

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

**Tuesday July 25, 2017**  
9:00 a.m.  
OPEN SESSION

1. **CALL TO ORDER** – 9:02
2. **ROLL CALL** - Jason Madison, Stephen Noel, Jack Gilmore, Jason Foose, Neal Jones, Eugene Montgomery, Andrew Everroad, Edward Marley, Dr. Alejandro Angel  
**Staff:** Melissa Cornelius, Patrice Pritzl, Robert Stam, Douglas Parlin, Kurt Winter

3. **CALL TO THE PUBLIC**

Stan Dickey, EAC member and registered land surveyor, appeared before the Board. He opined that the Board could reduce the number of land surveyor complaints if the Board updated the minimum standards of land surveying, gauged applicant knowledge of the minimum standards prior to registration, and introduced continuing education and mentorship.

Christopher DePrima appeared before the Board. Mr. DePrima requested that the Board place him on next month's Board Meeting agenda in order to renew his license and discuss his case. Dr. Angel inquired if the Board could agendaize Mr. DePrima for a future meeting. Ms. Cornelius answered stating that Mr. DePrima will have an opportunity to be heard at his formal hearing scheduled in August at the Office of Administrative Hearing. The Board did not direct staff to agendaize Mr. DePrima's motion in lieu of the hearing.

4. **ADOPTION OF MINUTES**

Review, Consideration, and Possible Action on the following:

- A. Approve, modify and/or reject June 27, 2017 Board meeting minutes.

Mr. Marley moved and Mr. Noel seconded to accept the minutes with minor corrections; motion carried. Dr. Angel abstained.

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

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

No items for action at this meeting.

## 6. ENFORCEMENT MATTERS

Review, Consideration and Possible Vote on the following:

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

1. P17-089, Craig Borger, P.E. (Civil) #32830

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

2. HI17-027, Jack Randall, C.H.I. #38853

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

3. P17-066, Davin Benner, P.E. (Civil) #37846

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

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

1. HI17-033, Scott Warga, C.H.I. #38062

Mr. Marley moved and Mr. Foose seconded to issue the proposed letter of concern; motion carried.

2. HI17-001, Bernard Rubin, C.H.I. #38442

Mr. Marley moved and Mr. Foose seconded to issue the proposed letter of concern; motion carried.

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

1. P17-087, Thomas Romeo, Non-Registrant and Landmark Environmental LLC, Non-Registrant Firm

The Board directed Staff to send this matter to the Attorney General's office for criminal prosecution.

Mr. Everroad moved and Mr. Montgomery seconded to offer the proposed consent agreement; motion carried.

2. P17-027, Chris Baugh, P.E. (Civil) #37459 and Swimming Pool Technical Service, LLC, Firm #20005

Mr. Everroad moved and Mr. Montgomery seconded to offer the proposed consent agreement; motion carried.

3. HI17-025, Robert Vaught, C.H.I. #40688 and I.Q Home Inspections, LLC, Firm #13797

Respondent signed the consent agreement prior to the meeting date.

Mr. Marley moved and Mr. Foose seconded to accept the signed consent agreement; motion carried.

4. HI17-014, Brian Pemble, C.H.I. #45238

Mr. Everroad moved and Mr. Montgomery seconded to offer the proposed consent agreement; motion carried.

5. P17-069, Shane Nauret, R.L.S. #48860 and Survpro, LLC, Non-Registrant Firm

Mr. Everroad moved and Mr. Montgomery seconded to offer the proposed consent agreement; motion carried.

6. HI17-017, Gonzalo Marquez, C.H.I. #54583 and Casas & Home, Home Inspections, Firm #17870

Respondent signed the consent agreement prior to the meeting date.

Mr. Marley moved and Mr. Foose seconded to accept the signed consent agreement; motion carried.

D. Complaints Proposed for Resolution with Signed Consent Agreements:

1. P17-051, Tyler Green, R.A. #21939

Alleger, Daniel Belt, appeared before the Board.

Mr. Belt stated that if Respondent had compensated him he would never have filed a complaint. Mr. Belt asked if the EAC materials would be available to him. Board members explained that he would have access to the materials through a public information request.

Mr. Marley asked staff to open investigations against Don Fredricks and William D. Bixler per staff recommendation.

Mr. Marley moved and Mr. Foose seconded to accept the signed consent agreement; motion carried.

2. P17-100, Gordon McGee, R.A #13598 and Perez McGee, Inc., Firm #20473

Mr. Marley moved and Mr. Foose seconded to accept the signed consent agreement; motion carried.

E. Complaints Monitoring Investigations:

1. M12-008, Rex Hinshaw, R.A. #16664

Mr. Marley moved and Mr. Jones seconded to close the compliance portion of the consent agreement; motion carried.

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

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

Respondent appeared before the Board telephonically. Stephen Gonzalez, Respondent's counsel, appeared before the Board. Patrick Naville, one of the Allegers, appeared before the Board. Tom Pender, Respondent's client in this matter, appeared before the Board telephonically.

Mr. Naville explained to the Board that the Allegers, case evaluators and EAC members were consistent in their findings when analyzing Respondent's survey and, therefore, they disagreed with Mr. Foose's opinion that this matter was merely a boundary dispute.

Mr. Gonzalez explained that a boundary dispute was not the focus of this case; the focus was Respondent's minimum standards infractions, which he alleged were insignificant. Mr. Gonzalez requested that the Board fine Respondent and not reprimand him.

Mr. Foose explained that his insistence on reprimanding Respondent in a previous meeting no longer held since the Respondent had resolved the reprimandable issues.

Mr. Pender opined that the Respondent conducted his survey professionally and accurately.

Dr. Angel opined that this matter was not merely a boundary dispute, but that Respondent failed to secure corners, document his rejection of existing monuments and other errors does not support his position.

Mr. Foose reiterated that this is boundary dispute, which was beyond the scope of the Board.

Mr. Foose moved and Mr. Jones seconded to issue a Letter of Concern; Motion carried. Mr. Everroad and Dr. Angel voted nay.

G. Complaints Requiring Board Guidance:

1. P16-065, Steven Taylor, P.E. (Mechanical) #50182

Respondent appeared before the Board telephonically. Respondent's counsel, John Condrey, appeared before the Board.

Mr. Montgomery asked Respondent if he drafted standalone designs. Respondent answered affirmatively. Mr. Montgomery asked Respondent if he used identical numbers on his documents. Respondent answered that he did use identical numbers on his documents but he issued the documents on different dates. Mr. Montgomery asked if the documents were interchangeable. Respondent answered yes. Mr. Montgomery opined that there was ambiguity in Respondent's use of document identification numbers, but the ambiguity did not give rise to unethical business practices.

Mr. Montgomery moved and Mr. Jones seconded to dismiss the case; motion carried.

2. P17-091, Timothy Walsh, P.E. (Civil) #46871 (Companion Case with P17-092)

Mr. Foose recused himself. Board Members agreed to combine agenda items 6G2 and 6G3 for ease of discussion.

Respondents Timothy Walsh and Steven Latoski appeared before the Board.

Mr. Walsh stated that the project plans did not need to be sealed. He also stated that the Arizona Rules and Statutes stipulated that any plans created solely for the design team did not require a preliminary stamp, as was in this case.

Mr. Latoski stated that Mohave County was obligated to produce the requested plans once the public made the request, regardless of the document's state or version. He also stated that the plans regarded an already constructed road and that he had no hand in the drafting and design.

Dr. Angel asked if the county built the project. Mr. Latoski answered yes, but stipulated the project was built to the County's specifications. Dr. Angel asked if the project included grade changes or the inclusion of pipes. Mr. Latoski answered that there were grade changes but in accordance to the project plans and no pipes were included.

Mr. Madison advised the Respondents to stamp all works preliminary until such time that a professional registrant can sign and seal them.

Dr. Angel moved and Mr. Gilmore seconded to issue Letters of Concern to both Mr. Walsh and Mr. Latoski; motion carried.

3. P17-092, Steven Latoski, P.E. (Civil) #38840

See Agenda item 6G2.

## 7. LICENSING MATTERS

Discussion, Consideration and Vote on the following:

No items for action at this meeting.

## 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. Noel 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. Whether to continue working with GL Solutions on the new computer system.

Ms. Cornelius reported that the testing portal had been reopened for staff and August 4<sup>th</sup> was the new go live date. Ms. Cornelius introduced Marcy Merlot, GL business manager. Ms. Merlot reassured the Board members that the system would be ready to go live. Board members expressed concern about the new system's security. Staff reassured the Board members that security would be in place at launch.

B. Board member training on Bias/Prejudice and Conflict of Interest.

Board members discussed and agreed to bias/prejudice and conflict of interest training at the next Board meeting, time permitting.

**10. DIRECTOR’S REPORT**

- A. Budget Update – Ms. Cornelius reported that the agency was saving more than it was spending.
- B. Previous Meeting Follow-Up – Ms. Cornelius reported that she received the AG’s office opinion regarding HB2302 and she opined that it was insufficient as a guide; Mr. Hunt was promoted to enforcement assistant manager, Ms. Soto was promoted to investigator as a “special assignment” and Mr. Puccino was promoted to enforcement assistant as a “special assignment”; the AZBTR scored highly on the State Employee Engagement Survey.
- C. Director’s Meetings – Ms. Cornelius reported she met with John Glenn, a registered architect, who is running for the legislature.

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

**12. STANDING COMMITTEE REPORTS**

- A. Legislation and Rules Committee – nothing to report
- B. Home Inspector Rules and Standards Committee – nothing to report

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

- A. ASBOG – nothing to report
- B. CLARB – Annual meeting in Boise, Idaho September 14, 2017.
- C. NCARB – June 30 2018 ARE 4.0 retired.
- D. NCEES- Annual meeting in Miami, Florida August 23, 2017.

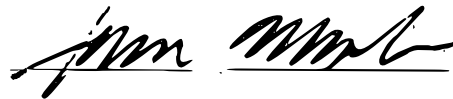
**14. FUTURE BOARD MEETINGS** – August 29, 2017.

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

Board Members Training.

**16. MEETING ADJOURNMENT** – 11:07

Jason Madison Chairman



Melissa Cornelius, Executive Director

