

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

Tuesday October 23, 2018
9:00 a.m.
OPEN SESSION

1. **CALL TO ORDER** – 9:03am
2. **ROLL CALL** – **Present** Stephen Noel, Jason Foose, Jason Madison, Jack Gilmore, Carmen Wyckoff, Andrew Everroad, Neal Jones and Eugene Montgomery. Mr. Everroad left the meeting at 11:23am.

Not Present - Alejandro Angel

Staff - Melissa Cornelius, Patrice Pritzl, Douglas Parlin, Kurt Winter, Dolly Lucero

AAG – Scott Donald

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, September 25, 2018 Board meeting minutes.

Ms. Pritzl informed the Board that the figure of 43% of home inspector applications returned because the applicant's home inspection report did not meet the Professional Standards stated at the last meeting was incorrect and the data showed that the correct number was 18%. Staff made the appropriate change in the minutes.

Mr. Noel moved and Mr. Gilmore seconded to approve the minutes; motion carried. Vote was unanimous.

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

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

Nothing to consider.

6. ENFORCEMENT MATTERS

Review, Consideration and Possible Vote on the following:

A. Complaints Proposed for Resolution by Dismissal or Closure:

1. P18-060, Taryn McGann, R.A. #63621

Mr. Jones moved and Mr. Wyckoff seconded to dismiss the case; motion carried.
Vote was unanimous.

2. P18-026, Matthew Wenham, P.E. #48019 (related to P18-027)

Respondent appeared before the Board.

Mr. Jones moved and Mr. Madison seconded to dismiss the case; motion carried.
Vote was unanimous.

3. P18-027, Lance McIntosh, P.E. #33442

Respondent appeared before the Board.

Mr. Jones moved and Mr. Madison seconded to dismiss the case; motion carried.
Vote was unanimous.

4. HI19-004, Thomas Teeters, C.H.I. #40413

Mr. Jones moved and Mr. Madison seconded to dismiss the case; motion carried.
Vote was unanimous.

5. HI19-008, David Woityrua, C.H.I. #54584 and Seal of Approval Real Estate Services, Firm #12131

Mr. Jones moved and Mr. Madison seconded to dismiss the case; motion carried.
Vote was unanimous.

B. Complaints Proposed for Resolution by Letters of Concern:

1. HI18-035, Joshua McIntosh, C.H.I. #58915

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

2. HI18-034, Anthony Chiarello, C.H.I. #61655

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

C. Complaints Proposed to Offer Consent Agreement:

1. AL19-001, Tyson Landon, Non-Registrant

Staff informed the Board that they were presenting this proposed consent agreement after Respondent failed to comply with a previously signed consent agreement. Mr. Madison opined that the Board should not offer a second consent agreement since Respondent failed to comply with the first. Staff indicated that they had had difficulty communicating with Respondent since he now lived out of state. Mr. Gilmore asked staff if they could contact the firm in which Respondent worked and include them in this matter. Mr. Donald explained that the firm in question, Red Star, had already entered into a consent agreement and could not be included in this matter. Board members discussed whether Respondent could comply with a new consent agreement. Mr. Donald stated that the matter could proceed to hearing.

Mr. Madison moved and Mr. Everroad seconded to forward this matter to formal hearing; motion carried. Vote was unanimous.

2. P18-049, Wayne Rosendahl, R.L.S. #24532

Respondent appeared before the Board.

Respondent stated that he did not agree with certain parts of the Findings of Fact. He further stated that he did not record the survey in this matter because he did not make any changes that would make his survey any different from previous survey records of the same plat. Mr. Foose stated that because Respondent set a new monument the law required him to record his survey. Respondent stated that he understood but noted that the proposed disciplinary actions were excessive and asked for leniency.

Mr. Madison asked Mr. Foose if he noticed any technical issues with Respondent's survey. Mr. Foose answered "no." Mr. Madison and Mr. Foose opined that requiring peer review in conjunction with continuing education was excessive. Respondent stated he was concerned with the BTR website labelling him as being on probation.

Mr. Madison moved and Mr. Gilmore seconded to offer proposed Consent Agreement encompassing the following: letter of reprimand, administrative fee in the amount of \$500, Cost of Investigation in the amount of \$573, four hours of continuing education, up to 6 months stayed suspension/probation with early termination with completion of the Order and, if not signed within 30 days, proceed to formal hearing; motion carried. Vote was unanimous.

The Board directed staff to open a complaint against the investigation Allegor in this case.

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

Mr. Montgomery asked if the Board could summarily suspend a respondent for being non-participatory in the investigation and failing to sign the proposed consent agreement. Mr. Donald answered “no.”

Mr. Montgomery moved and Ms. Wyckoff seconded to offer proposed Consent Agreement; motion carried. Vote was unanimous.

4. HI19-011, Thomas Sullivan, C.H.I. #38636 and Inspec 10, LLC, Firm #12474

Mr. Madison moved and Mr. Everroad seconded to offer proposed Consent Agreement; motion carried. Vote was unanimous.

5. P19-008, Gregory Nelson, R.A. #27370 and Greg Nelson Architect, Non-Registrant Firm

Mr. Jones commented that the investigative report seemed light, but agreed with the investigative conclusions.

Mr. Jones moved and Mr. Gilmore seconded to offer proposed Consent Agreement; motion carried. Vote was unanimous.

6. HI18-022, Randy Dimit, C.H.I. #60269

Mr. Madison moved and Mr. Gilmore seconded to accept signed Consent Agreement; motion carried. Vote was unanimous.

D. Complaints Proposed for Resolution with Signed Consent Agreements:

1. HI18-028, Matthew Anderson, C.H.I. #38750 and WIN Home Inspection, Firm #12534

Mr. Madison moved and Mr. Gilmore seconded to accept signed Consent Agreement; motion carried. Vote was unanimous.

E. Complaints Requiring Board Guidance:

1. P19-009, Lee Shaw, Non-Registrant and Lee Shaw Architecture, Non-Registrant Firm

Respondent appeared before the Board.

Mr. Jones commented that he did not like how this matter came before the Board but did find the use of the word “Architecture” in Respondent Firm’s name a violation of the Board’s Practice Act. Respondent indicated that he planned to co-own an LLC with a registered architect and thereby be in compliance. Board members discussed the implications, but Mr. Donald cautioned against such discussion as it could infer a policy.

Mr. Jones moved and Mr. Gilmore seconded to offer a consent agreement encompassing the following: assurance of discontinuance and, if not signed within 30 days, move to formal hearing; motion carried. Vote was unanimous.

F. Review and Approval of Appointment for EAC Membership:

1. Scott Wertel, P.E. (Mechanical) #42010

Candidate appeared before the Board.

Mr. Madison moved and Mr. Everroad seconded to approve appointment; motion carried. Vote was unanimous.

G. Reconsideration of Prior Board Action:

1. P18-071, Rudolfo Chapa, Non-Registrant and Centrix Engineering, Non-Registrant Firm

Respondent appeared before the Board.

Respondent asked that the Board reduce the civil penalty fee and help guide him in the selection of a firm name that would comply with the Board's Practice Act. Mr. Montgomery opined that the penalties were nominal. Mr. Gilmore stated that the Board could not guide Respondent in the selection of his firm name but did state that the word "Engineering" should not be in the name.

Ms. Wyckoff moved and Mr. Madison seconded to offer an amended consent agreement with the civil penalty reduced to \$250, and all other parts to remain the same, and if not signed within 30 days, proceed to formal hearing; motion carried. Vote was unanimous.

7. LICENSING MATTERS

Discussion, Consideration and Vote on the following:

Whether to Grant or Deny Request for Extension of Licensing Timeframes

- A. Mardambek, Karim, Engineer In Training Application #182272

Mr. Madison moved and Mr. Montgomery seconded to grant extension to June 2019; motion carried. Vote was unanimous.

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 Ms. Wyckoff seconded to cancel registrations and certifications that have been expired for one full renewal period; motion carried. Vote was unanimous.

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. Petition to amend A.A.C. R4-30-102-Home Inspection Definitions, pursuant to A.R.S. 41-1033

Peter Leeds and Keith Smith appeared before the Board.

Ms. Cornelius reported that the Board took 26 enforcement actions against home inspectors in the last five years, nine of which were those licensed for less than five years. She further commented that the data was not a definitive picture as it did not take into account the licensing process that existed five years ago. Mr. Leeds commented that he and the other HIRSC members were not concerned with the data Ms. Cornelius just presented, but wished to know the number/percentage of applications sent back to applicants due to substandard submitted home inspections. Mr. Smith proposed that the Board certify parallel inspectors through a training course. Furthermore, Mr. Smith commented that he presumed the Economic Impact Statement (EIS) for this latest rule changes did not thoroughly explore the impact of the rule changes or staff/the Board did not draft one.

Mr. Foose commented that he was comfortable with rejecting the petition on the basis that the rule changes went through the proper process and the public was noticed. Mr. Stam stated that home inspector applicants have been asking him questions regarding where to find parallel inspectors. Mr. Foose stated that searching for a mentor was not unheard of in other professions. Board members asked if a list of parallel inspectors existed. Mr. Leeds stated that it was not hard to find a parallel inspector, even fifteen years ago, and that the home inspector associations were in the process of creating a list.

Mr. Smith expressed concern that HIRSC members may financially benefit from the rule change. Mr. Leeds stated that the qualifications to become a home inspector do not include post-secondary education accreditation from the State. Mr. Madison agreed with Mr. Foose that he was comfortable with rejecting the petition. Mr. Smith expressed his concerns regarding the EIS once more. Ms. Cornelius stated that the

Board submitted the EIS with its rule changes, per law, which GRRC economists approved.

Mr. Madison moved and Mr. Gilmore seconded to reject the petition consistent with the Staff's recommendation; motion carried. Vote was unanimous.

As part of the motion, and for the edification of Mr. Smith, Mr. Foose read aloud the eight reasons Staff recommended the Board reject the petition.

The Board took a break at 11:13am and returned to open session at 11:23am.

B. Substantive Policy Statement regarding Land Surveying Public Records Repositories in Arizona

Mr. Jones moved and Ms. Wyckoff seconded to accept the policy statement as written; motion carried. Vote was unanimous.

After the vote, Mr. Foose asked if enforcement staff could communicate with the petitioner of this matter to verify petitioner was following the standards. Mr. Donald advised against any action that the public could perceive to be retaliatory.

C. BTR participation ABET

Mr. Montgomery reported that a number of ABET accredited correspondence programs were being created throughout the country, including in Arizona, and he was concerned that the Board was not being allowed to give any input into these programs when other state boards were able to be a part of the vetting of the programs in their own states.

The Board directed staff to draft a second letter to ABET requesting participation with education program acceptance in the State of Arizona.

D. ASET online payment options

Ms. Cornelius reported that she and Ms. Pritzl sat through a presentation with ASET employees to discuss online payments for renewals; and, that staff had submitted a request to ASET to gain access to DOA's payment portal for online renewals.

Ms. Cornelius asked the Board whether the Board should charge a convenience fee for using a possible online payment platform. The Board decided not to charge a fee, but the Board wanted to reconsider the decision later if warranted.

10. DIRECTOR'S REPORT & DISCUSSION

A. Budget Update

B. Previous Meeting Follow-Up

a. Computer system – Data Cleanup and Online Renewals/Credit Card payments

Ms. Cornelius reported that the State Procurement Officer was upset about Staff's submitted Buddies asking for additional funds for an e-licensing system. She further stated that she clarified with the officer that the additional funds would be for an enhancement, not an e-licensing system.

b. Home Inspector Research Information

c. National Regulatory News

d. Staff – Possible upgrade for front desk positions from Grade 13 to 15, HR in-house training

Ms. Cornelius reported that it had been five years since the front desk position descriptions were reviewed and that she requested that they be updated from Grade 13 to Grade 15 to give those in those positions a living wage. She also reported that a new staff dress code, which State HR approved, was now in force.

e. Member Appointments

Nothing to report.

C. Director's Meetings

D. Statistics Review.

11. BOARD CHAIR'S REPORT – Nothing to consider

12. STANDING COMMITTEE REPORTS

A. Legislation and Rules Committee – October 16, 2018 meeting

B. Home Inspector Rules and Standards Committee – Nothing to Report

13. BOARD MEMBER REPORTS ON OUTSIDE ACTIVITIES

A. ASBOG – Annual meeting in Monterrey in October.

B. CLARB – Ms. Pritzl and Mr. Gilmore attended the annual meeting in Toronto. Mr.

Gilmore reported that the main discussion at the meeting was deregulation, but there was a lack of model board discussion or what to do when facing deregulation.

C. NCARB – New Computer System to track CE requirements

D. NCEES – New CEO. February Meeting in Atlanta.

14. **FUTURE BOARD MEETINGS** – November 19, 2018

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

Sponsor Holiday Lunch, New Board Officers, Electronic signatures, seals and data collection

16. **MEETING ADJOURNMENT – 12:16pm**

Signed this 11th day of December, 2018

Dr. Alejandro Angel, Board Chairman



1

Melissa Cornelias, Executive Director

