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

<p>In the Matter of:</p> <p>Jeffrey Lematta Home Inspector Certification # 43208</p> <p>Lematta Home Inspections Firm Registration # 15326</p> <p style="text-align: center;">Respondents</p>	<p style="text-align: center;">Case No. HI19-002</p> <p style="text-align: center;">CONSENT AGREEMENT and ORDER OF DISCIPLINE</p>
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In the interest of a prompt and judicious resolution of the above-captioned matter before the Arizona State Board of Technical Registration (“Board”) and consistent with the public interest, statutory requirements, and the responsibilities of the Board, and pursuant to A.R.S. § 32-101 et seq., and A.A.C. R4-30-120(G), the undersigned party, Jeffrey Lematta, (“Respondent”), holder of Certification number 43208, and Lematta Home Inspections, firm Registration Number 15326, (“Respondent Firm”), and the Board enter into the following Recitals, Findings of Fact, Conclusions of Law and Order (“Consent Agreement”) as a final disposition of this matter.

RECITALS

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

2. Respondent understands that he has a right to a public administrative hearing concerning this case. He further acknowledges that at such formal hearing he could present evidence and cross-examine witnesses. By entering into this Consent Agreement, Respondent knowingly, voluntarily, and irrevocably waives his right to such an administrative hearing, as well as rights of rehearing, review, reconsideration, appeal, judicial review or any other administrative

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

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

3 4. Respondent understands that this Consent Agreement or any part of the agreement
4 may be considered in any future disciplinary action by the Board against him.

5 5. The Consent Agreement, any record prepared in this matter, all investigative
6 materials prepared or received by the Board and all related exhibits and materials, are public
7 records (as defined in A.R.S. § 41-158.18) upon acceptance by the Board of this Consent
8 Agreement and may be retained in the Board's files pertaining to this matter.

9 6. Respondent understands this Consent Agreement deals with Board case number
10 HI19-002 involving allegations that Respondent engaged in conduct that would subject him to
11 discipline under the Board's statutes and rules. The investigation into these allegations against
12 Respondent shall be concluded upon the Board's adoption of this Consent Agreement.

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

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

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

25 10. This Consent Agreement is subject to the approval of the Board and is effective
26 only when accepted by the Board and signed on behalf of the Board. If the Board does not accept
27 this Consent Agreement, the Board retains its authority to hold a formal administrative hearing
28 pursuant to A.R.S. § 32-128(E). In the event that the Board does not approve this Consent

1 Agreement, it is withdrawn and shall be of no evidentiary value and shall not be relied upon nor
2 introduced in any action by any party, except that the parties agree that should the Board reject
3 this Consent Agreement and this case proceeds to hearing, Respondent shall assert no claim that
4 the Board was prejudiced by its review and discussion of this document or any records relating
5 thereto.

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

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

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

13 **FINDINGS OF FACT**

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

16 2. Respondent is the holder of Arizona Certified Home Inspector Number 43208.

17 3. Respondents Firm is the holder of Firm Registration Number 15326.

18 4. Between September 30, 2017 and July 9, 2018 Respondent Certification as a Home
19 Inspector was delinquent.

20 5. Between October 1, 2017 and July 9, 2018, Respondents Firm registration was
21 expired.

22 6. On July 1, 2018 Respondent conducted a home inspection at 10106 W. Riverside
23 Ave. in Tolleson, Arizona while his certification was in a delinquent status and while Respondent
24 Firm registration was expired.

25 7. On July 5, 2018, the Board received a complaint alleging that the Respondent had
26 conducted an inspection without being currently registered.

27 8. Respondent admits to conducting the July 1, 2018, Home Inspection while his
28 status was delinquent and conducting 259 Home Inspections during the time his license was not

1 valid.

2 **CONCLUSIONS OF LAW**

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

4 2. The conduct alleged in the Findings of Fact constitutes grounds for discipline
5 pursuant to A.R.S. § 32-127(D), § 32-144(E), and A.R.S § 32-145(1) in that Respondent engaged
6 in the practice of a Board regulated profession on July 1, 2018 while his registration was expired
7 and in a delinquent status and practiced or offered to practice a Board regulated profession
8 without Board registration in possible violation of A.R.S. 32-141.

9 3.) The conduct alleged in the Finding of Facts constitutes grounds for discipline
10 pursuant to A.R.S. § 32-121, and A.R.S § 32-141(A), in that Respondent Firm conducted a home
11 inspection on July 1, 2018, without firm Registration with the Board.

12 **ORDER**

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

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

17 2. ADMINISTRATIVE PENALTY. Within Ninety (90) days from the effective
18 date of this Consent Agreement, Respondent shall pay an administrative penalty of Five Hundred
19 (\$500.00) to be submitted to the Board by cashier's check or money order made payable to the
20 Arizona State Board of Technical Registration, according to the provisions of A.R.S. §
21 32-106.02(A).

22 3. COST OF INVESTIGATION. Within ~~thirty~~^{Sixty} (60) days from the effective date of
23 this Consent Agreement, Respondent shall pay the cost of investigation of this case to the Board
24 in the amount of One Hundred Fifty-Four Dollars (\$154.00) by certified check or money order
25 made payable to the State of Arizona Board of Technical Registration, according to the provisions
26 of A.R.S. § 32-128(H).

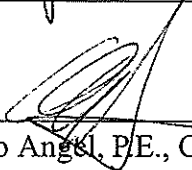
27 4. EFFECTIVE DATE. The effective date of this Consent Agreement is the date the
28 Respondent and Board sign the Consent Agreement. If the dates are different, the effective date is

1 the later of the two dates.

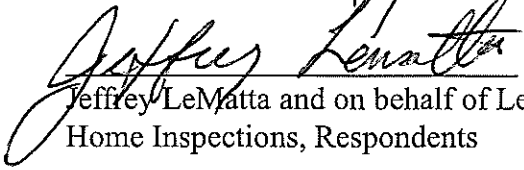
2 5. COSTS OF COMPLIANCE. Respondent shall pay all costs associated with
3 complying with this Consent Agreement.

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

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9
10 ACCEPTED and ORDERED this 25 day of September, 2018.

11
12 
13 _____
14 Alejandro Angel, P.E., Chairman
15 Arizona State Board of
16 Technical Registration

17 Consent Agreement and Order, No. HI19-002 accepted this 16 day of AUGUST, 2018.

18 
19 _____
20 Jeffrey LeMatta and on behalf of Lematta
21 Home Inspections, Respondents

22 ORIGINAL filed this 26th day of


23 SEPTEMBER, 2018, with:

24 Arizona State Board of Technical Registration
25 1110 W. Washington, Suite 240
26 Phoenix, AZ 85007
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COPY of the foregoing mailed via Certified Mail
No. 9214 8901 9434 4600432 27 and
First Class mail this 26th day of SEPTEMBER, 2018, to:

Jeffrey Lematta
LeMatta Home Inspections
16112 W Adams St
Goodyear, AZ 85338

By:  _____