

MINUTES OF THE
ARIZONA BOARD OF TECHNICAL REGISTRATION

January 27, 2009

9:30 AM

OPEN SESSION

1. CALL TO ORDER - The meeting of the Board of Technical Registration was called to order at 9:30 AM by Chair Susan Schaefer Kliman.
2. ROLL CALL - Board Members in Attendance: Sheila Bowen, Karen Cesare, Dawn Garcia, Stuart Lane, Chet Pearson, Susan Schaefer Kliman, and Howell "Chip" Shay. Absent: Robert Roos and Claudia Perchinelli. Board Staff: Ronald Dalrymple, LaVern Douglas, Kathryn Fuller, Lisa Vardian, Manuel Maltos, and Cassie Goodwin. Assistant Attorney General: Melissa Cornelius.
3. CALL TO THE PUBLIC – No members of the public spoke.
- 4.1 ADOPTION OF MINUTES – Ms. Garcia moved to approve the December 18, 2008 minutes. Mr. Shay seconded. Motion Carried.
- 4.2 CORRECTION OF MINUTES – November 25, 2008 Minutes, Agenda Item 5.B.9 should be corrected as: Aida Milena Aguirre, Architect P.E. (Civil) #34318. Ms. Bowen moved to correct the November 25, 2008 minutes as shown. Ms. Garcia seconded. Motion Carried.
5. ENFORCEMENT MATTERS
Review, Consideration and Possible Vote on the following:
 - A. Proposed Dismissal
 1. M08-100 Carl Neil Ott, P.E. (Environmental) #39855 – Ms. Cesare moved to dismiss this case. Mr. Garcia seconded. After discussion, Motion failed (Nay: Pearson, Kliman, Bowen, and Shay. Yea: Garcia, Lane and Cesare.

Mr. Lane moved to refer the case back to Staff for additional investigation. Mr. Shay seconded. Motion Carried. (Ms. Garcia: Nay)
 - B. Proposed Letters of Concern
 1. M08-005 Paragon Architects (Victor R. Bolduc, Architect #22414 and Bruce Jones, Architect #42053) – Mr. Lane moved to have the Board issue a letter of concern to the principals of Paragon Architect, LLC. Ms. Garcia seconded. After discussion, Motion Carried.

Dr. Schaefer Kliman instructed Staff to place this issue on the next Agenda for the Legislation & Rules Committee for a possible substantive policy statement regarding clear disclosure on web site or advertising; what the minimum requirements need to be disclosed of a firm's and registrant's involvement in prior projects while at other firms.

2. M09-032 Manuel B. Rojo, Architect #20752 – Mr. Lane moved to issue a Letter of Concern to Respondent. Ms. Garcia seconded. Mr. Rojo addressed the Board. After discussion, Motion Failed unanimously.

Ms. Garcia moved to dismiss the case. Mr. Lane seconded. Motion Carried.

C. Enforcement Advisory Committee Candidates

1. Frank A. Stephenson, P.E. (Civil) #23580 – Mr. Lane moved to accept Mr. Stephenson as an Enforcement Advisory Committee member. Ms. Bowen seconded. After discussion, Motion Carried.

2. Sake H. Reindersman, Architect #42451 – Mr. Shay moved to accept Mr. Reindersman as an Enforcement Advisory Committee member. Mr. Lane seconded. After discussion, Motion Carried.

3. Joseph A. Kurrus, P.E. (Civil) #46528 – Ms. Bowen moved to accept Mr. Kurrus as an Enforcement Advisory Committee member. Ms. Garcia seconded. After discussion, Motion Carried.

6. HOME INSPECTOR ENFORCEMENT MATTERS

Review, Consideration and Possible Vote on the following:

A. Proposed Consent Agreements

1. HI09-001, William J. Wade, CHI #40517 – Mr. Shay moved to accept Respondent's signed Consent Agreement encompassing the following: Letter of Reprimand; Restitution: Respondent shall pay restitution to Paul Furman of AJF Engineering in the amount of \$1,314.60; and Cost of Investigation: Respondent shall pay cost of investigation in the amount of \$100.00. Ms. Garcia seconded. After discussion, Motion Carried.

7. **Review, Consideration, and Possible Vote on the following:**

EVALUATION COMMITTEE AND STAFF RECOMMENDATIONS AND POSSIBLE GRANTING OF REGISTRATION OR CERTIFICATION (LIST AVAILABLE AT BOARD OFFICE)

1. Granting of professional or in-training registration
2. Approval to sit for the professional or in-training examination
3. Recommendation for denial of professional or in-training registration
4. Recommendation for denial of professional or in-training examination

Mr. Lane moved to accept the committee and staff recommendations listed in items 7.1, 7.2, 7.3 and 7.4. Mr. Pearson seconded. Motion Carried.

8. DIRECTOR'S REPORT

1. Proposed Letter to City of Phoenix / Barbara Stocklin (M06-153)

The Board members reviewed the draft of a proposed letter from the Board to Ms. Stocklin and agreed with the content. No action was taken.

Mr. Dalrymple addressed the Board, advising of the following issues:

Rule Changes

Governor Brewer has frozen all rule making activity until at least the end of March. The exceptions are for rules that have a critical health, safety and welfare component.

Staff Changes

The Board is now down five (5) authorized positions due to the hiring freeze and budget cuts.

Budget

Last month the Board was notified by the Governor's staff to submit a budget management plan reflecting a 7% budget reduction (\$122,164). The proposed plan was submitted and calls for the following reductions from the authorized 2009 budget:

One (1) Investigator position. (currently vacant)

Two (2) Customer Service Representative positions. (currently vacant)

A 50% reduction in travel costs.

We did not hear anything from the Governor's office prior to the transition. The plan is still a viable plan for reducing the Agency's spending up to approximately \$122,000.

Today's *Arizona Republic* had an article stating the new Governor has appointed a new head of the Governor's Office of Strategic Planning and Budgeting. We expect to hear from that office in the near future.

Revenue

The Board's revenue is down and we are working to address it.

Computers

The Board is still communicating with the Governor's Information Technology Agency ("GITA"), Department of Administration ("DOA"), and NIC about the switch from the AS/400 system ("Program") to a newer more flexible platform for application and registration tracking. DOA has apparently lost their capability to make changes to the Program or respond to our requests for renewal lists, registration lists and make other changes to the Program because of retirements. We are still in discussions with GITA, DOA, NIC and Cavu to see if a conversion program and new computer program can be done.

Board Appointments

Nothing has happened since last month's appointment of Claudia Perchinelli to replace Ronald Starling, P.E. (Structural).

9. BOARD CHAIR'S REPORT – Nothing at this time.

10. STANDING COMMITTEE REPORTS

1. Legislation and Rules Committee ("L&R") – Dr. Schaefer Kliman will provide a report to the Board next month as the L&R Committee will be meeting today.
2. Budget Committee – Nothing to report.
3. Home Inspector Rules and Standards Committee ("HIRS") – Mr. Shay will provide a report to the Board next month as the HIRS Committee will be meeting February 4, 2009.
4. Environmental Remediation Rules and Standards Committee ("ERRS") – Mr. Pearson will provide a report to the Board next month as the ERRS Committee will be meeting next month.

11. BOARD MEMBER REPORTS ON OUTSIDE ACTIVITIES

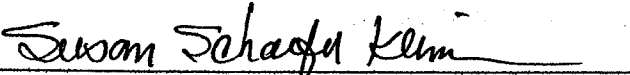
1. National Council of Examiners for Engineering and Surveying ("NCEES") – Nothing to report.
2. National Council of Architectural Registration Boards ("NCARB") – Nothing to report.
3. Council of Landscape Architectural Registration Boards ("CLARB") – Nothing to report.
4. National Association of State Boards of Geology ("ASBOG") – Nothing to report.

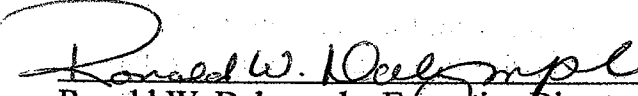
12. FUTURE BOARD MEETINGS – Tuesday, February 24, 2009 at 9:30 AM

13. FUTURE AGENDA ITEMS – Nothing at this time.

14. ADJOURNMENT – Meeting adjourned at 10:39 AM.

ARIZONA STATE BOARD OF TECHNICAL REGISTRATION


Dr. Susan Schaefer Kliman, Chair


Ronald W. Dalrymple, Executive Director

MINUTES OF THE
ARIZONA BOARD OF TECHNICAL REGISTRATION

February 24, 2009

9:30 AM

OPEN SESSION

1. **CALL TO ORDER** - The meeting of the Board of Technical Registration was called to order at 9:34 AM by Chair Susan Schaefer Kliman.
2. **ROLL CALL** - Board Members in Attendance: Sheila Bowen, Karen Cesare, Stuart Lane, Chet Pearson, Claudia Perchinelli, Susan Schaefer Kliman, and Howell "Chip" Shay. Absent: Dawn Garcia and Robert Roos. Board Staff: LaVern Douglas, Kathryn Fuller, Lisa Vardian, Manuel Maltos, and Cassie Goodwin. Assistant Attorney General: Melissa Cornelius.
3. **CALL TO THE PUBLIC** – No members of the public spoke.
4. **ADOPTION OF MINUTES** – Ms. Cesare moved to approve the January 27, 2009 minutes with a minor correction. Ms. Bowen seconded. Motion Carried.
5. **HOME INSPECTOR ENFORCEMENT MATTERS**
Review, Consideration and Possible Vote on the following:
 - A. **Proposed Consent Agreements**
 1. HI07-076, Bradley A. Perkins, CHI #40390 – Mr. Lane moved to send this matter to a formal hearing before the Board if a consent agreement is not negotiated within seven days. Ms Bowen seconded. After discussion, Motion Carried.
 2. HI07-093, David J. Marshall, CHI #38146 – Mr. Marshall addressed the Board. Ms. Cornelius advised Mr. Marshall is represented by counsel and they have not been able to discuss the proposed consent agreement. Mr. Lane moved to table this matter and place it on the March 24, 2009 Agenda. Ms. Bowen seconded. After discussion, Motion Carried.
6. **Review, Consideration, and Possible Vote on the following:**
EVALUATION OF APPLICATIONS FOR EXAMINATION AND/OR POSSIBLE GRANTING OF REGISTRATION OR CERTIFICATION
 - A. **Applications for Examination**
 1. John E. Wilson, Architect Examination Application #080903 – Dr. Schaefer Kliman moved to accept Mr. Wilson's application for examination.

Mr. Shay seconded. After discussion, Motion Failed unanimously.
Mr. Lane moved to deny Mr. Wilson's application for examination based on Mr. Wilson's prior conviction. Mr. Pearson seconded. Motion Carried.

2. Keyurbhai K. Patel, P.E. (Electrical) Examination Application #081835 – Mr. Pearson moved to accept Ms. Patel's application to sit for examination. Ms. Bowen seconded. After discussion, Motion Carried.

B. Applications for Registration

1. Glenn Bonita, P.E. (Electrical) Registration Application #081324 – Mr. Pearson moved to deny Mr. Bonita's application for registration until he gains more experience. Ms. Bowen seconded. After discussion, Motion Carried.

2. Scott A. Mullen, Architect Registration Application #082044 – Mr. Lane moved to deny Mr. Mullen's request for a waiver of examination based on lack of experience. Mr. Pearson seconded. After discussion, Motion Carried.

3. Frederick B. Fisher, Architect Registration Application #090029 – Mr. Shay moved to accept Mr. Fisher's application for architectural registration. Mr. Pearson seconded. After discussion, Motion Carried.

4. James A. Veltman, Architect Registration Application #081947 – Mr. Lane moved to accept Mr. Veltman's application for architectural registration. Ms. Cesare seconded. After discussion, Motion Carried (Nay: Pearson and Bowen)

7. Review, Consideration, and Possible Vote on the following:

EVALUATION COMMITTEE AND STAFF RECOMMENDATIONS AND POSSIBLE GRANTING OF REGISTRATION OR CERTIFICATION (LIST AVAILABLE AT BOARD OFFICE)

1. Granting of professional or in-training registration
2. Approval to sit for the professional or in-training examination
3. Recommendation for denial of professional or in-training registration

Mr. Lane moved to accept the committee and staff recommendations listed in items 7.1, 7.2, and 7.3. Mr. Pearson seconded. Motion Carried.

8. Review, Consideration, and Possible Vote on the following:

1. Changes to the Intern Development Program ("IDP") – Dr. Schafer Kliman advised the Board referred this several months ago to the Legislation and Rules Committee ("L&R"). The L&R met after the last Board meeting and after discussion referred it back to the Board for a vote today.

The concerns of the Board were how it was going to deal with the IDP issues of the differences in requirements in that IDP normally requires an accredited degree and Arizona does not and how to deal with the time frames. Dr/ Schafer Kliman stated that once the State allows rule submittals, the Board will revise and clean-up the language in R4-30-212(B) regarding time requirements for access to the examination and eliminate the architect in-training designation altogether.

Mr. Shay moved to have the Board formally adopt the IDP requirements effective today, February 24, 2009, for all new applications. All new Arizona applicants must complete the IDP. Applicants with out accredited degrees will be evaluated based on the criteria in A.A.C. R4-30-212(E). Mr. Lane seconded. After discussion, Motion Carried.

2. Monument Plats – Mr. Lane moved to have the article he prepared, "Subdivisions Are Boundary Surveys", published in the Board's next newsletter. Any amendments to this article need to be submitted to Mr. Lane by Friday, February 27, 2009. Mr. Pearson seconded. After discussion, Motion Carried.

9. DIRECTOR'S REPORT

Ms. Douglas advised Mr. Dalrymple, Executive Director, is in the hospital. Dissemination of this month's Board packet was late due to delays in receiving information. The Board packets need to be sent out a week before the scheduled meeting. Therefore, all submittals for future Board packets will need to be submitted to the Board no later than a week before the meeting date. Any submittals received after this deadline will be placed on the next meeting Agenda.

10. BOARD CHAIR'S REPORT – Nothing at this time.

11. STANDING COMMITTEE REPORTS

1. Legislation and Rules Committee ("L&R") – Dr. Schaefer Kliman advised the L&R committee is still working on the Building Information Modeling ("BIM") issue. It should be coming to a resolution after the June meeting of NCARB so the L&R is waiting until after this time to make any decisions.

There has been information requested regarding the stamping of as built drawings so this issue will be placed on the next L&R meeting Agenda for discussion and consideration of a possible Substantive Policy Statement or an article for the Board's newsletter.

The next meeting is scheduled to take place after the Board's April 28, 2009 meeting and election of new officers is on the Agenda.

2. Budget Committee – Nothing to report.
3. Home Inspector Rules and Standards Committee (“HIRS”) – Nothing to report.
4. Environmental Remediation Rules and Standards Committee (“ERRS”) – Mr. Pearson advised the committee met and discussed promulgation of rules, however since the Board cannot submit any new rule changes to the Governor’s Regulatory Rule Council, there are no rule changes pending.

12. BOARD MEMBER REPORTS ON OUTSIDE ACTIVITIES

1. National Council of Examiners for Engineering and Surveying (“NCEES”) – Nothing to report.
2. National Council of Architectural Registration Boards (“NCARB”) – Dr. Schaefer Kliman advised she and Messieurs Shay and Dalrymple met with NCARB representatives last month regarding a possible Tri-National Agreement between Canada, Mexico, and the United States to expedite reciprocal registration. NCARB was a little concerned about the Memorandum of Understanding (“MOU”) which Arizona and Sonora, Mexico entered into last year and NCARB was assured nothing the Board did will preempt what they are doing.
3. Council of Landscape Architectural Registration Boards (“CLARB”) – Ms. Cesare advised she will be attending the council meeting in Charleston, SC February 27 – 28, 2009 and will report back to the Board at the next meeting.
4. National Association of State Boards of Geology (“ASBOG”) – Nothing to report.

13. FUTURE BOARD MEETINGS – Tuesday, March 24, 2009 at 9:30 AM

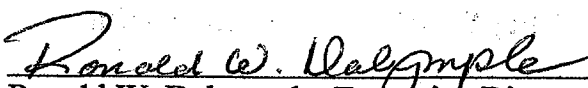
14. FUTURE AGENDA ITEMS – Nothing at this time.

15. ADJOURNMENT – Meeting adjourned at 10:25 AM.

ARIZONA STATE BOARD OF TECHNICAL REGISTRATION



Dr. Susan Schaefer Kliman, Chair



Ronald W. Dalrymple, Executive Director

MINUTES OF THE
ARIZONA BOARD OF TECHNICAL REGISTRATION

March 24, 2009

9:30 AM

OPEN SESSION

1. CALL TO ORDER - The meeting of the Board of Technical Registration was called to order at 9:33 AM by Chair Susan Schaefer Kliman.
2. ROLL CALL - Board Members in Attendance: Karen Cesare, Stuart Lane, Chet Pearson, Claudia Perchinelli, Susan Schaefer Kliman, and Howell "Chip" Shay. Absent: Sheila Bowen, Dawn Garcia, and Robert Roos. Board Staff: Ronald Dalrymple, LaVern Douglas, Kathryn Fuller, Lisa Vardian, Manuel Maltos, and Cassie Goodwin. Assistant Attorney General: Melissa Cornelius.
3. CALL TO THE PUBLIC – No members of the public spoke.
4. ADOPTION OF MINUTES – Mr. Lane moved to approve the February 24, 2009 minutes. Ms. Cesare seconded. Motion Carried.
5. ENFORCEMENT MATTERS
Review, Consideration and Possible Vote on the following:
 - A. Proposed Consent Agreements
 - 1.a M08-009, Tommie G. Stewart, Land Surveyor #15340 – Mr. and Mrs. William Bushey addressed the Board.
 - 1.b M08-079, Tommie G. Stewart, Land Surveyor #15340 – Mr. Joe Fallon addressed the Board.

The following motion encompasses Cases M08-009 and M08-079. Mr. Lane moved to accept Respondent's signed Consent Agreement encompassing the following: Letter of Reprimand; Examination: Respondent shall pay the fee, take and successfully complete (by achieving a score of 70% or above) the three (3) hour Arizona State Specific Land Surveyors Examination administered by Board staff; and Cost of Investigation: Respondent shall pay cost of investigation in the amount of \$600.00. Mr. Pearson seconded. After discussion, Motion Carried.

2. M08-020, Lloyd L. Eichelberger, Land Surveyor #11845 – Mr. Lane moved to accept Respondent's signed Consent Agreement encompassing the following: Letter of Reprimand and Cost of Investigation: Respondent shall pay the cost of investigation in the amount of \$265.00. Mr. Pearson seconded. Mr. Allen McCarthy addressed the Board. After discussion, Motion Carried.

B. Proposed Consent Agreements

1. HI08-010, Mark D. Koebbe, CHI #38655 – Mr. Lane moved to remand this matter back to Staff to obtain a signed Consent Agreement. If no Consent Agreement can be obtained, then move this matter to a Formal Hearing. Mr. Pearson seconded. After discussion, Motion Carried.
2. HI08-014, Paul G. Gonzales, CHI #38851 – Mr. Shay moved to accept Respondent's signed Consent Agreement encompassing the following: Letter of Reprimand; Administrative Penalty: Respondent shall pay an administrative penalty in the amount of \$300.00; Open Book Test: Respondent shall take an successfully pass (by achieving a score of 100%) an open book test of the Board's Statutes and Rules within 30-days; and Cost of Investigation: Respondent shall pay the cost of investigation in the amount of \$105.00.
3. HI09-015, Ronald R. Luensman, CHI #40494 – Mr. Shay moved to accept Respondent's signed Consent Agreement encompassing the following: Assurance of Discontinuance: Respondent shall not offer cash incentives for referrals; Administrative Penalty: Respondent shall pay an administrative penalty in the amount of \$500.00; and Cost of Investigation: Respondent shall pay the cost of investigation in the amount of \$90.00. Mr. Pearson seconded. Motion Carried.
4. HI09-016, Charles G. Hanvey, CHI #42480 – Mr. Shay moved to accept Respondent's signed Consent Agreement encompassing the following: Letter of Reprimand; Administrative Penalty: Respondent shall pay an administrative penalty in the amount of \$200.00; and Cost of Investigation: Respondent shall pay the cost of investigation in the amount of \$100.00. Mr. Pearson seconded. After discussion, Motion Carried.

7. Review, Consideration, and Possible Vote on the following:

EVALUATION OF APPLICATIONS FOR EXAMINATION AND/OR POSSIBLE GRANTING OF REGISTRATION OR CERTIFICATION

A. Applicants For Examination

1. Christopher R. Howells, Architect Applicant # 090113 – Dr. Schaefer Kliman moved to allow Mr. Howells to sit for the Architect Examination. Ms. Cesare seconded. After discussion, Motion Carried.
2. Paul H. Townsend, P.E. (Electrical) Applicant #090043 – Mr. Pearson moved to accept Mr. Townsend's application to waive the Engineer-in-Training Examination and allow him to sit for the P.E. Examination. Mr. Lane seconded. After discussion, Motion Carried.
3. Jun Yang, P.E. (Environmental) Applicant #081166 – Mr. Pearson moved to allow Mr. Yang to sit for the Examination. Mr. Lane seconded. After discussion, Motion Carried.

11. DIRECTOR'S REPORT – Mr. Dalrymple advised:

Rule Changes:

All rule making activity is still on hold for an undetermined period. The exceptions are for rules that have a critical health, safety, and welfare component. None of the rules under consideration by the Board before the suspension was initiated qualify for an exemption.

Staffing Report:

The Board is now down four (4) positions due to the hiring freeze.

Budget:

The previous Governor publicly stated that all agencies were to prepare plans in February for budget reductions up to 20% for this fiscal year. We have queried the Governor's office and the Legislative Budget Committee and have been told that there is nothing we need to do at this time. We have been partially following the reduction, which is partly due to the hiring freeze, and have currently reduced the FY09 spending by approximately 7%.

The revenues coming in for the first three quarters of the year are below our expenditures by approximately \$80,000.00. However, we are working on contacting registrants who are delinquent and trying to find out whether or not they fully intended to let their registration be listed as delinquent or whether they might be the victim of the IBM mess-up when they moved to convert our business licensing system to the new IBM program. I think we're still good because I believe we can use that \$270,000 in the reserve fund to balance this year's revenues. When you look at actual revenues versus expenditures, even with the changes we've made in our spending pattern, we're very close right now.

Computers:

The Arizona Department of Administration ("DOA") has apparently lost their capability to make timely changes to the AS/400 Program or respond to our requests for renewal lists, registration due to retirements. We are still in discussions with the Governor's Information Technology Agency, DOA, NIC, and Cavu to see if a conversion program and new computer program can be developed.

Board Appointments:

A new head of the appointments office has been named. We have received a courtesy call from that office and had a brief dialogue about our agency situation. No promises were made as to when we might have some appointments made, but they are aware of our need.

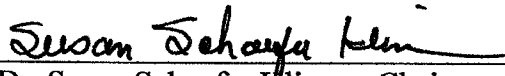
12. BOARD CHAIR'S REPORT – Nothing at this time.

16. FUTURE AGENDA ITEMS


1. Notification to new registrants of A.R.S. §32-141 Firm Registration requirements

17. ADJOURNMENT – Meeting adjourned at 11:19 AM.

ARIZONA STATE BOARD OF TECHNICAL REGISTRATION



Dr. Susan Schaefer Kliman, Chair



Ronald W. Dalrymple, Executive Director

MINUTES OF THE
ARIZONA BOARD OF TECHNICAL REGISTRATION

May 19, 2009

9:30 AM

OPEN SESSION

1. **CALL TO ORDER** - The meeting of the Board of Technical Registration was called to order at 9:31 AM by Chair Susan Schaefer Kliman.
2. **ROLL CALL** - Board Members in Attendance: Sheila Bowen, Karen Cesare, Stuart Lane, Chet Pearson, Claudia Perchinelli, Susan Schaefer Kliman, and Howell "Chip" Shay. Absent: Dawn Garcia and Robert Roos. Board Staff: Ronald Dalrymple, LaVern Douglas, Kathryn Fuller, Lisa Vardian, Manuel Maltos, and Cassie Goodwin. Assistant Attorney General: Melissa Cornelius.
3. **CALL TO THE PUBLIC** – No members of the public spoke.
4. **ADOPTION OF MINUTES** – Ms. Cesare moved to approve the April 28, 2009 minutes with minor corrections. Mr. Lane seconded. Motion Carried.
5. **ENFORCEMENT MATTERS**
Review, Consideration and Possible Vote on the following:
 - A. **Proposed Dismissals**
 1. M09-031, Daniel R. Muth, Land Surveyor #31028 – Mr. Lane moved to dismiss the allegations against Mr. Muth. Ms. Cesare seconded. After discussion, Motion Carried.
 2. M09-054, Robert P. Acken, Land Surveyor #41659 – Mr. Lane moved to dismiss the allegations against Mr. Acken. Mr. Shay seconded. After discussion, Motion Carried.
 - B. **Proposed Letters of Concern**
 1. M09-052, Felix G. Steele, Land Surveyor #28234 – Mr. Lane moved to remand this matter back to Staff for further investigation via an Enforcement Advisory Committee interview. Mr. Shay seconded. After discussion, Motion Carried
 2. M09-096, Robert J. Jedinak, Land Surveyor #15332 – Mr. Lane moved to issue a Letter of Concern to Respondent for failure to record his survey in a timely manner. Ms. Cesare seconded. After discussion, Motion Carried.

C. Proposed Consent Agreements

1. M06-300, Bruce H. Bosshard, P.E. (Civil) #31513 – Ms. Bowen moved to accept Respondent's signed consent agreement encompassing the following: Letter of Concern and Cost of Investigation: Respondent shall pay the cost of investigation in the amount of \$500.00. Ms. Perchinelli seconded. After discussion, Motion Failed.

Mr. Shay moved to remand this matter back to Staff to negotiate a consent agreement with Respondent for a Letter of Reprimand, Restriction of Practice in areas outside his area of expertise and Peer Review of the next three (3) projects, and cost of investigation. If a consent agreement is not obtained this matter is referred to formal hearing. Ms. Bowen seconded. After discussion, Motion Carried.

D. Proposed Enforcement Advisory Committee Candidate

1. Ronald J. Barbala, Land Surveyor #33307 – Mr. Lane moved to approve Mr. Barbala as an Enforcement Advisory Committee member. Ms. Bowen seconded. After discussion, Motion Carried.

6. Review, Consideration, and Possible Vote on the following:

EVALUATION OF APPLICATIONS FOR EXAMINATION AND/OR POSSIBLE GRANTING OF REGISTRATION OR CERTIFICATION

A. Applicants For Registration

1. Charles B. Haswell – Architect Applicant #090503 – Mr. Shay moved to grant Mr. Haswell registration. Ms. Bowen seconded. After discussion, Motion Carried.

2. Dennis R. Holloway – Architect Applicant #090422 – Mr. Shay moved to grant Mr. Holloway registration. Ms. Cesare seconded. After discussion, Motion Carried

B. Applicant For Examination

1. Patrick Hallman – Architect Applicant #030595 – Mr. Hallman addressed the Board. Mr. Shay moved to make an exception to the Arizona rule to extend the "rolling clock" period to December 31, 2009 to allow Mr. Hallman to take the new structural systems examination. Mr. Lane seconded. After discussion, Motion Carried.

7. Review, Consideration, and Possible Vote on the following:

EVALUATION COMMITTEE AND STAFF RECOMMENDATIONS AND POSSIBLE GRANTING OF REGISTRATION OR CERTIFICATION

1. Granting of professional or in training registration
2. Approval to sit for the professional or in training examination
3. Recommendation for denial of professional or in training examination
4. Recommendation for denial of professional or in training registration

Mr. Lane moved to accept the committee and staff recommendations listed in item 8. Ms. Bowen seconded. Motion Carried.

8. DIRECTOR'S REPORT – Mr. Dalrymple advised:

Rule Changes:

All rule making activity is still on hold for an undetermined period. The exceptions are for rules that have a critical health, safety, and welfare component. None of the rules under consideration by the Board before the suspension was initiated qualify for an exemption.

Staffing Report:

The Board is now down four (4) positions due to the hiring freeze.

LaVern Douglas, Deputy Director is retiring as of May 29, 2009. The Board has received permission to bring Ms. Douglas back at 19 hours per week and to hire a full time Licensing Manager to fill the full time position she has held for almost 30 years.

Budget:

We are now in the last quarter of this fiscal year and it appears our revenues will be sufficient to cover anticipated expenditures. The 10-month bottom line is that the Board's expenditures are about \$100,000 lower than its total revenue.

The Governor's office is still predicting possible budget reductions up to 20% (that's equal to \$340,000) for this fiscal year. We have queried the Governor's office and the Legislative Budget Committee and have been told that there is nothing we need to do at this time.

Board Appointments

We have not received any information indicating there have been any new appointments to the Board.

9. BOARD CHAIR'S REPORT – Nothing at this time.

10. STANDING COMMITTEE REPORTS

1. Legislation and Rules Committee ("L&R") – Dr. Schaefer Kliman advised L&R met after the April 24, 2009 Board meeting. There will be some articles forthcoming for the Board's quarterly news letter, one of which will be prepared by Ms. Bowen and Mr. Lane regarding professional seals on as-built drawings. This information will be provided to reviewing municipalities. The next L&R meeting will be held after the Board's regularly scheduled July 28, 2009 meeting.
2. Budget Committee – Mr. Dalrymple advised the Board appears to be able to make it through this year and won't have any information on FY2010 until we hear from the Legislature.
3. Home Inspector Rules and Standards Committee ("HIRS") – Mr. Shay advised the HIRS Committee is scheduled to meet on Wednesday, May 20, 2009 and he will report information at next month's meeting.

4. Environmental Remediation Rules and Standards Committee ("ERRS") – Nothing to report.

11. BOARD MEMBER REPORTS ON OUTSIDE ACTIVITIES

1. National Council of Examiners for Engineering and Surveying ("NCEES") – Nothing to report. Ms. Perchinelli will be attending the Western Zone meeting this June in Alberta Canada and will have a report at next month's meeting.
2. National Council of Architectural Registration Boards ("NCARB") – Dr. Schaefer Kliman advised there have been issues raised about cheating on the examinations. Recently eight applicants were disciplined when NCARB determined they had cheated. Information is being shared via blogs and message boards on the internet. Should information regarding exam questions or scenarios be found, NCARB will shut-off the examinations which will affect everyone in the process.
3. Council of Landscape Architectural Registration Boards ("CLARB") – Nothing to report.
4. National Association of State Boards of Geology ("ASBOG") – Nothing to report.

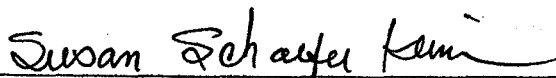
12. FUTURE BOARD MEETINGS – Tuesday, June 23, 2009 at 9:30 AM.

13. FUTURE AGENDA ITEMS


None at this time

14. ADJOURNMENT – Meeting adjourned at 10:30 AM.

ARIZONA STATE BOARD OF TECHNICAL REGISTRATION



Dr. Susan Schaefer Kliman, Chair


Ronald W. Dalrymple, Executive Director

MINUTES OF THE
ARIZONA BOARD OF TECHNICAL REGISTRATION

June 23, 2009

9:30 AM

OPEN SESSION

1. **CALL TO ORDER** - The meeting of the Board of Technical Registration was called to order at 9:32 AM by Chair Susan Schaefer Kliman.
2. **ROLL CALL** - Board Members in Attendance: Sheila Bowen, Karen Cesare, Stuart Lane, Chet Pearson, Claudia Perchinelli, Susan Schaefer Kliman, and Howell "Chip" Shay. Absent: Dawn Garcia and Robert Roos. Board Staff: Ronald Dalrymple, LaVern Douglas, Kathryn Fuller, Lisa Vardian, Manuel Maltos, and Cassie Goodwin. Assistant Attorney General: Melissa Cornelius.
3. **CALL TO THE PUBLIC** – Mr. O. Lockett Sanders addressed the Board regarding Rick A. Jack, Architect #46405.
4. **ADOPTION OF MINUTES** – Mr. Shay moved to approve the May 19, 2009 minutes. Mr. Pearson seconded. Motion Carried.

5. **ENFORCEMENT MATTERS**

Review, Consideration and Possible Vote on the following:

A. Proposed Letters of Concern

1. M06-121, Brian K. von Allworden, P.E. (Civil) #30329 – Mr. von Allworden addressed the Board. Ms. Bowen moved to issue Respondent a Letter of Concern regarding clarification of the scope of services regarding the structural calculations of the reshoring towers on the parking structure of Area J Bank One Ballpark, Phoenix, Arizona. Mr. Lane seconded. After discussion, Motion Carried.

B. Discussion and Consideration

1. M05-344, Brian K. von Allworden, P.E. (Civil) #30329 – Mr. von Allworden addressed the Board. Ms. Bowen moved to direct staff to obtain a signed consent agreement containing a Letter of Reprimand and the Cost of Investigation. Ms. Perchinelli seconded. After discussion, Motion Carried.

Mr. Pearson moved to send this matter to a formal hearing either before the Board or the Office of Administrative Hearing if a consent agreement is not negotiated within 90-days. Ms Bowen seconded. After discussion, Motion Carried.

C. Proposed Consent Agreements

1a. M05-418, Gregory L. Allen, Land Surveyor #16097

1b. M06-158, Gregory L. Allen, Land Surveyor #16097

The following motion encompasses M05-418 and M06-158. Mr. Lane moved to accept Respondent's signed Consent Agreement encompassing the following: Letter of Reprimand; Administrative Penalty: Respondent shall pay an administrative penalty in the amount of \$2,000.00; and Cost of Investigation: Respondent shall pay cost of investigation in the amount of \$900.00. Mr. Pearson seconded. Mr. Bob Lewry addressed the Board regarding case M05-418 and Mr. Gregory Allen addressed the Board on both cases. After discussion, Motion Carried.

D. Proposed Enforcement Advisory Committee Candidate

1. Urban P. Visser, Land Surveyor #37935 – Mr. Lane moved to approve Mr. Visser as an Enforcement Advisory Committee member. Mr. Pearson seconded. After discussion, Motion Carried.

6. HOME INSPECTOR ENFORCEMENT MATTERS

Review, Consideration and Possible Vote on the following:

A. Proposed Consent Agreements

1. HI07-076, Bradley A. Perkins, CHI #40390 – Mr. Lane moved to accept Respondent's signed Consent Agreement encompassing the following: Letter of Reprimand; Administrative Penalty: Respondent shall pay an administrative penalty in the amount of \$300.00; and Cost of Investigation: Respondent shall pay the cost of investigation in the amount of \$340.00. Mr. Pearson seconded. After discussion, Motion Carried.

2. HI09-011, Kevin M. Junior, CHI #39645 – Mr. Lane moved to accept Respondent's signed Consent Agreement encompassing the following: Letter of Reprimand; Administrative Penalty: Respondent shall pay an administrative penalty in the amount of \$100.00; Open Book Test: Respondent shall take and successfully pass (by achieving a score of 100%) an open book test of the Board's Statutes and Rules within 30-days; and Cost of Investigation: Respondent shall pay the cost of investigation in the amount of \$100.00. Mr. Shay seconded. After discussion, Motion Carried.

3. HI09-014, Douglas B. Mason, CHI #38656 – Ms. Bowen moved to accept Respondent's signed Consent Agreement encompassing the following: Letter of Reprimand; Administrative Penalty: Respondent shall pay an administrative penalty in the amount of \$100.00; Open Book Test: Respondent shall take and successfully pass (by achieving a score of 100%) an open book test of the Board's Statutes and Rules within 30-days; and Cost of Investigation: Respondent shall pay the cost of investigation in the amount of \$105.00. Ms. Cesare seconded. After discussion, Motion Carried.

4. HI09-021, William J. Hoge, CHI #39186 – Mr. Shay moved to accept Respondent's signed Consent Agreement encompassing the following: Letter of Reprimand; Administrative Penalty: Respondent shall pay an administrative penalty in the amount of \$300.00; Open Book Test: Respondent shall take and successfully pass (by achieving a score of 100%) an open book test of the Board's Statutes and Rules within 30-days; and Cost of Investigation: Respondent shall pay the cost of investigation in the amount of \$103.00. Ms. Perchinelli seconded. After discussion, Motion Carried.

5. HI09-022, Thomas R. Rider, CHI #43778 – Mr. Shay moved to accept Respondent's signed Consent Agreement encompassing the following: Letter of Reprimand; Administrative Penalty: Respondent shall pay an administrative penalty in the amount of \$300.00; Open Book Test: Respondent shall take and successfully pass (by achieving a score of 100%) an open book test of the Board's Statutes and Rules within 30-days; and Cost of Investigation: Respondent shall pay the cost of investigation in the amount of \$103.00. Mr. Lane seconded. After discussion, Motion Carried.

Review, Consideration and Possible Vote on the following:

6. M05-102, Daniel L. Pfaff, CHI #39987 – Mr. Lane moved to direct Staff to administratively close this case. In the event Mr. Pfaff re-applies for certification, the case will be re-opened. Mr. Shay seconded. After discussion, Motion Carried.

7. M06-216, Clyde L. Hughes, CHI #42032 – Mr. Lane moved to direct Staff to administratively close this case. In the event Mr. Hughes re-applies for certification, the case will be re-opened. Ms. Bowen seconded. After discussion, Motion Carried.

7. DRUG LABORATORY ENFORCEMENT MATTERS

Review, Consideration and Possible Vote on the following:

A. Proposed Consent Agreements

- 1.a. DL08-004, Kary Environmental Service, Inc., #12826
- 1.b. DL08-025, Kary Environmental Service, Inc., #12826
- 1.c. DL08-027, Kary Environmental Service, Inc., #12826

The following motion encompasses DL08-004, DL08-025 and DL08-027. Mr. Pearson cited a Conflict of Interest in these matters and did not participate in the discussion or voting. Jeff and Terri Kary addressed the Board. Ms. Bowen moved to accept Respondent's signed Consent Agreement encompassing the following: Letter of Reprimand; Administrative Penalty: Respondent shall pay an administrative penalty in the amount of \$2,000.00; and Cost of Investigation: Respondent shall pay cost of investigation in the amount of \$1,332.00. Mr. Lane seconded. After discussion, Motion Carried.

**8. Review, Consideration, and Possible Vote on the following:
EVALUATION OF APPLICATIONS FOR EXAMINATION AND/OR POSSIBLE
GRANTING OF REGISTRATION OR CERTIFICATION**

A. Applicant for Registration

1. Herman O. Gunawan, P.E. (Structural). Applicant #090410 – Ms. Perchinelli moved to grant Mr. Gunawan registration as a P.E. (Structural). Mr. Lane seconded. After discussion, it was determined Mr. Gunawan's reference for most of his structural engineering experience is a non-registrant. However, Mr. Gunawan meets the criteria for registration as a P.E. (Civil). Ms. Perchinelli amended her motion to grant Mr. Gunawan P.E. (Civil) registration pending his alteration of his application within 10 days and advising him to resubmit to show his structural engineering credentials. Mr. Lane seconded the amendment. Motion Carried.

**9. Review, Consideration, and Possible Vote on the following:
EVALUATION COMMITTEE AND STAFF RECOMMENDATIONS AND
POSSIBLE GRANTING OF REGISTRATION OR CERTIFICATION**

1. Granting of professional or in-training registration
2. Approval to sit for the professional or in-training examination
3. Recommendation for denial of professional or in-training examination

Mr. Lane moved to accept the committee and staff recommendations listed in item 9. Ms. Cesare seconded. Motion Carried.

10. DIRECTOR'S REPORT – Mr. Dalrymple advised:

Rule Changes:

All rule making activity is still on hold for an undetermined period. The exceptions are for rules that have a critical health, safety, and welfare component. None of the rules under consideration by the Board before the suspension was initiated qualify for an exemption.

Staffing Report:

The Board is now down four (4) positions due to the hiring freeze.

LaVern Douglas is retired. The Board received permission to "double fill" the position of Deputy Director as of May 29, 2009. The Board brought Ms. Douglas back at 19 hours per week and has hired Melissa Cornelius as a full time Deputy Director.

Budget:

We are approaching the end of the fiscal year and it still appears the Board's revenues will be sufficient to cover anticipated expenditures.

The Governor's office is still predicting possible budget reductions up to 20% for fiscal year 2010. We have queried the Governor's office and the Legislative Budget Committee and have been told that there is nothing we need to do at this time.

At this time, no one knows whether a budget will be adopted by July 1 and there is talk of a shut down of everything but "essential services." According to the definition of "essential services" put out by the Department of Administration, the Board does not provide any "essential services." The Board is researching possible options in the event of a shutdown and will provide the Board members with the results as soon as possible.

Board Appointments

We have not received any information indicating there have been any new appointments to the Board.

11. BOARD CHAIR'S REPORT – Nothing at this time.

12. STANDING COMMITTEE REPORTS

1. Legislation and Rules Committee ("L&R") – The next meeting is scheduled for July 28, 2009, following the regularly scheduled Board meeting.
2. Budget Committee – Mr. Dalrymple advised the Board appears to be able to make it through this year and won't have any information on FY2010 until we hear from the Legislature.
3. Home Inspector Rules and Standards Committee ("HIRS") – Mr. Shay advised there has not been any training as of yet for Enforcement Advisory Committee members however, there are few problems with this aspect of the program; the concerns regarding degradation of services and lowering of fees will be handled on a case-by-case basis; the committee will look at this subject later for possible changes.
4. Environmental Remediation Rules and Standards Committee ("ERRS") – The next meeting is scheduled for July 9, 2009.

13. BOARD MEMBER REPORTS ON OUTSIDE ACTIVITIES

1. National Council of Examiners for Engineering and Surveying ("NCEES") – Ms. Perchinelli attended the Western Zone meeting in Alberta Canada May 28 – 30, 2009. She presented Ms. Douglas with the retired Arizona sign containing prior Board members' signatures from 1995. The main topic of discussion was the "B plus 30" requirement. NCEES is looking to require a Masters Degree or additional credits to a Bachelor's Degree to sit for examination. The Western Zone taskforce determined there is no factual information to support the need for the additional education and voted to abolish all reference to this requirement for evaluation. The Southern Zone rejected the idea also. This will be a "hot topic" at the August meeting.

NCEES is still working on the single 16-hour Structural Examination. Currently you can take one 8-hour portion and, if you pass it, take the second 8-hour portion within 5 years. NCEES is going to provide guidelines for enforcement of registrants practicing outside their area of expertise. They are also talking about Building Information Modeling ("BIM") and how to define "responsible control" of the BIM documents.

There is a new National Survey Museum in Springfield Illinois.

NCEES would like Arizona to host the 2014 Interim Meeting, which will be held in Tucson. NCEES will financially support it.

2. National Council of Architectural Registration Boards ("NCARB") – Dr. Schaefer Kliman advised NCARB voted on several Resolutions, the big one being on Model Law clarifying the definition of "Responsible Control" so this issue will be going back to L&R.

One of the big topics of discussion was cheating on the examinations. Eight applicants were disciplined when NCARB determined they had cheated and there are still 29 on-going investigations. There were postings of portions of the exam on the Internet. The financial impact of this cheating to NCARB is approximately \$1.5 million and NCARB had to turn off portions of the exam because it had been so badly compromised. The compromised section has been repopulated with alternative questions NCARB had available. If there is another breach there is a potential for a problem as new questions will need to be prepared. NCARB has hired new staff members to monitor internet sites. The eight already disciplined had all exam scores removed and they are prohibited from taking any parts of the exam for five years. Additionally, there is a new \$40 fee for "non-disclosure" being added to every examination. The next Board Chair's Letter will be on Ethics in Practice.

Mr. Shay advised there is discussion on how to help move NCARB's testing process into the global realm for worldwide use in registration of American registrants in China and other countries.

3. Council of Landscape Architectural Registration Boards ("CLARB") – Nothing to report.
4. National Association of State Boards of Geology ("ASBOG") – Nothing to report.

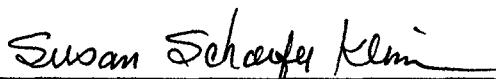
14. FUTURE BOARD MEETINGS – Tuesday, July 28, 2009 at 9:30 AM.

15. FUTURE AGENDA ITEMS

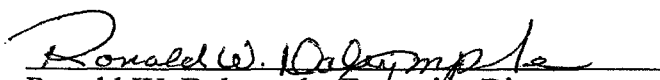
None at this time

16. ADJOURNMENT – Meeting adjourned at 12:28 PM.

ARIZONA STATE BOARD OF TECHNICAL REGISTRATION



Dr. Susan Schaefer Kliman, Chair


Ronald W. Dalrymple, Executive Director

MINUTES OF THE
ARIZONA BOARD OF TECHNICAL REGISTRATION

July 28, 2009

9:30 AM

OPEN SESSION

1. **CALL TO ORDER** - The meeting of the Board of Technical Registration was called to order at 9:32 AM by Chair Susan Schaefer Kliman.
2. **ROLL CALL** - Board Members in Attendance: Karen Cesare, Dawn Garcia, Stuart Lane, Chet Pearson, Claudia Perchinelli, and Susan Schaefer Kliman. Absent: Sheila Bowen, Robert Roos, and Howell "Chip" Shay. Board Staff: Ronald Dalrymple, LaVern Douglas, Melissa Cornelius, Kathryn Fuller, Lisa Vardian, Manuel Maltos, and Cassie Goodwin. Assistant Attorney General: Mona Baskin.
3. **CALL TO THE PUBLIC** – Mr. O. L. Sanders addressed the Board regarding Rick A. Jack, Architect #46405.
4. **ADOPTION OF MINUTES** – Ms. Cesare moved to approve the June 23, 2009 minutes. Mr. Lane seconded. Motion Carried.
5. **ENFORCEMENT MATTERS**
Review, Consideration and Possible Vote on the following:
 - A. **Proposed Dismissals**
 1. M09-043, Raymond Burstein, Architect #18895 – Mr. Joe Holeva addressed the Board. Ms. Cesare moved to dismiss this case. Ms. Perchinelli seconded. After discussion, Motion Carried.
 - B. **Proposed Letters of Concern**
 1. M09-052, Felix G. Steele, Land Surveyor #28234 –Mr. Lane moved that a Letter of Concern be issued to Respondent for de minimus violations of the Arizona Boundary Survey Minimum Standards. Ms. Garcia seconded. After discussion, Motion Carried.
 2. M08-115, Wayne E. Swan, Architect #13747 – Dr. Schaefer Kliman advised she knows the Respondent however this will not affect her judgment in this matter. Ms. Perchinelli moved that a Letter of Concern be issued to Respondent for better communication between design professionals. Mr. Lane seconded. After discussion, Motion was withdrawn.
Mr. Pearson moved to dismiss this case. Ms. Perchinelli seconded. After discussion, Motion Carried.

3. M09-001, Richard L. Andersen, Land Surveyor #36559 – Mr. Lane moved to issue a Letter of Concern to Respondent regarding setting of new monuments near existing monuments that were previously accepted. Mr. Pearson seconded. After discussion, Motion Carried.

C. Proposed Consent Agreements

1. M09-022, Cal Vada Surveying – Mr. Lane moved to accept Respondent's signed Consent Agreement encompassing the following: Administrative Penalty: Respondent shall pay an administrative penalty in the amount of \$500.00; and Cost of Investigation: Respondent shall pay cost of investigation in the amount of \$85.00. Ms. Garcia seconded. After discussion, Motion Carried.

D. Discussion and Consideration

1. M08-066, Phillip A. Schembri, P.E. (Mechanical) #13531 – Mr. Schembri and Rose Marie Savoy addressed the Board. Mr. Pearson moved that a Letter of Reprimand be issued to Respondent. After discussion, Motion Failed (Aye: Pearson and Lane. Nay: Garcia, Schaefer Kliman, Cesare, and Perchinelli.)

Ms. Cesare moved that a Letter of Concern be issued to Respondent for stating that a structure met the requirements of the applicable building code when they did not.. Ms. Perchinelli seconded. Motion Carried.

E. Proposed Peer Review Candidates

1. M08-037 and M08-086, Tony M. Enriquez, Architect #33297 – Ms. Garcia moved to approve Mr. Enriquez's peer review candidates (Marc C. Frost, Architect #13210, Charles M. Poster, Architect #10611, and Neil E. Murphy, Architect #14363). Ms. Perchinelli seconded. After discussion, Motion Carried.

6. HOME INSPECTOR ENFORCEMENT MATTERS

A. Evaluation of Applications for Examination and/or Possible Granting of Registration or Certification

1. HI10-001, Anthony J. Harms, Applicant #090738 – Mr. Lane moved to grant Mr. Harms certification upon payment of the appropriate fees. Ms. Garcia seconded. After discussion, Motion Carried.

B. Review, Consideration and Possible Vote on the following:

1. HI07-008, Larry E. Krajack, CHI #40925 – Mr. Lane moved to direct Staff to administratively close this case. In the event Mr. Krajack re-applies for certification, the case will be re-opened. Mr. Pearson seconded. After discussion, Motion Carried.

2. M05-273, Jack R. Gilliland, CHI #41089 – Mr. Pearson moved to direct Staff to administratively close this case. In the event Mr. Gilliland re-applies for certification, the case will be re-opened. Ms. Cesare seconded. After discussion, Motion Carried.

3. M05-348, Jack R. Gilliland, CHI #41089 – Mr. Pearson moved to direct Staff to administratively close this case. In the event Mr. Gilliland re-applies for certification, the case will be re-opened. Ms. Cesare seconded. After discussion, Motion Carried.

7. DRUG LABORATORY ENFORCEMENT MATTERS

Review, Consideration and Possible Vote on the following:

- A. Motion to Deem Allegations Admitted or in the alternative Formal Hearing to determine Findings of Fact, Conclusions of Law and Issue of Final Order for:
1. DL08-009, Efrain and Maria Contreras, Nonregistrants

This matter is Motion to Deem Allegations Admitted or in the alternative Formal Hearing to determine Findings of Fact, Conclusions of Law and Issue of Final Order for resolution of case DL08-009 scheduled to begin at 11:00 AM and began at 11:04 AM. Assistant Attorney General Christopher Munns of the Solicitor General's Office represented the Board, Assistant Attorney General Mona Baskin represented the State and Mr. and Mrs. Contreras addressed the Board through the assistance of an informal interpreter, Veronica Garcia from Arizona Department of Environmental Quality.

Mr. Lane moved that the Board grant the State's Motion to Deem the Allegations in the Complaint and Notice of Hearing as Admitted. Mr. Pearson seconded. After discussion, Motion Carried.

Mr. Lane moved to adopt the Factual Allegations and the Allegations of Unprofessional Conduct from the Complaint and Notice of Hearing as Findings of Fact and Conclusions of Law. Mr. Pearson seconded. After discussion, Motioned Carried.

Mr. Lane moved the appropriate discipline in this case is a civil penalty in the amount of \$8,000.00, cost of attorney's fees and the cost of the investigation. Ms. Cesare seconded. After discussion, Motion Carried.

8. Review, Consideration, and Possible Vote on the following:

EVALUATION OF APPLICATIONS FOR EXAMINATION AND/OR POSSIBLE GRANTING OF REGISTRATION OR CERTIFICATION

A. Examination

1. Michael Simmons, P.E. (Mechanical) Application #090366 – Mr. Pearson moved to allow Mr. Simmons application to take the Examination. Ms. Garcia seconded. After discussion, Motion Carried.

2. Allen Sadberry, Land Surveyor Application #090103 – Mr. Lane moved to allow Mr. Sadberry to take the Examinations. Ms. Cesare seconded. After discussion, Motion Carried. (Ms. Perchinelli voted Nay.)

3. William Smith, Engineer-in-Training Application #090158 – Ms. Garcia moved to allow Mr. Smith to take the Engineer In-Training examination. Mr. Lane seconded. After discussion, Motion Carried.

4. Aaron Bobkin, P.E. (Electrical) Application #082076 – Mr. Pearson moved to allow Mr. Bobkin application to take the Examinations. Ms. Garcia seconded. After discussion, Motion Carried.

B. Registration

1. Stephen Geiger, P.E. (Civil) Application #090533 – Mr. Lane moved to grant Mr. Geiger's application for registration. Ms. Cesare seconded. After discussion, Motion Carried.

C. Renewal

1. Urmas Grossthal, P.E. (Civil) Application #44552 – Mr. Grossthal addressed the Board via telephone connection. Ms. Garcia moved to grant Mr. Grossthal's application for renewal. Mr. Lane seconded. After discussion, Motion Carried.

D. Certification

1. David Heap, On-Site Worker Application #090641 – Mr. Pearson moved to accept Mr. Heap's application for certification. Ms. Garcia seconded. After discussion, Motion Carried.

9. Review, Consideration, and Possible Vote on the following:

EVALUATION COMMITTEE AND STAFF RECOMMENDATIONS AND POSSIBLE GRANTING OF REGISTRATION OR CERTIFICATION

1. Granting of professional or in-training registration
2. Approval to sit for the professional or in-training examination
3. Recommendation for denial of professional or in-training examination

Mr. Lane moved to accept the committee and staff recommendations listed in item 9. Ms. Perchinelli. Motion Carried.

10. Review, Consideration, and Possible Vote on the following:

1. Board Member Discussion regarding Ethical Questions – This matter was tabled.

11. DIRECTOR'S REPORT – Mr. Dalrymple advised:

Rule Changes:

All rule making activity is still on hold for an undetermined period. The Board is currently working with the Governor's office to see whether any of its proposed rules qualify for exemption.

Staffing Report:

The Board is now down three and a half positions due to the hiring freeze.

LaVern Douglas officially retired as of May 29, 2009. The Board received permission to bring her back at 19 hours per week and to double fill the position of Deputy Director Position.

Melissa Cornelius has been hired as a Deputy Director as part of the double fill program. LaVern is working with Melissa to familiarize her with the many nuances involved in our licensing laws and working relationships with national councils.

Budget:

The Board finished the budget year with approximately \$300,000 in reserve because of the budget restrictions imposed by the State.

The Governor's office is still predicting budget reductions up to 20% for this fiscal year. We have queried the Governor's office and the Legislative Budget Committee and have been told that there is nothing we need to do at this time.

Board Appointments

The Board was informed on July 28, 2009 that its prospective appointment list has been delivered to the Governor and appointments should be finalized in August.

12. **BOARD CHAIR'S REPORT** –At the April 28, 2009 Board meeting there was a discussion regarding acceptance by municipalities of site depictions without professional seals and a motion to provide a letter to the City of Tucson Development Services Department. Mr. Dalrymple has received the draft letter and will review and/or revise it for mailing.
13. **STANDING COMMITTEE REPORTS**
 1. **Legislation and Rules Committee (“L&R”)** – The L&R Committee will be meeting following this meeting so a report will be made at the August Board meeting.
 2. **Budget Committee** – Nothing to report.
 3. **Home Inspector Rules and Standards Committee (“HIRS”)** – Nothing to report.
 4. **Environmental Remediation Rules and Standards Committee (“ERRS”)** – Mr. Pearson advised the ERRS Committee met on July 9, 2009. Mr. Dalrymple advised the Board has been in touch with the Governor's office to find out if we can get a release on some of the rules needing modification.
14. **BOARD MEMBER REPORTS ON OUTSIDE ACTIVITIES**
 1. **National Council of Examiners for Engineering and Surveying (“NCEES”)** – Ms. Perchinelli advised the annual meeting is scheduled for August 12 through 15, 2009 so she will have a report at the August meeting. Currently Mr. Dalrymple and Ms. Perchinelli are scheduled to attend. Mr. Dalrymple advised if the appointments go through quickly enough, then the Board will be sending the new land surveyor.
 2. **National Council of Architectural Registration Boards (“NCARB”)** – Dr. Schaefer Kliman advised the Six Month Rule is now in effect as of July 1, 2009. So far only one individual has had a problem. Dr. Schaefer Kliman worked with AIA to get the information out via twitter, blogs, and “Q&A” meeting. She will be

working with Ms. Douglas and AIA on how the IDP affects Arizona and to make sure the Board and NCARB are consistent in processing architect-in-training applicants.

3. Council of Landscape Architectural Registration Boards ("CLARB") – Nothing to report.

4. National Association of State Boards of Geology ("ASBOG") – Nothing to report.

15. FUTURE BOARD MEETINGS – Tuesday, August 25, 2009 at 9:30 AM.

16. FUTURE AGENDA ITEMS

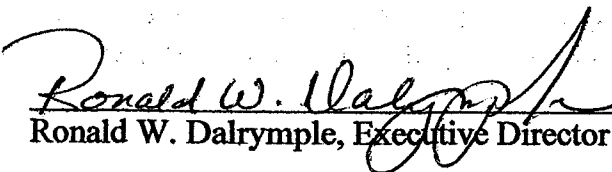
None at this time

17. ADJOURNMENT – Meeting adjourned at 12:20 PM.

ARIZONA STATE BOARD OF TECHNICAL REGISTRATION



Dr. Susan Schaefer Klifman, Chair



Ronald W. Dalrymple, Executive Director

MINUTES OF THE
ARIZONA BOARD OF TECHNICAL REGISTRATION

August 25, 2009

9:30 AM

OPEN SESSION

1. CALL TO ORDER - The meeting of the Board of Technical Registration was called to order at 9:35 AM by Chair Susan Schaefer Kliman.
2. ROLL CALL - Board Members in Attendance: Sheila Bowen, Karen Cesare, Dawn Garcia, Stuart Lane, Chet Pearson, and Susan Schaefer Kliman and Howell "Chip" Shay. Absent: Claudia Perchinelli and Robert Roos. Board Staff: Ronald Dalrymple, LaVern Douglas, Melissa Cornelius, Kathryn Fuller, Lisa Vardian, Manuel Maltos, and Cassie Goodwin. Assistant Attorney General: Mona Baskin.
3. CALL TO THE PUBLIC – No members of the public addressed the Board.
4. ADOPTION OF MINUTES – Ms. Garcia moved to approve the July 28, 2009 minutes with a minor correction. Mr. Lane seconded. Motion Carried.
5. ENFORCEMENT MATTERS
Review, Consideration and Possible Vote on the following:
 - A. Proposed Dismissals
 1. M08-120, Bryan D. Morris, Architect #32576 – Mr. Joe Wehunt and Mr. Bryan Morris addressed the Board. Mr. Shay moved to dismiss this case. Ms. Garcia seconded. After discussion, Motion Carried.
 - B. Proposed Letters of Concern
 1. M09-027, Gene C. Harris, Land Surveyor #22762 – Mr. Lane moved that this case be remanded back to Staff to negotiate a consent agreement encompassing a Letter of Reprimand, survey to be recorded, and costs of investigation. Mr. Shay seconded. After discussion, Motion Carried.
 - C. Proposed Consent Agreements
 1. M06-039, Melvin C. McQuarrie, P.E. (Civil) #27881– Ms. Bowen moved to accept Respondent's signed Consent Agreement encompassing the following: Administrative Penalty: Respondent shall pay an administrative penalty in the amount of \$1,000.00 and Cost of Investigation: Respondent shall pay cost of investigation in the amount of \$620.00. Mr. Pearson seconded. After discussion, Motion Carried. (Mr. Pearson was not in the room for the vote.)
 2. M08-040, Joe R. Gonzalez, P.E. (Civil) #31474 – Ms. Bowen moved to accept Respondent's signed Consent Agreement encompassing the following: Letter of Reprimand; Administrative Penalty: Respondent shall pay an administrative

penalty in the amount of \$1,000.00; and Cost of Investigation: Respondent shall pay cost of investigation in the amount of \$390.00. Mr. Pearson seconded. After discussion, Motion Carried.

3. M09-023, Annette D. King, Architect #22502 – Ms. Debra Luciano addressed the Board. Mr. Shay moved to accept Respondent's signed Consent Agreement encompassing the following: Administrative Penalty: Respondent shall pay an administrative penalty in the amount of \$500.00 and Cost of Investigation: Respondent shall pay cost of investigation in the amount of \$90.00. Ms. Garcia seconded. After discussion, Motion Carried.

Ms. Bowen moved to remand this matter back to Staff and requested an enforcement advisory committee meeting be held with regard to the allegation that Respondent may have failed to follow the client's instructions for the main entrance of the residence. Mr. Lane seconded. Motion Carried.

4. M09-101, Robert L. Bleyl, P.E. (Civil) #42544 – Ms. Garcia moved to accept Respondent's signed Consent Agreement encompassing the following: Administrative Penalty: Respondent shall pay an administrative penalty in the amount of \$500.00 and Cost of Investigation: Respondent shall pay cost of investigation in the amount of \$90.00. Mr. Lane seconded. After discussion, Motion Carried.

D. Proposed Peer Reviewers

1. M07-040 and M07-063, Donald C. Allen, Land Surveyor #39258 – Mr. Lane moved to approve Mr. Allen's peer review candidates (David L. Sutherland, L.S. #30365 and Dale A. Jones, L.S. #36913). Mr. Pearson seconded. After discussion, Motion Carried.

6. HOME INSPECTOR ENFORCEMENT MATTERS

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

1. HI10-004, Virendra T. Manaktala, Nonregistrant – Mr. Shay moved to accept Respondent's signed Consent Agreement encompassing the following: Assurance of Discontinuance: Respondent shall not practice, offer to practice, or by any implication hold himself out as qualified to practice as a home inspector or prepare home inspection reports, as defined by A.R.S. § 32-101(B)(19) and (20), unless and until he obtains certification from the Board which he cannot obtain for two (2) years from the effective date of this order and makes full payment of the ordered civil penalty; Civil Penalty: Respondent shall pay a civil penalty in the amount of \$12,000.00; and Cost of Investigation: Respondent shall pay cost of investigation in the amount of \$150.00. Mr. Lane seconded. After discussion, Motion Carried.

7. **Review, Consideration, and Possible Vote on the following:**

EVALUATION OF APPLICATIONS FOR EXAMINATION AND/OR
POSSIBLE GRANTING OF REGISTRATION OR CERTIFICATION

A. Registration

1. Adam P. Bronnenkant, P.E. (Civil) Applicant #082101 – Adam Bronnenkant addressed the Board. Mr. Pearson advised he knows the Applicant's attorney, Ms. Walker, but does not have a conflict of interest to participate in this item. Mr. Pearson moved to accept 36 month of education and put the application on hold for one (1) year from the date submitted to the Board to allow Mr. Bronnenkant to submit additional information. If no additional information is received, the file will be closed. Ms. Bowen seconded. After discussion, Motion Carried.

2. Todd Coons, P.E. (Mechanical) Applicant #090639 – Mr. Pearson moved to accept Mr. Coons's application and grant registration. Ms. Garcia seconded. After discussion, Motion Carried.

3. James Titus, Architect Application #080266 – Mr. Shay moved to accept Mr. Titus's application and grant the waiver of examination based on the Board's 10-year rule. Mr. Lane seconded. After discussion, Motion Failed.

Mr. Shay moved to allow applicant to either take and successfully pass the examination or withdraw his application. If he chooses not to withdraw, the Board will deny on the basis of lack of 10-year experience in his registering jurisdiction (Russia). Mr. Pearson seconded. After discussion, Motion Carried.

B. Renewal

1. Gene Fong, Architect #49618 – Gene Fong appeared telephonically and addressed the Board. Mr. Lane moved to grant Mr. Fong's renewal. Mr. Shay seconded. After discussion, Motion Carried.

C. Examination

1. Bryce Dallimore, Architect Application #090497 – Mr. Shay moved to deny Mr. Dallimore's application based only on lack of experience (he is short by 6-months) and to deny his request for a waiver of the Individual Development Program and ARE examination. Mr. Lane seconded. After discussion, Motion Carried.

2. Howard Engh, P.E. (Industrial) Application #090511 – Mr. Pearson moved to accept Mr. Engh's application, approve his supervisors, and allow him to take the examinations. Ms. Bowen seconded. Motion Carried.

3. Gregory Hess, Geology Application #090727 – Ms. Bowen notified the Board that she knows Mr. Hess but does not have a conflict of interest to participate in this item. Ms. Garcia moved to remand Mr. Hess's application back to Staff with a request for one more qualified reference. Mr. Lane seconded. After discussion, Motion Carried.

4. Richard Royer, P.E. (Industrial) Application #090728 – Mr. Pearson moved to accept Mr. Royer's application and approve him to take both examinations. Mr. Lane seconded. After discussion, Motion Carried.

5. Sean Sheridan, Architect Application #040832 – Mr. Shay moved to grant Mr. Sheridan's request to take the examination and extend his time for 26 months due to his military service. Mr. Pearson seconded. After discussion, Motion Carried.

8. **Review, Consideration, and Possible Vote on the following:**
EVALUATION COMMITTEE AND STAFF RECOMMENDATIONS AND POSSIBLE GRANTING OF REGISTRATION OR CERTIFICATION
1. Granting of professional or in-training registration
 2. Approval to sit for the professional or in-training examination
 3. Recommendation for denial of professional or in-training examination

Mr. Lane moved to accept the committee and staff recommendations listed in item 8. Ms. Bowen seconded. Motion Carried.

9. LAPSE LIST – Mr. Lane moved to lapse the registrants named on the Lapse List. Ms. Garcia seconded. Motion Carried.

10. **Review, Consideration, and Possible Vote on the following:**
1. Board Member Discussion regarding Ethical Questions – This matter was discussed but no action taken. Dr. Schaefer Kliman advised Firm issues are on the Agenda for the Legislation and Rules committee.

11. DIRECTOR'S REPORT – Mr. Dalrymple advised:

Rule Changes:

All rule making activity is still on hold for an undetermined period. The Board is currently working with the Governor's office to see whether any of its proposed rules qualify for exemption.

Budget:

As of August 24, 2009, there was still no signed Budget Bill. One legislator has stated there will probably be an additional 5% reduction in state employees when the budget is approved. The figure put forth was an additional 1,750 terminations.

The Governor's office is still predicting budget reductions up to 20% for this fiscal year. We have queried the Governor's office and the Legislative Budget Committee and have been told that there is nothing we need to do at this time.

Board Appointments

Mr. Dalrymple received the last of the loyalty oaths for the expired Board member position replacements on August 24, 2009. He will sign the oaths today, August 25, 2009, and the appointments will be deemed official at that time.

12. BOARD CHAIR'S REPORT – Dr. Schaefer Kliman thanked the out-bound Board members for their service and welcomed the in-coming Board members who attended the meeting.

13. STANDING COMMITTEE REPORT

1. Legislation and Rules Committee ("L&R") – The L&R Committee will be meeting after the October 27, 2009 Board meeting. Staff is researching issues raised at the July L&R meeting regarding Firm registration requirements and possible changes to definitions with respect to NCARB's changes.
2. Budget Committee – The Board has not received a budget from the Legislature as of yet. We have been told to continue using the budget issued last year until further notice. The Board finished Fiscal Year 2009 with approximately \$300,000 in reserve due to the budget restrictions imposed by the state. We are tracking on a monthly basis all expenses and revenue so we can determine if there is a dip in revenue that might require us to modify our expenditures.
3. Home Inspector Rules and Standards Committee ("HIRS") – Mr. Shay advised the HIRS last met August 19 2009. Four main topics discussed were: 1) A home inspector's level of care – it was agreed that as long as the contract detailed the scope of work the committee felt there was no authority to adjust the agreement to do more or less; 2) Non-Arizona inspectors doing HUD and FHA inspections. The HUD/FHA checklists are finding their way into the consumer's hands and they are not home inspection documents. The agencies are trying to work with the home inspectors to flag these checklists as not for home inspections; 3) The enforcement advisory committee ("EAC") training – the program appears to be changing to involve all EAC members with a breakaway session for the home inspector group; and 4) Substantive policy statement in process for shut-off valves for pools and spas.
4. Environmental Remediation Rules and Standards Committee ("ERRS") – Mr. Pearson advised the next ERRS Committee meeting is scheduled for September 15, 2009.

14. BOARD MEMBER REPORTS ON OUTSIDE ACTIVITIES

1. National Council of Examiners for Engineering and Surveying ("NCEES") – Nothing to report.
2. National Council of Architectural Registration Boards ("NCARB") – Nothing to report.
3. Council of Landscape Architectural Registration Boards ("CLARB") – Ms. Cesare advised the annual meeting is scheduled for September 10 through 12, 2009 in Seattle, Washington. Ms. Douglas, Ms. Cornelius, and she will be attending and a report will be given at the September 22nd Board meeting.
4. National Association of State Boards of Geology ("ASBOG") – Ms. Garcia advised the next meeting is scheduled for November 5 through 7, 2009, in Birmingham, Alabama and Erick Weiland will be attending.

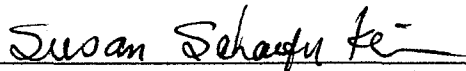
15. FUTURE BOARD MEETINGS – Tuesday, September 22, 2009, at 9:30 AM.

16. FUTURE AGENDA ITEMS

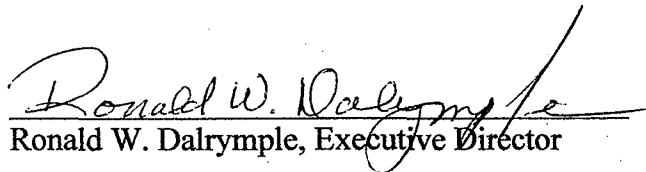
None at this time

17. ADJOURNMENT – Meeting adjourned at 12:18 PM.

ARIZONA STATE BOARD OF TECHNICAL REGISTRATION



Dr. Susan Schaefer Kliman, Chair



Ronald W. Dalrymple, Executive Director

MINUTES OF THE
ARIZONA BOARD OF TECHNICAL REGISTRATION

September 22, 2009

9:30 AM

OPEN SESSION

1. **CALL TO ORDER** - The meeting of the Board of Technical Registration was called to order at 9:34 AM by Chair Susan Schaefer Kliman.
2. **ROLL CALL** - Board Members in Attendance: Karen Cesare, Harold "Hal" Epperson, David Komm, Susan Schaefer Kliman, Howell "Chip" Shay, Erick Weiland, John Willett, and Laurie Woodall. Absent: Claudia Perchinelli. Board Staff: Ronald Dalrymple, Melissa Cornelius, Kathryn Fuller, Lisa Vardian, Manuel Maltos, and Cassie Goodwin. Assistant Attorney General: Mona Baskin.
3. **CALL TO THE PUBLIC** - No members of the public addressed the Board.
4. **ADOPTION OF MINUTES** - Mr. Shay moved to approve the August 25, 2009 minutes with a minor correction. Ms. Cesare seconded. Motion Carried.
5. **ENFORCEMENT MATTERS**
 - Review, Consideration and Possible Vote on the following:**
 - A. **Proposed Consent Agreements**
 1. M07-043, Scott T. Burden, Land Surveyor #13554 - Mr. Epperson moved accept Respondent's signed Consent Agreement encompassing the following: Amend Survey: Respondent shall amend survey and record it with the Maricopa County Recorder's Office and Cost of Investigation: Respondent shall pay cost of investigation in the amount of \$350.00. Mr. Komm seconded. After discussion, Motion Carried.
 - B. **Review and Consideration**
 1. M07-079, Rick A. Joy, Architect #13554 - Ms. Cecile Follansbee addressed the Board. Mr. Shay moved to refer this matter back to Staff to obtain a signed Consent Agreement within 30 days. If no Consent Agreement is obtained, the matter is to be referred to formal hearing before an Administrative Law Judge. Ms. Cesare seconded. After discussion, Motion Carried.
 - C. **Consideration of Possible Non-Compliance with Board Order And Consideration of Possible Non-Compliance with Consent Agreement and Order**
 1. Thomas H. Trimble, P.E. (Civil) #15620 & Land Surveyor #15343 M05-308, M05-326, M06-157, M06-175, M06-214, M06-274, M06-284, M06-285, M07-033, M07-035, M07-057, M07-075, and M07-109 - Ms. Cesare advised she had worked on a project many years ago with Mr. Trimble but has no

bias. Mr. Epperson moved to find Respondent in violation of the October 23, 2007 Board Order. He moved to refer this matter back to Staff to notify Respondent he shall provide letters of interest and current resumes from three (3) Arizona registered P.E. (Civil) engineers and three (3) Arizona registered land surveyors who have agreed to review and report on his engineering and land surveying project within 30 days. If Respondent fails to provide the requested information, the matter will be referred to formal hearing before an Administrative Law Judge for revocation. Ms. Cesare seconded. After discussion, Motion Carried.

2. M07-040 and M07-063, Donald C. Allen, Land Surveyor #39258 – Mr. Epperson moved to find Respondent in violation of the April 28, 2009 Board Order. He moved to refer this matter back to Staff to notify Respondent he shall negotiate a payment plan within 30 days and make the payments as agreed or the matter shall be referred to formal hearing before an Administrative Law Judge for revocation. Mr. Shay seconded. After discussion, Motion Carried.

6. HOME INSPECTOR ENFORCEMENT MATTERS

A. Review, Consideration, and Possible Vote on the following:

1. HI10-006, James S. Knittel, Nonregistrant – Mr. James S. Knittel addressed the Board. Mr. Shay moved to accept Respondent's signed Consent Agreement encompassing the following: Letter of Reprimand; Assurance of Discontinuance: Respondent shall practice, or by any implication hold himself out as qualified to practice as a home inspector or prepare home inspection reports as defined by A.R.S. §§ 32-101(B)(21) and (22); shall not advertise or display any card sign or other device that may indicate to the public that he is a certified home inspector, or is qualified to practice as such; and shall not assume the title of "Certified," "Professional," "Registered Professional," or Professional Registered" home inspector within the State of Arizona until he is granted registration by the Board as required by A.R.S. §32-121; Civil Penalty: Respondent shall pay a civil penalty in the amount of \$2,000.00; and Cost of Investigation: Respondent shall pay cost of investigation in the amount of \$98.00. Respondent's application for home inspector certification cannot be reviewed until he has made payment in full of the Civil Penalty and Cost of Investigation. Ms. Cesare seconded. After discussion, Motion Carried.

7. DRUG LABORATORY ENFORCEMENT MATTERS

A. Review, Consideration, and Possible Vote on the following:

1. DL08-005, Spray Systems Environmental, Inc., #11693 – Mr. Steve Beirl addressed the Board. Mr. Epperson moved to accept Respondent's signed Consent Agreement encompassing the following: Letter of Reprimand and Cost of Investigation: Respondent shall pay cost of investigation in the amount of \$292.00. Mr. Weiland seconded. After discussion, Motion Carried.

- 8. Review, Consideration, and Possible Vote on the following:**
EVALUATION OF APPLICATIONS FOR EXAMINATION AND/OR
POSSIBLE GRANTING OF REGISTRATION OR CERTIFICATION
- A. Registration
1. Jason Crownholm, P.E. (Civil) Application #090868 – Mr. Willett moved to grant Mr. Crownholm P.E. (Civil) registration. Mr. Epperson seconded. After discussion, Motion Carried.
 2. James Titus, Architect Application #080266 – Mr. Shay moved to accept Mr. Titus's application and grant the waiver of examination based on the Board's 10-year rule. Mr. Weiland seconded. After discussion, Motion Carried.
- B. Examination
1. Raef Hijazi, P.E. (Mechanical) Application #090962 – Mr. Komm moved to accept Mr. Hijazi's references and allow him to take the examination. Mr. Willett seconded. After discussion, Motion Carried.
- 9. Review, Consideration, and Possible Vote on the following:**
EVALUATION COMMITTEE AND STAFF RECOMMENDATIONS AND
POSSIBLE GRANTING OF REGISTRATION OR CERTIFICATION
1. Granting of professional or in-training registration – Mr. Shay moved to grant those applicants registration or in-training designation as listed. Mr. Weiland seconded. Motion Carried.
 2. Approval to sit for the professional or in-training examination – Mr. Shay moved to approve those applicants as listed to sit for the professional or in-training examinations. Mr. Komm seconded. Motion Carried.
 3. Recommendation for denial of professional or in-training examination – Mr. Shay moved to accept Staff's recommendation and administratively deny those professional or in-training applicants as listed. Mr. Willett seconded. Motion Carried.
- 10. LAPSE LIST** – Mr. Shay moved to lapse the registration of the home inspectors as listed. Mr. Komm seconded. Motion Carried.
- 11. Review, Consideration, and Possible Vote on the following:**
1. Board Member Discussion regarding whether to establish an application review panel – This matter was referred back to Staff for further evaluation.
 2. Board Member Discussion regarding whether to allow Architect-in-Training ("AIT") applicants to take all parts of the Examination – This matter was referred back to Staff to work with the Attorney General's office to accommodate AIT applicants to take all parts of the Examination.

12. DIRECTOR'S REPORT – Mr. Dalrymple advised:

Rule Changes:

All rule making activity is still on hold for an undetermined period. The Board is currently working with the Governor's office to see whether any of its proposed rules qualify for exemption.

Budget:

On September 21, 2009 there was still no signed final budget bill. However, the Board was told yesterday to prepare a projected 2010 budget reflecting a 15% decrease in our appropriation.

Board Appointments:

All appointments went through without any problems and this is the first meeting of the "new" Board.

13. BOARD CHAIR'S REPORT – Dr. Schaefer Kliman welcomes the new Board members.

14. STANDING COMMITTEE REPORT

1. Legislation and Rules Committee ("L&R") – Dr. Schaefer Kliman advised the L&R Committee will be meeting after the October 27, 2009 Board meeting.
2. Budget Committee – Mr. Dalrymple advised the Board will be submitting a 2010 budget reflecting 15% decrease in our appropriation.
3. Home Inspector Rules and Standards Committee ("HIRS") – Mr. Shay advised the next HIRS meeting is scheduled for October 7, 2009 and Ms. Woodall has been assigned to this committee.
4. Environmental Remediation Rules and Standards Committee ("ERRS") – Mr. Weiland advised the next meeting is scheduled for November 10, 2009.

15. BOARD MEMBER REPORTS ON OUTSIDE ACTIVITIES

1. National Council of Examiners for Engineering and Surveying ("NCEES") – Nothing to report.
2. National Council of Architectural Registration Boards ("NCARB") – Nothing New to report.
3. Council of Landscape Architectural Registration Boards ("CLARB") – Ms. Cesare advised she attended the annual meeting on September 10 through 12, 2009 in Seattle Washington as did Ms. Douglas and Ms. Cornelius. There has been an improvement in communication with new web site. Many Boards are worrying about budget issues, CLARB and ASLA are cooperating to prepare information on importance of licensure for LA's. Ms Douglas was honored with a standing ovation and a beautiful plaque for her 30 years of service

4. National Association of State Boards of Geology ("ASBOG") – Mr. Weiland advised he will be attending the November 5 through 7, 2009, meeting in Birmingham, Alabama.

16. FUTURE BOARD MEETINGS – Tuesday, October 27, 2009 at 9:30 AM.

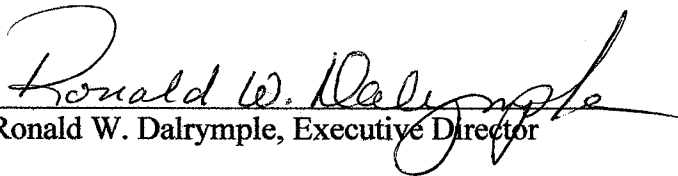
17. FUTURE AGENDA ITEMS
None at this time

18. ADJOURNMENT – Meeting adjourned at 11:54 AM.

ARIZONA STATE BOARD OF TECHNICAL REGISTRATION



Dr. Susan Schaefer Klman, Chair



Ronald W. Dalrymple, Executive Director

MINUTES OF THE
ARIZONA BOARD OF TECHNICAL REGISTRATION

October 27, 2009

9:30 AM

OPEN SESSION

1. **CALL TO ORDER** - The meeting of the Board of Technical Registration was called to order at 9:30 AM by Chair Susan Schaefer Kliman.
2. **ROLL CALL** - Board Members in Attendance: Karen Cesare, Harold "Hal" Epperson, David Komm, Susan Schaefer Kliman, Claudia Perchinelli, Howell "Chip" Shay, John Willett. Absent: Erick Weiland and Laurie Woodall. Board Staff: Ronald Dalrymple, Melissa Cornelius, LaVern Douglas, Kathryn Fuller, Manuel Maltos, and Cassie Goodwin. Assistant Attorney General: Mona Baskin.
3. **CALL TO THE PUBLIC** - No members of the public addressed the Board.
4. **ADOPTION OF MINUTES** - Mr. Shay moved to approve the September 22, 2009. Mr. Epperson seconded. Motion Carried.
5. **ENFORCEMENT MATTERS**
Review, Consideration and Possible Vote on the following:
 - A. **Proposed Consent Agreements**
 1. M08-047, Civil Design Group, PLC - Mr. Epperson moved to accept Respondent's signed Consent Agreement encompassing the following: Letter of Reprimand and Cost of Investigation: Respondent shall pay cost of investigation in the amount of \$285.00. Mr. Willett seconded. After discussion, Motion Carried.
 2. M09-058, GCH Limited - Mr. Shay moved to accept Respondent's signed Consent Agreement encompassing the following: Letter of Reprimand; Probation: Respondent shall be placed on probation until Respondent pays Systems Design Engineering \$8,400.00; and Cost of Investigation: Respondent shall pay cost of investigation in the amount of \$115.00. Mr. Komm seconded. After discussion, Motion Carried.
 - B. **Enforcement Advisory Committee ("EAC") Candidates**
 1. David Stan Dickey, Land Surveyor #32224 - Mr. Epperson moved to accept Mr. Dickey's application for appointment as an EAC member. Ms. Perchinelli seconded. Motion Carried.
 2. Todd E. Rakstad, Land Surveyor #42847 - Mr. Epperson moved to accept Mr. Rakstad's application for appointment as an EAC member. Mr. Komm seconded. Motion Carried.

6. HOME INSPECTOR ENFORCEMENT MATTERS

Review, Consideration, and Possible Vote on the following:

A. Home Inspector Rules and Standards Committee ("HIRS") Appointment

1. David Swartz, Certified Home Inspector #38046 – Mr. Shay moved to accept Mr. Swartz's application for re-appointment as an HIRS committee member. Mr. Epperson Seconded. Motion Carried.

B. Proposed Consent Agreement

1. HI09-018 Mitchell B. Holt, CHI #40509 – Mr. Shay moved to accept Respondent's signed Consent Agreement encompassing the following: Letter of Reprimand; Administrative Penalty: Respondent shall pay an administrative penalty in the amount of \$800.00; Probation: Respondent is placed on probation until he has paid restitution to Ron & Joyce Mills in the amount of \$315.00; Open Book Test: Respondent shall take and pass with a score of 100% an open book test of the Board's Statutes and Rules within 30 days; and Cost of Investigation: Respondent shall pay cost of investigation in the amount of \$146.00. Ms. Perchinelli seconded. After discussion, Motion Carried.

7. Review, Consideration, and Possible Vote on the following:

EVALUATION OF APPLICATIONS FOR EXAMINATION AND/OR POSSIBLE GRANTING OF REGISTRATION OR CERTIFICATION

A. Examination

1. Brian Predmore, Architect-in-Training Application #090215 – Mr. Shay moved to grant Mr. Predmore's request to take the Examination. Ms. Cesare seconded. After discussion, Motion Carried.

B. Registration

1. James S. Knittel, Certified Home Inspector Application #090991 – Mr. Knittel addressed the Board. Mr. Shay moved to accept Mr. Knittel's application and grant him certification. Ms. Cesare seconded. After discussion, Motion Carried.

2. Stephen A. White, Certified Home Inspector Application #091028 – Mr. White addressed the Board. Mr. Shay moved to accept Mr. White's application and grant him certification. Ms. Cesare seconded. After discussion, Motion Carried.

3. Kenneth M. Kaiser, Certified Home Inspector Application #091029 – Mr. Kaiser addressed the Board. Mr. Shay moved to accept Mr. Kaiser's application and grant him certification. Mr. Komm seconded. After discussion, Motion Carried.

4. Benjamin E. Schern, Certified Home Inspector Application #091073 – Mr. Schern addressed the Board. Mr. Epperson moved to accept Mr. Schern's application and grant him certification. Mr. Komm seconded. After discussion, Motion Carried.

5. J. Chris Pfahl, P.E. (Mining) Application #091085 – Mr. Komm moved to accept Mr. Pfahl's application and grant him registration. Ms. Epperson seconded. After discussion, Motion Carried.

8. Review, Consideration, and Possible Vote on the following:

EVALUATION COMMITTEE AND STAFF RECOMMENDATIONS AND POSSIBLE GRANTING OF REGISTRATION OR CERTIFICATION

1. Granting of professional or in-training registration – Mr. Shay moved to grant those applicants registration or in-training designation as listed. Ms. Perchinelli seconded. Motion Carried.

2. Approval to sit for the professional or in-training examination – Mr. Shay moved to approve those applicants as listed to sit for the professional or in-training examinations. Ms. Perchinelli seconded. Motion Carried.

3. Recommendation for denial of professional or in-training examination – Mr. Shay moved to accept Staff's recommendation and administratively deny those professional or in-training applicants as listed. Ms. Perchinelli seconded. Motion Carried.

9. LAPSE LIST – Mr. Shay moved to lapse the registration of the individuals as listed. Mr. Komm seconded. Motion Carried.

10. Review, Consideration, and Possible Vote on the following:

1. Election of Board Chair, Vice Chair, and Secretary

Mr. Epperson moved to elect Ms. Cesare as the Board Chair. Mr. Komm seconded. Motion carried.

Mr. Epperson moved to elect Mr. Shay as the Board Vice Chair. Mr. Komm seconded. Motion carried.

Mr. Epperson moved to elect Dr. Schaefer Kliman as the Board Secretary. Mr. Komm seconded. Motion carried.

11. DIRECTOR'S REPORT – Mr. Dalrymple advised:

Rule Changes:

All rule making activity is still on hold for an undetermined period. The Board is currently working with the Governor's office to see whether any of its proposed rules qualify for exemption.

Budget:

The Board provided the Governor's office with a 2010 budget reflecting the impact a 15% decrease in our appropriation would cause as requested.

The Governor's office asked for permanent cut evaluations to be made and we did that. Unfortunately, if the situation does require cuts of that magnitude, there will be no choice in FY2011, we will have to reduce staff. A fiscal year reduction in the last half of FY2010 followed by a 30% reduction in FY2011 would require an annual reduction of over \$500,000.00.

Personnel

Despite the hiring freeze, the Board was authorized to fill three recently vacated positions. One investigator position has already been filled by C. Vernon Lewis, a longtime EAC public member and an experienced investigator. Hiring lists for the other two positions have been requested.

12. BOARD CHAIR'S REPORT – Dr. Schaefer Kliman thanked the Board for allowing her to chair the meetings.

13. STANDING COMMITTEE REPORT

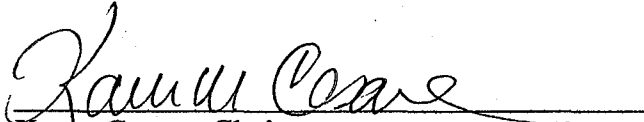
1. Legislation and Rules Committee (“L&R”) – Dr. Schaefer Kliman advised the L&R Committee will be meeting after this Board meeting ends and she will provide a report at the November 24, 2009 meeting.
2. Budget Committee – Mr. Dalrymple advised the Board submitted documents reflecting a 15% decrease in its FY2010 appropriation.
3. Home Inspector Rules and Standards Committee (“HIRS”) – Mr. Shay advised the HIRS committee is looking at a possible substantive policy statement regarding professional level of care and provisions outside the scope of services for pools and spas; There is concern that home inspectors are billing through escrow which may result in a conflict of interest; and some home inspectors may be violating the advertising rule by referring and/or conducting termite inspections. Further information will be forthcoming on these last two issues. The next HIRS meeting is scheduled for November 4, 2009.
4. Environmental Remediation Rules and Standards Committee (“ERRS”) – Nothing to report.

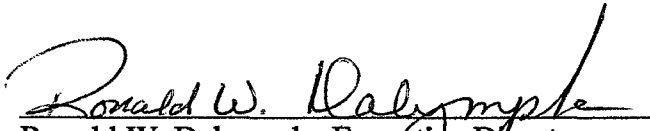
14. BOARD MEMBER REPORTS ON OUTSIDE ACTIVITIES

1. National Council of Examiners for Engineering and Surveying (“NCEES”) – Nothing to report.
2. National Council of Architectural Registration Boards (“NCARB”) – Dr. Schaefer Kliman advised she attended an Intern Development Program meeting in Seattle, Washington. Discussion included the issue of at what point does an applicant become eligible to test, which is similar to the issues our Board is dealing with; and NCARB's evaluation of an applicant's education by giving one credit for every one credit of education completed and indicating eligibility to test would be after the third year of education.

3. Council of Landscape Architectural Registration Boards ("CLARB") – Nothing to report.
4. National Association of State Boards of Geology ("ASBOG") – Nothing to report.
15. FUTURE BOARD MEETINGS – Tuesday, November 24, 2009 at 9:30 AM.
16. FUTURE AGENDA ITEMS
 1. Architect-in-Training Examinations
 2. System or Component Source/End Point Proposed Substantive Policy Statement
 3. Annual Firm Registration Proposed Substantive Policy Statement
17. ADJOURNMENT – Meeting adjourned at 10:32 AM.

ARIZONA STATE BOARD OF TECHNICAL REGISTRATION


Karen Cesare, Chair


Ronald W. Dalrymple, Executive Director

MINUTES OF THE
ARIZONA BOARD OF TECHNICAL REGISTRATION

November 24, 2009

9:30 AM

OPEN SESSION

1. CALL TO ORDER - The meeting of the Board of Technical Registration was called to order at 9:30 AM by Chair Karen Cesare.
2. ROLL CALL - Board Members in Attendance: Karen Cesare, Harold "Hal" Epperson, David Komm, Susan Schaefer Kliman, Claudia Perchinelli, Howell "Chip" Shay, Erick Weiland, John Willett and Laurie Woodall. Board Staff: Ronald Dalrymple, Melissa Cornelius, LaVern Douglas, Kathryn Fuller, Lisa Vardian, and Cassie Goodwin. Assistant Attorney General: Mona Baskin.
3. CALL TO THE PUBLIC – No members of the public addressed the Board.
4. ADOPTION OF MINUTES – Dr. Schaefer Kliman moved to approve the October 27, 2009. Mr. Epperson seconded. Motion Carried.
5. ENFORCEMENT MATTERS
Review, Consideration and Possible Vote on the following:
 - A. Proposed Letters of Concern
 1. M08-127 Gregory B. Junkar, Land Surveyor #39130 – Mr. Epperson recused himself due to a Conflict of Interest. Dr. Schaefer Kliman moved to accept Staff recommendation and issue Mr. Junkar a Letter of Concern. Mr. Komm seconded. After discussion, Motion Carried.
 2. M09-023 Annette King, Architect #22502 – Mr. Daniel Luciano addressed the Board. Mr. Shay moved to accept Staff recommendation and issue Ms. King a Letter of Concern. Dr. Schaefer Kliman seconded. After discussion, Motion Carried.
6. HOME INSPECTOR ENFORCEMENT MATTERS
Review, Consideration, and Possible Vote on the following:

There were no Home Inspector Enforcement Matters before the Board.
7. DRUG LABORATORY ENFORCEMENT MATTERS
Review and Consideration
 - A. Update
 1. DL08-009, Efrain and Maria Contreras, Nonregistrants – Ms. Vardian advised the Board this case is being forwarded to the Office of the Attorney General for collection.

8. Review, Consideration, and Possible Vote on the following:

EVALUATION OF APPLICATIONS FOR EXAMINATION AND/OR POSSIBLE GRANTING OF REGISTRATION OR CERTIFICATION

A. EXAMINATION

1. Jared Brown, Engineer-in-Training Applicant # 090174 – This matter was tabled.

2. Frederick Aidoo, Architect Applicant # 050789 – Dr. Schaefer Kliman moved to grant Mr. Aidoo's request to have his application testing placed on hold until he returns from his deployment and his active duty with the U.S. Army is complete. Mr. Shay seconded. After discussion, Motion Carried.

B. REGISTRATION

1. Ysidro R. Barron, Architect Applicant #091104 – Dr. Schaefer Kliman moved to accept Mr. Barron's application and grant him registration. Ms. Woodall seconded. After discussion, Motion Carried.

9. Review, Consideration, and Possible Vote on the following:

EVALUATION COMMITTEE AND STAFF RECOMMENDATIONS AND POSSIBLE GRANTING OF REGISTRATION OR CERTIFICATION

1. Granting of professional or in-training registration – Dr. Schaefer Kliman moved to grant those applicants registration or in-training designation as listed. Mr. Epperson seconded. Motion Carried.

2. Approval to sit for the professional or in-training examination – Dr. Schaefer Kliman moved to approve those applicants to sit for the professional or in-training examination as listed. Mr. Epperson seconded. Motion Carried.

3. Recommendation for denial of professional or in-training examination – Dr. Schaefer Kliman moved to deny those professional or in-training examinations as listed. Mr. Epperson seconded. Motion Carried.

10. Review, Consideration, and Possible Vote on the following:

1. Possible Administrative Penalty for Failure to Notify of New Address per A.A.C R4-30-301 – Mr. Komm moved to direct Staff to issue an administrative penalty to registrants who become delinquent for not notifying the Board of a new address within 30 days of moving. Ms. Perchinelli seconded. After discussion, Motion Carried. Mr. Shay voted nay.

2. Whether a Nonregistrant may draft site depictions for cities to obtain certificates of occupancy without violating state statutes and rules – Brett Davis, Executive Director, Wayne Swan, Jr., Architect, Joseph Maher, Jr., Architect, and Rick Bright, Architect with the Southern Arizona AIA attended this portion of the meeting via teleconference. Dr. Schaefer Kliman moved to have Staff prepare and send an informational letter to Ernie Duarte, Director of the City of Tucson Development Services Department, advising of concerns that the Policy is not consistent with the requirements of current Arizona statutes and the rules of the Board. Mr. Epperson seconded. After discussion, Motion Carried.

3. Possible new Substantive Policy Statement No. 11:

System or Component Source/End Point Substantive Policy Statement – Mr. Shay moved to accept the language as submitted and institute Substantive Policy Statement No. 11. Dr. Schaefer Kliman seconded. After discussion, Motion Carried. Mr. Komm voted Nay.

4. Possible new Substantive Policy Statement No. 12:

Firm Registration – Ms. Woodall recused herself for a Conflict of Interest. No action was taken on this item.

5. Discussion and update regarding the November 17, 2009 AIA Meeting and Possible Legislative Changes – No action was taken on this item.

11. LAPSED LIST – Dr. Schaefer Kliman moved to lapse the registration of the individuals as listed. Mr. Epperson seconded. Motion Carried.

12. DIRECTOR'S REPORT – Mr. Dalrymple advised:

Budget

The Board provided the Governor's office with the budget cut impact documents requested. Each Board member received a copy of the documents.

The Governor's office asked for permanent cut evaluations to be made and we did that. Unfortunately, if the situation does require cuts of that magnitude, there will be no choice in FY2011, we will have to reduce staff. A fiscal year reduction in the last half of FY2010 followed by a 30% reduction in FY2011 would require an annual reduction of over \$500,000.00.

Nothing has come from the Governor or the Legislature requiring this agency to make any additional budget cuts as of November 24, 2009.

Personnel

Despite the hiring freeze, the Board was authorized to fill three recently vacated positions. One investigator position has already been filled by C. Vernon Lewis, a longtime EAC public member and an experienced investigator.

A hiring list was received for the Customer Service Representative position and interviews have been conducted. Pamela Sallay-McHose was offered the position and she has accepted the position. Pamela has over 25 years of experience working in management and customer service positions. She was a manager for Target stores for approximately 12 years. She will start on Monday, November 30, 2009.

A hiring list of the other investigator position has been received and we are processing applications.

Mr. Lewis and Ms. McHose were in attendance and introduced to the Board.

13. BOARD CHAIR'S REPORT – Ms. Cesare advised of the Board's long standing tradition of a holiday luncheon provide by Board members to Board Staff after the December Board Meeting and advised the Board members will continue to uphold this tradition after next month's meeting.

14. STANDING COMMITTEE REPORT

1. Legislation and Rules Committee ("L&R") – Dr. Schaefer Kliman advised the L&R Committee met after the October 27, 2009 Board meeting. The Committee will continue to monitor changes taking place with Building Information Modeling and place this item back on the L&R agenda when new information requires further discussion/action.

The Committee decided no action was necessary regarding firm registration and firm principals. The Board needs to have the ability to determine these issues on a case-by-case basis. This item has been removed from future agendas.

Language currently being used in consent agreements for peer review may not reflect current practices so the Committee has asked Staff and legal to review and fine tune the peer review process for future consent agreements using this disciplinary action.

The Board has acted on the final L&R agenda item by voting on the new Substantive Policy Statement No. 11 – System or Component Source/End Point Substantive Policy Statement.

The next meeting is scheduled to begin after the Board's January 26, 2010 meeting.

2. Budget Committee – Mr. Dalrymple advised the Board's renewals are lagging a bit and he will provide a 5-month report at the December meeting.
3. Home Inspector Rules and Standards Committee ("HIRS") – Mr. Shay advised:

The HIRS committee is looking to fine tune the language of the current Standards for clarification.

Ms. Woodall is working on language for the Supplemental Checklist.

The HIRS committee is working with the Department of Real Estate and Pest Control regarding the termite inspection concerns; and

The American Society of Home Inspectors has been working with the Arizona branch to develop National Model legislation as a standard for pools and spas as well as similar outside structures to be made a part of a standard inspection.

4. Environmental Remediation Rules and Standards Committee ("ERRS") – Mr. Weiland advised there is nothing to report but that the Committee will be meeting December 1, 2009 so he will make a report at the December meeting.

15. BOARD MEMBER REPORTS ON OUTSIDE ACTIVITIES

1. National Council of Examiners for Engineering and Surveying ("NCEES") – Nothing to report.
2. National Council of Architectural Registration Boards ("NCARB") – Dr. Schaefer Kliman advised she will be attending a meeting in Charleston, South Carolina for Intern Development Program to look at eligibility dates and processing applications.
3. Council of Landscape Architectural Registration Boards ("CLARB") – Nothing to report.
4. National Association of State Boards of Geology ("ASBOG") – Mr. Weiland advised he attended the Annual ASBOG meeting November 5-8, 2009 held in Birmingham, Alabama. Items of discussion included an over view of the test development process and discussions of specific information on development of two test templates for the Fundamentals and Practice Examination.

The Treasurer's report indicated the individuals taking exams has dropped off considerably from the high which occurred in 2007. ASBOG is now faced with a potential short-fall in revenues for 2010 and 2011. The executive director recommended that the yearly dues for member States be increased. The fee has not been increased since it was lowered in the mid-90s. It has been recommended and the voting members adopted the raising of the yearly fees from the current \$2,950 per year to \$4,500 per year starting in 2012.

The delegates discussed, motioned, and passed an increase for the PG exam to take effect in 2011. The new fee will be \$250.00. Delegates were asked to discuss with their individual Boards the advantages/disadvantages of raising the FG exam fees which will be reviewed at the next annual meeting scheduled to be held in St. Louis, Missouri in 2010.

16. FUTURE BOARD MEETINGS – Tuesday, December 15, 2009 at 9:30 AM.

17. FUTURE AGENDA ITEMS

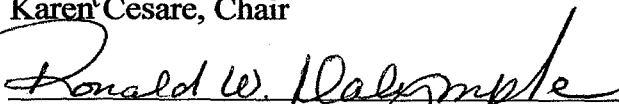
1. Possible Increase to the Fundamentals in Geology Examination Fee
2. Architect Registration Examinations – Which Sections Will Be Open

18. ADJOURNMENT – Meeting adjourned at 11:43 AM.

ARIZONA STATE BOARD OF TECHNICAL REGISTRATION



Karen Cesare, Chair



Ronald W. Dalrymple, Executive Director

MINUTES OF THE
ARIZONA BOARD OF TECHNICAL REGISTRATION

December 15, 2009

9:30 AM

OPEN SESSION

1. **CALL TO ORDER** - The meeting of the Board of Technical Registration was called to order at 9:31 AM by Acting Chair Howell "Chip" Shay.
2. **ROLL CALL** - Board Members in Attendance: Karen Cesare (arrived late), Harold "Hal" Epperson, David Komm, Susan Schaefer Kliman, Erick Weiland, John Willett and Laurie Woodall. Absent: Claudia Perchinelli. Board Staff: Ronald Dalrymple, Melissa Cornelius, LaVern Douglas, Kathryn Fuller, Lisa Vardian, Manuel Maltos, and Cassie Goodwin. Assistant Attorney General: Mona Baskin.
3. **CALL TO THE PUBLIC** - No members of the public addressed the Board.
4. **ADOPTION OF MINUTES** - Ms. Woodall moved to approve the November 24, 2009. Dr. Schaefer Kliman seconded with a minor correction. Motion Carried.
5. **ENFORCEMENT MATTERS**
 - Review, Consideration and Possible Vote on the following:**
 - A. **Proposed Letter of Concern**
 1. M09-076 Kirk J. Pangus, Surveyor #19344 - Mr. Epperson moved to dismiss the case. Mr. Komm seconded. After discussion, Motion Carried.
 - B. **Review Discussion and Consideration**
 - 1a. M08-029, Architectural Design by DeLorme & Associates
 - 1b. M08-094, Architectural Design by DeLorme & Associates
 - 1c. M08-099, Architectural Design by DeLorme & Associates
 - 1d. M09-047, Architectural Design by DeLorme & Associates
 - 1e. M09-050, Architectural Design by DeLorme & Associates
 - 1f. M10-002, Architectural Design by DeLorme & Associates

The cases in B1a through B1f are discussed and voted on as one item due to having the same respondent and issues. Mr. Nicholas Sachleben, Architect #14373, addressed the Board.

Dr. Schaefer Kliman moved to dismiss these cases against Mr. Sachleben. Mr. Epperson seconded. After discussion, Motion Carried. (Karen Cesare did not vote on this matter.)

Dr. Schaefer Kliman moved to send these cases to formal hearing against the firm, Architectural Design by Delorme and Associates, LLC. Mr. Komm seconded. After discussion, Motion Carried.

C. Enforcement Advisory Committee Candidates

1. Scott M. Scharff, P.E. (Civil) #38803 – Mr. Shay moved to accept Mr. Scharff's application and appoint him as an Enforcement Advisory Committee member. Dr. Schaefer Kliman seconded. Motion Carried.

2. Ramon Padilla, P.E. (Civil) #43838 – Mr. Shay moved to accept Mr. Padilla's application and appoint him as an Enforcement Advisory Committee member. Dr. Schaefer Kliman seconded. Motion Carried.

3. Kristine A. Uhlman, Geologist #38945 – Mr. Weiland moved to accept Ms. Uhlman's application and appoint her as an Enforcement Advisory Committee member. Mr. Epperson seconded. Motion Carried.

6. HOME INSPECTOR ENFORCEMENT MATTERS

Review, Consideration, and Possible Vote on the following:

There were no Home Inspector Enforcement Matters before the Board.

7. DRUG LABORATORY ENFORCEMENT MATTERS

Review, Consideration and Possible Vote on the following:

A. Environmental Remediation Rules and Standards ("ERRS") Committee Board member appointment

1. Mr. Erick Weiland, Geologist #19092, was appointed to the ERRS Committee in September 2009, replacing a former Board member's appointment ending in January 2010. Dr. Schaefer Kliman moved to reappoint Mr. Weiland to the ERRS Committee. Mr. Shay seconded. Motion Carried.

8. Review, Consideration, and Possible Vote on the following:

EVALUATION OF APPLICATIONS FOR EXAMINATION AND/OR POSSIBLE GRANTING OF REGISTRATION OR CERTIFICATION

A. EXAMINATION

There are no Examination issues for the Board.

B. REGISTRATION

1. Adam Bronnenkant, P.E. (Civil) Applicant #082101 – Mr. Bronnenkant addressed the Board. Ms. Woodall moved to grant Mr. Bronnenkant registration as a P.E. (Civil). Mr. Epperson seconded. After discussion, Motion Carried.

2. Carlos A. Muñoz, P.E. (Electrical) Applicant #090850 – Mr. Komm moved to grant Mr. Muñoz registration as a P.E. (Electrical). Mr. Epperson seconded. After discussion, Motion Carried.

3. Christian B. Childs, Architect Applicant #091280 – Dr. Schaefer Kliman moved to grant Mr. Childs Architect registration. Mr. Shay seconded. After discussion, Motion Carried.

**9. Review, Consideration, and Possible Vote on the following:
EVALUATION COMMITTEE AND STAFF RECOMMENDATIONS AND
POSSIBLE GRANTING OF REGISTRATION OR CERTIFICATION**

1. Granting of professional or in-training registration
2. Approval to sit for the professional or in-training examination
3. Recommendation for denial of professional or in-training examination

Mr. Epperson moved to accept the committee and staff recommendations listed in items 9.1, 9.2, and 9.3. Dr. Schaefer Kliman seconded. Motion Carried.

10. Review, Consideration, and Possible Vote on the following:

1. Possible Increase to the Fundamentals in Geology Examination Fee

Mr. Weiland advised ASBOG is facing a shortfall in revenue for fiscal years 2011 and 2012. The fee has not been increased since it was lowered in the mid-1990s. The voting members adopted the raising of the yearly fees from the current \$2,950 per year back to \$4,500 per year starting in 2012.

As a delegate, Mr. Weiland was asked to discuss the advantages/disadvantages of raising the Fundamentals of Geology ("FG") exam fees with the Board and report back to ASBOG at the next meeting. There is a concern that since some schools use this exam as the exit exam, increasing by \$50.00 may place an unfair burden on the school and/or students by increasing registration fees.

Mr. Dalrymple stated that every one of the national councils has raised their annual fees up to approximately \$4,000 to 5,000.00. This is going to cause problems for state agencies as legislatures, especially in today's climate, are going to be looking at these increases, and asking "Why?" These councils need to organize themselves so that the people who truly benefit from the examinations bear the costs, not the state agencies that regulate them. It's not the agency's job to support the professions. The agency exists to regulate the professions. If the Board has to go before the legislature and discuss the cost of these fees, it could become a problem. The legislature could tell the Board to drop out of the national councils. The councils need to take a look at their finances and determine what they can do to cut their expenses. The Board needs to acknowledge this could become a problem.

Dr. Schaefer Kliman indicated members of NCARB pays annual dues which help to offset the expenses of operating the council. Mr. Weiland stated ASBOG does not charge members annual dues.

Ms. Woodall asked Mr. Dalrymple what the possible consequences would be to the Board if it were not a member of ASBOG or other professional councils. Mr. Dalrymple advised that the Board probably would not be allowed access to the examinations. However, in most cases, applicants can go to any state in the country and take the examination which the Board can then determine if they met the qualifications for licensure in Arizona.

Mr. Weiland moved that Mr. Dalrymple draft a letter to be sent to ASBOG explaining the concerns of raising the fees to the states; that the Boards are here to regulate not support the professions and further that the Board supports raising of examination fees so the burden is appropriately born and in order for Arizona to maintain a viable ASBOG presence. Additionally, the letter should express the Board's suggestion to ASBOG to implement a membership fee. Dr. Schaefer Kliman seconded. Motion Carried.

2. Architect Registration Examination – Which Sections Will Be Open

Mr. Dalrymple advised the Architect-in-Training ("AIT") designation is an Arizona designation only, not one that is recognized by other states. It does not indicate exactly what portions of the examination are for AIT or professional designation nor does it indicate what portions of the examination have been passed. It allows the Board to determine what portion of the examination would be open to AIT applicants after the 60 months of education and/or experience requirement has been met and for the Board to be flexible. It is up to the Board to determine whether the AIT exam is recognized in Arizona any longer. It's not recognized by National Council of Architectural Registration Boards ("NCARB") or in other states. NCARB has adopted a policy that if an applicant has a Nationally Accredited Degree ("NAD") with five-years of education, and has enrolled in Intern Development Program ("IDP") with a NAD you can begin to take the entire examination after 5 years. If the Board drops the AIT examination criteria and allows our Board to evaluate people based on five years of education and/or experience, and we allow them to apply through NCARB to sit for the examination and the IDP program, he understands NCARB will allow them to start taking the examination with no restrictions on what parts they take. This would put the Board closer to being in step with the rest of the country.

Dr. Schaefer Kliman advised the Board that Arizona is the only state that has AIT. It is very confusing to the applicants, who have to apply for the AIT and only certain sections are open, and then having to come back to the Board and apply for the professional parts of the exam. They are getting some information from NCARB and some from Arizona which causes her to receive floods of email with more questions. The exam, when started, had very distinct sections where you could delineate the exam into what was learned in school and what requires experience. With the latest reiteration of the exam that took place this year, the parts have been much more integrated it's become a lot more difficult to separate out these sections. Everyone else in the country is able to take these sections at 60-months or education and/or experience.

Dr. Schaefer Kliman moved to eliminate the Architect-in-Training ("AIT") category and allow applicants to take all sections of the Architect Registration Exam ("ARE") after 60 months of education and/or experience acceptable to the Board. Mr. Shay seconded for purposes of discussion.

Ms. Woodall expressed concerns with the motion that the Board would be eliminating R4-30-212.

Dr. Schaefer Kliman stated since Arizona does not require a degree, non-degreed applicants have been applying for the exam and then re-applying after completing three sections to be approved to take the remaining sections. This causes frustration on their part and additional fees since they have paid for both in-training and professional applications. If an applicant has an ABET degree, they go directly to NCARB and start the IDP process. They don't even talk to Arizona until they pass the exam and then submit the record for their professional license. For those applicants from the AIT category the Board has to review their application to evaluate their work experience to determine what categories their work experience can be applied to the 60-months and then what sections of the examination would be open for them to take.

Ms. Baskin sought clarification from Dr. Schaefer Kliman on the intent of her motion, if she is trying to eliminate R4-30-212 or to correct the limitations that the Board imposed of when an applicant may take a test in the past to comport with what was being done nationally to the current national practices.

Dr. Schaefer Kliman clarified her intent of the motion is to eventually eliminate the AIT category of the examination, the split between AIT and professional exam, by deeming the entire examination, all seven sections, the AIT.

Ms. Woodall requested clarification of where the designation of AIT and professional examination information was located in the Board's rules.

Dr. Schaefer Kliman explained there is no designation in the Board's rules which portion of the ARE is specific to AITs or professionals. The Board has always held that after the 60-months of education and/or experience, an individual was allowed to take AIT and after 72-months the applicant was eligible to take the professional examination. There is nothing anywhere in the Board's statutes and/or rules which define what sections apply to AITs or professionals other than internal [policy] applied by the Board.

Dr. Schaefer Kliman retracted her prior motion.

Mr. Shay moved to direct staff to allow all applicants to take the ARE, all seven sections, and designate the ARE as the AIT. Dr. Schaefer Kliman seconded. Motion Carried. (Ms. Woodall abstained from voting.)

11. LAPSED LIST – Dr. Schaefer Kliman moved to lapse the registration of the individuals as listed. Mr. Willett seconded. Motion Carried.

12. DIRECTOR'S REPORT – Mr. Dalrymple advised:

Budget

Mr. Dalrymple provided a brief summary of the Board's current financial status, comparing FY10 to FYs 08 and 09. The Board is currently in good shape and, if the rest of the year holds up as projected, the Board will finish with approximately \$914,000 in the fund.

While this sounds like a lot, Mr. Dalrymple advised that the Board has already been told by the Department of Administration ("DOA") that it needs to get off of the AS/400 System. Just this past month DOA advised that the Board is the only agency currently using the System and, therefore, will be charged for 100% of the maintenance and upkeep and any programming charges, at a cost of \$4,000 per month. We have already been working with the Government Technology Information Agency ("GITA") to try to develop our own program but this keeps running into problems. We now have the DOA working on an alternative and they indicate it's just about ready. There are now two vendors competing for our business.

The main issue is we need to protect the \$914,000 until we can get the money committed to getting off the AS/400. We are working with DOA and GITA to get a Project Investment Justification ("PIJ") written to, hopefully, obtain authorization from the legislature to use the extra funds in our appropriation to purchase a new system and keep the money in the Board's fund so the purchase doesn't cut into our actual operations.

13. BOARD CHAIR'S REPORT – Nothing new to report.

14. STANDING COMMITTEE REPORT

1. Legislation and Rules Committee ("L&R") – Dr. Schaefer Kliman advised the L&R Committee will meet after the January 26, 2010 so she will report at the February 23, 2010 meeting.
2. Budget Committee – Nothing additional to what has been reported in the Director's Report.
3. Home Inspector Rules and Standards Committee ("HIRS") – Mr. Shay advised the HIRS committee will meet next in February 2010 and he will provide a report after that meeting.
4. Environmental Remediation Rules and Standards Committee ("ERRS") – Mr. Weiland advised the ERRS Committee met December 1, 2009. There was discussion on review of proposed meth lab annual refresher guide and testing, review of EPA voluntary guidelines for methamphetamine laboratory cleanup and meth lab cleanup limited liability corporation questions. These issues are still under consideration and further information may be forthcoming after the next scheduled meeting on January 26, 2010 so a report will be provided at the February 23, 2010 Board meeting.

15. BOARD MEMBER REPORTS ON OUTSIDE ACTIVITIES

1. National Council of Examiners for Engineering and Surveying ("NCEES") – Nothing to report.
2. National Council of Architectural Registration Boards ("NCARB") – Nothing to report.

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

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

16. FUTURE BOARD MEETINGS – Tuesday, January 26, 2010 at 9:30 AM.

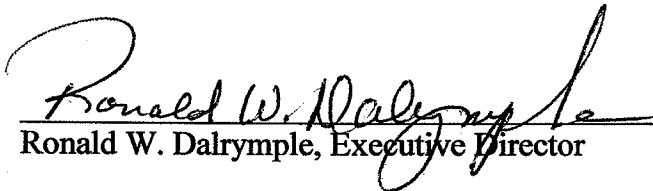
17. FUTURE AGENDA ITEMS – Nothing at this time.

18. ADJOURNMENT – Meeting adjourned at 11:22 AM.

ARIZONA STATE BOARD OF TECHNICAL REGISTRATION



Karen M. Cesare, Chair



Ronald W. Dalrymple, Executive Director