

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

Tuesday, February 25, 2020, beginning at 9:00 a.m.  
1110 W. Washington, Conference Room #240  
Phoenix, AZ 85007

**1. CALL TO ORDER – 9:02am**

**2. ROLL CALL PRESENT:** Clarence McAllister, Stephen Noel, Jason Foose, Carmen Wyckoff, Andrew Everroad, Neal Jones, Jack Gilmore.

Dr. Alejandro Angel and Eugene Montgomery appeared after the roll call.

**Staff:** Melissa Cornelius, Robert Stam, Douglas Parlin, Kurt Winter

**AG:** 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, January 28, 2020 Board meeting minutes.

Mr. Noel moved and Mr. Gilmore seconded to accept the minutes; motion carried. Dr. Angel and Mr. Mcallister abstained.

B. Approve, modify and/or reject, February 11, 2020 Board meeting minutes.

Dr. Angel moved and Mr. Everroad seconded to accept the minutes; motion carried. Mr. Mcallister abstained.

C. Approve, modify and/or reject, January 28, 2020 Board meeting executive session minutes.

Mr. Gilmore moved and Ms. Wyckoff seconded to accept the minutes; motion carried. Mr. Mcallister and Dr. Angel abstained.

D. Approve, modify and/or reject, February 11, 2020 Board meeting executive session minutes.

Mr. Gilmore moved and Ms. Wyckoff seconded to accept the minutes; motion carried. Mr. Mcallister and Dr. Angel abstained.

**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. P19-075, Dustin Jean, R.L.S. #54890 and Mohave Engineering Associates, Inc., Firm #10972

Mr. Foose recused himself.

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

2. HI20-017, Clint Clarkson, C.H.I. #67523

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

3. HI20-022, Jason Farrier, C.H.I. #38071

Respondent appeared before the Board.

Respondent stated that he was unsure how the complaint got this far since the inspected home in this matter sold without issue.

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

4. HI20-019, Kevin Barber, C.H.I. #60049

Allegers, Ron Manoogian and Tom Brady, appeared before the Board.

Mr. Manoogian stated that he disagreed with Board staff's recommendation to dismiss the case. He argued that Respondent's home inspection report did not meet the Board's standards since Respondent did not indicate that he could open the home's windows in his home inspection report and all the windows in the home were difficult to operate.

Dr. Angel noted that the Board was considering discussing this complaint because Respondent indicated in his home inspection report that he operated the window(s), and it appeared that Respondent made a good faith effort to correct the issue with Allegers, and that the Board's standards require a home inspector indicate whether the

window(s) were operable, not whether it was easy or hard to operate them.

Mr. Manoogian stated that recommendation wasn't fair because he would need to make repairs to the windows to the amount of \$12,000. Mr. Brady explained that most of the windows in their home were inoperable and stated that they would never have bought the house knowing these issues existed. Mr. Foose explained that the Board only reviewed and took action on whether Respondent met the standards when completing his home inspection report.

Mr. Montgomery noted that the standards indicate that a home inspector must operate a representative number of windows yet Respondent's home inspection report only indicated that the windows were inspected, not operated. Investigator Kraemer volunteered to travel to Allegers' home, inspect the windows with Respondent and report to the Board.

Dr. Angel moved and Ms. Wyckoff seconded to table this issue for a future meeting and task staff to investigate this matter further; motion carried unanimously.

5. P20-005, Dennis Rogers, R.A. #28523

Respondent appeared before the Board.

Ms. Wyckoff stated that she knew Respondent but could be impartial in this matter.

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

B. Complaints Proposed for Resolution by Letters of Concern:

1. HI20-015, Corey Stephens, C.H.I. #67422

Dr. Angel moved and Mr. Noel seconded to issue a letter of concern; motion carried unanimously.

C. Complaints Proposed for Resolution with Signed Consent Agreements:

1. P20-007, Steven Seitz, P.E. (Civil) #33562 and Seitz Engineering, LLC, Firm #21897

Ms. Wyckoff stated that it was disheartening to learn that an allegor had to submit a complaint to the Board to get a Respondent's attention but later asked the Board to drop its investigation, which the Board could not do by law.

Dr. Angel asked if staff had opened a complaint against the drafter in this matter. Investigator Lorea answered 'yes.' Mr. Foose asked why the case did not include assessments or and EAC. Investigator Loera answered that the case did not require assessments or an EAC because Respondent admitted to the allegation(s).

Ms. Wyckoff moved and Dr. Angel seconded to accept the signed consent agreement; motion carried unanimously.

2. P20-013, Jeremy Laipple, P.E. (Civil) #47509 and Tripple Crown Engineering, Firm #22010

Mr. Montgomery opined that Respondent should take an ethics course in addition to the disciplinary actions already included in the consent agreement. Dr. Angel agreed.

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

D. Complaints for Consideration of Proposed Consent Agreement:

1. P18-037, Brian Robichaux, Non-Registrant

Respondent's counsel, Douglas Folk, appeared before the Board telephonically.

Mr. Folk stated that Respondent, who was absent due to an illness, would sign the redlined consent agreement if the Board accepted it in its current form. He further stated that he and Respondent made substantive changes to the Findings of Fact in consideration of the Attorney General's Office and the Board's concerns.

Mr. Foose asked Ms. Pritzl and Mr. Donald if the changes reflected the Board's concerns with the previous consent agreement. Both replied that it was up to the Board to determine. Dr. Angel asked for clarification regarding Findings of Fact paragraph three. Mr. Folk obliged, explaining that the paragraph indicated that Respondent was the owner of his architecture firm and not a registrant. Ms. Wyckoff stated she appreciated the changes to the consent agreement.

Mr. Everroad moved and Ms. Wyckoff seconded to offer the proposed consent agreement and if not signed within 30 days move to formal hearing; motion carried unanimously.

E. Complaints Recommended for Formal Hearing:

1. P20-031, Ahler Halhber, aka; James Halarewicz, R.A. #50925, P.E. (Architectural) #46059, P.E. (Civil) #44459

Staff attempted to contact Respondent telephonically multiple times but were unable to reach him.

Ms. Wyckoff moved and Mr. Jones seconded to combine this matter with P19-023 and send to formal hearing; motion carried unanimously.

F. Complaints Proposed for Summary Suspension of Registration:

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

Dr. Angel moved and Mr. Gilmore seconded to enter executive session to seek legal advice at 10:24am.

The Board reentered open session at 10:32am

Ms. Cornelius reminded the Board that this matter was agendaized for summary suspension per the Board's direction at the February 25, 2020 meeting. Dr. Angel opined that some sort of probationary period on Respondent's license was more appropriate than summary suspension. Mr. Montgomery agreed. Ms. Cornelius stated that Respondent's felony conviction was a violation of the Board's statutes. Dr. Angel opined that a summary suspension was unnecessary because Respondent was in prison.

Dr. Angel moved and Mr. Noel seconded to not summarily suspend Respondent's license and to direct staff to discuss with the AAG the possible violations in this matter; motion carried unanimously.

The Board took a break at 10:45am and returned at 10:55am.

Mr. McAllister left the meeting at 10:55am.

7. LICENSING MATTERS

Discussion, Consideration and Vote on the following:

***Universal Licensure: Whether to Grant Registration after Full Board Review***

A. Goldsmith, Sean - Application for Registration as a Mechanical Engineer #192945

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

B. Jakubowski, Ryan- Application for Registration as a Geologist #200091

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

C. Glass, Todd - Application for Registration as a Mechanical Engineer #200224

Mr. Montgomery noted that the Board packet did not include the applicant's state of original registration, South Dakota, standards and therefore he could not determine if South Dakota's practice level was equivalent to Arizona.

The Board decided to pend this matter for a future 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;

The Board decided to pend this matter for a future meeting.

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. Visit with and Presentation regarding IPAL by the National Council of Architect Registration Boards

NCARB members, Edward Marley and Mike Armstrong, presented information regarding IPAL and legislation affecting licensing Boards across the nation.

Ms. Wyckoff left the meeting at 11:37am

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

SB1298, SB1274, SB1142, HB2175, HB2402, HB2184, HB2288, SB1089, SB1211, SB1212, HB2722, HB2690, HB2685, HB2713, HB2740, HB2589, HB2359, HB2809, HB2836

Ms. Pritzl reported on various bills that may impact the Board and the professions it regulates. Ms. Cornelius reported that she and Ms. Pritzl had met with a number of legislators and Governor's office representatives to express their concerns regarding pending legislation.

## 10. DIRECTOR'S REPORT

- A. Budget Update
  - a. Cash Flow Report

Ms. Cornelius reported on the Board's budget.

**B. Previous Meeting Follow-Up**

**a. Board Member Appointments**

Nothing discussed

**b. Computer updates**

Ms. Cornelius reported that staff were working with SPO and ASET to complete the migration project..

**c. Staff updates**

Ms. Cornelius reported that Erin Corral was a new investigator at the Board.

**d. Community Outreach**

Ms. Cornelius reported that CLEAR asked the Board to make a presentation regarding universal licensure, which staff agreed to do. She further reported that Board members were invited to take a tour of the Palo Verde plant.

**C. Director's Meetings - Nothing discussed**

**D. Statistics Review - Nothing discussed**

**11. BOARD CHAIR'S REPORT - Nothing to discuss**

**12. ASSISTANT ATTORNEY GENERAL'S REPORT**

Summary suspensions, Open meeting law and communications

Mr. Donald made his report on summary suspensions prior to the Board's discussion and action for agenda item 6F1. Dr. Angel asked Mr. Donald to explain the difference between a summary suspension and a suspension through the normal process. Mr. Donald obliged.

Mr. Donald made his report on open meeting law and communications after the Board's discussion of Agenda item 10.

**13. STANDING COMMITTEE REPORTS**

**A. Legislation and Rules Committee - No new meeting date and discussion of possible meeting dates and topics**

**B. Home Inspector Rules and Standards Committee - March 19, 2020 Meeting Date**

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

- A. ASBOG - Nothing to discuss
- B. CLARB - Nothing to discuss
- C. NCARB - Nothing to discuss
- D. NCEES

- a. NCEES Zone Meeting in Houston, TX, April 23-25, 2020

Ms. Cornelius reported that Mr. Foose planned to appear at the land surveyor forum and she planned to appear at the engineer forum.

- b. NCEES Invitation to Make a Presentation to the Annual Meeting's Law Enforcement Section

Ms. Cornelius reported that NCEES requested that the Board make a presentation at the NCEES annual meeting regarding pending litigation.

- E. ABET - 2020-2021 EAC audit visit list

Mr. Montgomery reported that he reached out to ABET regarding its EAC audit visit list and ABET replied that a list would be available in the summer.

- F. Land Surveyor Task Force - Jason Foose Report

Mr. Foose reported that the Task Force completed its task and awaited the rulemaking process.



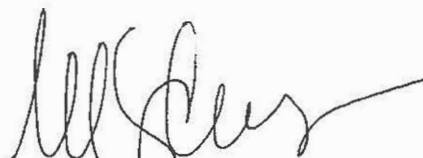
15. **FUTURE BOARD MEETINGS** – March 10, 2020, March 24, 2020

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

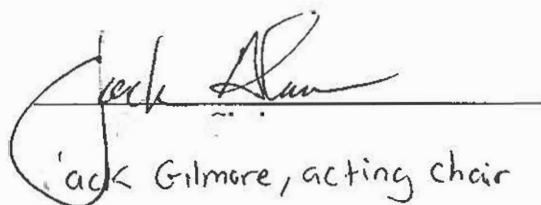
9b, staff report

17. **MEETING ADJOURNMENT** – 12:59pm

Signed this day 24 March, 2020



Melissa Cornelius, Executive Director



Jack Gilmore, acting chair