded the motion. No further discussion; motion carried.

### C. Complaints Proposed for Offer of Consent Agreement:

1. HI15-008, Ronaldo Borgogni, C.H.I. #50622 – Mr. Borgogni was present and addressed the Board. The Alleger Pat Bishop was also present and addressed the Board. Mr. Folk moved to offer Mr. Borgogni a Consent Agreement for a Letter of Reprimand; restitution to the Alleger and costs of the investigation. If Mr. Borgogni fails to sign the Consent Agreement within 30 days, the matter is to proceed to Formal Hearing. Mr. Noel seconded the motion. No further discussion; motion carried with Mr. Jones being the only member that voted Nay.
2. P15-031, Stanford Lake, P.E. (Civil) #41946 – Mr. Lake appeared and addressed the Board. Mr. Frost also appeared and spoke on behalf of Mr. Lake. Dr. Angel moved that the Consent Agreement be offered as proposed. If Mr. Lake does not sign the Consent Agreement within 30 days, the matter will proceed to hearing. Mr. Folk seconded the motion. No further discussion; motion carried.
3. P15-017, SH Engineering and Manufacturing, LLC., Non-Registrant Firm – Mr. Skiles appeared as Principle and Mr. Sparks appeared as legal Counsel. Mr. Folk moved to offer a Consent Agreement including an assurance of



discontinuance, and a civil penalty in the amount of \$2000.00 plus cost of investigation in the amount of \$734.00 to be signed in 30 days, if not signed move to Formal hearing. Mr. Lane seconded the motion. No further discussion; motion carried.

4. P14-057, Agnieszka Jastrzebska, Non-Registrant, AJ Design Studio LLC dba AJ Design Studio Architecture and Interiors, Non-Registrant Firm – Ms. Jastrzebska appeared and addressed the Board. Dr. Angel moved to offer a modified Consent Agreement with a civil penalty of \$1000.00 payable over a 12 month period and assurance of discontinuance. If the Consent Agreement is not signed within 30 days, the matter will proceed to Formal hearing. Mr. Lane seconded the motion. No further discussion; motion carried.
5. P15-008, David S. Klein, R.L.S. #42137 – Mr. Klein was present and addressed the Board. Mr. Lane moved to issue a Letter of Concern. Dr. Angel seconded the motion. No further discussion; motion carried.

## 7. LICENSING MATTERS

Discussion, Consideration and Vote on the following:

### A. Whether to Grant or Deny Registration:

1. Mosallai, Mojtaba, Civil Engineer Application #142016 - Dr. Angel recused himself from this case. After reviewing the Application and Mr. Mosallai's previous registration history with the Board including two complaints, an order of Probation which he failed to comply with and license revocation for noncompliance with a Board order the Board determined that it would be too difficult to regulate Mr. Mosallai's practice and found that he lacked good moral character based upon his previous license revocation, to hold registration in Arizona. Mr. Lane moved to deny Mr. Mosallai's application for registration. Mr. Folk seconded the motion. No further discussion; motion carried.
2. Mualim, Jonathan, Electrical Engineer Application #150123 – Mr. Stanley moved to grant Jonathan Mualim's application for Electrical Engineering. Mr. Brady seconded the motion. No further discussion; motion carried.

## 8. LICENSING CONSENT AGENDA

- ### A. Review, Consideration, and Action on the Evaluation Committee and Staff Recommendations for the following:

*Lists of names available at the Board's office for public review*

1. Granting professional registrations, certifications or in-training designations pursuant to A.R.S. §§ 32-122.01, 32-123;
2. Granting approval to applicants to sit for the professional or in-training examinations pursuant to A.R.S. § 32-122;
3. Granting professional registrations to those applicants possessing NCARB Blue/Green Cover or NCEES Model Law Engineer certifications, pursuant to A.R.S. § 32-122.01, and § 32-123;
4. Granting professional registrations, certifications or in-training designations or authorizations to test to those applicants who disclosed minor criminal history that has no reasonable relationship to the applicant's proposed area of practice or who disclosed lesser disciplinary action taken against their registrations in other jurisdictions, pursuant to A.R.S. §§32-122, 32-122.01 and § 32-123;

Mr. Stanley moved that the Board approve items 1 through 4 and 6 and 7 on the Licensing Consent portion of the agenda. Mr. Lane seconded the motion. No further discussion; motion carried.

5. Administratively closing professional or in-training applications pursuant to A.R.S. §§ 32-122, 32-122.01(A); A.A.C. R4-30-204(E);

Mr. Schimanski, Dennis, III., (Architect Application #110003) Mr. Schimanski addressed the Board to request that his application remain in active status. Mr. Schimanski has a scheduled test date in June 2015. Dr. Angel moved to keep Mr. Schimanski's application active until 2016. Mr. Stanley seconded the motion. No further discussion; motion carried.

Guzman, Ramirez, Luis (Civil Engineer Application #100871) Mr. Guzman addressed the Board to request that his application remain in active status because he had traumatic personal situations occur in his life. Mr. Guzman had not passed any tests during the 5 year period. Therefore the Board voted to close his application. He must reapply.

Felix, Edgar, AIT Application #120078 – Mr. Felix requested that the Board keep his application open. The Board denied his request and closed his application for AIT designation because it does not offer AIT designation any longer. The Board encouraged him to apply for ARE authorization if he desires authorization to test.

Ahmad, Ijaz, EIT Application #120168 – Mr. Ahmad, addressed the Board to request that his application remain in active status. Mr. Noel moved to have his application extended until the end of 2015. Mr. Lane seconded the motion. No further discussion; motion carried.

Mahmulin, Saud, Architect Application # 131075 – Mr. Mahmulin addressed the Board to request that his application remain in active status to take and pass the ARE exam. Mr. Lane moved to keep Mr. Mahmulin's application active; Mr. Noel seconded the motion. No further discussion; motion carried.

Osteen, Scott, Architect Application #120517 – Mr. Osteen addressed the Board to request that his application remain in active status to take and pass

the ARE exam. Mr. Stanley moved to keep Mr. Osteen's application active through January 2019, Mr. Lane seconded the motion. No further discussion; motion carried.

Garcia, Claudia, Geologist Application #133205 – Ms. Garcia addressed the Board to request a 9 month extension on her application. Mr. Madison moved to grant Ms. Garcia an extension through December 31, 2015. Dr. Angel seconded the motion. No further discussion; motion carried.

Fritsch, Corinna, Architect Application #090027 – Ms. Fritsch addressed the Board and requested that her application remain active. Ms. Fritsch had not passed any sections of the ARE since filing her application in 2009. The Board denied Ms. Fritsch's request.

Garrett, Gordon, EIT Application #120194 – Mr. Garrett addressed the Board and requested that his application remain in active status. Dr. Angel moved to extend Mr. Garrett's application through December 31, 2015. Mr. Noel seconded the motion. No further discussion; motion carried.

Mr. Stanley moved to close all of the applications in 8.a.5. with the exception of Ljaz Ahmad Application #120168, Claudia Garcia Application #133205, Gordon Garrett Application #120194, Saud Mahmulin Application # 131075, Scott Osteen Application #120517, and Dennis Schimanski, Architect Application #110003. Mr. Lane seconded the motion. No further discussion; motion carried.

6. Cancellation of registrations and certifications that have been expired for one full renewal period;
7. List of Alarm firm and Alarm Agent certifications granted by the Executive Director pursuant to A.R.S. § 32-122.05 and A.R.S. § 32-122.06.

## 9. POLICY MATTERS

Review, Consideration, and Possible Action on the following:

Mr. Stanley left the meeting at 1:07 pm.

- A. Review of Proposed Letter to ADOT in Response to its April 7, 2015 Memorandum regarding *Replacement of the Terms "as built drawing," and/or "as build drawing" with the updated term "record drawing."*

The Board agreed that Ms. Cornelius would make some minor changes to the Letter to ADOT and present it for the Board Chairman's signature.

- B. Discussion and possible Guidance to staff and the Legislation and Rules Committee regarding whether to revise the Rule definition of “Bona Fide Employee.”

The Board recommended that this matter be sent to The Legislation and Rules Committee.

- C. Proposed Home Inspector Rules and Standards Committee Recommended Disciplinary Severity Ratings.

Ms. Cornelius agreed to edit the Proposed Home Inspector Rules and Standards Committee Recommended Disciplinary Severity Ratings and bring it back to the Board at the June meeting.

- D. Review and Action on the Proposed Agenda for the Strategic Planning Meeting scheduled for July 10, 2015.

The Board approved the proposed agenda for the meeting. Ms. Cornelius agreed to send notice of the meeting to concerned stakeholders.

- E. Review and Action on the Proposed Substantive Policy Statement regarding HB 2127, giving the Board authority to delegate to the Executive Director the Authority to Grant registrations and certifications.

Ms. Cornelius will create a list for the next meeting to be reviewed for action by the Board.

- F. Review and Action on NCARB’s Proposed Resolutions for its June 2015 Annual Meeting.

Mr. Folk moved to authorize Mr. Marley to vote yay on the three resolutions at Annual NCARB meeting in June 2015. Mr. Noel seconded the motion. No further discussion; motion carried.

## 10. DIRECTOR’S REPORT

- A. Budget Update

Ms. Cornelius reported that with 83 percent of the FY15 budget year elapsed, the Board has spent 75% of its appropriation and 84% of the revenue.

- B. Previous Meeting Follow-Up

Ms. Cornelius reported that there was a nice turnout for the Engineering Applications Committee. She also reported that Board staff has been reviewing the bids for the new BTR computer system.

C. Staff Update

Ms. Cornelius introduced Michelle Fleming as the new Licensing Manager, Andrew Puccino as the interim Licensing Specialist, and Gregg Wisher is here to assist with IT matters as well as Board Meetings.

D. Other Issues

Ms. Cornelius reported on renovations to the Board of Technical Registration office to be completed by the end of the fiscal year.

Ms. Cornelius reported that she asked Chet Pearson to take the Remediation Specialist exam and come up with an answer sheet for the exam. Mr. Pearson agreed.

Ms. Cornelius reported that she asked some registered Assayers to take the Assayer exam and come up with an answer sheet and about 10 of them agreed to do so.

Ms. Cornelius reported that another financial audit for the BTR is scheduled for June 8, 2015 to look at FY 2015.

Ms. Cornelius advised the Board members that they are invited to take a tour of the Palo Verde power plant during the week of September 22, 2015.

**11. BOARD CHAIR'S REPORT**

Mr. Marley reported that he attended the NCEES southern and western zone meeting in Scottsdale, AZ on May 15-17, 2015.

Mr. Marley reported that he is headed to New Orleans next month for the Annual NCARB meeting, June 17-21, 2015.

Mr. Marley reported that he has been reappointed to NCARB's BEA committee.

Mr. Noel left the meeting at 1:45 pm.

Mr. Brady left the meeting at 1:56 pm.

**12. STANDING COMMITTEE REPORTS**

A. Legislation and Rules Committee – Nothing to report

B. Home Inspector Rules and Standards Committee – Nothing to report

C. Environmental Remediation Rules and Standards Committee – Nothing to report

**13. BOARD MEMBER REPORTS ON OUTSIDE ACTIVITIES**

A. National Council of Examiners for Engineering and Surveying (“NCEES”)  
-Nothing additional to report

B. National Council of Architectural Registration Boards (“NCARB”)

Ms. Cornelius reported that NCARB volunteered her to be on their ethics committee.

C. Council of Landscape Architectural Registration Boards (“CLARB”) – Nothing to report

D. National Association of State Boards of Geology (“ASBOG”) – Nothing to report

E. Public Member News/Information – Nothing to report

14. **FUTURE BOARD MEETINGS** – Tuesday, June 23, 2015 at 9:00 a.m.

15. **SUGGESTED TOPICS FOR FUTURE MEETING AGENDAS**

Newsletter draft for Board review

List of what complete applications that the Board will delegate to the Executive Director for approval and closure.

Update on RFP vendor selection

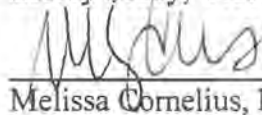
Mr. Parlin will do a presentation on how Enforcement staff comes up with proposed penalties

Review the new proposed Board member manual

16. **MEETING ADJOURNMENT**

Mr. Lane moved to adjourn. The motion was seconded by Dr. Angel. The motion carried. Meeting adjourned at 2:10 pm.

  
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LeRoy Brady, Vice-Chairman

  
\_\_\_\_\_  
Melissa Cornelius, Executive Director

Minutes  
**ARIZONA STATE BOARD OF TECHNICAL REGISTRATION**  
1110 West Washington, Conference Room #250  
Phoenix, AZ 85007

**Tuesday, June 23, 2015**  
9:00 a.m.  
OPEN SESSION

1. **CALL TO ORDER** – 9:00 a.m.
  
2. **ROLL CALL** – Board Members in attendance: Alejandro Angel, LeRoy Brady, Douglas Folk, Neal Jones, Stuart Lane Jason Madison, Stephen Noel, and Robert Stanley. Staff: Melissa Cornelius, Michelle Fleming, Douglas Parlin, Patrice Pritzl and Michelle Johnson. Assistant Attorney General: Michael Raine Absent: Edward Marley.
  
3. **CALL TO THE PUBLIC** – No one addressed the Board.
  
4. **ADOPTION OF MINUTES**  
  
Review, Consideration, and Possible Action on the following:  
  
A. Approve, modify and/or reject May 26, 2015 Board meeting minutes – Mr. Lane made a motion to approve the minutes. Dr. Angel seconded the motion. No further discussion; motion carried.
  
5. **FORMAL HEARINGS:**  
  
A. HI10-027, Robert W. Gerard, Non-registrant Home Inspector – Mr. Lane moved that the matter HI10-027, Robert W. Gerard, Non-registrant Home Inspector proceed to Formal Hearing. Mr. Folk seconded the motion. No further discussion; motion carried.
  
6. **ENFORCEMENT MATTERS**  
  
Review, Consideration and Possible Vote on the following:  
  
A. Complaints Proposed for Resolution by Dismissal or Closure:
  1. P15-081, Richard LaPrairie, P.E. (Civil) #34729 – Dr. Angel stated that his concern is that the registrant did not disclose a disciplinary action that was taken against him in 2012 before he renewed his registration. Dr. Angel moved that a Letter of Concern for failure to disclose a prior disciplinary action on his renewal application be issued to Mr. Richard LaPrairie. Mr. Stanley seconded the motion. No further discussion; motion carried.

2. P15-047, James A. Brucci, R.L.S. #29865 – Mr. Dwayne Haught representing the City of Scottsdale appeared before the Board to request that the Board consider not dismissing the allegations in case P15-047. Mr. Lane moved that the case proceed to EAC. Dr. Angel seconded the motion. No further discussion; motion carried.
3. AL15-008, Jack Ernest Croy Non-Registrant, Alarm Specialties, Inc., Non-Registrant Alarm Business – Dr. Angel moved that case AL15-008 be closed. Mr. Lane seconded the motion. No further discussion; motion carried.
4. P14-051, Stuart Spaulding, P.E. (Civil) #12565 – Mr. Spaulding appeared before the Board to give testimony in this matter (case P14-051). After hearing Mr. Spaulding’s testimony, Dr. Angel moved that the allegations against Mr. Stuart Spaulding be dismissed. Mr. Lane seconded the motion. No further discussion; motion carried.
5. DL09-046, 17974 West Havasupai Drive, Casa Grande, Arizona – Dr. Angel moved that case DL09-046 be closed. Mr. Lane seconded the motion. No further discussion; motion carried.

B. Complaints Proposed for Resolution by Letters of Concern:

1. P15-052, Donald Surface, P.E. (Civil) #07372 – Mr. James Larson (complainant) appeared before the Board to give testimony pertaining to the matter (case P15-052). Mr. Lane moved that a Letter of Concern be issued for the improper location and size of the drain to Mr. Donald Surface. Mr. Folk seconded the motion. No further discussion; motion carried.

C. Complaints Proposed to Offer Consent Agreement:

1. AL15-011, Paul Griffith, Non-Registrant – Mr. Paul Griffith appeared before the Board to answer any questions that the Board had for him concerning the matter (case AL15-011). Mr. Griffith signed the Consent Agreement. Mr. Lane moved that the Board accept the Respondent’s signed Consent Agreement. Mr. Stanley seconded the motion. No further discussion; motion carried.
2. P15-058, Steve Blair, Non-Registrant – Mr. Steven D. Blair appeared before the Board to give testimony pertaining to the allegations in case P15-058. Mr. Lane moved that the Offer of Consent Agreement be approved. If the Consent Agreement is not signed within 30 days, the matter will proceed to Formal Hearing. Dr. Angel seconded the motion. No further discussion; motion carried.
3. A13-015, A13-018, P14-082, M13-022, M13-033, Carlos A. Padilla, R.L.S. #46474 - Mr. Lane moved that the Board offer Respondent a Consent Agreement. If the Consent Agreement is not signed within 30 days, the matter will proceed to Formal Hearing. Mr. Stanley seconded the motion. Mr. Folk expressed



concerns about the proposed Consent Agreement which the members discussed further. The Chairman called for a vote on the motion. Mr. Lane voted yes on the motion; Dr. Angel, Mr. Folk, Mr. Jones, Mr. Madison, Mr. Noel and Mr. Stanley voted no. The motion failed. After further discussion; Mr. Folk moved that cases A13-015, A13-018, P14-082, M13-022, and M13-033 proceed to Formal Hearing. Mr. Lane seconded the motion. No further discussion; motion carried.

4. AL15-012, Brandon Reed, Alarm Controlling Person #57675, Safe Haven Security Services Inc., Alarm Business #18404 – Mr. Folk moved to offer the proposed Consent Agreement to Mr. Reed to include a Letter of Reprimand, Stayed Suspension and Probation, an Administrative penalty of \$500.00 and cost of Investigation \$278.00. If the Consent Agreement is not signed within 30 days, the matter will proceed to Formal Hearing. Mr. Stanley seconded the motion. No further discussion; motion carried.

D. Complaints Requiring Board Guidance:

1. P15-083, John E. Garner, P.E. (Civil) #27295 – Mr. Stanley moved to dismiss case P15-083. Dr. Angel seconded the motion. No further discussion; motion carried.
2. P15-082, Vickie Crenshaw, P.E. (Architectural) #53188 – Ms. Vickie Crenshaw appeared before the Board to answer questions pertaining to case P15-082. Mr. Madison moved to dismiss allegations against Ms. Crenshaw. Mr. Jones seconded the motion. No further discussion; motion carried.
3. P15-067, Rickert Henriksen, P.E. (Mechanical) #31080, (Electrical) #25343 – Mr. Madison moved to dismiss case P15-067. Mr. Stanley seconded the motion. No further discussion; motion carried.
4. P15-066, Joe P. Hill, P.E. (Civil) #09921 – Mr. Joe P. Hill appeared before the Board to answer questions. Dr. Angel moved to dismiss case P15-066. Mr. Stanley seconded the motion. No further discussion; motion carried.
5. HI15-031, Kent Lamb, C.H.I. #40585 – Mr. Kent Lamb appeared before the Board to answer questions pertaining to case HI15-03. Mr. Folk moved to dismiss the case HI15-031. Mr. Stanley seconded the motion. No further discussion; motion carried.
6. P15-062, Chad R. Erickson, R.L.S. #40590, Erickson Land Surveys, Firm #19216 – Mr. Chad R. Erickson appeared before the Board telephonically to answer questions pertaining to the matter in case P15-062. After the Board heard Mr. Erickson's testimony, Mr. Lane moved that a Letter of Concern be issued for possible minor violations on the minimum standards on boundary surveys to Mr. Erickson. Dr. Angel seconded the motion. After further discussion on the original motion Mr. Folk moved to go into Executive

session. Mr. Stanley seconded the motion. The Board went into executive session at 12:10 pm. The Board adjourned from executive session at 12:31 pm. After the Board adjourned the executive session and resumed regular session, Mr. Lane moved to amend the previous motion to issue a Letter of Concern regarding the practice of the discovery of possible violation of Board statutes and rules to Mr. Erickson and directed staff to open an investigation to determine if Respondent is practicing or offering to practice Land Surveying without firm registration. Dr. Angel seconded the motion. No further discussion; motion carried.

## 7. LICENSING MATTERS

Discussion, Consideration and Vote on the following:

### *Reopen and Reauthorize Exams*

- A. Slater, Anthony, Land Surveyor Application #120699 – Mr. Anthony Slater appeared before the Board to answer questions. Mr. Lane moved to reopen Mr. Slater’s application and reauthorize him to take the Arizona State specific exam. Mr. Stanley seconded the motion. No further discussion; motion carried.
- B. Logue, Jared, Architect Application 132653 – Mr. Jones moved to reopen Mr. Logue’s application and reauthorize him to take the ARE exam. Mr. Lane seconded the motion. No further discussion; motion carried.

### *Whether to Grant Requests for Extension of Licensing Time Frames:*

- C. Tipton, Maribel, Electrical Engineer Application #150085 – Dr. Angel moved to extend Ms. Tipton’s Licensing Time Frame through March 31, 2016. Mr. Stanley seconded the motion. No further discussion; motion carried.
- D. Rusin, Peter, Jr., Architect Application #150125 – Mr. Madison moved to extend Mr. Rusin’s application Time Frame through January 31, 2016. Mr. Stanley seconded the motion. No further discussion; motion carried.
- E. Bowen, Jennifer, Architect Application #080436 – Ms. Jennifer Bowen appeared before the Board to request an additional extension to her application and answer questions. Mr. Jones moved to extend Ms. Bowen’s application through May 31, 2017. Mr. Lane seconded the motion. No further discussion; motion carried.
- F. Pitman, Sergey, Mining Engineer Application #150635 – Mr. Stanley moved to extend Mr. Pitman’s application through December 31, 2016. Dr. Angel seconded the motion. No further discussion; motion carried.

### *Whether to Grant or Deny Registration:*

- G. Cutright, Brian, Alarm Agent Application #150078 – The Board found that Mr. Brian Cutright lacked good moral character based upon his felony conviction and the fact that he is still on criminal probation. Mr. Madison moved to deny the application for Mr. Cutright. Mr. Jones seconded the motion. No further discussion; motion carried.

## 8. LICENSING CONSENT AGENDA

- A. Review, Consideration, and Action on the Evaluation Committee and Staff Recommendations for the following:

*Lists of names available at the Board's office for public review*

1. Granting professional registrations, certifications or in-training designations pursuant to A.R.S. §§ 32-122.01, 32-123;
2. Granting approval to applicants to sit for the professional or in-training examinations pursuant to A.R.S. § 32-122;
3. Granting professional registrations to those applicants possessing NCARB Blue/Green Cover or NCEES Model Law Engineer certifications, pursuant to A.R.S. § 32-122.01, and § 32-123;
4. Granting professional registrations, certifications or in-training designations or authorizations to test to those applicants who disclosed minor criminal history that has no reasonable relationship to the applicant's proposed area of practice or who disclosed lesser disciplinary action taken against their registrations in other jurisdictions, pursuant to A.R.S. §§32-122, 32-122.01 and § 32-123;
5. Administratively closing professional or in-training applications pursuant to A.R.S. §§ 32-122, 32-122.01(A); A.A.C. R4-30-204(E);
6. Cancellation of registrations and certifications that have been expired for one full renewal period;
7. List of Alarm firm and Alarm Agent certifications granted by the Executive Director pursuant to A.R.S. § 32-122.05 and A.R.S. § 32-122.06.

Mr. Stanley moved that the Board approve items 8.a1 through 8.a7 with the exception of Jeffrey Turville and Steven Pancrazio. Dr. Angel seconded the motion. No further discussion; motion carried.

## 9. POLICY MATTERS

Review, Consideration, and Possible Action on the following:

- A. Delegation of Authority to the Executive Director to Grant, Authorize Exams, Close, and Cancel registrations and certifications.

Pursuant to House Bill 2127 of the 52nd Legislature, First Regular Session 2015, which becomes effective on July 3, 2015, the Board of Technical Registration delegates to its Executive Director the authority to:

- Grant registrations, certifications and in-training designations to those applicants whose credentials have been reviewed and approved by the Application Evaluation Committee and who possess National Council Records and/or certificates from NCARB, NCEES and CLARB.
- Grant In-training designations to those applicants who possess educational degrees from Board approved institutions of higher learning and have provided the Board proof that they have passed the Fundamentals Examinations in their proposed areas of practice.
- Authorize applicants whose credentials have been reviewed and approved by the Application Evaluation Committee to take required national examinations, and Grant them registration and/or certification upon successful completion of the examination after verifying that they have met all other licensing requirements.
- Grant registrations and certifications or authorizations to test to applicants who meet the Board's licensing requirements but disclosed Criminal History which does not have a reasonable relationship to the functions of employment in the category for which the license is sought.
- Close applications based upon the applicants' failure to complete the Board's application process, (specifically, not taking and/or not passing the required examinations, or failing to provide the Board with required licensing materials) in a timely manner.
- Cancel registrations and certifications that have been expired for one full renewal period, pursuant to A.R.S. § 32-127(C).

Dr. Angel moved that the Board approve the proposed language with a minor revision that applications with disciplinary history should come back to the Board for review and that the policy is reviewed on an annual basis by the Board. Mr. Jones seconded the motion. No further discussion; motion carried.

- B. Proposed Home Inspector Rules and Standards Committee Recommended Disciplinary Severity Ratings. – Mr. Folk moved that the Board accept the version of the Home Inspector Enforcement Advisory Committee Disciplinary Severity Ratings Reference Guide and send it back to the Enforcement Advisory Committee (EAC) for implementation. Mr. Madison seconded the motion. No further discussion; motion carried.
- C. Board Member Orientation Manual. – No Action Taken. Ms. Cornelius will make some minor revisions and send a PDF copy of the document to the Board members for their review and reference.

- D. Proposed Letter to Governor Ducey Regarding Electronic Reporting and Payment. – No Action Taken.
- E. Enforcement Presentation on Recommendations for Civil and Administrative Penalties.

The Chairman of the Board presented a dedication award to Stuart Lane for his service as a Board member. Today's meeting is Mr. Lane's last Board meeting.

## 10. DIRECTOR'S REPORT

- A. Budget Update – Ms. Cornelius reported that 92% of the year is gone and BTR spent 80% of its appropriation and 82% of BTR's revenue.

Ms. Cornelius reported that the application committee meetings are going well. Engineers are only receiving the applications that the committee members can't finish. BTR is not ready to expand it to the architects. There were five Home Inspectors that came into the office for the orientation who are willing to review applications however; they will not be able to come into the office with the same regularity of the Engineers.

Ms. Cornelius reported that procurement is proceeding on the RFP for the new computer system; because we have to work with members of other State Agencies it has been challenging getting times coordinated to meet. The next scheduled meeting is July 6, 2015 to look at the 6 remaining bids. Hopefully the process will be completed by the end of August 2015. Ms. Cornelius is anticipating that programming of the new computer system will not start until January 2016.

Ms. Cornelius reported that the AG ISA is up for review July 1, 2015.

- B. Staff Update – Ms. Cornelius reported that Governor Ducey has imposed a hiring freeze for State employees. The Governor's goal is to reduce State staff by 40%. Ms. Cornelius also stated that she wants to fill the 3 vacant positions in BTR to bring the staffing level back up to 20.

Ms. Cornelius reported that the Assayer exam is the latest exam that we discovered that there are no answer sheets for. Apparently there was never a score sheet for the Assaying exam. It used to be graded by committee.

Ms. Cornelius asked the Board if they wanted to make pocket cards available to registrants. Currently BTR sends the registrant a PDF document generated through the CRM and the registrant can laminate the PDF.

Ms. Cornelius reported that Ed Marley was appointed to the Credentials Committee at NCARB and Eric Weiland the former chairman is running for Secretary of ASBOG's executive committee.

Ms. Cornelius reported that CLARB is offering to facilitate another strategic planning meeting in August. The Board is not in favor of another strategic planning meeting at this time.

Ms. Cornelius reported that BTR has not received a status on the Sunset Audit.

Ms. Cornelius reported that the employee satisfaction survey results for this year are higher than last year's results.

**11. BOARD CHAIR'S REPORT** – Board Chair had nothing to report

**12. STANDING COMMITTEE REPORTS**

- A. Legislation and Rules Committee – An Legislation and Rules meeting is scheduled for July 21, 2015.
- B. Home Inspector Rules and Standards Committee – Mr. Madison reported that there were some changes in Policy Statements.
- C. Environmental Remediation Rules and Standards Committee – Nothing to report

**13. BOARD MEMBER REPORTS ON OUTSIDE ACTIVITIES**

- A. National Council of Examiners for Engineering and Surveying (“NCEES”) – The NCEES meeting is scheduled for mid or end of August 2015 in Williamsburg, Virginia.
- B. National Council of Architectural Registration Boards (“NCARB”) – Ms. Cornelius reported that of the three resolutions that the BTR Board members were to vote on; the Broadly Experienced Architect (BEA) failed, it remains the same. The Broadly Experienced Foreign Architect (BEFA) resolution requiring them to test and complete IDP passed. There was a contested election for a position on the Board of Directors.

Dr. Angel and Mr. Folk left the meeting at 2:02 pm.

- C. Council of Landscape Architectural Registration Boards (“CLARB”) – Mr. Brady reported that the Landscape Architects have elections going on.
- D. National Association of State Boards of Geology (“ASBOG”) – Mr. Noel reported that Eric Weiland one of the former Board members is running for Office at ASBOG.
- E. Public Member News/Information – Nothing to report

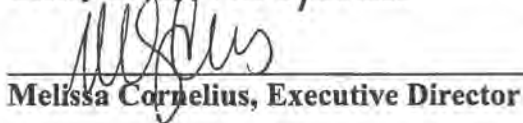
14. **FUTURE BOARD MEETINGS** – Tuesday, July 28, 2015 at 9:00 a.m.

15. **SUGGESTED TOPICS FOR FUTURE MEETING AGENDAS.** – Ms. Cornelius stated that she would like to be able present a rough draft of the Sunset Audit response to the Board at the next Board meeting on July 28, 2015.

Mr. Stanley left the meeting at 2:08 pm

16. **MEETING ADJOURNMENT** – at 2:09 pm.

  
\_\_\_\_\_  
LeRoy Brady, Vice Chairman

  
\_\_\_\_\_  
Melissa Cornelius, Executive Director

Minutes  
**ARIZONA STATE BOARD OF TECHNICAL REGISTRATION**  
1110 West Washington, Conference Room #240  
Phoenix, AZ 85007

**Tuesday, August 25, 2015**  
9:00 a.m.  
OPEN SESSION

**1. CALL TO ORDER – 09:00 a.m.**

**2. ROLL CALL** - Board Members in attendance: Alejandro Angel, LeRoy Brady, Douglas Folk, Neal Jones, Jason Madison, Robert Stanley and Stephen Noel. Staff: Melissa Cornelius, Michelle Fleming, Douglas Parlin, Patrice Pritzl and Julie Armour. Assistant Attorney General: Michael Raine. Absent: Edward Marley.

**3. CALL TO THE PUBLIC** – No one addressed the Board.

**4. ADOPTION OF MINUTES**

Review, Consideration, and Possible Action on the following:

**A. Approve, modify and/or reject July 28, 2015 Board meeting minutes.**

Dr. Angel and Mr. Folk recommended minor changes be made to the minutes. Dr. Angel moved to approve the minutes as modified. Mr. Folk suggested that the minutes specify the reason for going into executive session. Mr. Noel seconded the motion to approve the minutes with the proposed corrections. Mr. Madison, Mr. Stanley and Mr. Jones abstained. No further discussion; motion carried.

**B. Approve, modify and/or reject July 28, 2015 Board meeting Executive Session minutes.**

Dr. Angel moved to approve the minutes from the executive session. Mr. Noel seconded the motion. Mr. Madison, Mr. Stanley and Mr. Jones abstained. No further discussion; motion carried.

**5. FORMAL HEARINGS:**

**A. Review, Consideration and Vote on the following Formal Hearings:**

**1. Case No. H10-005, Thurston Lee, CHI #40317**

Mr. Brady opened the hearing. Mr. Michael Raine, Assistant Attorney General, represented the State of Arizona. Chris Munns, Solicitor General's Office, was present to advise the Board. Respondent was not present and was not represented by legal counsel. According to Assistant Attorney General Michael Raine, the Respondent filed an answer in response to the complaint and has participated in the proceedings. Mr. Raine presented the evidence regarding the allegations in this matter, including testimony from Board investigator, Vernon Lewis, and Peter



Leeds, CHI.

Mr. Folk moved that the Board find paragraphs 1-5, 7 and 16-18 in the Factual Allegations in the complaint and Notice of Hearing as Findings of Fact. Mr. Stanley seconded the motion. No further discussion; motion carried.

Conclusions of Law: Dr. Angel moved that the Board adopt as Conclusions of Law Alleged Violation 1 in the Complaint of Notice of Hearing. Mr. Folk seconded the motion. No further discussion; motion carried.

Mr. Folk moved that the Board issue a Letter of Reprimand for falsely identifying the piping and an expression of concern for failure to properly characterize the roof structure. Mr. Jones seconded the motion. Dr. Angel, Mr. Madison and Mr. Stanley voted nay. No further discussion; motion carried.

2. Case No. P14-091, Wayne E. Coates, P.E. (Agricultural) #15259  
Mr. Madison moved to accept Mr. Coates' consent agreement to voluntarily surrender his license. Mr. Jones seconded. No further discussion; motion carried.

## 6. ENFORCEMENT MATTERS

Review, Consideration and Possible Vote on the following:

### A. Complaints Proposed for Resolution by Dismissal or Closure:

1. P15-047, James A. Brucci, R.L.S. #29865
2. HI15-034, Randy West, C.H.I. #12349
3. P15-054, William Slatton, R.A. #43265

Mr. Stanley moved to dismiss complaints in 6a, items 1-3. Mr. Noel seconded the motion. No further discussion; motion carried.

4. P16-002, Chad R. Erickson, R.L.S. #40590 – Telephonic Appearance  
Mr. Folk moved that the Board pursue a complaint against Mr. Erickson and Erickson Land Surveying for conducting business as a firm in Arizona prior to being registered in the state and for violation of technical and competency rules established by the Board. Dr. Angel seconded the motion. No further discussion; motion carried.

### B. Complaints Proposed for Resolution by Letters of Concern:

1. HI15-014, Bruce M. Lewis, C.H.I. #42597  
Mr. Lewis did not appear before the Board. Mr. Stanley moved that the Board follow staff's recommendation and issue a letter of concern for failure to accurately describe several systems of components. Mr. Folk seconded the motion. No further discussion; motion carried.

C. Complaints Proposed to Offer Consent Agreement:

1. P15-075, David Holl, Non-Registrant, D.R. Holl Designs, LLC, Non-Registrant Firm

Mr. Holl appeared to address the Board. After hearing Mr. Holl's testimony, Dr. Angel moved that the Board offer Respondent the staff proposed Consent Agreement with one change: to reduce the civil penalty from \$3,200.00 to \$1,500.00, payable over 24 months. Mr. Folk seconded the motion. If the Consent Agreement is not signed within 30 days, the matter will proceed to Formal Hearing. No further discussion; motion carried.

2. HI15-018, Duane Smith, C.H.I. #41111

Mr. Smith appeared to address the Board. After hearing Mr. Smith's testimony, Dr. Angel moved that the Board offer Mr. Smith two alternative consent agreements, the first being a voluntary surrender agreement and the second being the agreement proposed by staff, with one modification: to eliminate the restitution clause. Mr. Madison seconded the motion. If neither consent agreement is signed within 30 days, the matter will proceed to Formal Hearing. No further discussion; motion carried.

3. HI16-002, Phil Westlund, Non-Registrant

Mr. Westlund appeared to address the Board. After hearing Mr. Westlund's testimony, Dr. Angel moved that the Board offer the Consent Agreement as drafted by staff. If the consent agreement is not signed within 30 days, the matter will proceed to Formal Hearing. Mr. Madison seconded the motion. No further discussion; motion carried.

D. Complaints Proposed for Resolution with Signed Consent Agreements:

1. P15-048, Jesus M. Rodriguez, Non-Registrant

Mr. Rodriguez did not appear before the Board. Mr. Madison moved to accept the Respondent's signed Consent Agreement encompassing an Assurance of Discontinuance, a civil penalty in the amount of \$4,000.00 and the cost of investigation of \$500.00. Mr. Jones seconded the motion. No further discussion; motion carried.

E. Complaints Requiring Board Guidance:

1. P15-087, Jericho Vaughn, Non-Registrant Owner of a Firm Registered with the Board.

Mr. Vaughn did not appear before the Board. Mr. Stanley moved to close the complaint. Mr. Jones seconded the motion. No further discussion; motion carried.

F. Review and Approval of Appointment for EAC Membership:

1. Kent M. Groh, R.L.S. #44808

Mr. Folk disclosed his potential conflict of interest in doing legal work for Bowman Consulting; however, he stated it did not affect his impartiality to this application. Mr. Stanley moved to accept Mr. Groh's application. Mr. Noel seconded the motion. No further discussion; motion carried.

G. Compliance Monitoring Investigations:

1. P15-026, Don Petersen, R.L.S. #33877

Mr. Stanley moved to follow staff recommendation and grant Mr. Petersen's request to be removed from probation and be returned to active status. Dr. Angel seconded the motion. No further discussion; motion carried.

**7. LICENSING MATTERS**

Discussion, Consideration and Vote on the following:

*Whether to Grant Requests for Extension of Licensing Time Frames:*

- |                       |                                    |
|-----------------------|------------------------------------|
| A. Cook, Brian,       | Home Inspector Application #150686 |
| B. Cornoyer, Jeffrey, | Geologist Application #151017      |
| C. Meek, Jennifer,    | Architect Application #050839      |

Ms. Meek appeared before the Board. Dr. Angel moved to extend Ms. Meek's application through December 31, 2015. Mr. Stanley seconded the motion. No further discussion; motion carried.

- |                    |                                      |
|--------------------|--------------------------------------|
| D. Taufiq, Arshad, | Nuclear Engineer Application #141354 |
| E. Tussey, Tyler,  | Civil Engineer Application #151107   |

Mr. Stanley moved to grant extensions to the applicants listed in items 7a through e through December 31, 2015. Mr. Noel seconded the motion. No further discussion; motion carried.

*Whether to Grant or Deny Registration:*

- |                         |   |
|-------------------------|---|
| F. Atkinson, Francis    | Alarm Agent Application #150780         |
| G. Brown, Tim           | Electrical Engineer Application #150771 |
| H. DiGiorgio, Rudy      | Alarm Agent Application #150816         |
| I. Feldman, Joseph      | Home Inspector Application #150917      |
| J. Partridge, John II   | Mechanical Engineer Application #150273 |
| K. Reust, Todd          | Mechanical Engineer Application #150839 |
| L. Shutt-Banks, Natalie | Architect Application #151281           |
| M. Tipton, Maribel      | Electrical Engineer Application #150085 |
| N. Varley, Grant        | Alarm Agent Application #150682         |
| O. Woidwode, Aaron      | Civil Engineer Application #151134      |

Mr. Madison moved to consent items 7 F through O and grant registration. Mr. Stanley seconded the motion. No further discussion; motion carried.

## *Reopen and Grant for Extension of Licensing Time Frames*

P. West, Bret,

Architect Application #150756

Mr. Stanley moved to reopen Mr. West's application 150756 and extend it through December 31, 2015. Mr. Noel seconded the motion. No further discussion; motion carried.

### **8. LICENSING CONSENT AGENDA**

A. Review, Consideration, and Action on Staff Recommendations for the following:

1. Cancellation of registrations and certifications that have been expired for one full renewal period;

B. Review of the List of registrations and certifications granted by the Executive Director pursuant to A.R.S. § 32-122.05, 32-122.06, and A.R.S. § 32-123.

*List available for public review upon request.*

Mr. Stanley moved to consent items 8a & 8b. Dr. Angel seconded the motion. No further discussion; motion carried. Registrations and certifications listed were cancelled.

### **9. POLICY MATTERS**

Review, Consideration, and Possible Action on the following:

A. Authorizing the Executive Director to Grant professional registrations, certifications or in-training designations or authorizations to test those applicants who disclosed minor criminal history that has no reasonable relationship to the applicant's proposed area of practice or who disclosed lesser disciplinary action taken against their registrations in other jurisdictions, pursuant to A.R.S. §§32-122, 32-122.01 and § 32-123.

Dr. Angel moved that the Board grant the Executive Director the authority described in 9a. Mr. Noel seconded the motion. No further discussion; motion carried.

B. Proposed Sunset Response to the Legislature.

Mr. Folk will give his suggestions in writing to Ms. Cornelius.

C. Proposed Response to Executive Order 2015-01: Evaluation of Rules and Licensing Time-Frames Report.

Regarding the sentence in the report which states 94% of the applications were 'granted', Mr. Folk inquired if 'granted' should read 'processed'. Ms. Cornelius stated that Mr. Folk was correct. Mr. Noel stated that the percent processed should be 96% since 4% were not. Ms. Cornelius confirmed that 96% is correct. Mr. Folk proposed a change in wording

from the rationale column regarding some of the rules. His suggestion was to modify the term 'antiquated' to 'no longer needed'. Ms. Cornelius stated that 'antiquated' was the suggested wording of the Governor's office but agreed with Mr. Folk's change. Ms. Cornelius will update the wording to reflect 'no longer necessary'.

- D. Proposed Changes to NCARB's Intern Development Program.  
Dr. Angel proposed sending the IDP to AIA and the state universities for their comments. The Board will wait until the September meeting to decide on this agenda item.
- E. Home Inspector Rules and Standards Committee Report Checklist Supplement.  
Mr. Folk suggested deferring action on this item in order to allow staff to compare the checklist with the standards set forth by the Committee. Ms. Pritzl proposed to take the checklist back to the Committee to address concerns raised by members of the Board. Action on this item was deferred at this time.

## 10. DIRECTOR'S REPORT

- A. Budget Update – Ms. Cornelius reported that 8% of the budget year has elapsed. The agency spent 5% of its appropriation and 47% of its revenue. The Arizona Department of Administration required BTR to pay the entire sum of annual rent, approximately \$187,000, upfront, rather than in quarterly payments this year.

Ms. Cornelius also stated she had not yet heard from the State Procurement Office regarding their decision on the best and final offers from the RFP for BTR's new computer system. The deadline for the project is the end of September and SPO is aware.

Ms. Cornelius is waiting for an accounting from the Attorney General's office regarding the funds available to BTR from the ISA that was signed last year. BTR does not currently have an ISA pending for this fiscal year with the Attorney General's office for services. Ms. Cornelius will inform the Board of any future updates.

- B. Staff Update – Ms. Cornelius reported that Dr. Angel and Mr. Marley were reappointed to their positions on the Board by the Governor. There is not yet a decision on the surveyor appointee.
- C. Previous Meeting Follow-Up – Ms. Cornelius reported that BTR received a reprieve from the moratorium on rule making for some specific items. Executive staff and the Board are in the midst of reviewing Board rules and may not proceed in this particular rule review with all the desired modifications; however, the rules will be brought back for further Board review and comment in subsequent meetings.

Ms. Cornelius reported that BTR was unable to find an assayer willing to grade the Assayer In-Training exam taken by their candidate. BTR did find one gentlemen but he refused to sign the nondisclosure agreement. Former Board member, Erick Weiland, a

geochemist, will grade the exam. Ms. Cornelius will update the Board on the progression of the project and with any issues that may arise.

Ms. Cornelius also reported that the Arizona Registrar of Contractors, the Department of Public Safety and Building Fire Safety do not want to acquire the regulation of the alarm industry.

- D. Director's Meetings - Board executive staff met with Cox Communications and discussed utilizing fingerprint clearance cards, which would be valid for six years, to assist in the regulation of alarm agents. Additionally, it was proposed that their certifications be valid for three years.

**11. BOARD CHAIR'S REPORT – Nothing to report.**

**12. STANDING COMMITTEE REPORTS**

- A. Legislation and Rules Committee August 11, 2015 Meeting  
Mr. Folk stated the meeting was very active, as the Committee reviewed several of their statues that were considered for amendment. Rules and recommendations will be made.

**13. BOARD MEMBER REPORTS ON OUTSIDE ACTIVITIES**

- A. ASBOG – The annual ASBOG meeting for 2015 will be held in Delaware this November. Ms. Pritzl stated that Erick Weiland, a former Board member, will be up for election at this meeting.
- B. CLARB – Ms. Cornelius stated that there was an election for the CLARB Board of Directors. Mr. Brady reported that the Nevada delegate was elected. Mr. Brady also stated that there was a telephonic regional meeting but there was nothing to report. The annual meeting will be held next month in New Orleans.
- C. NCARB – Nothing to report.
- D. NCEES – Dr. Angel reported that two significant issues arose from the meeting. The first issue was the discussion regarding whether the structural engineering license should be only a title protection, meaning one could only call oneself a structural engineer if that person has the proper license, or if it should also be practice protected which means only structural engineers would be permitted to design significant structures such as bridges and taller buildings. NCEES was offering the practice protection stance and put it up for a vote. The motion for practice protection failed with 31 jurisdictions for and 32 jurisdictions against. Arizona was split and did not vote. The second issue that arose from the meeting was the position statement to add to the NCEES model rules requiring engineers to have 150 hours of higher education credits. This could be in the form of a bachelor's degree plus a master's degree, a 150 credit hour bachelor's degree or another format which meets this proposed standard. NCEES approved the position statement as the fields have become more specialized and more training is required.

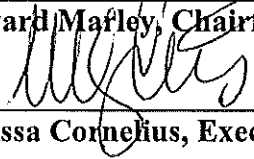
**14. FUTURE BOARD MEETINGS – Tuesday, September 29, 2015 at 9:00 a.m.**

**15. SUGGESTED TOPICS FOR FUTURE MEETING AGENDAS.**

- Review the final draft of the Proposed Sunset Response to the Legislature
- Proposed Changes to NCARB's Intern Development Program

**16. MEETING ADJOURNMENT – 1:14 PM**

  
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**Edward Mafley, Chairman**

  
\_\_\_\_\_  
**Melissa Cornelius, Executive Director**

Minutes  
**ARIZONA STATE BOARD OF TECHNICAL REGISTRATION**  
1110 West Washington, Conference Room #250  
Phoenix, AZ 85007

**Tuesday, September 29, 2015**  
9:00 a.m.  
OPEN SESSION

**1. CALL TO ORDER – 9:04**

**2. ROLL CALL** - Board Members in attendance: Edward Marley, LeRoy Brady, Douglas Folk, Neal Jones, Jason Madison, Jason Foose and Robert Stanley. Staff: Melissa Cornelius, Michelle Fleming, Douglas Parlin and Julie Armour. Assistant Attorney General: Michael Raine. Absent: Alejandro Angel and Stephen Noel.

**3. CALL TO THE PUBLIC**– No one addressed the Board.

**4. ADOPTION OF MINUTES**

Review, Consideration, and Possible Action on the following:

A. Approve, modify and/or reject August 25, 2015 Board meeting minutes.

Mr. Brady moved to approve the August 2015 minutes. Mr. Foose seconded the motion. The Chair abstained. No further discussion; motion carried.

B. Reopen and modify July 28, 2015 minutes regarding Pancrazio, Steven, Structural Engineer Application #142204

Mr. Brady moved to approve the minutes with the proposed modifications. Mr. Foose seconded the motion. No further discussion; motion carried.

**5. FORMAL HEARINGS:**

A. Review, Consideration and Vote on the following Formal Hearings:

1. Case No. H11-001, Frank H. Long, non-registrant

Mr. Marley opened the hearing. Mr. Michael Raine, Assistant Attorney General, represented the State of Arizona. Respondent was present and was not represented by legal counsel. Mr. Raine presented the evidence regarding the allegations in this matter, including testimony from former Board investigator, Lisa Pagent, and current Board investigator, Doug Kraemer.

Mr. Folk moved that the Board find paragraphs 1-4 of the Complaint, Parties and



Jurisdiction section, and paragraphs 1-17 of the Factual Allegations as Findings of Fact. Mr. Brady seconded the motion. No further discussion; motion carried.

Conclusions of Law: Mr. Foose moved that the Board adopt the alleged Violations of Law in the Complaint as Conclusions of Law. Mr. Folk seconded the motion subject to discussion. Mr. Folk stated that line 17 describes respondent as having performed two inspections without a license, but there was no proof of a second inspection. Mr. Foose modified his motion to adopt the performance of one inspection and one offer of an inspection as Conclusions of Law. Mr. Jones seconded the motion. No further discussion; motion carried.

Mr. Folk moved that the Board impose a civil penalty in the amount of \$2,000 plus the cost of the investigation and an Assurance of Discontinuance of the practice of home inspections. Mr. Brady seconded the motion. No further discussion; motion carried.

2. Case No. P14-047, Omar Rodriguez, Architect #354321  
Mr. Marley opened the hearing. Mr. Michael Raine, Assistant Attorney General, represented the State of Arizona. Respondent was not present and was not represented by legal counsel. Mr. Folk moved to grant the State's Motion to Deem the Allegations as admitted. Mr. Foose seconded the motion. No further discussion; motion carried.

Mr. Folk moved to adopt the Complaint's allegations as Finding of Fact and the Complaint's alleged Violations of Law as Conclusions of Law in this matter. Mr. Brady seconded the motion. No further discussion; motion carried.

Mr. Madison moved for revocation of Mr. Rodriguez's license. Mr. Folk seconded the motion. No further discussion; motion carried.

## 6. ENFORCEMENT MATTERS

### A. Complaints Proposed for Resolution by Dismissal or Closure:

#### 1. P15-025, Paul Scardina, Non-Registrant

Mr. Madison moved to dismiss the complaint against Mr. Scardina. Mr. Jones seconded the motion. No further discussion; motion carried.

### B. Complaints Proposed for Resolution by Letters of Concern:

#### 1. HI16-004, Elbert Blume, C.H.I. #50227

Mr. Blume appeared to address the Board. Mr. Stanley moved to issue a Letter of Concern regarding the reporting deficiencies. Mr. Folk seconded the motion. No further discussion; motion carried.

### C. Complaints Proposed to Offer Consent Agreement:

#### 1. HI15-030, Mark Kenney, C.H.I. #50338

Mr. Kenney appeared to address the Board. Mr. Folk moved that the Board direct

staff to modify the proposed Consent Agreement to delete the reporting deficiencies concerning the condition, as those were answered by the definition. Mr. Folk also moved that the substantive violation regarding the aluminum wire be retained and the order of restitution be dropped, as staff was provided proof that the fee was refunded. This motion also encompassed the proposal of an administrative penalty of \$500, plus the cost of the investigation in the amount of \$900. If the Consent Agreement is not signed within 30 days, the matter will proceed to Formal Hearing. Mr. Marley seconded the motion. No further discussion; motion carried.

2. HI15-032, Dennis Pinkerton, C.H.I. #58078

Mr. Stanley moved to issue the Consent Agreement as shown. If the Consent Agreement is not signed within 30 days, the matter will proceed to Formal Hearing. Mr. Folk seconded the motion. No further discussion; motion carried.

D. Complaints Proposed for Resolution with Signed Consent Agreements:

1. P16-007, Darren J. Curtis, Registered Geologist #49068

2. AL16-001, Enrique Olivares, Alarm Controlling Person #58669

Mr. Stanley moved to accept Mr. Olivares' signed Consent Agreement. Mr. Foose seconded the motion. No further discussion; motion carried.

3. P16-008, Dennis Hustead, R.L.S. #16840

4. P15-042, David B. Zinkand, Non-Registrant

5. HI16-005, Francisco Montano, Non-Registrant

Mr. Madison moved to consent 6(D) items 1,3,4 and 5. Mr. Jones seconded the motion. No further discussion; motion carried.

E. Complaints Proposed for Formal Hearing:

1. P15-091 & P15-092, Hadley Design Group, Firm #13047

Mr. Stanley moved to proceed with staff recommendations. Mr. Brady seconded the motion. Mr. Stanley amended his motion to direct the Assistant Attorney General to seek an injunction against Hadley Design Group prohibiting the firm from practicing and advertising landscape architecture in the state of Arizona. Mr. Brady seconded the motion. No further discussion; motion carried.

## 7. LICENSING MATTERS

Discussion, Consideration and Vote on the following:

### *Whether to Grant Requests for Extension of Licensing Time Frames:*

A. Lu, Yutong

Engineer-in-Training Application #150621

Mr. Brady moved to grant Ms. Lu an extension through December 31, 2015. Mr. Stanley seconded the motion. No further discussion; motion carried.

B. Spector, Brian Architect Application #151041  
Mr. Stanley moved to grant Mr. Spector a 60 day extension. Mr. Foose seconded the motion. No further discussion; motion carried.

C. Wurl, Charles Civil Engineer Application #151003  
Mr. Stanley moved to grant Mr. Wurl's extension. Mr. Jones seconded the motion. No further discussion; motion carried.

*Reopen and Grant for Extension of Licensing Time Frames*

D. Raudales Valladares, Eduardo Civil Engineer Application #150200  
Mr. Stanley moved to reopen the application and grant an extension through November 30, 2015. Mr. Brady seconded the motion. No further discussion; motion carried.

E. Rowen, Marthe Architect Application #150124  
Mr. Stanley moved to reopen the application and grant an extension through November 30, 2015. Mr. Madison seconded the motion. No further discussion; motion carried.

**8. LICENSING CONSENT AGENDA**

A. Review, Consideration, and Action on Staff Recommendations for the following:

1. No items to consider.

B. Review of the List of registrations and certifications granted by the Executive Director pursuant to A.R.S. § § 32-122.05, 32-122.06, and A.R.S. § 32-123.  
*List available for public review upon request.*

No action taken.

**9. POLICY MATTERS**

Review, Consideration, and Possible Action on the following:

A. Whether to authorize Erick Weiland, P.G., and pay for his registration fee to attend the ASBOG Annual Meeting in Delaware in November 2015.

Mr. Brady moved to pay the registration fee for Mr. Weiland to attend the ASBOG meeting. Mr. Stanley seconded the motion. Mr. Marley suggested Mr. Weiland report back to the Board regarding the meeting. No further discussion; motion carried.

B. Election of Board Officers: Chairman, Vice-Chairman, and Secretary.

Mr. Brady moved to defer action on this item and put it on the agenda for the October Board meeting. Mr. Foose seconded the motion. No further discussion; motion carried.

- C. Establishing the Calendar for the Board's Meetings in 2016.  
Mr. Jones moved to accept the Board meeting dates for 2016. Mr. Stanley seconded the motion. No further discussion; motion carried.
- D. NCARB's Proposed Changes to the Intern Development Program (IDP.)  
The Board discussed the proposed changes. No action was taken.
- E. Dialog with interested stakeholders regarding the possible sunset of the assaying profession.  
Mr. Jacobs, Mr. Lemming, Mr. Endres and Mr. D'Avila appeared before the Board to discuss their stance on the importance of licensing assayers. Mr. Folk suggested Ms. Cornelius and Ms. Pritzl research the Canadian association that licenses assayers. The Board deferred action on this item until the October meeting agenda.
- F. Proposed Modifications to the Board's Practice Act (Statutes) for a possible Board sponsored Omnibus bill this coming Legislative Session.  
Ms. Cornelius opened the dialog and explained that she and Mr. Harris, an attorney and lobbyist for the agency, met to discuss the proposed changes to the Board's Practice Act. Ms. Cornelius and Mr. Harris drafted an 'A' list for statues to be addressed for modification this year and a 'B' list for the statues that will be addressed the following year in order to further promote the Board's mission and best help protect the public. According to Ms. Cornelius, the most pressing items on the 'A' list are the provisions in the Board's statues that propose to deregulate certain professions and occupations. Mr. Harris and Mr. Moortel appeared before the Board to further discuss the proposed modifications. Mr. Folk requested that Mr. Harris draft a sample bill for review at the upcoming Legislations and Rules Committee meeting.

## 10. DIRECTOR'S REPORT

- A. Budget Update  
Ms. Cornelius reported that with 17% of our budget year elapsed, we have spent 20% of our appropriation and 84% of our revenue. She also reported that the agency had to request an extension for the RFP for the new computer program because the Arizona State Procurement Office has not finished reviewing the best and final offers.
- B. Staff Update – Nothing to report.
- C. Previous Meeting Follow-Up  
The Board received one response regarding the sunset audit from Mr. Muth representing the surveying community. There were informal follow-up email responses to Ms. Cornelius informing her that Mr. Muth does not represent all surveyors in Arizona.

Ms. Cornelius also reported that ADEQ is planning to run the bill to transfer the drug lab program to their jurisdiction. ADEQ's plan is to bolster the legislation in order to allow them the ability to utilize the funds to clean up the 31 properties.

D. Director's Meetings – Nothing to report.

11. **BOARD CHAIR'S REPORT**– Mr. Marley reported that he attended the NCARB National Board of Directors' dinner in Sedona.

12. **STANDING COMMITTEE REPORTS**

A. Legislation and Rules Committee August 11, 2015 Meeting – Nothing to report.

13. **BOARD MEMBER REPORTS ON OUTSIDE ACTIVITIES**

A. ASBOG – Mr. Weiland will attend the upcoming meeting this November in Delaware.

B. CLARB – Mr. Brady reported on the national meeting held in New Orleans earlier this month. Nationally, there were continued efforts by CLARB to improve the landscape architect exam. Regionally, there was a great deal of discussion and apprehension concerning boards that are solely comprised of landscape architects moving toward multidisciplinary boards.

C. NCARB – Mr. Marley reported that NCARB is focusing on how they can contribute to continuing education efforts in order to streamline the renewal process. Ms. Cornelius reported that NCARB issued a press release regarding their proposed integrated path to licensure that would allow licensure upon graduation.

D. NCEES – Nothing to report.

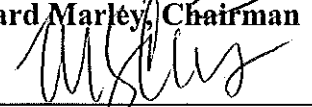
14. **FUTURE BOARD MEETINGS** – Tuesday, October 27, 2015 at 9:00 a.m.

15. **SUGGESTED TOPICS FOR FUTURE MEETING AGENDAS.**

- Election of Board Officers: Chairman, Vice-Chairman, and Secretary.
- Continued dialog with assayers.

16. **MEETING ADJOURNMENT – 3:02**

  
\_\_\_\_\_  
Edward Marley, Chairman

  
\_\_\_\_\_  
Melissa Cornelius, Executive Director

Minutes  
**ARIZONA STATE BOARD OF TECHNICAL REGISTRATION**  
1110 West Washington, Conference Room #250  
Phoenix, AZ 85007

**Tuesday, October 27, 2015**  
9:00 a.m.  
OPEN SESSION

1. **CALL TO ORDER** – 9:07am

2. **ROLL CALL** - Board Members in attendance: Edward Marley, LeRoy Brady, Douglas Folk, Neal Jones, Jason Madison, Jason Foose, Alejandro Angel and Stephen Noel. Staff: Melissa Cornelius, Michelle Fleming, Douglas Parlin and Julie Armour. Assistant Attorney General: Michael Raine. Absent: Robert Stanley

3. **CALL TO THE PUBLIC**– No one addressed the Board.

4. **ADOPTION OF MINUTES**

Review, Consideration, and Possible Action on the following:

- A. Approve, modify and/or reject September 29, 2015 Board meeting minutes.  
Mr. Brady moved to approve the September 2015 Board meeting minutes. Mr. Foose seconded the motion. No further discussion; motion carried.

5. **FORMAL HEARINGS OR MOTION FOR REHEARING/REVIEW:**

- A. Case No. HI10-027, Robert W. Garrard, non-registrant.  
The Board considered Respondent's request for a rehearing and the response presented by Mr. John Tellier, Assistant Attorney General on behalf of the State of Arizona. Mr. Folk opined that Mr. Garrard established grounds for relief under AAC R4-30-126 C(3) as there was accident or surprise which could not have been prevented by ordinary prudence in this case. Mr. Folk moved that Mr. Garrard be granted a rehearing on this complaint. Dr. Angel seconded the motion. No further discussion; motion carried.

6. **ENFORCEMENT MATTERS**

Review, Consideration and Possible Vote on the following:

A. Complaints Proposed for Resolution by Dismissal or Closure:

1. HI16-003, Benjamin Schern, C.H.I. #50397

Dr. Angel moved to have an additional assessment of the November home inspection. Mr. Noel seconded the motion. No further discussion; motion carried.

2. P16-004, William Nau, Non-Registrant
3. P16-010, Emmett Brinkerhoff, Non-Registrant
4. P15-086, Frank Boxberger, P.E. (Civil) #20887

B. Complaints Proposed for Resolution by Letters of Concern:

1. HI15-024, Albert J. Silva, C.H.I. #41817
2. HI15-010, Parrish Gillilea, C.H.I. #54708
3. HI15-033, William Gray, C.H.I. #52250

Mr. Madison moved to consent 6(A) items 2-4 and 6(B) items 1-3. Mr. Noel seconded the motion. No further discussion; motion carried.

C. Complaints Proposed to Offer Consent Agreement:

1. P15-051, Gerardo Calza, P.E. (Civil) #37847, G. Calza Engineering, Non-Registrant Firm

Mr. Calza was present and addressed the Board. Mr. Folk moved that staff redraft the Consent Agreement to clarify that the Assurance of Discontinuance is directed to the firm until it is registered. The consent must include a practice restriction, prohibiting the firm and Mr. Calza from practicing architectural mechanical engineering and electrical engineering in the state of Arizona. The consent order must include a reprimand, stayed suspension/probation, a civil penalty in the amount of \$2,500, and the cost of the investigation of \$1,100. If the Consent Agreement is not signed within 30 days, the matter will proceed to Formal Hearing. Mr. Brady seconded the motion. The Board also explored opening an investigation into ACA and asked staff to send a letter to the City of Nogales. After discussion on the motion, Mr. Folk amended his motion to increase the civil penalty to \$4,000 due to the presence of multiple violations. Mr. Brady seconded the amended motion. No further discussion; motion carried.

2. AL16-002, Heidi Collins, Alarm Agent #57345

Ms. Collins appeared and addressed the Board. Mr. Madison moved to issue a Letter of Concern regarding Respondent's omission of a DUI conviction on the application. Mr. Foose seconded the motion. No further discussion; motion carried.

3. P15-074, Glen Drexler, R.L.S. #49612

Mr. Foose recused himself from this case. Mr. Drexler and his supervisor appeared before the Board to give their testimony. Board investigator, Doug Kraemer, appeared before the Board to provide more information regarding the EAC Committee's recommended action to offer a Consent Agreement. Dr. Angel moved

that the Board offer two Letters of Concern: one to Mr. Drexler and one to his supervisor, Mr. Greg Kent, for failing to adhere to the Arizona Boundary Survey Minimum Standards while locating a property line. Mr. Brady seconded the motion. Motion carried.

4. HI15-017, Jeff Arellano, C.H.I. #52571

Mr. Arellano was not present to address the Board. Mr. Madison moved to offer the Consent Agreement as recommended by staff. If not signed within 30 days, the matter will proceed to Formal Hearing. Mr. Foose seconded the motion. No further discussion; motion carried.

5. P14-029, Ed Lyscas, P.E. (Structural) #37925

Mr. Lyscas was not present to address the Board. Mr. Noel moved to issue a Consent Agreement encompassing a Letter of Reprimand, stayed suspension/probation, the Assurance of Discontinuance of the practice of architecture, mechanical engineering and electrical engineering, the completion of a professional ethics course, an administrative penalty in the amount of \$5,000 and the cost of investigation of \$996. If the Consent Agreement is not signed within 30 days, the matter will proceed to Formal Hearing. Mr. Foose seconded the motion. No further discussion; motion carried.

6. P15-055, Forrest Richardson Non-Registrant, Golf Group Ltd., Non-Registrant Firm

Mr. Richardson appeared to address the Board and was represented by legal counsel. Mr. Foose recused himself from this case. After hearing Mr. Richardson's testimony, Mr. Jones moved to dismiss the complaint. Mr. Folk seconded the motion. Dr. Angel voted nay. Motion carried.

7. P15-072, Victor Fontes, Non-Registrant

Mr. Fontes was not present to address the Board. Mr. Foose moved to accept the Respondent's signed Consent Agreement. Mr. Jones seconded the motion. No further discussion; motion carried.

D. Complaints Proposed for Resolution with Signed Consent Agreements:

1. P16-013, Chao Yan, Non-Registrant

2. P16-012, Aaron Holden, Non-Registrant

Mr. Holden appeared before the Board. Dr. Angel moved to accept Respondent's signed Consent Agreement. Mr. Noel seconded the motion. No further discussion; motion carried.

3. HI15-036, Steve Gillespie, C.H.I #47256

Mr. Jones moved to consent 6(D) items 1 and 3. Mr. Foose seconded the motion. No further discussion; motion carried.

E. Complaints Requiring Board Guidance:



1. P16-016, Ali Toghanipour, P.E. (Civil) #35405  
Dr. Angel moved to offer a Consent Agreement with a stayed suspension/probation. Respondent may be released from probation after performing three satisfactory peer reviews in geotechnical engineering or by the passing of the NCEES geotechnical exam within one year. If at the end of one year, Mr. Toghanipour has not fulfilled either requirement to be released from probation, the Board will enact a restriction of practice for geotechnical engineering and release him from probation. If Consent Agreement is not signed within 30 days, the matter will proceed to Formal Hearing. Mr. Madison seconded the motion. No further discussion; motion carried.
2. P16-017, James D. Feiro, P.E. (Civil) #15488, R.L.S. #16815  
Mr. Foose moved to dismiss the complaint against Mr. Feiro. Dr. Angel seconded the motion. No further discussion; motion carried.

F. Compliance Monitoring Investigations:

1. HI15-030, Mark Kenney, C.H.I. #50338  
Mr. Kenney appeared before the Board. Mr. Madison moved to release the Respondent from stayed suspension. Mr. Foose seconded the motion. No further discussion; motion carried.
2. HI14-042, Steven Anderson, C.H.I. #51896  
Mr. Madison moved to approve Respondent's offered peer reviewers. Mr. Jones seconded the motion. Subsequently, the Board became aware that the peer reviewers did not possess five years of practice experience and therefore could not serve as effective peer reviewers. Mr. Foose moved to defer action on this item until the December meeting and to address the Respondent's apparent noncompliance with a Board order. Mr. Brady seconded the amended motion. No further discussion; motion carried.

G. Review and Approval of Appointment for EAC Membership:

1. Iqbal Hossain, P.E. (Civil) #48245  
Mr. Jones moved to approve the appointment of Iqbal Hossain to EAC membership. Mr. Foose seconded the motion. No further discussion; motion carried.

## 7. LICENSING MATTERS

Discussion, Consideration and Vote on the following:

*Whether to Grant Registration:*

- A. Alany, Mehdy Electrical Engineer Application #151507  
Mr. Jones moved to allow the applicant to sit for the NCEES registration exams. Mr. Brady seconded the motion. No further discussion; motion carried.

- B. Liu, Yi Electrical Engineer Application #151124  
Mr. Madison moved to grant registration to the applicant. Dr. Angel seconded the motion. No further discussion; motion carried.

*Whether to Grant Requests for Extension of Licensing Time Frames:*

- C. Armstrong, Ladonna Architect Application #100959  
Mr. Brady moved to extend Ms. Armstrong's application through June 30, 2016. Mr. Foose seconded the motion. No further discussion; motion carried.
- D. Batey, Joseph Alarm Agent Application #150927  
Dr. Angel moved to grant the applicant a 30 day extension. Mr. Jones seconded the motion. No further discussion; motion carried.
- E. Burton-Sunder, Maria Civil Engineer Application #151985  
Mr. Madison moved to grant the applicant an extension for one year, from the date of initial application. Mr. Foose seconded the motion. No further discussion; motion carried.
- F. Holguin, Brian Alarm Agent Application #150195  
Mr. Brady moved to grant a 30 day extension. Mr. Foose seconded the motion. No further discussion; motion carried.
- G. Wurl, Charles Civil Engineer Application #151003  
Dr. Angel moved to grant a six month extension. Mr. Brady seconded the motion. No further discussion; motion carried.

*Reopen and Grant for Extension of Licensing Time Frames*

- H. George, Jeffery  
Mr. Brady moved to reopen the application and send it for substantive evaluation. Mr. Foose seconded the motion. No further discussion; motion carried.

*Whether to reopen for further review by the Board*

- I. Strait, Daryn Home Inspector #150704  
Mr. Strait appeared and addressed the Board. Subsequently, Dr. Angel moved to keep the current application closed and require Mr. Strait to reapply. Mr. Folk seconded the motion. Motion passed with a roll call vote, five to three.

**8. LICENSING CONSENT AGENDA**

- A. Review, Consideration, and Action on Staff Recommendations for the following:

1. Cancellation of registrations and certifications that have been expired for one full renewal period;

No items to consider.

- B. Review of the List of registrations and certifications granted by the Executive Director pursuant to A.R.S. § § 32-122.05, 32-122.06, and A.R.S. § 32-123.  
*List available for public review upon request.*

## 9. POLICY MATTERS

Review, Consideration, and Possible Action on the following:

- A. Election of Board Officers: Chairman, Vice-Chairman, and Secretary.  
Chairman: Dr. Angel nominated Mr. Brady for Chairman. Mr. Noel seconded the nomination. Mr. Brady was unanimously elected Chairman.  
  
Vice-Chairman: Mr. Jones nominated Mr. Marley as Vice-Chairman. Mr. Brady seconded the nomination. Mr. Marley was unanimously elected Vice-Chairman.  
  
Secretary: Mr. Folk nominated Dr. Angel for Secretary. Mr. Foose seconded the nomination. Dr. Angel was unanimously elected Secretary.
- B. Legislation and Rules Committee Suggested Revisions to the Possible Omnibus Bill.  
Mr. Brady moved to accept the suggested revisions to the possible Omnibus Bill. Mr. Folk seconded the motion. No further discussion; motion carried.
- C. Whether to Include Assayers in the Possible Omnibus Bill to Sunset.  
Registered Assayer, Mr. D'Avila appeared to address the Board in order to proclaim his opposition to including assayers in the possible Omnibus Bill to Sunset. Ms. Pritzl gave background information regarding the manner in which assaying is regulated in other states and Canada. She reported that assayers are not registered in other jurisdictions, but there are laws in place and international standards to ensure minerals are properly assayed. After hearing Mr. D'Avila's position, reviewing the materials from staff, and a thorough dialog amongst the Board members, Dr. Angel moved that the Board continue to move forward with the statute modifications to include assayers in the possible Omnibus Bill to Sunset. Mr. Noel seconded the motion. Mr. Jones voted nay. The motion carried.
- D. Whether to Include the Alarm Industry in the Possible Omnibus Bill to Amend Statutory Authority.  
The Board moved to include the alarm industry in the possible Omnibus Bill to amend statutory authority in a previous motion made on agenda item 9(B), which accepted the suggested revisions to the Omnibus Bill.

- E. Proposed Newsletter for Publication.  
Mr. Noel moved to accept the draft of the November newsletter. Mr. Jones seconded the motion. No further discussion; motion carried.
- F. Recommended Reappointment of Randy West, C.H.I., to Continue Serving on the Home Inspector Rules and Standards Committee.  
Mr. Madison moved to reappoint Mr. West to the Home Inspector Rules and Standards Committee. Mr. Foose seconded the motion. No further discussion; motion carried.

## 10. DIRECTOR'S REPORT

- A. Budget Update – Ms. Cornelius reported that with 25% of our budget year elapsed, we have spent 29% of our appropriation and 83% of our revenue. She also reported that the RFP for a new computer program is still being reviewed by the State Procurement Office. BTR has not received updates as to the chosen vendor, but the agency is working diligently to ensure SPO relays the best and final offers in a timely manner.
- B. Staff Update - Ms. Cornelius reported that Board Investigator Vernon Lewis will be retiring this month. He plans to run for elected office following his retirement.
- C. Previous Meeting Follow-Up - Ms. Cornelius reported that on October first, she gave a lecture regarding exams and registration with the Board to civil engineering seniors at the University of Arizona.

Ms. Cornelius reported that the Governor's survey of Boards and Commissions is due by October 30.

- D. Director's Meetings – Ms. Cornelius also reported that she has been meeting with legislators who are on the Committee of Reference. They have given positive feedback regarding the projected results of our sunset. A sunset committee meeting is tentatively scheduled for December 3, 2015.

- 11. **BOARD CHAIR'S REPORT** – Mr. Marley expressed his gratitude for the honor to serve as Board Chairman for past two years.

## 12. STANDING COMMITTEE REPORTS

- A. Legislation and Rules Committee October 6, 2015 Meeting  
Discussion regarding this L&R meeting took place during the dialog regarding agenda item 9(B). The next L&R meeting will take place in January 2016.

**13. BOARD MEMBER REPORTS ON OUTSIDE ACTIVITIES**

- A. ASBOG – Mr. Weiland will attend the upcoming annual meeting this November in Delaware.
- B. CLARB – Nothing to report.
- C. NCARB – Ms. Cornelius met with the ethics committee task force for NCARB regarding possible modifications to the ethics standards for architects. Mr. Marley will attend a regional meeting in December.
- D. NCEES – Nothing to report.

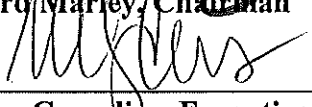
**14. FUTURE BOARD MEETINGS – Tuesday, November 17, 2015**

**15. SUGGESTED TOPICS FOR FUTURE MEETING AGENDAS.**

- Holiday Party Planning

**16. MEETING ADJOURNMENT – 2:36pm**

  
\_\_\_\_\_  
Edward Marley, Chairman

  
\_\_\_\_\_  
Melissa Cornelius, Executive Director

Minutes  
**ARIZONA STATE BOARD OF TECHNICAL REGISTRATION**  
1110 West Washington, Conference Room #250  
Phoenix, AZ 85007

**Tuesday, November 17, 2015**  
9:00 a.m.  
OPEN SESSION

**1. CALL TO ORDER – 9:00AM**

**2. ROLL CALL** - Board Members in attendance: Edward Marley, LeRoy Brady, Douglas Folk, Jason Madison, Jason Foose, Alejandro Angel and Stephen Noel. Staff: Melissa Cornelius, Michelle Fleming, Douglas Parlin and Michelle Johnson. Assistant Attorney General: Michael Raine. Absent: Neal Jones

**3. CALL TO THE PUBLIC** – No one addressed the Board.

**4. ADOPTION OF MINUTES**

Review, Consideration, and Possible Action on the following:

A. Approve, modify and/or reject October 27, 2015 Board meeting minutes.

Mr. Marley proposed minor changes and moved to approve the October 2015 minutes as modified. Mr. Noel seconded the motion. No further discussion; motion carried.

**5. FORMAL HEARINGS OR MOTION FOR REHEARING/REVIEW:**

A. Case No. H11-001-027, Frank H. Long, non-registrant.

Mr. Brady opened the case. Mr. Michael Raine, Assistant Attorney General, represented the State of Arizona. Respondent was not present and was not represented by legal counsel. Mr. Raine presented the State's oral argument in response to Mr. Long's request for rehearing.

Mr. Folk moved that the Board deny the request for review or rehearing pursuant to A.A.C.R. 4-30-126(c). After considering Mr. Long's request and the response from the State, Mr. Long failed to establish that any grounds for granting a review or rehearing existed. Additionally, Mr. Folk noted that no action in the prior hearing materially affected Mr. Long's rights and the Board's order was justified. Dr. Angel seconded the motion. No further discussion; motion carried.

## 6. ENFORCEMENT MATTERS

Review, Consideration and Possible Vote on the following:

### A. Complaints Proposed to Offer Consent Agreement:

#### 1. P15-063, Karen Shakman, R.A. #44096 (inactive)

Ms. Shakman did not appear before the Board. Mr. Madison moved to offer the Respondent the attached consent agreement encompassing a Letter of Reprimand, an administrative penalty in the amount of \$1,500 and payment of the cost of the investigation of \$660. If the Consent Agreement is not signed within 30 days, the matter will proceed to Formal Hearing. Mr. Marley seconded the motion. No further discussion; motion carried.

#### 2. P15-085, David Montgomery, P.E. (Civil) #21549

Mr. Folk recused himself from this matter. Mr. Montgomery was present and was represented by legal counsel. After hearing from Mr. Montgomery's counsel and Mr. Montgomery's testimony, Dr. Angel moved to approve the consent drafted by staff and refer it to Respondent for signature. If it is not signed within 30 days, the matter will proceed to Formal Hearing. The motion was not seconded and failed. Mr. Stanley moved that the Board return the matter to the EAC for further consideration. Mr. Marley seconded the motion. No further discussion. Motion carried, with Dr. Angel voting "no."

### B. Compliance Monitoring Investigations:

#### 1. HI14-042, Steven Anderson, C.H.I. #51896

Mr. Folk moved that the Board accept staff's recommendation to appoint Bryck Guibor, CHI #38101, as a peer reviewer for Mr. Anderson. Mr. Madison seconded the motion. No further discussion; motion carried.

## 7. LICENSING MATTERS

Discussion, Consideration and Vote on the following:

### *Whether to Grant Registration:*

A. No items to consider.

### *Whether to Grant Requests for Extension of Licensing Time Frames:*

B. No items to consider.

*Reopen and Grant for Extension of Licensing Time Frames*

C. No items to consider.

*Whether to reopen for further review by the Board*

D. No items to consider.

**8. LICENSING CONSENT AGENDA**

A. Review, Consideration, and Action on Staff Recommendations for the following:

1. Cancellation of registrations and certifications that have been expired for one full renewal period;

Mr. Marley moved that the Board cancel the registrations and certifications that have been expired for one full renewal period. Mr. Madison seconded the motion. No further discussion' motion carried.

B. Review of the List of registrations and certifications granted by the Executive Director pursuant to A.R.S. § 32-122.05, 32-122.06, and A.R.S. § 32-123.

*List available for public review upon request.*

**9. POLICY MATTERS**

Review, Consideration, and Possible Action on the following:

A. Plans for the Annual Holiday Luncheon.

The Board will hold a Mexican food luncheon for staff at the December Board meeting.

B. Board approval of guidelines for home inspector peer reviewers and parameters of home inspector peer reviews.

The Board discussed the guidelines and gave their recommendations regarding the parameters of home inspector peer reviews to staff. The Board then directed this item to staff for further consideration.

C. Whether to delegate to staff the authority to terminate Respondents from probationary orders early, after they have satisfied all terms of probation, without having to return the cases to the Board for approval.



The Board agreed that authority to terminate Respondents from probationary orders early may be delegated to staff if the only terms of probation are financial and the Respondents meet those terms in full. Further action on this item will be directed to staff.

## **10. DIRECTOR'S REPORT**

- A. Budget Update - Ms. Cornelius reported that 33% of the budget year has elapsed. The agency spent 35% of its appropriation and 47% of its revenue.

She also reported that she and Mr. Holbrook spoke with managers at the State Procurement Office regarding the RFP for the new computer system. The office expects to receive the best and final offers for the new program prior to Thanksgiving.

- B. Staff Update – Ms. Cornelius reported that Paul Warner has joined the enforcement team as a Board Investigator. Paul is a retired Illinois police officer.
- C. Previous Meeting Follow-Up - Ms. Cornelius reported that the Committee of Reference sent the Board notice that the Sunset Hearing is scheduled on December 9<sup>th</sup>. The feedback Ms. Cornelius has received is that the Board will likely be granted continuation, but for the “new standard” eight year term, rather than the previous ten year term.

Ms. Cornelius stated that the Board does not provide payment plans for all registrants facing disciplinary action, but does provide them on a case-by-case basis.

- D. Director's Meetings – A representative from the Constituent Affairs Division of the Governor's Office met with Ms. Cornelius and Board Chair, Mr. Brady. The representative was pleased that the Board is multidisciplinary and that our staff of 21 effectively manages 45,000 registrants. He was enthusiastic to return to the Governor with our sunset report and describe ours as a model Board.

- 11. **BOARD CHAIR'S REPORT** – Mr. Brady stated that letters were sent to the Santa Cruz Community College District and the City of Nogales regarding the construction of the school. Mr. Brady expressed his concerns with the construction being noncompliant with code and expressed a sense of urgency that code violations be corrected for the safety of the people utilizing the facility. The college and the city both called to inquire about the letters.

## **12. STANDING COMMITTEE REPORTS**

- A. Home Inspector Rules and Standards Committee November 5, 2015 Meeting  
The HIRSC checklist will be evaluated at the December Board meeting. Additionally, Mr. Madison reported that Mr. Leeds will contact Allied Schools in order to take their home inspector exam. He will report to the Committee with feedback. Further items from this meeting were discussed in agenda item 9(B).

## **13. BOARD MEMBER REPORTS ON OUTSIDE ACTIVITIES**


- A. ASBOG – Mr. Weiland attended the national ASBOG meeting in Delaware and provided the Board with a detailed report for review. Ms. Cornelius stated that ASBOG expressed an interest in recognizing former Executive Director Ronald Dalrymple for his contributions to ASBOG.
- B. CLARB – CLARB asked Ms. Cornelius if she would be willing to serve on their Board of Directors as the Member Board Executive. The Board members were all in favor of her taking that position.
- C. NCARB – Ms. Cornelius reported that NCARB is changing the name of the Intern Development Program but the new name has not yet been announced. It will require a statute change when the new name is released. NCARB is also adding a public member to their Board of Directors. Mr. Marley reported that the WCARB executive committee meeting will be held in Palm Springs on December 5<sup>th</sup>. He also reported that he attended an ARE meeting in Tucson with interns to discuss the architect exam.
- D. NCEES – Ms. Cornelius reported that NCEES is making changes to certain exams and only holding exams on specific dates. They are also making changes to naval architecture and the Principals and Practices of Surveying which will be offered as a CBT in October of 2016. Additionally, NCEES is looking into having registrants take an ethics-specific exam.

**14. FUTURE BOARD MEETINGS – Tuesday, December 15, 2015.**

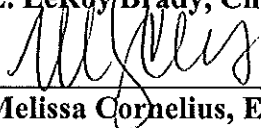
**15. SUGGESTED TOPICS FOR FUTURE MEETING AGENDAS.**

- Approval of the Home Inspector Report Checklist

**16. MEETING ADJOURNMENT – 10:49am**

  
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**E. LeRoy/Brady, Chairman**

  
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**Melissa Cornelius, Executive Director**

Minutes  
**ARIZONA STATE BOARD OF TECHNICAL REGISTRATION**  
1110 West Washington, Conference Room #240  
Phoenix, AZ 85007

**Tuesday, December 15, 2015**  
9:00 a.m.  
OPEN SESSION

**1. CALL TO ORDER – 9:03am**

**2. ROLL CALL** - Board Members in attendance: Edward Marley, LeRoy Brady, Douglas Folk, Jason Madison, Jason Foose, Alejandro Angel, Neal Jones and Stephen Noel. Staff: Melissa Cornelius, Michelle Fleming, Douglas Parlin and Julie Armour. Assistant Attorney General: Michael Raine.

**3. CALL TO THE PUBLIC** – No one addressed the Board.

**4. ADOPTION OF MINUTES**

Review, Consideration, and Possible Action on the following:

- A. Approve, modify and/or reject November 17, 2015 Board meeting minutes.  
Mr. Noel moved to approve the November 2015 minutes. Mr. Marley seconded the motion. No further discussion; motion carried.

**5. FORMAL HEARINGS OR MOTION FOR REHEARING/REVIEW:**

- A. None this month

**6. ENFORCEMENT MATTERS**

Review, Consideration and Possible Vote on the following:

A. Complaints Proposed for Resolution by Dismissal or Closure:

1. HI16-012, Arthur Collins, C.H.I. #52882  
Mr. Foose moved to dismiss the allegations against Mr. Collins. Mr. Jones seconded the motion. No further discussion; motion carried.
2. P16-014, Jacob Vinton, P.E. (Civil) #58976  
Dr. Angel moved to dismiss the allegations against Mr. Vinton and that the Board open a complaint against Mr. Murphree-Roberts for failure to apply appropriate technical knowledge and skill while practicing as an engineer. Mr. Marley seconded the motion. No further discussion; motion carried.

B. Complaints Proposed for Resolution by Letters of Concern:

1. P16-026, Mitchell A. Miller, R.A. #27765  
Dr. Angel moved to dismiss the complaint against Mr. Miller. Mr. Folk seconded the motion. No further discussion; motion carried.

C. Complaints Proposed to Offer Consent Agreement:

1. P16-015, Michael W. Bostic, R.G. #35021  
Mr. Noel recused himself from the case. Mr. Marley moved to offer a Consent Agreement encompassing a Letter of Reprimand, suspension as per ARS 32-128(A)(2), administrative penalty in the amount of \$1500, and the cost of investigation in the amount of \$520. The matter will move to Formal Hearing if not signed within 30 days. Mr. Foose seconded the motion. No further discussion; motion carried.
2. P16-024, Mark Walth, Non-Registrant, Complete Architectural Services, LLC, Non-Registrant Firm  
Mr. Walth appeared and addressed the Board informing the members that he changed the name of his firm to avoid future violations of the Practice Act. Mr. Marley moved to offer the proposed Consent Agreement encompassing an Assurance of Discontinuance, a civil penalty in the amount of \$250 and the cost of the investigation in the amount of \$262. If the agreement is not signed within 30 days, the matter will proceed to Formal Hearing. Mr. Noel seconded the motion. No further discussion; motion carried.
3. P16-023, Christopher Alexander, Non-Registrant  
Dr. Angel moved that the Board accept and offer the Respondent the proposed consent agreement as drafted by staff. Mr. Marley seconded the motion. No further discussion; motion carried.
4. P16-027, Sam Fratantoni, Non-Registrant  
Mr. Marley moved to accept Respondent's signed Consent Agreement. Mr. Jones seconded the motion. Mr. Folk asked that staff refer this case to the Registrar of Contractors due to the fact that Mr. Fratantoni represented himself as a licensed contractor with no record of a contractor's license. No further discussion; motion carried.
5. P16-003, Dejan Knezevic, R.L.S. #57279, Miller Land Surveying, Non-Registrant Firm  
Mr. Marley moved to accept the Respondent's signed Consent Agreement. Mr. Jones seconded the motion. Mr. Marley amended his motion in order to modify the Consent Agreement to state that the Respondent may select a Board-approved peer reviewer. Mr. Marley also noted that all EAC members are considered pre-approved peer reviewers by the Board. No further discussion; motion carried.
6. P15-065, Michael P. Johnson, Non-Registrant, Michael P. Johnson Design Studios LTD, Non-Registrant Firm  
Mr. Jones recused himself from the case. Mr. Johnson appeared and addressed the

Board. Mr. Marley moved to defer action at this time in order to allow the investigation team to gather more information on this case. Dr. Angel seconded the motion. No further discussion; motion carried.

D. Complaints Proposed for Resolution with Signed Consent Agreements:

1. P16-021, Barry Houseal, Non-Registrant, BLH2. Inc., Non-Registrant Firm

Dr. Angel moved to accept Mr. Houseal's signed Consent Agreement. Mr. Marley seconded the motion. Dr. Angel amended his motion to include direction to staff that an investigation be opened against Mr. Uzman, P.E., #37789, for possible violation of Board statutes. Mr. Marley seconded the amended motion. No further discussion; motion carried.

E. Complaints Requiring Board Guidance:

1. P16-025, Scott E. Jacobs, P.E. (Civil) #38513

Mr. Jacobs' Texas attorney and local counsel, Mr. Edmunds, appeared to address the Board. Mr. Madison moved to dismiss the case. Mr. Marley seconded the motion, Mr. Folk opposed the motion and clarified his position was not based on whether Mr. Jacobs reported the discipline on a renewal but rather on the concern of fitness to practice. No further discussion; motion carried.

F. Review and Approval of Appointment for EAC Membership:

1. Laura South, Member of the Public

Mr. Folk moved that the Board approve Ms. South as a Public Member of the Enforcement Advisory Committee. Mr. Jones seconded the motion. No further discussion; motion carried.

## 7. LICENSING MATTERS

Discussion, Consideration and Vote on the following:

*Whether to Grant Requests for Extension of Licensing Time Frames:*

A. Dalton, Chad

Civil Engineer Application #152216

Mr. Dalton appeared before the Board. Mr. Stanley moved to grant an extension for 90 days. Dr. Angel seconded the motion. No further discussion; motion carried.

B. Li, Yi

EIT Application #152118

Mr. Marley moved to grant a 60 day extension. Mr. Foose seconded the motion. No further discussion; motion carried.

*Board to Review Applicant's Experience:*

C. Dalton, Chad

Civil Engineer Application #152216

*(See packet from agenda item A)*

Mr. Madison moved that Dr. Angel further review Mr. Dalton's application and experience to determine if he meets the requirements of law to sit for the PE exam. Mr. Folk seconded the motion. No further discussion; motion carried.

## 8. LICENSING CONSENT AGENDA

A. Review, Consideration, and Action on Staff Recommendations for the following:

1. Cancellation of registrations and certifications that have been expired for one full renewal period;

Dr. Angel moved to cancel the registrations and certifications that have been expired for one full renewal period. Mr. Folk seconded the motion. No further discussion; motion carried.

B. Review of the List of registrations and certifications granted by the Executive Director pursuant to A.R.S. § § 32-122.05, 32-122.06, and A.R.S. § 32-123.

*List available for public review upon request.*

## 9. POLICY MATTERS

Review, Consideration, and Possible Action on the following:

A. The Home Inspection Report Checklist

Mr. Madison moved to approve the revised Home Inspection Report Checklist. Mr. Folk seconded the motion. No further discussion; motion carried.

B. ASBOG's Draft Model Cooperative Licensure Agreement

The Board reviewed and discussed the Draft Model Cooperative Licensure Agreement. Ms. Cornelius will respond to ASBOG, indicating that Arizona cannot legally enter into such agreements.

## 10. DIRECTOR'S REPORT

A. Budget Update – Ms. Cornelius reported that with 42% of the budget year elapsed, we have spent 42% of our appropriation and 74% of our revenue. She also reported that the best and final offers for the new computer program RFP will be ready by next week, according to the State Procurement Office.

B. Staff Update – The Board's new investigator, Paul Warner, started on November 23, 2015.

C. Previous Meeting Follow-Up – Ms. Cornelius reported that BTR's data was housed on an "E-Tenant" server rather than the required government server. All of our data has since

migrated over to the government server, which offers more protection for our data. ASET has also fixed several website issues we had previously been experiencing.

Ms. Cornelius also reported that the Santa Cruz Community College Board has written a demand letter to its landlord, requesting that code violations the Board discovered during its action in the Calza case be required in order to protect the public.

Additionally, Ms. Cornelius reported that the Assayers have hired a lobbyist to aid their opposition to the sunset of the profession.

- D. Director's Meetings – Ms. Cornelius reported that BTR has been approved to run for 8 more years. She also reported that she and Ms. Pritzl met with ADEQ regarding assuming responsibility for the Drug Lab Program. They do not want to take over the responsibilities but support the sunset of the program by the Board.

**11. BOARD CHAIR'S REPORT – Nothing to report.**

**12. STANDING COMMITTEE REPORTS**

None this month

**13. BOARD MEMBER REPORTS ON OUTSIDE ACTIVITIES**

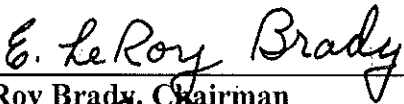
- A. ASBOG – Nothing to report.  
B. CLARB – Nothing to report.  
C. NCARB – Ms. Cornelius met with Philip Horton at ASU in order to discuss NCARB's Integrated Path to Licensure. ASU and NAU are interested in being sponsor schools for the program. Additionally, Mr. Marley attended the WCARB meeting in Palm Springs and Ms. Cornelius reported that the Regional meeting will be in Savannah in March 2016.  
D. NCEES – Nothing to report.


**14. FUTURE BOARD MEETINGS – Tuesday, January 26, 2016**

**15. SUGGESTED TOPICS FOR FUTURE MEETING AGENDAS.**

- Legislation Update
- Construction in Other States

**16. MEETING ADJOURNMENT – 11:42am**

  
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E. LeRoy Brady, Chairman

  
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Melissa Cornelius, Executive Director

STRATEGIC PLANNING MEETING MINUTES  
**ARIZONA STATE BOARD OF TECHNICAL REGISTRATION**  
1110 West Washington, Conference Room #240  
Phoenix, AZ 85007

**Friday, July 10, 2015**  
9:00 a.m.  
OPEN SESSION

1. **CALL TO ORDER - 9:00am**
2. **ROLL CALL** - Board Members in attendance: Alejandro Angel, LeRoy Brady, Douglas Folk, Neal Jones, Jason Madison, Stephen Noel, and Robert Stanley. Staff: Melissa Cornelius, Douglas Parlin, Patrice Pritzl and Gregg Wisher. Assistant Attorney General: Michael Raine. Absent: Edward Marley.
3. **CALL TO THE PUBLIC** – Mr. Kent Groh P.L.S. addressed the Board and stated that Arizona has lowest entrance standards in the nation for Land Surveyors. He asked the Board if there could be discussion on changing the licensing standards. Mr. Grow was informed that the discussion could take place when the Board discussed item 5 on the agenda.
4. **Review and status of the goals and issues identified at the February 11, 2014 Strategic Planning meeting.** – Ms. Cornelius stated that a Board member requested that the Board review the 2014 Strategic Plan before proceeding to this year’s Strategic Plan discussion.

Ms. Cornelius gave the Board an update on the Computer system. She reported that a pre PIJ had been put together and that the RFP process is moving along slowly.

Ms. Cornelius also reported Ms. Pritzl worked on the retention file system schedule.

Ms. Cornelius reported that the Board of Technical Registration (BTR) hired a lobbyist to represent the BTR at the Legislature.

Ms. Cornelius also reported that the lobbyist has been retained for the coming session. There is the expectation that the Lobbyist will possibly help find a better home for the Drug Lab Program and possibly the Alarms industry during the next Legislative session.

Ms. Cornelius reported that a rules review was on this year’s Strategic Planning meeting agenda and new policy statements are available to the public on the website with hard copies available at the Board.

Regarding communications, Ms. Cornelius reported that BTR is working with DOA to correct existing kinks on the website.



Ms. Cornelius reported that the Newsletter has been published twice this year with another issue in the works.

Ms. Cornelius reported that BTR has been working with the stakeholder communities participating in conferences, lecturing with national councils and working to improve relationships among the licensed population.

Ms. Cornelius reported that the Board is taking part in the CLARB Model Board Pilot Program; in addition Dr. Angel, Mr. Marley, Mr. Madison and Ms. Cornelius are on National Counsel Committees. Mr. Brady is being considered for a position on the Regional CLARB Board of Directors.

With regard to EAC member recruitment and training Ms. Cornelius reported that BTR has been encouraging volunteers to become members of the EAC committee.

Ms. Cornelius reported that the Long-term goals are still in the works.

Ms. Cornelius reported that BTR is working with ADEQ and the Lobbyist to sunset Remediation Specialists and remove the Drug Lab program from BTR.

Ms. Cornelius reported that Board members were not in favor of increasing the terms of Board members.

Ms. Cornelius reported that BTR is discussing the update of the definition of the Land Surveyor and increasing the professional requirements for registration.

Ms. Cornelius reported that BTR is working to come up with a Cease and Desist authority in the statute revisions.

Ms. Cornelius reported that Ethical Marketing practices are something that the Board considers at every meeting in the complaint context.

Ms. Cornelius reported that Mr. Parlin gave a presentation at the last meeting on how the BTR Enforcement staff considers the proposals for consent agreements, and civil penalties.

Ms. Cornelius asked the Board if it had any questions pertaining to the status update of the February 11, 2014 Strategic Plan. Mr. Folk stated that Ms. Cornelius gave an accurate account of what was discussed last year. Dr. Angel stated that most of the tasks that the Board was assigned last year were accomplished.

Dr. Angel asked if the Board is receiving consistent benefits from the lobbyist. Ms. Cornelius replied that there is great benefit to BTR in keeping the lobbyist employed mainly because they have access to and relationships with sources that Ms. Cornelius and Ms. Pritzl do not have access to at this time.

Dr. Angel asked Ms. Cornelius if the solicitation for the new computer system would include online applications and renewals and more updates to the website.

**5. Review, discussion, and possible action regarding the Board's Core Purpose and Core Values.**

A. Develop Operational, Short-term Goals for the Board to accomplish in the coming fiscal year, including but not limited to:

- Installing a new Computer System to facilitate:
  - Online applications, payments, and renewals
  - Records Organization and Storage – Ms. Cornelius reported that the acquisition of the new Computer system is an ongoing process with procurement and the deadline to select a vendor is September 30, 2015.
- Completion of the CLARB Model Board Pilot Program – Ms. Cornelius reported that it will probably take a year to a year and a half to establish the program parameters for the Model Board Pilot Program.
- Continued Outreach to Stakeholder Communities – Ms. Cornelius thanked the representative from the AIA for their support in coming to the Board meetings and inviting BTR representatives to go to the AIA conferences and workshops.

The Board discussed some of the ways that it could reach out to students and professional stakeholders in the communities e.g. internships, presentations, lectures, career fairs, newsletters, and working with national councils.

Dr. Angel suggested that perhaps a calendar be established to show when to reach out to students and professionals. Ms. Cornelius stated that she'd put together an outreach program for the students and other stakeholders after the Sunset Audit.

- Expansion of the Application Review Committee to include Architects and Surveyors and Home Inspectors – Ms. Cornelius reported that the outreach to the engineering community is working. The length of time it takes to grant an applicant has decreased because the applications are going before the volunteer committee members for review.

Ms. Cornelius stated that the Application Review Process has been so successful that an application can be granted in a day if all of the pieces are in place. The Home Inspectors are on-board and reviewing applications. The plan is to expand the process to the Architects.

Mr. Folk recommended that Ms. Cornelius set the standard for report writing in the Enforcement unit, and emphasize which things are appropriate to put in the Board packet for the Board's review. He would also like to see the

employer for the registrant listed on the report coversheet in the packet because that information is important when screening for conflicts of interest.

Dr. Angel asked Ms. Cornelius if the Psychometrician that BTR hired knows how the new exams performed. Ms. Cornelius stated that in the past year BTR only had 10 surveyor applicants come in to take the new exams; therefore she doesn't know if we have enough exams for the Psychometrician to determine how they are performing.

Dr. Angel stated that frustration sets in at times when reviewers can't find or locate the registrants that they are reviewing for some alleged infraction. He recommended using skip tracers for the more serious cases; Mr. Folk recommended suspending the registration of the registrant in question. Mr. Folk also stated that once the Board gets Cease and Desist power then the Board can use the skip tracers.

B. Develop Strategic, Long-term Goals for the Board, including but not limited to:

Legislative Goals - Ms. Cornelius introduced the BTR Lobbyists Mr. Steve Mortell, and Mr. Gregory Harris, and opened the floor to the Board for any questions they had for the lobbyists.

- Self-Audit for Sunset FY2016 – Mr. Noel asked if all of the disciplines are being Sunset at the same time. Ms. Cornelius replied that the whole Board is being Sunset.

Mr. Harris addressed the Board and informed them that he and Mr. Mortell have been working closely with the BTR staff to prepare for the Sunset Audit. Mr. Folk asked Mr. Harris what the best way is to convey the message to the Legislature about the role of the Board and its importance to the public. Mr. Harris replied that it is a two prong approach;

1. The Board has to make its case to the Legislature.
2. The Board has to also make its case to the Governor's Office.

The Executive Branch should be advocating for the BTR to the Legislature.

Mr. Jones asked Mr. Harris if he or Mr. Mortell have an architectural background and if not how do they have the conversations with the Legislature about what the Board does. Mr. Harris replied that he is not an architect or engineer however, he did represent the Board 30 years ago as its Asst. A.G. and that was his introduction to what the Board is and does.

Mr. Noel asked if the Board is financially self-supporting, Ms. Cornelius replied "yes", the BTR is a self-supporting Agency, also known as a 90/10 Board; meaning from the revenue that is received from applications and renewals the Board keeps 90 % that is deposited into the Board's fund and 10 % is deposited into the General fund.

Ms. Cornelius suggested that Mr. Harris give an overview of the Sunset process to the Board and what the Board can expect to experience because the public is invited to come in to talk about the Board in positive or negative terms.

Mr. Harris gave the Board a briefing on the Sunset review process. Mr. Harris stated that every year under the governance model for state agencies there are a group of agencies that are asked the same questions by the Senate Chair (Senator Yee).

Mr. Harris reported that this year there are 32 state agencies up for Sunset. The committee of reference will solicit information from the trade associations and the businesses that hire the regulated professions to see if the professions are doing what they should be doing. The committee will talk to the Ombudsman, Auditor General, look in its own files and ask the Governor's Office, whether the Board has been doing what they should be doing. One staff person from the House and one staff person from the Senate will collect the information. Senator Yee from the inside, and Representative Peterson from the outside, will be the focal points.

Mr. Noel stated that he noticed that Home Inspectors were not included in the list of Occupations for possible Sunset. Ms. Cornelius replied that it's something that the Board could discuss. Mr. Noel stated that it wasn't high on his list to discuss the Sunsetting of Home Inspectors. Mr. Folk stated that the Home Inspectors program seems to be working well and is staffed by very dedicated people who were able to bring in some national models and their industry has its own standards of practice. Mr. Folk also stated the Home Inspectors have a good set of rules that are very rigorous and the Committee is very hard on its piers when it comes to discipline. Ms. Cornelius stated that she needs to contact the new Director of the Department of Real Estate to establish a relationship with them.

- Moving the Drug Lab Program to ADEQ – Ms. Cornelius stated that she contacted the Director of ADEQ and he is supportive of accepting the Drug Lab program. ADEQ wants to write their own Bill for this measure. They are currently working on a draft Bill. Ms. Cornelius stated that she is going to schedule a future meeting with the ADEQ Director to discuss the Drug Lab transfer. Dr. Angel asked if the associated Drug Lab certifications will transfer to ADEQ or will the certifications be removed. Ms. Cornelius stated that the certifications may be removed. Mr. Folk asked if the potential ADEQ Drug Lab Bill is going to take the alarm companies and the workers away from the Board. Ms. Cornelius replied that only the firms will go to ADEQ. Ms. Cornelius also proposed the deregulation of Remediation Specialists.
- Moving the Alarm Industry to DPS – Ms. Cornelius reported that the good thing that came out of the last Legislative session is that the Legislators understand that Alarms is not a good fit at the BTR. The proposed Bill to

deregulate the Alarm industry failed because the industry wants to be regulated. BTR had proposed moving the Alarms to DPS.

Ms. Cornelius reported that a meeting has been scheduled with DPS for July 14, 2015 to discuss and explain the Alarms situation and see if DPS would be willing to accept Alarms. Alarms support themselves, which is a good selling factor of the program to DPS.

- Sunsetting Remediation Specialists and Assayers – Ms. Cornelius stated that the Board discussed the proposed resolution for the Remediation Specialists earlier in the meeting. Ms. Cornelius asked the Board if the Board should still register Assayers since there are only 20 registrants in the system and there is rarely a new registrant. Mr. Jones asked if Arizona is the only place in the nation that has registered Assayers and Ms. Cornelius replied yes.

Dr. Angel commented that the Board should consider whether the Assayers can support themselves, can the Board successfully regulate them, and are we really protecting the public from something with Assayers. Mr. Folk stated that in years passed Assayers were needed to protect the public from mining scams, however, today the mining is conducted by international companies that have their own reasons to do it right and have qualified staff.

Mr. Madison stated that we are not protecting the public we are regulating corporations that should be taking care of themselves.

Ms. Cornelius proposed striking the Assayers from the Practice Act and if asked why the Board's response would be "there are only 20 registrants most of whom are out of state and Arizona is the only state that registers them, it's costly to maintain the exam and we see no benefit."

Dr. Angel recommended that the Board grandfather the Assayers until they retire or are no longer registrants.

A member of the public audience asked the Board if any member of the public can locate a mining plan under the 1875 mining law where would they go to validate their minerals in order to perfect that mining claim to gain that federal right if there are no licensed Assayers that they can rely on to give them that information. Dr. Angel replied that he didn't have the answer to the question however; the Board could research how it's done in other states. Mr. Madison stated that professional Assayers aren't being eliminated; the Board is recommending that the regulation and registration requirement for Assayers be abolished.

Ms. Cornelius asked Mr. Harris if the Assayer Sunset might occur in a separate Omnibus Bill rather in the Sunset. Mr. Harris replied that the Assayer Sunset should be mentioned in the report. Mr. Noel asked if it's possible that the Assayers could be Sunset this go around. The answer was yes.

- Review and Discussion regarding Revising the Practice Act and Rules after the Act's Scope is Redefined.

Ms. Cornelius reported that she had the following proposed changes in language for Board Statute ARS 32-101 and tried to be consistent with same language all the way through for the Big 5:

Ms. Cornelius reported that she clarified the definition of architect; did not attempt to redefine the definition of Land surveyor, but did include the NCEES model law definitions of Engineer and Surveyor because Mr. Folk had been interested in revising and updating the definition of Surveyor.

Mr. Folk stated that he made a determination that the definition of Surveyor was out of date with the caveat that input from the stakeholder community about how they want to define the practice of Land Surveyor is vital. He stated that the Surveyor definition is not taking into account the new technology used for measurement and as a consequence there are more survey type products being created by non-registrants without a registrant being in responsible charge of that effort. As a parallel discussion, there is a whole world of GIS systems which has its value but it doesn't necessarily belong in Survey and the Board shouldn't be regulating it as such. Mr. Folk stated that the NCEES brings photogrammetry into Survey and requires you to be proficient in both in order to be licensed as a Surveyor. Mr. Folk also stated that there are those in the aerial industry who have no interest in being registered.

Ms. Cornelius stated that after today's meeting and hearing the Board's comments and suggestions, she plans to go back and make more modifications to the proposed statute changes, and then BTR will have a long Legislation and Rules Committee meeting on August 11, 2015. Ms. Cornelius stated that she will send the draft as its revised today to the stakeholders and invite them to come to the Legislation and Rules Committee meeting and dialogue with the Committee about the changes and propose any other changes they might have. Ms. Cornelius also stated that the dialogue discussed at the Legislation and Rules Committee will be presented to the Board at the August Board meeting.

Mr. Folk stated that he has a couple topics for Board discussion: The definition of Firm: it doesn't expressly recognize limited liability companies or professional limited liability partnerships. The Board has been fairly tolerant of that in the past because the statute has a catch-all phrase, "other associations." Mr. Folk also stated that it would be beneficial if the Board amended the definition of Firm to recognize other types of legitimate business entities that might be licensed elsewhere and want to get a Firm card, they won't be denied because they are not on a list of legal entities.

Mr. Folk asked the Board to review Board Statute 32-141(c) for possible revision and amendment to address the registration of Firms and the Board's

requirement that we have a registrant in responsible charge of the professional services offered by the Firm. Mr. Folk agreed to write the proposed language for the draft to revise or amend the statute for review by the public.

Mr. Folk suggested that the Administrative penalty be increased to \$5000 per violation under Board Statute 32-128(A) (3).

Dr. Angel expressed concerns regarding ARS 32-126 (Exemptions from *Professional* examination requirement). He recommended that item B. be stricken from the statute because the public would be better served if there was no exemption from taking the test.

Ms. Cornelius asked the Board what they thought about the language that she included in ARS 32-106.01 (Cease and Desist Authority). The Board's recommendation was that 32-106.01 would be a better fit under 32-106.02.

Ms. Cornelius stated under ARS 32-122.01 (Qualifications for Professional registration), based on the comment we heard during the Call to the public from the Surveyor, perhaps the Board should strike the whole section if we are going to pursue getting rid of the Assayer and move the word Land Surveyor up to "A" where we have Engineer, Geologist, Landscape Architect and include Land Surveyor to the 8 year requirement instead of the six year requirement. The Board agreed.

The Board discussed whether or not to lessen the time requirement for Architects to be eligible for registration. Ms. Cornelius stated that she will rework the draft language for the statute and present it again to the Board.

Mr. Jones left the meeting at 12:20 p.m.

Ms. Cornelius stated that if Alarms stay with the BTR then the statute for Alarms needs to be amended.

Dr. Angel left the meeting at 12:37 p.m.

Ms. Cornelius stated that a fee was added for license activation because we currently grant applications and then turn around and bill the registrants for renewals.

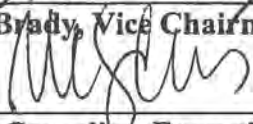
Ms. Cornelius asked the Board if they were happy with the seal statute and if there is a need for changes to the statute. Mr. Folk stated that there can be improvements in what safeguards do we have in place that the registrants sealing the work is sealing work that they really know they've been involved with and in responsible charge.

Ms. Cornelius requested that the Board send any comments on the Rules to her. The Legislation and Rules Committee will meet on August 11, 2015.

Ms. Cornelius stated that she'd send out the Legislation and Rules announcement to the Board.

6. **ADJOURNMENT** - The Board adjourned at 1:02 pm.

  
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LeRoy Brady, Vice Chairman

  
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Melissa Cornelius, Executive Director