



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
- 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, December 6, 2022 –9:00am

1. **CALL TO ORDER** – The Board meeting convened at 9:01am, adjourned for a break at 10:48am, re-adjourned at 10:57am and adjourned at 12:19pm.

2. **ROLL CALL**

PRESENT

Jack Gilmore
Michael Kolejka
Dana Klett
Bill Nesgood
Scott Sayles

VIRTUAL

Jennifer Hobik, Esq.
Stacey Skankey, Esq. – Left at 9:50 am and rejoined at 10:40 am

ABSENT

Dr. Clinton Campbell
Kileen Lindgren
Kent Wilson

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, November 1, 2022 Board meeting minutes.

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

B. Approve, modify and/or reject, November 1, 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
Nothing to consider
2. Grant Applications for Registration/Certification
 - a) Professional Exam unknown
 1. Sjogren, Timothy – Application for Registration as a Civil Engineer #226061
 2. Welker, Brian – Application for Registration as an Electrical Engineer #225967
 3. Wojciechowski, Samuel – Application for Registration as a Mechanical Engineer #226362
 - b) Certificate(s) of Experience from non-Professionals
 1. Magdosku, Christopher – Application for Registration as a Civil Engineer #225291
 2. Kumar, Ankush – Application for Registration as a Mechanical Engineer #226195
 - c) Council Records – experience under non-Professionals
 1. Bonham, Christopher – Application for Registration as an Electrical Engineer #225854
 2. Gidwani, Deepak – Application for Registration as a Structural Engineer #226259
 3. Hunt, Thomas – Application for Registration as a Civil Engineer #226051
 4. Scarbrough, James – Application for Registration as a Mechanical Engineer #226008
 5. Wallace, Raymond – Application for Registration as a Mechanical Engineer #225976
 6. Yu, Ching-Hua – Application for Registration as a Civil Engineer #226108
 - d) Background Review
 1. Cybulski, John – Application for Registration as a Mechanical Engineer #226180
 2. Dryer, Russell – Application for Certification as a Home Inspector #226075
 3. Fendrich, Andrew – Application for Registration as a Structural Engineer #226158
 4. Fiano, Kyle – Application for Registration as an Architect #226168
 5. Gough, Calvin – Application for Registration as a Civil Engineer #225962
 6. Kreager, Joshua – Application for Certification as a Home Inspector #226002
 7. Mulliken, Richard – Application for Registration as a Land Surveyor #225791
 8. Pearson, Jaron – Application for Certification as a Home Inspector #225385
 9. Ritchie, Douglas – Application for Registration as a Land Surveyor #226111
 10. Segroves, Michael – Application for Registration as a Land Surveyor #226097
 11. Stouffer, Aaron – Application for Registration as an Architect #225836
 12. Sullivan, Brian – Application for Registration as an Architect #226227
 13. Kimbrough, Dustin – Application for Registration as a Fire Protection Engineer #224912

- e) Disciplinary Action Review
Nothing to consider
- f) Multiple Considerations
Nothing to consider
- 3. Grant Universal Applications for Professional Registration/Certification
 - a) Enser, Mark – Application for Registration as a Mechanical Engineer #226196
 - b) Luxbacher, Mark – Application for Registration as a Mining Engineer #226014
 - c) Vigil, Brandon – Application for Registration as a Mechanical Engineer #226210
- 4. Grant Renewal Registration Application(s)
 - a) Background Review
 - 1. Canright, Michael – Renewal Application for Architect Registration #20156
 - 2. Hughett, Jonathan – Renewal Application for Home Inspector Certification #61594
 - b) Disciplinary Action Review
 - 1. Chafee, Robert – Renewal Application for Architect Registration #36765
- 5. Approve Application(s) for Exam Waivers
 - a) Application to waive Fundamental Exam
 - 1. Yabut, Romeo – Application to waive FE exam #225602
 - b) Application to waive Professional Exam
 - 1. Guerra, Joseph – Application to waive SE I exam #226039
 - 2. Moen, Cristopher – Application to waive PE Civil exam #266172
 - 3. Partain, Jason – Application to waive SE II exam #226017
 - 4. Swehla, Kevin – Application to waive SE II exam #226170
- 6. Approve Application(s) for Exam Authorization
 - a) Certificate(s) of Experience from non-Professionals
 - 1. Ernster, Jonathan – Application for PE exam authorization #225824
 - b) Council Records – experience under non-Professionals
 - 1. Knievel, Anthony – Application for AZBTR SSE Land Surveyor exam authorization #226041
- 7. Approve Application(s) for In-Training Designation
 - a) Certificate(s) of Experience from non-Professionals
 - 1. Whipple, Thomas – Application for Engineer-in-Training Designation #226120
- 8. Approve Extension Requests
 - a) Finn, Sean – Application for Registration as an Architect #225243
 - b) Gossett, Christopher – Application for ARE exam authorization #225456
- 9. Multiple Considerations
 - a) Monroy Hernandez, Rafael – Application to waive FE exam #225729
 - i. Certificate(s) of Experience from non-Professionals

ii. FE exam waiver

Mr. Sayles moved and Ms. Hobik seconded to approve all items under agenda item 5(A); motion carried 7-0.

6. LICENSING MATTERS

Discussion, Consideration and 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 6(A).

A. Criminal Convictions and/or Charges review pursuant to A.R.S. 41-1093.04

1. Clarke, Kevin

AAG Scott Donald was present to provide legal advice.

Mr. Kolejka moved and Mr. Sayles seconded to advise Mr. Clarke that the criminal history materials he submitted to the Board would not at present preclude him from being granted registration by the Board; motion carried 7-0.

7. 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 7(A).

Nothing to Consider

8. 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 8(A-F).

A. Complaints Proposed for Resolution by Dismissal:

1. HI22-031, Chad Rissland, C.H.I. #74314

Alleger, Margaret MacDonald appeared virtually and made a statement before the Board. Investigator Daniel Carthel was present and made a statement before the Board. AAG Scott Donald was present to provide legal advice.

Mr. Sayles moved and Mr. Kolejka seconded to dismiss case #HI22-031; motion carried 7-0.

2. P22-046, Christopher Harper, P.E. (Structural) #42039

Respondent was present and made a statement before the Board. Respondent's counsel was present. Investigator Greg Roehm was present and made a statement before the Board.

Mr. Sayles moved and Mr. Nesgood seconded to dismiss case #P22-046; motion carried 6-0. Mr. Kolejka recused himself from the vote.

3. P22-072, Li-Chiun Lee, P.E. (Civil) #74403

Mr. Gilmore moved and Mr. Sayles seconded to dismiss cases #P22-072, #P23-009, #P23-010 and #P23-024; motion carried 7-0.

4. P23-009, Dinesh Kumar, P.E. (Civil) #60729 and Smartlink, LLC #19509 (*Expired*) (*Related Case P23-010*)

See 8(A)(3).

5. P23-010, Samuel Gonzalez, P.E. (Civil) #51689 and Smartlink, LLC #19509 (*Expired*) (*Related Case P23-009*)

See 8(A)(3).

6. P22-078, Philip Coppola, Non-Registrant and Philip S. Coppola & Associates, LLC, Non-Registrant Firm

Respondent appeared virtually, made a statement and answered Board member questions. Respondent's counsel appeared virtually, made a statement and answered Board member questions. Alleger, Rene Nunez was present and made a statement before the Board. Investigator Kaitlyn Crawford 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 dismiss case #P22-078; motion carried 7-0.

7. P23-033, Trevor Entzminger, R.L.S. #41590 and BPG Designs, LLC #10791

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

Mr. Sayles moved and Ms. Klett seconded to dismiss case #P23-033; motion carried 6-0. Ms. Skankey was absent from the vote.

The Board re-opened the agenda item for discussion at 11:27 am. Alleger Albert Rench appeared virtually and made a statement before the Board. The Board's previous decision did not change.

8. P23-034, Douglas Stroh, R.A. #13991

Alleger, Seth Trotter appeared virtually and made a statement before the Board. Investigator Daniel Carthel 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 dismiss case #P23-034; motion carried 7-0.

9. P23-024, Ivonek Badilla, Non-Registrant and Evo Design 12th Street Studio, LLC, Non-Registrant Firm

See 8(A)(3).

B. Complaints Proposed for Resolution by Letters of Concern:

1. P22-065, Joseph Burke, P.E. (Civil) #31775

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

Ms. Klett moved and Mr. Sayles seconded to dismiss case #P22-065; motion carried 6-0. Ms. Skankey was absent from the vote.

C. Complaints Proposed for Resolution with Signed Consent Agreements:

1. P22-076, Gary Hokanson, R.A. #51987 and Hokanson Design, Non-Registrant Firm

Mr. Sayles moved and Mr. Kolejka seconded to accept Respondent's signed Consent Agreement; motion carried 7-0.

2. HI23-001, Kent Dean, C.H.I. #39959

Alleger Willie Williams was present and made a statement before the Board. Alleger Liza Williams was present and made a statement before the Board. Investigator Kaitlyn Crawford was present, made a statement and answered Board member questions. AAG Scott Donald was present to provide legal advice.

Mr. Kolejka moved and Mr. Sayles seconded to accept Respondent's signed Consent Agreement; motion carried 6-0. Ms. Skankey was absent from the vote.

Mr. Kolejka moved and Mr. Sayles seconded to approve Respondent's remedial training he wished to complete to comply with the consent agreement; motion carried 6-0. Ms. Skankey was absent from the vote.

D. Complaints Requiring Board Guidance:

1. P22-075, Douglas Taylor, Non-Registrant

Respondent was present and answered Board member questions. Respondent's counsel, Mr. John Gaylord was present and made a statement before the Board. Respondent's counsel, Mr. Joe Estes appeared virtually and made a statement before the Board. Alleger, Mr. Rick Rock appeared virtually and made a statement before the Board. Investigator Kaitlyn Crawford was present.

Mr. Kolejka moved and Ms. Hobik seconded to dismiss case #P22-075; motion carried 6-0. Ms. Skankey was absent from the vote.

E. Complaints Proposed for Administrative Closure without Prejudice:

1. P20-016, Carlos Padilla, Non-Registrant

Mr. Kolejka moved and Mr. Nesgood seconded to administratively close cases #P20-016, #P22-010 and #P23-002 without prejudice; motion carried 7-0.

2. P22-010, Carlos Padilla, Non-Registrant

See 8(E)(1).

3. P23-002, Carlos Padilla, Non-Registrant

See 8(E)(1).

F. Review and Consideration for EAC Membership

1. Bradley Donais, P.E. (Civil) #58121

Mr. Sayles moved and Ms. Klett seconded to accept EAC membership for Mr. Donais; motion carried 7-0.

9. 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 9(A-C). 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 9(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, made a statement and answered Board member questions.

- B. Annual Election of Board member Officers

Mr. Kolejka moved and Mr. Gilmore seconded to appoint Mr. Sayles as the Board's Secretary for 2023; motion carried 7-0.

Mr. Gilmore moved and Mr. Nesgood seconded to re-appoint Mr. Kolejka as the Board's Vice Chairperson for 2023; motion carried 7-0.

Mr. Kolejka moved and Mr. Sayles seconded to re-appoint Mr. Gilmore as the Board's Chairperson for 2023; motion carried 7-0.

- C. Home Inspector Rules Package

Mr. Roger Skaggs, President of the Arizona Chapter of American Society of Home Inspectors (AZASHI) was present and answered Board member questions.

Mr. Kolejka moved and Ms. Hobik seconded to direct Board to begin the process for opening up a rules package; motion carried 7-0.

10. 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 Applicants

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

11. BOARD CHAIR'S REPORT

Nothing discussed

12. ASSISTANT ATTORNEY GENERAL'S REPORT

Nothing discussed

13. STANDING COMMITTEE REPORTS

- A. Legislation and Rules Committee – November 16, 2022 meeting

Mr. Winter reported on discussions by the Committee regarding legislative changes and review of prior Board substantive policy statements that took place during the Committee's meeting on November 16, 2022. Mr. Winter reported that the next Legislation and Rules Committee meeting is on December 14, 2022.

- B. Home Inspector Rules and Standards Committee – Next Meeting February 8, 2023

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

- A. National Association of State Boards of Geology (ASBOG)

Mr. Nesgood reported on ASBOG's efforts to raise awareness about licensing and the computer-based transition for geological exams.

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

Mr. Kolejka reported on NCARB's Committee Summit that he attended in DC this month, NCARB's Board of Directors Meeting in January that he and Ms. Stapley have been invited to, restructure of NCARB's Board of Directors and his candidacy for Secretary for NCARB's Region 6 Executive Committee.

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

Ms. Stapley reported on NCEES's upcoming Interim Zone Meeting that will take place in Houston in April.

Mr. Sayles reported on the transition to computer-based testing for engineering exams in 2023 and upcoming volunteer opportunities with NCEES.

E. American Society of Civil Engineers (ASCE)/American Council of Engineering Companies of Arizona (ACEC Arizona)

Mr. Sayles reported on the ASCE's conference on Board activities that he and Ms. Stapley attended in October and the ACEC's conference that he attended in September.

F. Inter-organizational Council on Regulation (ICOR)

Ms. Stapley reported on ICOR's query to appoint her to the Council and ICOR's upcoming conference in Greenville that she will attend.

15. **FUTURE BOARD MEETINGS** – January 5, 2023

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

The Board requested a discussion on A.A.C. § 4-30-222 regarding engineering in-training designation and a presentation of land surveyor use of drones from an outside expert.

17. **MEETING ADJOURNMENT**

Signed this 5 day of January, 2023


Michael Kolejka, Acting Chairperson


Judith Stapley, Executive Director