



**State of Arizona**  
**BOARD OF TECHNICAL REGISTRATION**

1110 W. Washington Street, Suite 240, Phoenix, Arizona 85007  
(602) 364-4930 FAX: (602) 364-4931 <https://btr.az.gov/>

- Jack Gilmore, Board Chair, Landscape Architect • Michael Kolejka, Board Vice Chair, Architect
- Dana Klett, 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

**MINUTES FOR REGULAR SESSION MEETING**

1110 W. Washington Street, Board Room 245, Phoenix, Arizona 85007

**Tuesday, November 1, 2022 –9:00am**

1. **CALL TO ORDER** – The Board meeting convened at 9:00 am and adjourned at 1:09 pm.
2. **ROLL CALL**

**PRESENT**

Jack Gilmore  
Michael Kolejka  
Lucas “Kent” Wilson  
Stacey Skankey, Esq.  
Scott Sayles  
Dana Klett  
Bill Nesgood

**TELEPHONIC**

Dr. Clinton Campbell – Joined at 9:04 am, left at 9:22 am and rejoined at 9:23 am  
Jennifer Hobik, Esq.  
Kileen Lindgren – Joined at 9:10 am, left at 9:58 am and rejoined at 10:30 am

3. **CALL TO THE PUBLIC**

No one appeared before the Board.

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-B).*

- A. Approve, modify and/or reject, September 27, 2022 Board meeting minutes.

Mr. Kolejka moved and Ms. Hobik seconded to approve both regular session and executive session minutes as written; motion carried 8-0.

- B. Approve, modify and/or reject, September 27, 2022 Executive Session Board meeting minutes.

See 4(A).

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. Louis, Daniel – Application for Registration as a Civil Engineer #225541
    2. Marz, Richard – Application for Registration as a Civil Engineer #225745
    3. Kelly, Peter – Application for Registration as a Mechanical Engineer #225904
    4. Sherman, Matthew – Application for Registration as a Civil Engineer #225723
    5. Greene, Robert – Application for Registration as a Civil Engineer #225707
    6. Reifer, Matthew – Application for Registration as a Civil Engineer #225353
    7. Jereb, Matthew – Application for Registration as a Civil Engineer #226043
    8. Watkins, Rebecca – Application for Registration as an Electrical Engineer #226019
  - b) Certificate(s) of Experience from non-Professionals
    1. Melvin, Eric – Application for Registration as a Chemical Engineer #225393
    2. Tran, Hung Think – Application for Registration as a Landscape Architect #225534
    3. Newman, Tyler – Application for Registration as a Civil Engineer #225522
    4. Janowiak, Jack – Application for Registration as an Architect #225320
  - c) Council Records – experience under non-Professionals
    1. Gao, Zhi – Application for Registration as a Mechanical Engineer #225751
    2. Madero, Frank – Application for Registration as a Mechanical Engineer #225771
    3. Mahmoudi, Megan – Application for Registration as a Mechanical Engineer #225760
    4. Van Dyke, Kevin – Application for Registration as an Electrical Engineer #225798
    5. Wiegert, James – Application for Registration as a Civil Engineer #225785
    6. Danielsen, Stephen – Application for Registration as a Mechanical Engineer #225852
    7. Spellicy, Kevin – Application for Registration as a Mechanical Engineer #225246
  - d) Background Review
    1. Browne, William – Application for Universal Licensure as a Home Inspector #225713
    2. Cardenas, Richard – Application for Universal Licensure as a Home Inspector #225763
    3. Montes, Roger – Application for Registration as a Civil Engineer #225451
    4. Nye, Scott – Application for Registration as an Architect #225536
    5. Schwendig, Jayson – Application for Registration as a Mechanical Engineer #225888
    6. Young, Zachary – Application for Certification as a Home Inspector #225762
    7. Garbiso, Jesus – Application for Universal Licensure as a Home Inspector #225820
    8. Berry, Katherine – Application for Registration as a Geological Engineer #225850
    9. Ontko, Robert – Application for Registration as a Chemical Engineer #226027
    10. Quinlan, Jacob – Application for Registration as a Geologist #224078
    11. Valencia, Marco – Application for Certification as a Home Inspector #225590
    12. Varathungarajan, David – Application for Registration as a Civil Engineer #226000

- e) Disciplinary Action Review
  - 1. Sheykhet, Aleksandr – Application for Registration as an Architect #225933
  - 2. Kennedy, Kevin – Application for Registration as an Architect #225651
  
- f) Multiple Considerations
  - 1. Jewett, Ronald – Application for Registration as an Architect #225738
    - i. Disciplinary Action
    - ii. Background Review
  
- 3. Grant Universal Applications for Professional Registration/Certification
  - a) Fipps, Zachary – Application for Certification as a Home Inspector #225192
  - b) Lacey, Walter – Application for Registration as a Geologist #225773
  - c) Miller, Kaleisha – Application for Registration as a Civil Engineer #225900
  - d) Newberry, Jeffrey – Application for Certification as a Home Inspector #225779
  
- 4. Grant Renewal Registration Application(s)
  - a) Background Review
    - Nothing to consider*
  - b) Disciplinary Action Review
    - 1. Kenney, John – Renewal Application for Mechanical Engineer Registration #55236
  
- 5. Approve Application(s) for Exam Waivers
  - a) Application to waive Fundamental Exam
    - Nothing to consider*
  - b) Application to waive Professional Exam
    - 1. Hew, Min Chow – Application to waive 16-hour Structural exam #225538
    - 2. Maggert, Lee – Application to waive 16-hour Structural exam #225876
    - 3. Gray, Matthew – Application to waive 16-hour Structural exam #225858
    - 4. Landeros, Phillip – Application to waive PE Civil exam #225700
    - 5. Laymon, Jason – Application to waive SE II exam #225815
  
- 6. Approve Application(s) for Exam Authorization
  - a) Certificate(s) of Experience from non-Professionals
    - 1. Haines, Gordon – Application for FE exam authorization #225834
    - 2. Sydykov, Abyl – Application for PE Metallurgy exam authorization #225634
    - 3. Al Musawi, Mohammed – Application for ARE exam authorization #225875
  - b) Council Records – experience under non-Professionals
    - 1. DeGraff, Paul – Application for AZ State Specific LS exam authorization #225717
  
- 7. Approve Extension Requests
  - a) Goodale, Scotty – Application to waive PE Chemical exam #225266
  - b) Omar, Mahmoud – Application for Registration as an Architect #224896
  - c) Connick, Benjamin – Application for FG exam authorization #223305
  - d) Lozoya, Israel – Application for ARE exam authorization #211759

Mr. Sayles moved and Mr. Kolejka seconded to approve all items under agenda item 5(A); motion carried 9-0.

## 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).*

*Formal Hearings and related proceedings will begin at 9:30am.*

A. Board to review and accept, modify, or reject decision of Administrative Law Judge:

1. P21-058, Ornelas, Eduardo #22461 and Arquitecto E.J. Ornelas & Associates Architect Firm, #11260

AAG Deanie Rehappeared telephonically on behalf of the State..

AAG Seth Hargraves appeared telephonically to provide the Board with independent legal advice.

Respondent was not present.

The Board heard the State's oral argument to accept the Administrative Law Judge's final decision with modifications to the final order.

Mr. Sayles moved and Mr. Kolejka seconded to accept #1-26 of the Administrative Law Judge's findings of fact; motion carried 10-0.

Mr. Kolejka moved and Ms. Stankey seconded to accept #1-13 of the Administrative Law Judge's conclusions of law; motion carried 10-0.

Ms. Reh asked that the Board modify the final order to specify the amounts of costs and fees, and to set a timeframe for compliance. The Board deliberated.

Mr. Kolejka moved and Mr. Sayles seconded to modify the Administrative Law Judge's final order to specify the amounts of costs and fees owed to the Board and that they must be paid within 180 days; motion carried 10-0.

## **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:

1. P23-027, Kevin Elverum, P.E. (Civil) #46604

Mr. Sayles moved and Ms. Skankey seconded to dismiss cases #P23-027, #UK23-001, #UK23-002 And #UK23-003; motion carried 9-0.

2. P22-082, Erik Koss, R.A. #40300 and Koss Design, #15555

Respondent was present, made a statement and answered Board member questions. Respondents counsel was present and made a statement. Alleger, Tom Farley was present and made a statement. Investigator Daniel Carthel was present, made a statement and answered Board member questions. The Board deliberated.

Mr. Kolejka moved and Mr. Nesgood seconded to dismiss case #P22-082; motion carried 10-0.

Mr. Wilson moved and Mr. Kolejka seconded to direct Board staff to open an investigation into Stephen Shearrow, RLS related to Alleger's complaint; motion carried 10-0.

3. UK23-001, Glen Oak Apartments, Non-Registrant Firm

See 7(A)(1).

4. UK23-002, Paragon Sweeping, Non-Registrant Firm

See 7(A)(1).

5. UK23-003, Jose DeJesus, Non-Registrant and Safeway, Non-Registrant Firm

See 7(A)(1).

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

1. HI22-041, Randy Dimit, C.H.I. #60269

Mr. Wilson moved and Mr. Sayles seconded to issue Respondent a Letter of Concern; motion carried 10-0.

**C. Complaints Proposed for Resolution with Signed Consent Agreements:**

1. P23-015, Jaydee Woods, Non-Registrant and 312 Architect & Design, #23979 (*Related Case P23-016*)

Mr. Kolejka moved and Ms. Skankey to accept the signed Consent Agreement for cases #P23-015, #P23-016 and #P23-013; motion carried 10-0.

2. P23-016, Kristopher Ontiveros, Non-Registrant and 312 Architect & Design, #23979 (*Related Case P23-015*)

See 7(C)(1).

3. P23-013, Robert Edwards, Non-Registrant and Mojave Earth Solutions, Non-Registrant Firm

See 7(C)(1).

**D. Complaints Proposed to Offer Consent Agreement and Resolution by Letter of Concern:**

1. P22-040, David Ellsworth, P.E. (Structural) #24470 and David M. Ellsworth, P.E., Non-Registrant Firm

Respondent appeared telephonically and made a statement before the Board. Alleger Tyler Johnson appeared telephonically and made a statement before the Board. Investigator Daniel Carthel was present and made a state before the Board.

Mr. Kolejka moved and Mr. Sayles seconded to accept Respondent's signed Consent Agreement; motion carried 9-0.

Ms. Skankey moved and Mr. Sayles seconded to issue Respondent a Letter of Concern; motion carried 9-0.

**E. Complaints Proposed to Offer Consent Agreement:**

1. HI22-039, Celia Webb, C.H.I #71570 and Always Faithful Home Inspections, LLC #20330

Respondent appeared telephonically and made a statement before the Board. Investigator Kaitlyn Crawford was present.

Mr. Kolejka moved and Ms. Skankey seconded to accept Respondent's signed Consent Agreement contingent upon staff receiving a signed but otherwise unmodified copy of the consent agreement offered by staff per Respondent's communication with staff; motion carried 10-0.

2. HI22-017, Joseph Destito, C.H.I. #65045 and Old Pueblo Home Inspections, #24213

Respondent appeared telephonically to make a statement and answer Board member questions. Investigator Greg Roehm was present and made a statement before the Board.

Mr. Wilson moved and Mr. Sayles seconded to offer a Consent Agreement to Respondent; motion carried 10-0.

3. P21-016, Michael Nakhla, P.E.#33379

Respondent appeared telephonically and answered Board member questions. Respondent's counsel appeared telephonically, made a statement and answered Board member questions.

Mr. Kolejka moved and Mr. Sayles seconded to offer a Consent Agreement to Respondent, and if not signed within 30 days, move to a formal hearing; motion carried 10-0.

4. P22-049, Monica Acuna Arizmendi, Non-Registrant

Respondent appeared telephonically, made a statement and answered Board member questions. Investigator Daniel Carthel was present, made a statement and answered Board member questions. The Board deliberated.

Mr. Sayles moved and Dr. Campbell seconded to offer a modified Consent Agreement to Respondent, and if not signed within 30 days, move to a formal hearing; motion carried 10-0.

Mr. Sayles moved and Dr. Campbell seconded to direct staff to open an investigation against Monica Acuna Arizmendi and a complaint against Robert Acken RLS ; motion carried 10-0..

5. P23-019, Ivonek Badilla, Non-Registrant and Evo Design 12<sup>th</sup> Street Studio, LLC, Non-Registrant Firm (*Related case P23-020*)

Alleger Mike Biesemyer appeared telephonically, made a statement and answered Board member questions. Investigator Greg Roehm was present and made a statement before the Board. AAG Scott Donald was present to provide legal advice.

Mr. Kolejka moved and Mr. Sayles seconded to offer a Consent Agreement to Respondent and directed Board staff to refer this matter to the appropriate law enforcement agency for potential criminal prosecution; motion carried 10-0.

6. P23-020, Ivonek Badilla, Non-Registrant and Evo Design 12<sup>th</sup> Street Studio, LLC, Non-Registrant Firm (*Related Case P23-019*)

Alleger Jeremy Jones appeared telephonically and made a statement before the Board.

Mr. Sayles moved and Mr. Kolejka seconded to offer a Consent Agreement to Respondent and directed Board staff to refer this matter to the appropriate law enforcement agency for potential criminal prosecution. In addition, the Board directed Board staff to open two complaints one against Ronald Hecht and the other complaint on Vitruvian Design.; motion carried 10-0.

F. Consideration to Lift Stay of Revocation:

1. AL20-003, Paul Skaggs, A.A. 65881 (Suspended)

Investigator Daniel Carthel was present and made a statement before the Board.

Mr. Kolejka moved and Mr. Sayles seconded to lift Respondent's Stay of Revocation; motion carried 10-0.

## 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

Mr. Greg Harris, the Board's outside legal counsel, appeared before the Board.

Mr. Wilson moved and Mr. Sayles seconded to move into executive session; motion carried 9-0.

The Board entered Executive Session at 10:13 am. The Board returned to Open Session at 10:45 am.

Mr. Gilmore moved and Mr. Kolejka seconded to direct legal counsel to proceed as discussed in Executive Session; motion carried 10-0.

- B. 2023 Board Meeting Dates

## 9. DIRECTOR'S REPORT

- A. Budget Update
- B. Previous Meeting Follow-Up
  - a. Online Transition
  - b. Board Staff Updates
  - c. Staff follow-up from 9/27/22
  - d. Board Composition

- C. Licensing Numbers
- D. Enforcement Numbers
- E. List of Newly Granted Applicants
- F. Mandatory Board Member Training

Ms. Stapley reported on the Board's budget, Board staff updates, enforcement and licensing numbers and mandatory Board member training.

## **10. BOARD CHAIR'S REPORT**

## **11. ASSISTANT ATTORNEY GENERAL'S REPORT**

- A. Board training

AAG Scott Donald gave the Board a short training on Conflict of Interest laws.

## **12. STANDING COMMITTEE REPORTS**

- A. Legislation and Rules Committee – Mr. Winter reported that the next L&R meeting is on 11/16/2022.
- B. Home Inspector Rules and Standards Committee

Ms. Stapley reported on updates regarding Standards of Professional Conduct that was submitted to the Arizona Chapter of the American Society of Home Inspectors (AZASHI).

## **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)

Mr. Gilmore reported on CLARB's regional conference that he recently attended and the upcoming sunset audit next year.

- C. National Council of Architectural Registration Boards (NCARB)

Ms. Stapley reported on the Chair Member Board Executive Meeting that he and Mr. Kolejka both attended, possible changes to NCARB's Board of Directors, and the upcoming regional conference that Mr. Sayles will attend.

- D. National Council of Examiners for Engineering and Surveying (NCEES)

Ms. Stapley reported on the upcoming Zone Interim Meeting in April.

- E. American Council of Engineering Companies of Arizona (ACEC Arizona)

## **14. FUTURE BOARD MEETINGS – December 6, 2022**

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



Review of Board substantive policy statements and conflicts. Presentation on land surveyor use of drones from an outside expert.

## 16. MEETING ADJOURNMENT

### ONLINE COMMENTS MADE DURING BOARD MEETING OPEN SESSION

Mike Biesemeyer

10:17 AM

Mute your mic please --

Kurt Winter

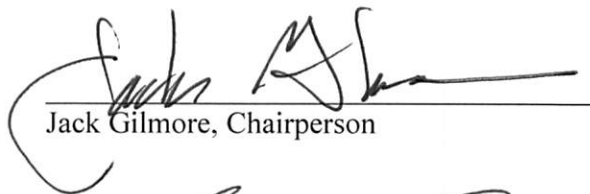
11:30 AM

Board Meeting Tuesday, November 1 · 9:00am – 5:00pm Google Meet joining info Video call link: <https://meet.google.com/afw-kuqf-zrj>

Or dial: (US) +1 440-482-5315 PIN: 704 658 817# More phone numbers: <https://tel.meet/afw-kuqf-zrj?pin=4766625060285>

Or dial: (US) +1 440-482-5315 PIN: 704 658 817#

Signed this 6 day, December 2022



Jack Gilmore, Chairperson



Judith Stapley, Executive Director