



State of Arizona BOARD OF TECHNICAL REGISTRATION

1110 W. Washington Street, Suite 240, Phoenix, Arizona 85007
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- Jack Gilmore, Board Chair, Landscape Architect ● Michael Kolejka, Board Vice Chair, Architect
- Vacant, Land Surveyor ● Scott Sayles, Civil Engineer ● Bill Nesgood, Geologist
- Dr. Clinton Campbell, Public Member ● Jennifer Hobik, Esq, Public Member
- Kileen Lindgren, Public Member ● Stacy Skankey, Esq, Public Member
- Kent Wilson, Board Secretary, Public Member ● Vacant, Public Member

NOTICE AND AGENDA FOR REGULAR SESSION MEETING

1110 W. Washington Street, Conference Room 3175, Phoenix, Arizona 85007

Tuesday, July 26, 2022 –9:00am

The Arizona Board of Technical Registration will hold a regular meeting, open to the public at the Board's office, located at 1110 W. Washington, Suite 240, Phoenix, AZ 85007.

Please note that the cases on this agenda are categorized with staff recommendations for resolution. The Board has the authority to accept, reject, or modify any recommendation listed on the agenda. These recommendations are merely suggested Board actions; the Board may not adopt them, and may decide cases differently.

The Board may discuss, consider or take action on any item on the agenda, and at the discretion of the Board, agenda items may be taken out of order, except for those items set at a specific time.

The majority or a quorum of the Board may vote to hold an Executive Session to review confidential records exempt by law from public inspection, pursuant to A.R.S. § 38-431.03(A)(2); to obtain legal advice regarding any of the items on the agenda, pursuant to A.R.S. § 38-431.03(A)(3); or to discuss or consult with the attorneys of the public body in order to consider its position and instruct its attorneys regarding the public body's position regarding contracts that are the subject of negotiations, in pending or contemplated litigation or in settlement discussions conducted in order to avoid or resolve litigation pursuant to A.R.S. § 38-431.03(A)(4). All examination material, transcripts education records, reference forms and applications are confidential pursuant to A.R.S. § 32-129(A), and all investigation files are confidential and not subject to inspection until the matter is final and a hearing notice is issued (A.R.S. § 32-129(B)).

Pursuant to the Americans with Disabilities Act, people with disabilities may request a reasonable accommodation by contacting Kurt Winter at (602) 364-4883. Requests for reasonable accommodations should be made as early as possible to allow time to accommodate the request. The Board may not be able to accommodate requests made less than 36 hours prior to the scheduled meeting.

Concerns Relating to Meetings held at the Board and COVID-19

At this time, the Board will proceed with all scheduled public meetings and the public is still welcome to attend in person. However, COVID-19 may prevent those otherwise wishing to attend from doing so. The Board is therefore allowing individuals to attend remotely to ensure the public's right to attend and listen to the Board's deliberations and proceedings per A.R.S. § 38-431.01(A) and A.R.S. § 38-431(4).

In order to maintain a cohesive meeting, the Board asks that those wishing to attend remotely make Board staff aware in advance. The Board utilizes Google Meet for its remote meetings, which requires the meeting host (the Board) to 'invite' members to participate, hence the need for Board staff to know who wishes to attend in advance.

If you wish to attend a meeting remotely, please contact Kurt Winter via email at: kurt.winter@azbtr.gov

Board staff posts meeting agendas on its website, the AZBTR's lobby (suite 240) and the meeting board located in the main entrance of the ADEQ building (1110 W. Washington St. Phoenix AZ 85007) in accordance with A.R.S. § 38-431.02. The Board suggests reviewing any meeting agenda before requesting a Google Meetup invitation.

Please note that all meetings are recorded and the recordings posted on the Board's website within three working days after the meeting in accordance with A.R.S. § 38-431.01(E).

1. CALL TO ORDER

2. ROLL CALL

3. CALL TO THE PUBLIC

Members of the public may address the Board during this Call to the Public for no more than **3 minutes**. Pursuant to A.R.S. § 38-431.01(H), the Board members are not allowed to discuss or take legal action on matters raised during an open call to the public unless the matters are properly noticed for discussion and legal action. However, members may ask staff to review a matter or may ask that a matter be placed on a future agenda.

4. ADOPTION OF MINUTES

The Board may vote to enter executive session pursuant to A.R.S. § 38-431.03(A)(2) (to discuss confidential information), A.R.S. § 38-431.03(A)(3) (to receive legal advice) on agenda items 4(A).

A. Approve, modify and/or reject, June 28, 2022 Board meeting minutes.

5. CONSENT AGENDA

Items listed on the Consent Agenda will be considered by the Board as a single action item unless a Board Member wishes to remove a specific item for review, discussion, and action separately from the other Consent Agenda items.

The Board may vote to enter executive session pursuant to A.R.S. § 38-431.03(A)(2) (to discuss confidential information), A.R.S. § 38-431.03(A)(3) (to receive legal advice) on agenda items 5(A).

A. LICENSING MATTERS

Review, Consideration and Possible Action on the following:

1. Cancel Registrations and Certifications that have been Expired for one Full Renewal Period
2. Grant Applications for Registration/Certification
 - a) Professional Exam unknown
 - 1) Blackler, Gerald – Application for Registration as a Civil Engineer #224871
 - 2) Connelly, John – Application for Registration as a Civil Engineer #224702
 - 3) Jackson, Samuel – Application for Registration as an Electrical Engineer #224527
 - 4) Sommer, James – Application for Registration as an Electrical Engineer #224821
 - 5) King, Brian – Application for Registration as a Mechanical Engineer #224687
 - 6) Cook, Michael – Application for Registration as a Civil Engineer #224743
 - b) Certificate(s) of Experience from non-Professionals
 - 1) Beneduce, Ryan – Application for Registration as a Civil Engineer #224457
 - 2) England, Hunter – Application for Registration as a Geologist #223244
 - 3) Gamez Garcia, Jose – Application for Registration as a Civil Engineer #211579
 - 4) Tomas, Michael – Application for Registration as an Electrical Engineer #224757
 - 5) Hansen, Jacob – Application for Registration as a Mechanical Engineer #224373
 - c) Council Records – experience under non-Professionals
 - 1) Aleckson, Luke – Application for Registration as a Mechanical Engineer #224733
 - 2) Baghaei, Davood – Application for Registration as a Civil Engineer #224827
 - 3) Frusti, Eric – Application for Registration as an Electrical Engineer #224776
 - 4) Gookin, Mark – Application for Registration as a Civil Engineer #224889
 - 5) Haddad, Rami – Application for Registration as a Chemical Engineer #224816
 - 6) Krahn, David – Application for Registration as a Civil Engineer #224501

- 7) Smith, Zachary – Application for Registration as a Civil Engineer #224121
 - 8) Warcup, Timothy – Application for Registration as a Mechanical Engineer #224873
 - 9) Woodard, Andrew – Application for Registration as a Civil Engineer #224550
 - 10) Dahle, Taylor – Application for Registration as a Civil Engineer #224966
 - 11) Yu, Cheng – Application for Registration as a Civil Engineer #224939
 - d) Background Review
 - 1) Cocco, Elyse – Application for Registration as a Mechanical Engineer #223657
 - 2) Davis, Seth – Application for Registration as a Civil Engineer #224584
 - 3) Ditgen Jr., Jeffrey – Application for Registration as a Civil Engineer #224559
 - 4) Dobbins, Kyle – Application for Registration as a Civil Engineer #224553
 - 5) Hudson, Carl – Application for Certification as a Home Inspector #224191
 - 6) Isaac, Ronnie – Application for Registration as a Mechanical Engineer #224560
 - 7) Jones, Timothy – Application for Registration as an Architect #211253
 - 8) Pauley, Kyle – Application for Registration as a Civil Engineer #224280
 - 9) Rice, Caleb – Application for Certification as a Home Inspector #224409
 - 10) Tinney, Trent – Application for Registration as a Civil Engineer #224456
 - 11) Wiener, Thomas – Application for Registration as a Civil Engineer #224214
 - 12) Croft, George – Application for Certification as a Home Inspector #224152
 - e) Disciplinary Action Review
 - 1) *Nothing to discuss*
3. Grant Universal Applications for Professional Registration/Certification
 - a) Travis, Nathan – Application for Registration as a Mechanical Engineer #224886
 4. Grant Renewal Registration Application(s)
 - a) Background Review
 - 1) Aceves Manrique, Miguel – Renewal Application for Civil Engineer Registration #40952
 - 2) Stocker, Gary – Renewal Application for Civil Engineer Registration #14400
 - 3) Stocker, Gary – Renewal Application for Land Surveyor Registration #17516
 - b) Disciplinary Action Review
 - 1) *Nothing to discuss*
 5. Approve Application(s) for Exam Waivers
 - a) Application(s) to waive Fundamental Exam
 - 1) *Nothing to discuss*
 - b) Application(s) to waive Professional Exam
 - 1) Tracey, Michael – Application to waive the SE II exam #224635
 - 2) Wilkerson, Steven – Application to waive SE II exam #224694
 - 3) Naves Esquer, Manuel – Application to waive SE exam #224862
 6. Approve Application(s) for Exam Authorization
 - a) Certificate(s) of Experience from non-Professionals
 - 1) Begay, Miles – Application for PE Civil exam authorization #224295
 - 2) Gonzalez, Joan – Application for FE exam authorization #223721
 - 3) Lopez, Shayne – Application for PE Civil exam authorization #224544
 7. Approve Extension Requests
 - a) Maywood, Jovanae – Application for Certification as a Home Inspector #223778

6. CONSIDERATION OF CASES REFERRED FOR FORMAL HEARING

The Board may vote to enter executive session pursuant to A.R.S. § 38-431.03(A)(2) (to discuss confidential information), A.R.S. § 38-431.03(A)(3) (to receive legal advice) on agenda item 6(A-B). In the event the Board moves to accept a consent agreement or administratively close a file, it will additionally consider whether to vacate any pending court dates.

- a. Consideration of State's Motion to Deem Allegations Admitted
 1. P21-067, Adams, Tammy, non-registrant
- b. Complaints proposed to Rescind the Board's order to send to administrative hearing and refer to the Attorney General's Office for possible criminal prosecution
 1. P22-010, Padilla, Carlos, non-registrant land surveyor

7. ENFORCEMENT MATTERS

Review, Consideration and Possible Action on the following:

The Board may vote to enter executive session pursuant to A.R.S. § 38-431.03(A)(2) (to discuss confidential information), A.R.S. § 38-431.03(A)(3) (to receive legal advice) on agenda items 7(A-F).

- A. Complaints Proposed for Resolution by Dismissal or Administrative Closure:
 1. P22-077, Scott Schmidgall, P.E. (Civil) #31143
 2. HI22-040, Dennis Letner, C.H.I. #54405 (*cancelled*)
 3. HI22-037, Nicholas Marksberry, Non-Registrant and Always Faithful Home Inspection, LLC, Non-Registrant Firm
 4. P22-079, Dustin Curtis, R.A. #23470
 5. P22-067, Blair Saville, R.A. #28526 and Saville Architecture & Design, Inc #13862
 6. P22-047, Gary Hancock, P.E. (Structural) #26025
- B. Complaints Proposed for Resolution by Letters of Concern:
 1. HI22-034, Michael Merucci, C.H.I. #64252
- C. Complaints Proposed to Offer Consent Agreement:
 1. P22-044, Luke Sefton, P.E. (Civil) #37322
- D. Complaints Requiring Board Guidance:
 1. P22-056, Joseph Zeimet, R.L.S. #45086 and East Valley Surveying and Mapping, LLC, #16100
 2. P22-053, Kathryn Mills, P.E. (Civil) #31118
- E. Complaints proposed to be referred to the Attorney General's Office for possible criminal prosecution
 1. P23-002, Padilla, Carlos, non-registrant land surveyor
- F. Administratively closed complaints proposed to be reopened for investigation
 1. P20-016, Padilla, Carlos, non-registrant land surveyor

8. POLICY MATTERS

Review, Consideration, and Possible Action on the following:

The Board may vote to enter executive session pursuant to A.R.S. § 38-431.03(A)(2) (to discuss confidential information), A.R.S. § 38-431.03(A)(3) (to receive legal advice) on agenda item 8(A). Additionally, the Board may vote to enter executive session pursuant to A.R.S. § 38-431.03(A)(4)(discussion or consultation with the attorneys of the public body in order to consider its position and instruct its attorneys regarding the public body's position regarding contracts that are the subject of negotiations, in pending or contemplated litigation or in settlement discussions conducted in order to avoid or resolve litigation) on agenda item 8(A).

- A. Arizona Supreme Court Docket No. CV-21-0203-PR, 1 CA-CV 20-0510 & CV 2019-013509 – Mills v. Arizona State Board of Technical Registration

9. DIRECTOR'S REPORT

- A. Budget Update
- B. Previous Meeting Follow-Up
 - a. Online Transition
 - b. Board Staff Updates
 - c. Board Composition
- C. Licensing Numbers
- D. Enforcement Numbers
- E. List of Newly Granted

10. BOARD CHAIR'S REPORT

- A. Presentation of service plaque for Stephen Noel.

11. ASSISTANT ATTORNEY GENERAL'S REPORT

12. STANDING COMMITTEE REPORTS

- A. Legislation and Rules Committee – No new meeting date
- B. Home Inspector Rules and Standards Committee –Next meeting September 7, 2022

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

- A. National Association of State Boards of Geology (ASBOG)
- B. Council of Landscape Architectural Registration Boards (CLARB)
- C. National Council of Architectural Registration Boards (NCARB)
- D. National Council of Examiners for Engineering and Surveying (NCEES)

14. FUTURE BOARD MEETINGS – August 22, 2022

15. SUGGESTED TOPICS FOR FUTURE MEETING AGENDAS.

16. MEETING ADJOURNMENT