

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

Tuesday June 27, 2017
9:00 a.m.
OPEN SESSION

1. **CALL TO ORDER** – 9:01am
2. **ROLL CALL** Jason Madison, Stephen Noel, LeRoy Brady, Jason Foose, Neal Jones, Eugene Montgomery, Andrew Everroad, Edward Marley
Absent: Dr. Alejandro Angel
Staff: Melissa Cornelius, Patrice Pritzl, Robert Stam, Douglas Parlin, Kurt Winter

3. **CALL TO THE PUBLIC**

No one appeared before the Board.

4. **ADOPTION OF MINUTES**

Review, Consideration, and Possible Action on the following:

- A. Approve, modify and/or reject May 23, 2017 Board meeting minutes.

Mr. Brady moved and Mr. Jones seconded to accept the minutes; motion carried. Mr. Marley abstained.

5. **CONSIDERATION OF CASES REFERRED FOR FORMAL HEARING**

Formal Hearings or Related Proceedings will begin at 9:30 a.m.

- A. Formal Administrative Hearing and/or Review, Discuss and Take Possible Action to Deem Respondent(s) Admission to the Complaint and Notice of Hearing:

1. P16-072, David Madrid, Non-Registrant

Scott Donald, A.A.G., appeared before the Board representing the State. Respondent did not appear before the Board.

Mr. Donald argued that the Board should accept the State's Motion to Deem stating that Respondent signed for the delivery of the Complaint and Notice of Hearing and, as of the date of the meeting, Respondent had failed to file a response to the complaint or communicate with staff his intentions.

Mr. Everroad moved and Mr. Marley seconded to grant the State's Motion to Deem the Allegations in the Complaint and Notice of Hearing as admitted; motion carried.

Mr. Marley moved and Mr. Everroad seconded to adopt the Factual Allegations and the Alleged Violations from the Complaint and Notice of Hearing as Findings of Fact and Conclusions of Law; motion carried.

Mr. Donald requested the Board Order include an administrative penalty of \$2000 for each of the two violations and the costs of investigation.

Mr. Marley moved and Mr. Brady seconded to enter the following order: Respondent shall pay a civil penalty of \$4000, pay the costs of investigation and guarantee an assurance of discontinuance; motion carried.

B. Formal Administrative Hearing and/or Review: Discuss and Approve, Modify or Reject the Recommended Administrative Law Judge Decision:

1. Padilla, R.L.S. #46474, Case numbers A13-015, A13-018, P14-082, M13-002, M13-033, P15-045, P15-090, P17-012 and P16-074

Mr. Foose recused himself and left the room.

Michael Raine, A.A.G., appeared before the Board representing the State. Seth Hargraves, A.A.G., appeared before the Board to offer the Board independent legal advice. Respondent and Respondent's counsel did not appear before the Board.

Board Members took a role call to establish that they had read the materials for this matter.

Mr. Raine asked the Board to accept the ALJ's decision and grant the State's motion to modify the decision. He also asked that the Board include in the final order restitution to those that Respondent financially harmed.

Mr. Everroad moved and Mr. Brady seconded to adopt the ALJ's recommended Findings of Fact with the modification as moved by the state's attorney, Michael Raine; motion carried.

Mr. Everroad moved and Mr. Marley seconded to adopt the proposed Conclusions of Law but strike the last sentence of paragraph 29 and grant the State's motion to modify the ALJ's decision; motion carried.

Mr. Everroad moved and Mr. Noel seconded to accept the ALJ Decision and issued the following order: Respondent shall have his registration revoked, pay the costs of investigation, pay attorney's fees, the cost of the hearing, and pay restitution to those indicated, for the amounts indicated, under paragraph 29 of the Conclusions of Law; motion carried.

6. ENFORCEMENT MATTERS

Review, Consideration and Possible Vote on the following:

A. Complaints Proposed for Resolution by Dismissal or Closure:

1. HI17-029, Randy Garland, Non-Registrant

Mr. Jones moved and Mr. Brady seconded to dismiss the complaint; motion carried.

2. HI17-030, John Marquez, Non-Registrant

Mr. Jones moved and Mr. Brady seconded to dismiss the complaint; motion carried.

3. P16-064, Ryan and Associates Architects, LLC, Non-Registrant Firm

Mr. Jones moved and Mr. Brady seconded to dismiss the complaint; motion carried.

B. Complaints Proposed to Offer Consent Agreement:

1. P17-076, Wayne Quimby, Non-Registrant and All In Aerial Solutions, LLC, Non-Registrant Firm

Mr. Foose directed Staff to open an investigation against registrant Robert Toy P.E.

Mr. Foose recommended that an EAC review this matter. The investigator, Mr. Kraemer, stated that the evaluators determined an EAC was not required. Mr. Foose motioned to have an EAC review this matter. The motion was not seconded.

Mr. Brady moved and Mr. Marley seconded to offer the proposed consent agreement and if not signed within 30 days proceed to formal hearing; motion carried.

2. AL17-003, Shae Hensley, Non-Registrant

Mr. Everroad moved and Mr. Jones seconded to offer the proposed consent agreement and if not signed within 30 days proceed to formal hearing and to grant Staff's recommendation to refer this matter to the Attorney General's office for criminal prosecution; motion carried.

3. AL17-004, Amber Davison, Alarm Controlling Person #58018 and Solvent Security, Inc., Alarm Business #18762

Respondent appeared before the Board.

Respondent requested that the Board waive the civil penalty. Respondent explained that Solvent Security refunded and canceled contracts for all consumers in this matter in the amount of \$280,000. The investigator, Mr. Warner, confirmed Respondent's statement. Mr. Jones asked if the equipment was still in the consumers' homes.

Respondent stated yes but they wished to remove the equipment. Mr. Warner explained to the Board that the civil penalty amount reflected the severity and concern of Respondent hiring a non-registrant who was also a known felon. Respondent acknowledged they were negligent hiring Mr. Hensley.

Mr. Jones moved and Mr. Montgomery seconded to offer the proposed consent agreement but reduce the civil penalty to \$3,000; motion carried.

4. P17-094, Evan Curtis, P.E. (Civil) #26430 and Curtis Engineering, Firm #11973

Respondent appeared before the Board.

Respondent stated that he renewed his registration late because he did not receive a renewal notice in the mail but believed he had updated his address with Board in 2013. Respondent asked the Board to waive the penalty fees. The investigator, Mr. Thacker, stated he could not confirm that Respondent updated his address in 2013 but he did confirm that staff updated the address recently. Mr. Jones asked Respondent if he had the email he sent to the Board in 2013. Respondent answered he did not. Mr. Montgomery opined that the burden was on the registrant to renew timely.

Mr. Noel moved and Mr. Jones seconded to offer the proposed consent agreement but reduce the administrative penalty to \$250; motion carried.

5. P17-004, Jorden C. Segraves, Non-Registrant

Respondent appeared before the Board telephonically.

Respondent stated he changed his LinkedIn account once he became aware that it erroneously stated he practiced in Arizona and asked the Board for leniency. Mr. Marley opined that this case be dismissed and asked staff why a consent agreement was being proposed. Staff stated that they were proposing a consent agreement because of a lack a communication from Respondent. Mr. Jones asked Respondent to respond to Staff's statement. Respondent stated he thought the issue coincided with his consideration of a potential client in Arizona, leading to miscommunication with staff.

Mr. Marley moved and Mr. Foose seconded to dismiss the case; motion carried.

C. Complaints Proposed for Resolution with Signed Consent Agreements:

1. P17-022, Eric Shawd, P.E. (Civil) #49121

Mr. Jones moved and Mr. Noel seconded to accept the signed consent agreement; motion carried.

2. P17-058, Perry Kampa, P.E. (Civil) #53690 and Pure Focus, LLC, Non-Registrant Firm

Mr. Jones moved and Mr. Noel seconded to accept the signed consent agreement; motion carried.

3. P17-068, James Elson, R.A. #11005

Mr. Jones moved and Mr. Noel seconded to accept the signed consent agreement; motion carried.

4. HI17-024, Digital Home Inspections, LLC, Firm #20313, formerly known as All Pro Inspections, Inc.

Mr. Jones moved and Mr. Noel seconded to accept the signed consent agreement; motion carried.

5. HI17-004, Matt Davison, C.H.I. #39086 and A-Z Home Inspections, Firm #12115

Respondent appeared before the Board.

Mr. Jones moved and Mr. Noel seconded to accept the signed consent agreement; motion carried.

D. Complaints Monitoring Investigations:

1. P17-072, Stephen Maslan, P.E. (Civil) #31790 (suspended)

Mr. Everroad moved and Mr. Marley seconded to forward the case to formal hearing for revocation; motion carried.

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

1. P17-030, Stephen Drake, R.L.S. #46472

Mr. Marley moved and Mr. Jones seconded to postpone this matter to the July 25, 2017 Board Meeting; motion carried.

F. Review and Approval of Appointment for EAC Membership:

1. David A. Bosak, R.A. #33610

Applicant appeared before the Board.

Mr. Marley moved and Mr. Jones seconded to approve appointment; motion carried.

2. Danial Grier, R.L.S. #52242

Mr. Marley moved and Mr. Jones seconded to approve appointment; motion carried.

3. Steven Boyle, C.H.I. #59714

Applicant appeared before the Board.

Mr. Marley moved and Mr. Jones seconded to approve appointment; motion carried.

4. Jeffery Byfield, C.H.I. #42970

Mr. Marley moved and Mr. Jones seconded to approve appointment; motion carried.

5. Thomas Brennan, C.H.I. #39580

Mr. Marley moved and Mr. Jones seconded to approve appointment; motion carried.

7. LICENSING MATTERS

Discussion, Consideration and Vote on the following:

Whether to Grant or Deny Request for Extension of Licensing Timeframes

- A. Mastrangelo, Caroline- Civil Engineer Registration Application #170887

Mr. Foose moved and Mr. Marley seconded to grant a time frame extension of twelve months; motion carried.

- B. Morgan, Dillon – Application to sit for PE #171012

Mr. Brady moved and Mr. Marley seconded to grant a time frame extension to 4/30/2018; motion carried.

- C. Abdelshahid, Hala- Application to sit for FE #170165

Mr. Brady moved and Mr. Foose seconded to grant a time frame extension of six months; motion carried.

8. LICENSING CONSENT AGENDA

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

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

Mr. Marley moved and Mr. Foose seconded to cancel registrations and certifications that have been expired for one full renewal period; motion carried.

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

List available for public review upon request.

9. POLICY MATTERS

Review, Consideration, and Possible Action on the following:

A. HB 2372: Whether to request a Formal Attorney General Opinion

Mr. Donald informed the Board that the Attorney General's office plans to issue an official memo on the applicability of HB 2372 in the near future. The Board did not take any action on this matter.

B. Draft Response to Executive Order 2017-03

Doug Schneider appeared before the Board. Mr. Schneider, president and representative of the Arizona Professional Land Surveyors, asked the Board to include the APLS's opinion letter and attachments to the Board's response. The Board agreed.

Mr. Marley moved and Mr. Foose seconded to send staff's drafted response to Executive Order 2017-03 with the addition of the stakeholder attachments to the Governor's office.

10. DIRECTOR'S REPORT

- A. Previous Meeting Follow-Up - Ms. Cornelius introduced John Gilmore as the new landscape architect Board member. Ms. Cornelius presented Mr. Madison with a plaque for completing his six years of appointment to the Board and to Mr. Kraemer for his retirement. Ms. Cornelius reported staff had undergone user acceptance testing all month for the new computer system, but many defects existed within the system; GRRC performed a courtesy review of the Board's proposed rule changes; staff were working on informing alarm agents of the upcoming changes for registration and renewals.

11. BOARD CHAIR'S REPORT – Nothing to report

12. STANDING COMMITTEE REPORTS

- A. Legislation and Rules Committee – No meeting
- B. Home Inspector Rules and Standards Committee – Meeting took place June 8, 2017.

13. BOARD MEMBER REPORTS ON OUTSIDE ACTIVITIES

- A. ASBOG – ASBOG is raising rates.
- B. CLARB – Annual meeting in Boise in September.
- C. NCARB – Mr. Jones and Ms. Pritzl reported on issues raised and discussed at the June NCARB annual meeting.
- D. NCEES – Meeting in Miami in August.

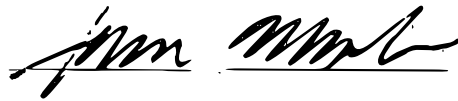
14. FUTURE BOARD MEETINGS –July 25, 2017

15. SUGGESTED TOPICS FOR FUTURE MEETING AGENDAS.

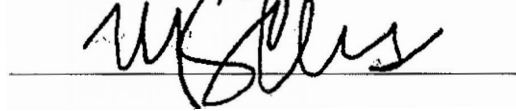
No topics suggested.

16. MEETING ADJOURNMENT – 11:14am

Jason Madison Chairman

Handwritten signature of Jason Madison in black ink, written over a horizontal line.

Melissa Cornelias, Executive Director

Handwritten signature of Melissa Cornelias in black ink, written over a horizontal line.