



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, Board Secretary, 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, Public Member ● Hayley Bohall, Public Member

MINUTES FOR REGULAR SESSION MEETING

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

Tuesday, April 25, 2023 –9:00am

1. CALL TO ORDER

2. ROLL CALL

PRESENT

Jack Gilmore
Michael Kolejka
Scott Sayles
Jennifer Hobik, Esq.
Dana Klett
Hayley Bohall –left at 12:22 pm

VIRTUAL

Dr. Clinton Campbell
Lucas “Kent” Wilson –joined at 10:07 am
Kileen Lindgren –left at 11:00 am

ABSENT:

Stacey Skankey, Esq.
William “Bill” Nesgood

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, March 28, 2023 Board meeting minutes.

Mr. Sayles moved and Mr. Kolejka seconded to approve regular session and Executive Session minutes as written; motion carried 8-0.

B. Approve, modify and/or reject, March 28, 2023 Executive Session 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) Schindler, Steven – Application for Registration as a Civil Engineer #237568
 - 2) Weber, Janine – Application for Registration as an Electrical Engineer #237481
 - 3) Ganji, Kenneth – Application for Registration as a Mechanical Engineer #237815
 - 4) Keisling, Shelton – Application for Registration as an Electrical Engineer #237359
 - b) Certificate(s) of Experience from non-Professionals
 - 1) Buga, Michael – Application for Registration as a Geologist #236920
 - 2) Hilliard, Abigail – Application for Registration as an Industrial Engineer #236705
 - 3) Knezevic, Ivan – Application for Registration as an Electrical Engineer #226601
 - 4) Morad, Aladdin – Application for Registration as a Civil Engineer #237519
 - 5) Weimer, Mitchell – Application for Registration as a Mechanical Engineer #237163
 - 6) Scales, Alan – Application for Registration as an Architect #236870
 - 7) Moncrieff, Joshua – Application for Registration as a Civil Engineer #237809
 - c) Council Records – experience under non-Professionals
 - 1) Boyce, Samuel – Application for Registration as a Civil Engineer #237722
 - 2) Davidson, Jessica – Application for Registration as a Civil Engineer #237555
 - 3) Gase, Zachary – Application for Registration as a Civil Engineer #237300
 - 4) Huntwork, Michael – Application for Registration as an Electrical Engineer #237826
 - 5) Trotter, Ngina – Application for Registration as a Civil Engineer #237969
 - d) Background Review
 - 1) Cesena, Joseph – Application for Certification as a Home Inspector #226648
 - 2) Fehlman, Henry – Application for Registration as a Civil Engineer #237416
 - 3) Pineda, Salvador – Application for Registration as a Civil Engineer #237610
 - 4) Tipton, Alex – Application for Registration as a Civil Engineer #237792
 - 5) Han, Nathan – Application for Registration as a Civil Engineer #237414
 - 6) Keaton, Jeffrey – Application for Registration as a Civil Engineer #237409
 - 7) Keaton, Jeffrey – Application for Registration as a Geologist #237417
 - 8) Seiberlich, Cortney – Application for Registration as a Civil Engineer #237833
 - 9) Thomas, Dylan – Application for Certification as a Home Inspector #237805
 - e) Disciplinary Action Review
 - 1) Heal, Stanley – Application for Registration as an Architect #237571
 - f) Multiple Considerations
 - 1) Bruns, Kevin – Application for Registration as an Electrical Engineer #237336
 - i. Background Review
 - ii. Council Record – experience under non-Professionals

3. Grant Universal Applications for Professional Registration/Certification
 - a) Montgomery Jr., William – Application for Registration as a Mechanical Engineer #237612
 - b) Garcia, John – Application for Registration as a Civil Engineer #237771

4. Grant Renewal Registration Application(s)
 - a) Background Review
 - 1) Hettinger, Daniel – Renewal Application for Land Surveyor Registration #70955
 - b) Disciplinary Action Review
 - 1) Apostolos, Michael – Renewal Application for Architect Registration #22536
 - 2) Lake, Stanford – Renewal Application for Civil Engineer Registration #41946
 - 3) Martinez-Flores, Rene – Renewal Application for Civil Engineer Registration #47518
 - 4) Parson, Earl – Renewal Application for Architect Registration #63521
 - 5) Worline, Timothy – Renewal Application for Structural Engineer Registration #42311
 - 6) Odell, William – Renewal Application for Mechanical Engineer Registration #33491

5. Approve Application(s) for Exam Waivers
 - a) Application to waive Fundamental Exam
Nothing to consider
 - b) Application to waive Professional Exam
 - 1) Fortune, Jesse – Application to waive PE Civil exam #226378

6. Approve Application(s) for Exam Authorization
 - a) Certificate(s) of Experience from non-Professionals
 - 1) Barkenhagen, John – Application for ARE exam authorization #236865
 - 2) Stockwell, Philip – Application for AZBTR State-Specific LS exam #237322
 - b) Council Records – experience under non-Professionals
Nothing to consider

7. Approve Application(s) for In-Training Designation
 - a) Background Review
 - 1) Laxamana, Ryan – Application for Engineer-In-Training Designation #237736

8. Approve Extension Requests
 - a) Johnson, Erin – Application for Registration as a Civil Engineer #237075

Mr. Kolejka moved and Dr. Campbell seconded to approve all items under agenda item 5(A); motion carried 8-0.

6. CONSIDERATION OF CASES REFERRED FOR FORMAL HEARING

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 6(A-B).

- A. Complaints proposed to Rescind Administrative Hearing and refer to the appropriate prosecutorial agency for possible criminal prosecution:
 1. P22-064, Brian Stole, Non-Registrant

AAG Deanie Reh appeared before the Board.

Mr. Kolejka moved and Mr. Sayles moved to rescind the administrative hearing for case #P22-064 and administratively close without prejudice to refer to the appropriate prosecutorial agency for possible criminal prosecution; motion carried 8-0.

B. Consideration of a Signed Consent Agreement in lieu of a Formal Hearing:

1. HI22-027, Ryan Delaney, C.H.I. #40752 and Greenlight Real Estate Inspections, #15371 (*expired*), #23883 (*current*)

AAG Deanie Reh appeared before the Board.

Mr. Sayles moved and Ms. Bohall seconded to accept Respondent's signed Consent Agreement; motion carried 8-0.

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-E).

A. Complaints Proposed for Resolution by Dismissal:

1. P23-026, Jennifer Vitale, P.E. (Civil) #37891

Respondent, Alleger, John Schultz and Investigator Kaitlyn Crawford appeared before the Board.

Mr. Sayles moved and Ms. Klett seconded to dismiss case #P23-026; motion carried 7-0. Mr. Gilmore recused himself from the vote.

2. UK23-006, Title Companies

Mr. Kolejka moved and Ms. Klett seconded to dismiss cases #UK23-006 and #AL23-012; motion carried 7-0.

3. P23-082, Dale Jones, R.L.S. #36913

Respondent and Investigator Kaitlyn Crawford appeared before the Board.

Ms. Klett moved and Mr. Kolejka seconded to dismiss case #P23-082; motion carried 8-0.

4. P23-083, Shane Barnett, R.L.S. #50618

Respondent and Investigator Daniel Carthel appeared before the Board.

Ms. Klett moved and Dr. Campbell seconded to dismiss case #P23-083; motion carried 8-0.

5. P22-081, Robert Schlicher, P.E. (Civil) #54544

Respondent, Respondent's counsel, Barrett Lindsey, Alleger Patrick Marum and Investigator Gregory appeared before the Board.

Mr. Kolejka moved and Mr. Sayles seconded to dismiss case #P22-081; motion carried 7-0. Ms. Klett recused herself from the vote.

6. P23-050, Jose Villalobos, Non-Registrant and Jav Drafting & Design, LLC, Non-Registrant Firm

Respondent and Investigator Gregory Roehm appeared before the Board.

Mr. Kolejka moved and Dr. Campbell seconded to dismiss case #P23-050; motion carried 8-0.

7. AL23-012, Laura Roman, Non-Registrant (*Related Case AL23-013*)

See 7(A)(2).

8. AL23-004, Beerjas Bath A.A. #71097 and Fluent Home, LLC #20956 (*Related Cases: AL23-005 and AL23-006*)

Respondent and Investigator Brandon Eaden appeared before the Board.

Mr. Kolejka moved and Mr. Sayles seconded to dismiss cases #AL23-004, #AL23-005 and #AL23-006; motion carried 8-0. Mr. Wilson abstained from the vote.

9. AL23-005, Beerjas Bath A.A. #71097 and Fluent Home, LLC #20956 (*Related Cases: AL23-004 and AL23-006*)

See 7(A)(8).

10. AL23-006, Beerjas Bath A.A. #71097 and Fluent Home, LLC #20956 (*Related Cases: AL23-004 and AL23-005*)

See 7(A)(8).

B. Complaints Proposed for Administrative Closure:

1. AL23-013, Craig Cleasby, Non-Registrant (*Related Case AL23-012*)

Ms. Klett moved and Dr. Campbell seconded to administratively close cases #AL23-013 and #P23-096; motion carried 7-0.

2. P23-096, Alan Stephens, R.L.S. #13187

See 7(B)(1).

C. Complaints Proposed to Offer Consent Agreement:

1. HI22-022, Derek Otto, C.H.I. #54388

Respondent and Investigator Daniel Carthel appeared before the Board. The Board discussed the matter.

Mr. Sayles moved and Mr. Kolejka seconded to offer Respondent the proposed Consent Agreement, and if not signed within 30 days, proceed to a formal hearing; motion carried 8-1. Mr. Wilson voted

nay.

2. P23-057, Khalil Khani (Mathew Parker), Non-Registrant and S3DA Design #22920 (Expired)

Respondent and Investigator Gregory Roehm appeared before the Board. The Board discussed the matter.

Mr. Kolejka moved and Ms. Bohall seconded to offer Respondent the proposed Consent Agreement, and if not signed within 30 days, proceed to a formal hearing; motion carried 7-1. Ms. Klett voted nay.

The Board directed staff to open a complaint into SBDA Design.

3. P23-066, Hector Fimbres, Non-Registrant and Drafting Design and Professional Solutions, LLC, Non-Registrant Firm

Respondent, Respondent's counsel, Barbara Forde and Investigator Gregory Roehm appeared before the Board.

Mr. Kolejka moved and Ms. Hobik seconded to enter Executive Session to receive legal advice; motion carried 9-0.

The Board entered Executive Session at 10:30 am and reconvened to open session at 10:42 am.

Mr. Kolejka moved and Ms. Lindgren seconded to dismiss case #P23-066; motion carried 9-0.

The Board directed staff to open a complaint on S3DA Design.

4. HI23-018, Paul Furman, C.H.I. #38094 and AJF Engineering, Inc (AJF Inspections), #12469

Respondent, Respondent's counsel, Joshua Furman, Co-owner of AJF Inspections, Sharon Furman, and Investigator Gregory Roehm appeared before the Board. The Board discussed the matter.

Mr. Kolejka moved and Mr. Sayles seconded to enter Executive Session to receive legal advice; motion carried 8-0.

The Board entered Executive Session at 11:44 am and reconvened to open session at 11:57 am.

Mr. Kolejka moved and Ms. Klett seconded to offer Respondent the proposed Consent Agreement, and if not signed within 30 days, proceed to a formal hearing; motion carried 8-0.

D. Review and Consideration for EAC Membership:

1. Christopher Born, P.E. (Fire Protection) #46910

Mr. Sayles moved and Mr. Kolejka seconded to accept EAC membership for Christopher Born, Flora Chen, Erel Betser, Jewell Thomas Feng, John Sternitzke, Joelle DeJoseph, Raymond Schmid, Mason Berg, Vincent Collins, Yogesh Mantri and Theodore Moeller; motion carried 7-0.

2. Flora Chen, P.E. (Fire Protection) #44893

See 7(D)(1).

3. Erel Betser, P.E. (Fire Protection) #74457
See 7(D)(1).
4. Jewell Thomas Feng, P.E. (Fire Protection) #61168
See 7(D)(1).
5. John Sternitzke, P.E. (Fire Protection) #70691
See 7(D)(1).
6. Joelle DeJoseph, P.E. (Fire Protection) #77290
See 7(D)(1).
7. Raymond Schmid, P.E. (Fire Protection) #42216
See 7(D)(1).
8. Mason Berg, P.E. (Fire Protection) #66894
See 7(D)(1).
9. Vincent Collins, P.E. (Fire Protection) #78157
See 7(D)(1).
10. Yogesh Mantri, P.E. (Civil) #33436
See 7(D)(1).
11. Theodore Moeller, P.E. (Electrical) #35192
See 7(D)(1).

E. Consideration to Lift Stay of Revocation

1. AL20-005, Edgar Olivas A.A. #56922 (Suspended)

Enforcement Manager Orlene Loera was present and made a statement before the Board.

Mr. Kolejka moved and Dr. Campbell seconded to lift the stay of revocation for Edgar Olivas; motion carried 7-0.

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

AAG Scott Donald reported that the plaintiff has filed a response and the State must reply by May 10.

- B) Approve the Notice of Proposed Rulemaking regarding Home Inspector Standards for submission to the Secretary of State

Mr. Winter reported on the Home Inspector Rules and Standards Committee's review of the Home Inspector Standards for submission to the Secretary of State. Ms. Stapley reported that she and Mr. Winter met with the Boards' policy advisor at the Governor's office. AAG Scott Donald was present and answered Board member questions.

Mr. Kolejka moved and Mr. Sayles seconded to direct staff to approve the Notice of Proposed Rulemaking for submission to the Secretary of State; motion carried 7-0.

- C) Scholarship Models

Leslie Hanska, Executive Director of the Oklahoma Board of Architects, Landscape Architects and Registered Commercial Interior Designers appeared virtually, made a presentation to the Board on the Oklahoma Board's Path to Licensure Scholarship Fund and answered Board member questions.

9. DIRECTOR'S REPORT

- A. Budget Update
- B. Previous Meeting Follow-Up
 - a. Online Transition
 - b. Board Staff Updates
 - c. Board Composition
 - d. ADOT's exploration of transferring to digital submittals
 - e. Auto Approval Rules Update
- C. Licensing Numbers
- D. Enforcement Numbers
- E. Legislative Update
- F. List of Newly Granted Applicants

Ms. Stapley reported on the Board's budget, the Board's online transition, ADOT's exploration of transferring to digital submittals, auto approval rules updates and licensing and enforcement numbers.

10. BOARD CHAIR'S REPORT

Nothing discussed.

11. ASSISTANT ATTORNEY GENERAL’S REPORT – Complaints Investigation Process, Conflict of Interest/Recusals

AAG Scott Donald gave a presentation to the Board regarding the complaint investigation process and conflict of interest/recusals.

12. STANDING COMMITTEE REPORTS

- A. Legislation and Rules Committee – no new meeting date
- B. Home Inspector Rules and Standards Committee – April 12, 2023

Mr. Winter reported on the Home Inspector Rules and Standards Committee meeting that was held on April 12,

13. BOARD MEMBER REPORTS/DISCUSSION ON STATE AND 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 effort to gather more volunteers, CLARB’s global task analysis and the states adoption of CLARB’s uniform standards.

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

Mr. Kolejka reported on the Regional Summit, NCARB’s upcoming annual business meeting, the Southern Arizona AIA event, and the MRA signing at the British embassy regarding reciprocity with the Architectural Board of Registration (ARB) in the United Kingdom that he attended with Ms. Stapley.

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

Ms. Stapley reported that Ms. Bohall would attend the annual NCEES meeting in August as a funded new board member delegate in addition to Mr. Sayles-civil engineer, Ms. Klett-land surveyor, and Scott Donald-assistant attorney general.

Mr. Sayles reported on the NCEES Western Zone Meeting that he, Ms. Stapley and Mr. Winter will attend this month.

14. FUTURE BOARD MEETINGS – May 23, 2023

15. SUGGESTED TOPICS FOR FUTURE MEETING AGENDAS.

The Board would like a discussion on “pay for play” practices seen in the Home Inspector profession.

16. MEETING ADJOURNMENT

GOOGLE CHAT COMMENTS MADE DURING OPEN SESSION

Kent Wilson, 10:06 am
Thank you!

Signed this 23rd day of May, 2023





Jack Gilmore, Board Chair



Judith Stapley, Executive Director