

**ARIZONA STATE BOARD OF TECHNICAL REGISTRATION  
MINUTES FOR REGULAR SESSION MEETING**

Tuesday, January 28, 2020, beginning at 9:00 a.m.  
1110 W. Washington, Conference Room #240  
Phoenix, AZ 85007

**1. CALL TO ORDER – 9:03am**

**2. ROLL CALL – PRESENT:** Jason Madison, Eugene Montgomery, Stephen Noel, Jason Foose, Carmen Wyckoff, Andrew Everroad, Neal Jones, Jack Gilmore (arriving late 9:10am)  
**NOT PRESENT:** Dr. Alejandro Angel  
**Staff:** Melissa Cornelius, Robert Stam, Douglas Parlin, Kurt Winter

**3. CALL TO THE PUBLIC**

Jerry Webster appeared before the Board.

Mr. Webster opined that the Board's EAC committee procedure needed revision.

**4. ADOPTION OF MINUTES**

Review, Consideration, and Possible Action on the following:

A. Approve, modify and/or reject, December 10, 2019 Board meeting minutes.

Mr. Noel moved and Mr. Everroad seconded to approve the minutes; motion carried unanimously.

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

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

A. Review, Discuss and Take Possible Action on Signed Consent Agreement in lieu of Hearing:

1. P18-034, Glancy, Michael

Ms. Reh, AAG, appeared before the Board representing the State. Anne Froedge, AAG, appeared before the Board representing the Board. Respondent did not appear before the Board.

Ms. Reh recommended that the Board accept the signed consent agreement.

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

2. P19-046, Akbay, Kent and Droneworks, LLC

Mr. Donald, AAG, appeared before the Board representing the State. Anne Froedge, AAG, appeared before the Board representing the Board. Respondent did not appear before the Board.

Mr. Donald recommended that the Board accept the signed consent agreement.

Mr. Noel moved and Ms. Wyckoff seconded to accept the signed consent agreement; motion granted unanimously.

3. HI17-035, Walsh, Robert

Ms. Reh, AAG, appeared before the Board representing the State. Anne Froedge, AAG, appeared before the Board representing the Board. Respondent did not appear before the Board.

Ms. Reh stated that Respondent agreed with the Board's findings and that he had immediately remedied the situation when Board investigators made him aware of the complaint. She recommended that the Board accept the signed consent agreement. Mr. Noel questioned the decision to lower the cost of investigation in the signed consent agreement. Ms. Cornelius stated she supported the signed consent agreement as drafted.

MS. Wyckoff moved and Mr. Gilmore seconded to accept the signed consent agreement; motion carried unanimously.

4. P18-045, Ruiz, Noah and Skynetwest, LLC

Ms. Reh, AAG, appeared before the Board representing the State. Anne Froedge, AAG, appeared before the Board representing the Board. Respondent did not appear before the Board.

Ms. Reh opined that Respondent was not a threat to the public and recommended that the Board accept the signed consent agreement. Ms. Cornelius agreed.

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

B. Review, Discussion, and Possible Action to Reconsider Previous Vote to Formal Hearing and in lieu, take Alternative Action:

1. P19-033, Webster, Jerry, P.L.S.

Mr. Donald, AAG, appeared before the Board representing the State. Anne Froedge, AAG, appeared before the Board representing the Board. Respondent appeared before the Board.

Mr. Donald explained that the Board sent this matter to formal hearing, and during an information settlement conference Respondent brought forth new materials which he thought evaluators should consider before the Board took action on this matter. Therefore, he asked that the Board rescind its vote to send this matter to hearing.

Respondent stated that he wished to proceed with a hearing so he could argue and prove his case since he claimed that up to this point he did not have an opportunity to dialogue with the Board; that there appeared to be a conspiracy against him; and that it was his choice to not to appear at his EAC, he stipulated that he forwarded documents to staff that argued his point, yet it seemed detrimental to his case, when it shouldn't have had any bearing.

Mr. Donald stated that Respondent's choice to be absent from his EAC denied the EAC any dialogue with Respondent. The Board gave Respondent a chance to dialogue with the Board. Mr. Donald also stated that the documents Respondent submitted at the informal settlement conference were not available to the EAC and the members could only make a recommendation based upon the evidence presented to them at the EAC.

Mr. Foose moved and Mr. Everroad seconded to rescind vote to move this matter to hearing; motion carried unanimously.

Mr. Foose asked Respondent if he met land surveyor minimum standard three when completing his survey in this matter. Respondent answered 'yes.' Mr. Foose opined that based upon his avowal Respondent met the Board's standard of care. He opined that the Board should dismiss the case. Mr. Montgomery stated he did not feel comfortable dismissing the case without further evaluation.

Mr. Foose moved and Noel seconded to dismiss the case; motion carried. Mr. Montgomery abstained.

## 6. ENFORCEMENT MATTERS

*\*Please note: these matters do not constitute a Formal, Final Board Action Unless otherwise noted\**

Review, Consideration and Possible Vote on the following:

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

1. HI20-014, Chris Skoczylas, C.H.I. #44362

Elizabeth Leonard, Alleger, appeared before the Board.

Ms. Leonard asked if an EAC evaluated this matter. Mr. Everroad answered 'no,' and he further explained that after assessing the matter, the case assessors recommend staff not hold an EAC.

Ms. Leonard argued that Respondent's home inspection fell below the Board's standard of care and that his ethics in this matter were questionable. Investigator Kraemer explained that the courts exonerated Respondent in a civil suit involving Respondent's home inspection report and that a structural inspection conducted after the home inspection was consistent with Respondent's report findings. Ms. Leonard stated the structural report was not included as evidence in the trial and she wanted to know why no one shared the structural report with her. Mr. Everroad stated that the Board was not the correct venue to discuss any issues with disclosure of evidence for a civil suit. Ms. Leonard stated that there was overwhelming evidence that Respondent performed below the standard of care and asked how the Board made the determination as to which report was correct. Ms. Wycoff explained that the Board did not determine which report was correct, but whether Respondent's report met the standards. Ms. Leonard asked who submitted the structural report. Investigator Kraemer answered that Respondent submitted the report to the Board.

Mr. Everroad moved and Mr. Gilmore seconded to dismiss the case; motion carried unanimously.

2. P19-077, Ralph Bossert, P.E. (Civil) #12248

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

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

1. HI20-007, Michael Johnson, C.H.I. #65320

Alleger, Pam Tappam, appeared before the Board.

Ms. Tappam stated that Respondent lied to her and that the Board should discipline him. Investigator Thacker explained that evaluators found deminimus violations in Respondent's report, but nothing that confirmed the original allegations.

Mr. Everroad moved and Mr. Madison seconded to issue a Letter of Concern; motion carried unanimously.

2. P19-050, Joshua Lance Vukoder, R.L.S. #41114

Mr. Jones moved and Mr. Noel seconded to issue a Letter of Concern; motion carried unanimously.

C. Complaints Proposed to Offer Consent Agreement:

1. HI20-009, Dennis Letner, C.H.I. #54405 and Eagle Eye Home Inspections, Firm #17819

Mr. Everroad moved and Mr. Jones seconded to offer Consent Agreement; motion carried unanimously.

2. HI20-001, Matthew Maxwell, C.H.I. #60042

Mr. Everroad moved and Mr. Jones seconded to offer Consent Agreement; motion carried unanimously.

3. P20-003, Andrew McQuality, Non-Registrant and McQuality Design & Services, LLC, Non-Registrant Firm

Mr. Everroad moved and Mr. Jones seconded to offer Consent Agreement; motion carried unanimously.

4. P19-066, Rene Martinez, P.E. (Civil) #47518 and Talavera Engineering & Construction, Firm #20939

Respondent appeared before the Board with counsel, Mr. Leonhardt.

Mr. Leonhardt stated that Respondent agreed with most of the consent agreement, but requested a change to the recommended restriction of structural engineering practice. Respondent indicated that he had signed up to take the 16-hour NCEES SE exam and ethics courses.

Mr. Madison opined that Respondent committed gross negligence in this case and he expressed his concern that Respondent may continue producing substandard structural engineering work throughout his career. Mr. Madison asked that the Board stay the recommended indefinite suspension of practice until such time that Respondent passed the 16-hour NCEES SE exam. Ms. Wyckoff proposed that Respondent's next projects be peer reviewed.

Mr. Madison moved and Mr. Everroad seconded to have staff redraft the offered Consent Agreement to include Board approved peer reviews of Respondent's next 5 projects, stayed restriction of structural work to be lifted should Respondent not pass the April 2020 NCEES 16-hour structural exam, and all other terms to remain the same; motion carried unanimously.

The Board took a break at 10:47am and returned at 11:01am.

D. Complaints Proposed for Resolution with Signed Consent Agreements:

1. HI20-003, Mark Kilian, C.H.I. #55011

Mr. Jones moved and Mr. Noel seconded to accept signed Consent Agreement; motion carried unanimously.

2. HI20-002, Paul Stratton, C.H.I. #50867 and Stratton Inspection Services, LLC, Firm #15892

Mr. Jones moved and Mr. Noel seconded to accept signed Consent Agreement; motion carried unanimously.

E. Complaints Requiring Board Guidance:

1. P20-019, Bob Shelstrom, Non-Registrant

Respondent appeared telephonically.

Respondent argued that he did not solicit professional services and that the Board should dismiss the case.

Mr. Jones opined that the public might infer from Respondent's political signs that he was a practicing professional engineer. Other Board members disagreed.

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

2. P20-027, William Gilbert, P.E. (Civil) #41931

Respondent appeared before the Board.

Mr. Noel asked Respondent to describe Respondent's theft conviction. Respondent obliged.

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

3. P20-028, Paul Stover, R.A. #35136

Investigator Hunt reported that he was unable to contact Respondent. Board members commented that it was possible Respondent was in prison. Mr. Madison opined suspending Respondent's license. Mr. Donald stated that the Board needed to agendize the matter for summary suspension.

Mr. Madison moved and Mr. Foose seconded to agendize this matter for the next meeting for summary suspension; motion carried unanimously.

F. Compliance and Monitoring Investigations:

1. HI18-024, Thomas Culpepper, C.H.I. #39422

Mr. Foose moved and Mr. Montgomery seconded to restore Respondent's certification as a home inspector; motion carried unanimously.

G. Review and Approval of Appointment for EAC Membership:

1. Larkin Palmer, C.H.I. #50795

Mr. Madison moved and Mr. Gilmore seconded to appoint applicant; motion carried unanimously.

Discussion, Consideration and Vote on the following:

***Whether to Grant or Close the Application after Full Board Review***

A. Pelatti, Joseph- Universal Licensure Application for Certification as a Home Inspector #192841

Mr. Madison moved and Mr. Everroad seconded to grant registration based upon the Board's determination that the applicant's state of original registration's practice level was equivalent to Arizona; motion carried unanimously.

B. Hanson, William- Universal Licensure Application for Registration as a Civil Engineer #192943

Mr. Madison moved and Mr. Everroad seconded to grant registration based upon the Board's determination that the applicant's state of original registration's practice level was equivalent to Arizona; motion carried unanimously.

C. Contino, Brian- Universal Licensure Application for Registration as a Civil Engineer #192868

Mr. Madison moved and Mr. Everroad seconded to grant registration based upon the Board's determination that the applicant's state of original registration's practice level was equivalent to Arizona; motion carried unanimously.

D. King, David - Universal Licensure Application for Registration as an Architect #200034

Mr. Madison moved and Mr. Everroad seconded to grant registration based upon the Board's determination that the applicant's state of original registration's practice level was equivalent to Arizona; motion carried unanimously.

E. Stanford, Michael - Universal Licensure Application for Certification as a Home Inspector #193035

Mr. Madison moved and Mr. Everroad seconded to grant registration based upon the Board's determination that the applicant's state of original registration's practice level was equivalent to Arizona; motion carried unanimously.

**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. Madison moved and Mr. Jones seconded to cancel registrations and certifications that have been expired for one full renewal period; motion carried unanimously.

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. Appoint / Reappoint HIRSC member

The Board questioned and heard from the HIRSC candidates.

Mr. Foose moved to appoint Mr. Baca, but the motion failed when no one seconded.

Mr. Noel moved and Mr. Everroad seconded to reappoint Mr. Leeds; motion carried unanimously.

Mr. Foose moved and Mr. Noel seconded to appoint Mr. Montgomery as the new non-public member appointee to the HIRSC; motion carried unanimously.



B. Update regarding NTSB Recommendation letter to the Governor

Ms. Cornelius reported that the Governor's office would not be responding to the NTSB report. Board members expressed their concern over the Governor's reluctance to respond to the NTSB report and the possible negative implications of that decision.

C. Staff-drafted position paper defending regulation of the science and building design professions in Arizona for possible publication

Ms. Cornelius stated that it was up to the Board to determine what to do with the position paper. Board members asked that Ms. Cornelius make the document available to them for further drafting.

D. Staff-drafted position paper defending the Board's existence for possible publication

Mr. Foose asked if the Board members had any issue with Ms. Cornelius publishing the position paper. Mr. Madison opined that the Board send out emails to all registrants informing them of the upcoming Bills. Other Board members agreed.

E. Executive Session, pursuant to A.R.S. § 38-431.03(A)(3), to receive legal advice regarding CV 2019-013509.

Mr. Foose moved and Mr. Everroad seconded to enter executive session for the purpose of obtaining legal advice per A.R.S. § 38-431.03(A)(3) at 12:15pm; motion carried unanimously.

The Board returned to open session at 1:19pm.

Mr. Everroad moved and Mr. Gilmore seconded for the Board to proceed consistent with discussion with counsel during executive session; motion carried unanimously.

F. Review, discussion and possible action on pending Legislation; discussion of various bills that may impact the Board and the professions it regulates.

Ms. Cornelius asked the Board for guidance as to where they stood on SB 1298. Board members directed Ms. Cornelius to oppose the Bill.

Ms. Cornelius reported that she and Mr. Everroad discussed SB 1274 at a meeting with the Governor's office and asked the Board for guidance as to where they stood on SB 1274. Board members directed Ms. Cornelius to oppose the Bill.

Ms. Cornelius reported on additional Bills, including SB 1212, HB 2589, and SB 1142.

## 10. DIRECTOR'S REPORT

- A. Budget Update
  - a. Governor's Proposed Budget FY21
  - b. JLBC Baseline Budget FY21

Ms. Cornelius reported that OSPB and JLBC approved most of the Board's FY21 Budget requests.

- B. Previous Meeting Follow-Up
  - a. Computer Updates - Nothing reported
  - b. Staff updates - Nothing reported
  - c. Community Outreach - Nothing reported
- C. Staff Updates - Nothing reported
- D. Statistics Review - Ms. Cornelius briefly discussed registrant statistics.
- E. Possible question and answer session between Staff and Members - Nothing discussed

## 11. BOARD CHAIR'S REPORT - Nothing to consider

## 12. ASSISTANT ATTORNEY GENERAL'S REPORT

- A. Victor Johnson's JRA status

Mr. Donald reported that the Court gave Mr. Johnson an extension to file an opening brief and if Mr. Johnson failed to submit his opening brief by February 20, 2020, the Court would dismiss the case.

- B. The status of the latest DePrima Denial Hearing

Mr. Donald reported that OAH had calendared Mr. DePrima's hearing for March 10, 2020 and that Ms. Reh would be representing the State in the matter.

## 13. STANDING COMMITTEE REPORTS

- A. Legislation and Rules Committee - No new meeting date. When should another meeting be scheduled and what topics should be discussed.

Ms. Cornelius asked the Board if they wanted the committee to discuss the use of drones. Board members answered 'yes.'

B. Home Inspector Rules and Standards Committee - January 15, 2020 Meeting.

Ms. Cornelius reported that the committee wrote the questions that the applicants submitted to the Board regarding matter 9e. Mr. Everroad asked how staff contacted potential applicants for the HIRSC appointment. Mr. Winter answered that he sent out a mass email to all registered home inspectors and posted a solicitation for applicants on the Board's website.

Investigator Kraemer asked that the committee discuss severity ratings for violations as determined at EACs at a future HIRSC for possible changes.

**14. BOARD MEMBER REPORTS/DISCUSSION ON OUTSIDE NATIONAL COUNCIL ACTIVITIES, NEWS AND MEETINGS**

- A. ASBOG - Nothing discussed
- B. CLARB – Nothing discussed
- C. NCARB- Hiring Lobbyists and visit during February 2020 meeting.

Ms. Cornelius reported that NCARB representatives planned to visit the Board at its February Board meeting.

- D. NCEES - Changes to Structural Engineer Exam. Mr. Montgomery's report on NCEES examination development policies, examination administration policies, *Examination Guide* and review of low-test volume exams.

Mr. Montgomery reported on NCEES's examination development policies, examination administration policies, *Examination Guide* and review of low-test volume exams.

- E. ABET – Nothing discussed
- F. Land Surveyor Task Force - Mr. Foose's Report and Update

Mr. Foose reported that the task force was working on updating the proposed rule changes Staff suggested.

**15. FUTURE BOARD MEETINGS –**

February 11, 2020 - February 25, 2020 – March 10, 2020 – March 24, 2020

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

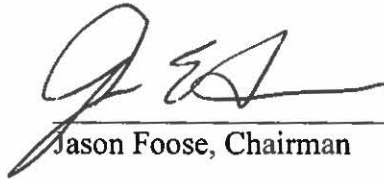
Open meeting law and communications

**17. MEETING ADJOURNMENT – 2:31pm**

Signed this day February 25 2020



Melissa Cornelius, Executive Director



Jason Foose, Chairman