

1 **BEFORE THE ARIZONA STATE**
2 **BOARD OF TECHNICAL REGISTRATION**

3 **In the Matter of:**

Case No.: HI22-017

4 **Joseph Destito**
5 **Certified Home Inspector**
6 **Certification No. 65045**

CONSENT AGREEMENT
and
ORDER OF DISCIPLINE

7 **Old Pueblo Home Inspections**
8 **Firm Registration No. 24213**

9 **Respondents**

10 In the interest of a prompt and judicious resolution of the above-captioned matter
11 before the Arizona State Board of Technical Registration ("Board") and consistent with
12 the public interest, statutory requirements, and the responsibilities of the Board, and
13 pursuant to A.R.S. § 32-101 et seq., and A.A.C. R4-30-120(G), the undersigned party,
14 Joseph Destito ("Respondent"), holder of Certification No. 65045, and Old Pueblo Home
15 Inspections ("Respondent Firm"), holder of Registration No. 24213 and the Board enter
16 into the following Recitals, Findings of Fact, Conclusions of Law and Order ("Consent
17 Agreement") as a final disposition of this matter.

18 **RECITALS**

19 1. Respondent has read and understands this Consent Agreement and has had
20 the opportunity to discuss this Consent Agreement with an attorney, or has waived the
21 opportunity to discuss this Consent Agreement with an attorney.

22 2. Respondent understands that he has a right to a public administrative hearing
23 concerning this case. He further acknowledges that at such formal hearing he could
24 present evidence and cross-examine witnesses. By entering into this Consent Agreement,
25 Respondent knowingly, voluntarily, and irrevocably waives his right to such an
26 administrative hearing, as well as rights of rehearing, review, reconsideration, appeal,
27 judicial review or any other administrative and/or judicial action concerning the matters
28 set forth herein.

1 3. Respondent affirmatively agrees that this Consent Agreement shall be
2 irrevocable.

3 4. Respondent understands that this Consent Agreement or any part of the
4 agreement may be considered in any future disciplinary action by the Board against him.

5 5. The Consent Agreement, any record prepared in this matter, all investigative
6 materials prepared or received by the Board and all related exhibits and materials, are
7 public records upon acceptance by the Board of this Consent Agreement and may be
8 retained in the Board's files pertaining to this matter.

9 6. Respondent understands this Consent Agreement deals with Board case
10 number HI22-017 involving allegations that Respondent engaged in conduct that would
11 subject him to discipline under the Board's statutes and rules. The investigation into
12 these allegations against Respondent shall be concluded upon the Board's adoption of
13 this Consent Agreement.

14 7. Respondent understands that this Consent Agreement does not constitute a
15 dismissal or resolution of any other matters currently pending before the Board, if any,
16 and does not constitute any waiver, express or implied, of the Board's statutory authority
17 or jurisdiction regarding any other pending or future investigation, action or proceeding.

18 8. Respondent also understands that acceptance of this Consent Agreement does
19 not preclude any other agency, subdivision, or officer of this State from instituting any
20 other civil or criminal proceedings with respect to the conduct that is the subject of this
21 Consent Agreement.

22 9. Respondent acknowledges and agrees that, upon signing this Consent
23 Agreement and returning this document to the Board's Executive Director, he may not
24 revoke his acceptance of the Consent Agreement or make any modifications to the
25 document regardless of whether the Consent Agreement has been signed on behalf of the
26 Board. Any modification to this original document is ineffective and void unless
27 mutually agreed by the parties in writing.

28

1 10. This Consent Agreement is subject to the approval of the Board and is
2 effective only when accepted by the Board and signed on behalf of the Board. If the
3 Board does not accept this Consent Agreement, the Board retains its authority to hold a
4 formal administrative hearing pursuant to A.R.S. § 32-128(E). In the event that the
5 Board does not approve this Consent Agreement, it is withdrawn and shall be of no
6 evidentiary value and shall not be relied upon nor introduced in any action by any party,
7 except that the parties agree that should the Board reject this Consent Agreement and this
8 case proceeds to hearing, Respondent shall assert no claim that the Board was prejudiced
9 by its review and discussion of this document or any records relating thereto.

10 11. If a court of competent jurisdiction rules that any part of this Consent
11 Agreement is void or otherwise unenforceable, the remainder of the Consent Agreement
12 shall remain in full force and effect.

13 12. Respondent understands that any violation of this Consent Agreement may
14 result in disciplinary action, including suspension or revocation of the registration under
15 A.R.S. § 32-150.

16 13. Respondent agrees that the Board will adopt the following Findings of Fact,
17 Conclusions of Law and Order.

18 **FINDINGS OF FACT**

19 1. The Board is the duly constituted authority for the regulation and control of
20 the practice of Home Inspections in the State of Arizona.

21 2. Respondent is the holder of Arizona Certified Home Inspector Certification
22 No. 65045 and is the principal of Respondent Firm.

23 3. According to the Arizona Corporation Commission, Respondent Firm was
24 originally incorporated on or about February 9, 2016; however, Respondent Firm was not
25 registered with the Board.

26 4. On or about August 16, 2022, Respondent Firm became registered with the
27 Board and issued Registration No. 24213.

28 5. Respondent conducted a home inspection in Green Valley, Arizona for

1 Allegor on or about October 12, 2021.

2 6. On January 2, 2022, a complaint was received by the Board regarding the
3 October 12, 2021 home inspection in Green Valley, Arizona, alleging Respondent failed
4 to report on the adverse condition of the roof.

5 7. Board records confirm that during the October 12, 2021 home inspection,
6 Respondent's Home Inspector certification No. 65045 had expired on August 25, 2021
7 and was not renewed until December 7, 2021.

8 8. Board records confirm that during the October 12, 2021 home inspection,
9 Respondent Firm was not registered with the Board as required. Respondent Firm's
10 initial registration became effective on August 16, 2022.

11 9. On October 12, 2021, the day Respondent conducted the home inspection,
12 Respondent also submitted a proposal for home repairs, under Respondent's other
13 business, which outlined a total of seven issues identified during the home inspection for
14 an amount totaling \$2,565.

15 10. On October 12, 2022, an Enforcement Advisory Committee (EAC) meeting
16 was convened to consider the matter. After reviewing the evidence and interviewing
17 Respondent, the Committee determined that Respondent failed to conduct a home
18 inspection in accordance with the Standards of Professional Practice for Arizona Home
19 Inspectors ("S.O.P") and found that:

- 20 a) Respondent failed to describe the type and condition of columns as
21 required in S.O.P. #4.2(A)(4).
22 b) Respondent failed to report on vegetation as required in S.O.P.
23 #5.1(F)
24 c) Respondent failed to report on condition of grading and drainage as
25 required in S.O.P. #5.1(F)
26 d) Respondent failed to describe the type and condition of roof
27 coverings as required in S.O.P. #6.2(A)
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- e) Respondent failed to report on condition of gutters as required in S.O.P. #6.1(B)
 - f) Respondent failed to describe method used to observe the roof as required in S.O.P. #6.2(B)
 - g) Respondent failed to describe the type and condition of distribution piping as required in S.O.P. #7.2(A)(2)
 - h) Respondent failed to report on the condition of supports and insulation as required in S.O.P. #7.1(A)(1)
 - i) Respondent failed to describe the type and condition of waste and vent piping system as required in S.O.P. #7.2(A)(2)
 - j) Respondent failed to describe the service type as being overhead or underground (gas meter vent is located under electric panel) as required in S.O.P. #8.2(A)(3)
 - k) Respondent failed to describe service entry conductor materials as required in S.O.P. #8.2(A)(2)
 - l) Respondent failed to report on condition of branch circuit conductors as required in S.O.P. #8.1(D)
 - m) Respondent failed to describe the condition and operation of thermostat operating controls as required in S.O.P. #9.2(A)(2)(B)
 - n) Respondent failed to report on condition of automatic safety controls as required in S.O.P. #9.1(A)(3)
 - o) Respondent failed to describe type and condition of distribution system as required in S.O.P. #9.2(A)(2)
 - p) Respondent failed to report on the condition of air filters as required in S.O.P. #9.1(A)(6)
 - q) Respondent failed to report the inability to access the attic and describe type and condition of visible insulation as required in S.O.P. #12.2(A)

- 1 r) Respondent failed to report the inability to access the attic and
2 describe type and condition of vapor retarder as required in S.O.P.
3 #12.2(A)
4 s) Respondent failed to report the inability to access the attic and report
5 on the condition of attic ventilation as required in S.O.P. #12.1(B)
6 t) Respondent failed to report on condition of laundry ventilation as
7 required in S.O.P. #12.1(C)
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9 11. During the October 12, 2022, the EAC Committee further determined that
10 Respondent offered to perform repairs to the property that was inspected by Respondent
11 within a 24 month period.

12 12. On October 12, 2022, Respondent admitted to the allegations regarding
13 offering to perform repairs to Alleger's property and the failure to perform a home
14 inspection in accordance with the Standards of Professional Practice for Arizona Home
15 Inspectors.

16 CONCLUSIONS OF LAW

- 17 1. The Board has jurisdiction in this matter pursuant to A.R.S. § 32-101, et seq.
18 2. The conduct alleged in the Findings of Fact constitutes grounds for discipline
19 pursuant to A.R.S. § 32-128(C)(4) as it relates to R4-30-301.0.1., in that Respondent
20 failed to conduct a Home Inspection in accordance with the Standards of Professional
21 Practice for Arizona Home Inspectors.
22 3. The conduct alleged in the Findings of Fact constitutes grounds for discipline
23 pursuant to A.R.S. § 32-127(D) in that Respondent engaged in the practice of a Board
24 regulated profession while his registration was expired and in a delinquent status.
25 4. The conduct alleged in the Findings of Fact constitutes grounds for discipline
26 pursuant to A.R.S. § 32- 121, A.R.S. 32-141 and A.R.S. 32-128(C)(4) as it relates to
27 A.A.C. R4-30-301(4) in that Respondent practiced or offered to practice a Board
28 regulated profession without the required firm registration.
5. The conduct alleged in the Findings of Fact constitutes grounds for discipline

1 pursuant to A.R.S. § 32- 128(C)(4) as it relates to R4-30-301.01(B)(3) in that Respondent
2 offered to perform repairs to the property that was inspected by Respondent within a 24
3 month period.

4 **ORDER**

5 Based on the foregoing Findings of Fact and Conclusions of Law, the Board issues
6 the following Order:

7 1. LETTER OF REPRIMAND. Respondent is hereby issued a Letter of
8 Reprimand.

9 2. ADMINISTRATIVE PENALTY. Within twelve (12) months from the
10 effective date of this Consent Agreement, Respondent shall pay an administrative penalty
11 of Two Thousand Dollars (2,000.00) by certified check or money order made payable to
12 the State of Arizona Board of Technical Registration.

13 3. COST OF INVESTIGATION. Within thirty (30) days from the effective
14 date of this Consent Agreement, Respondent shall pay the cost of investigation of this
15 case to the Board in the amount of Seven Hundred Thirty-Nine Dollars (\$739.00) by
16 certified check or money order made payable to the State of Arizona Board of Technical
17 Registration, according to the provisions of A.R.S. § 32-128(H).

18 4. OBEY ALL LAWS. Respondent shall obey all federal, state and local
19 laws, as well as, all rules governing the practice of Home Inspections in the State of
20 Arizona. The Board shall consider any violation of this paragraph to be a separate
21 violation of the rules and statues governing the Arizona Board of Technical Registration.
22 The Board may also consider Respondent's non-compliance with this Order as a separate
23 violation of A.R.S. § 32-150.

24 5. RENEWAL OF REGISTRATION. Respondent and Respondent Firm shall
25 timely renew their Arizona registration as a Home Inspector and a Home Inspector Firm,
26 and timely pay all required registration fees.

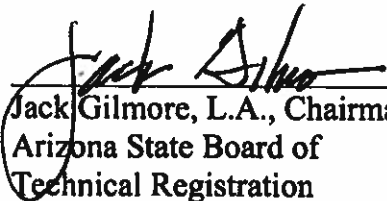
27 6. EFFECTIVE DATE. The effective date of this Consent Agreement is the
28 date the Respondent and Board sign the Consent Agreement. If the dates are different, the

1 effective date is the later of the two dates.


2 7. COSTS OF COMPLIANCE. Respondent shall pay all costs associated
3 with complying with this Consent Agreement.

4 8. NONCOMPLIANCE. If Respondent violates this Order in any way or fails
5 to fulfill the requirements of this Order, the Board, after giving notice and the opportunity
6 to be heard, may revoke, suspend or take other disciplinary actions against the
7 registration. The issue at such a hearing will be limited solely to whether this Order has
8 been violated.

9 ACCEPTED and ORDERED this 5th day of DECEMBER, 2022.

10
11 
12 Jack Gilmore, L.A., Chairman
13 Arizona State Board of
14 Technical Registration

15 Consent Agreement and Order, No. HI22-017 accepted this 29 day of
16 november, 2022.

17 
18 Joseph Destito, on behalf of himself and
19 on behalf of Old Pueblo Home
20 Inspections, Respondents

21 ORIGINAL filed this 6th day of

22 December, 2022, with:

23 Arizona State Board of Technical Registration
24 1110 W. Washington, Suite 240
25 Phoenix, AZ 85007
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COPY of the foregoing mailed via Certified Mail
No. 9214 890194344600 0902 38 and
First Class mail this 6 day of December, 2022, to:

Joseph Destito
Old Pueblo Home Inspections
6564 E. 39th St.
Tucson, AZ. 85730

By: 