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

In the Matter of:

**Daniel Calma
Certified Home Inspector
Certification No. 62821**

Respondent

Case No.: Case HI23-028

**CONSENT AGREEMENT
and
ORDER OF DISCIPLINE**

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In the interest of a prompt and judicious resolution of the above-captioned matter before the Arizona State Board of Technical Registration ("Board") and consistent with the public interest, statutory requirements, and the responsibilities of the Board, and pursuant to A.R.S. § 32-101 *et seq.*, and A.A.C. R4-30-120(G), the undersigned party, Daniel Calma ("Respondent"), holder of Certification No. 62821, and the Board enter into the following Recitals, Findings of Fact, Conclusions of Law and Order ("Consent Agreement") as a final disposition of this matter.

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RECITALS

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

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

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3. Respondent affirmatively agrees that this Consent Agreement shall be

1 irrevocable.

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

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

8 6. Respondent understands this Consent Agreement deals with Board case
9 number HI23-028 involving allegations that Respondent engaged in conduct that would
10 subject him to discipline under the Board's statutes and rules. The investigation into
11 these allegations against Respondent shall be concluded upon the Board's adoption of
12 this Consent Agreement.

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

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

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

27 10. Respondent understands this Consent Agreement is subject to the approval of
28 the Board and is effective only when accepted by the Board and signed on behalf of the

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

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

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

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

16 **FINDINGS OF FACT**

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

19 2. Respondent is the holder of Arizona Certified Home Inspector Certification
20 No. 62821, issued by the Board on November 2, 2016.

21 3. At all times relevant to the allegations of this Consent Agreement, Arizona
22 Certified Home Inspector Certification No. 62821 was active.

23 4. On or about March 13, 2023, the Board received a complaint alleging that
24 Respondent conducted a home inspection on or about August 26, 2022 in Mesa, AZ and
25 failed to properly identify and report on several items of the home.

26 5. On October 25, 2023, an Enforcement Advisory Committee (EAC) meeting
27 was held to discuss the case. After reviewing the evidence and interviewing Allegor and
28 Respondent, the Committee did not find the original allegations to be substantiated.

1 6. On November 3, 2023, Board staff learned that on or about August 24, 2023,
2 Respondent submitted a renewal application in which he answered “no” to the question if
3 he had been investigated and/or disciplined by any regulatory agency since his last
4 renewal and answered “no” to the question if he has any pending investigations by any
5 regulatory agency at this time. According to Board records, Respondent is currently
6 under investigation for HI23-028.

7 7. Respondent stated that he misunderstood the question on the application and
8 thought that it was in reference to State and the Federal Government and not related to
9 the Board. Respondent apologized for the error but stated that it was not intentional.

10 **CONCLUSIONS OF LAW**

11 1. The Board has jurisdiction in this matter pursuant to A.R.S. § 32-101, et seq.

12 2. The conduct alleged in the Findings of Fact constitutes grounds for discipline
13 pursuant to A.R.S. § 32-128(C)(4) as it relates to A.A.C. R4-30-301(1) and A.R.S. § 32-
14 145(5), in that Respondent submitted false statements and failed to disclose material facts
15 requested in connection with an application for registration.

16 **ORDER**

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

19 1. **LETTER OF REPRIMAND.** Respondent is hereby issued a Letter of
20 Reprimand.

21 2. **ADMINISTRATIVE PENALTY.** Within thirty (30) days from the
22 effective date of this Consent Agreement, Respondent shall pay an administrative penalty
23 of Two Hundred Dollars (\$200.00) by certified check or money order made payable to
24 the State of Arizona Board of Technical Registration.

25 3. **COST OF INVESTIGATION.** Within thirty (30) days from the effective
26 date of this Consent Agreement, Respondent shall pay the cost of investigation of this
27 case to the Board in the amount of One Hundred and Twenty Eight Dollars (\$128.00) by
28 certified check or money order made payable to the State of Arizona Board of Technical

1 Registration, according to the provisions of A.R.S. § 32-128(H).

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

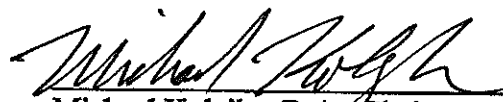
8 5. RENEWAL OF REGISTRATION. Respondent and Respondent Firm shall
9 timely renew their Arizona registration as a Certified Home Inspector and as Home
10 Inspector Firm, and timely pay all required registration fees.

11 6. EFFECTIVE DATE. The effective date of this Consent Agreement is the
12 date the Respondent and Board sign the Consent Agreement. If the dates are different, the
13 effective date is the later of the two dates.

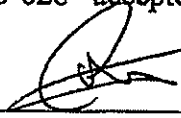
14 7. COSTS OF COMPLIANCE. Respondent shall pay all costs associated
15 with complying with this Consent Agreement.

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

21 ACCEPTED and ORDERED this 27th day of February, 2024.

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25 Michael Kolejka, R.A., Chairman
26 Arizona State Board of
27 Technical Registration
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1 Consent Agreement and Order, No. HI23-028 accepted this 5th day of
2 February, 2024.

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Daniel Calma, Respondent

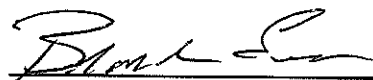
5 ORIGINAL filed this 27th day of
6 February, 2024, with:

7 Arizona State Board of Technical Registration
8 1110 W. Washington, Suite 240
9 Phoenix, AZ 85007

10 COPY of the foregoing mailed via Certified Mail
11 No. 92750901193562000050864798 and

12 First Class mail this 29th day of February, 2024, to:

13 Daniel Calma
14 9355 W. Deanna Drive
15 Phoenix, Arizona 85382

16 By: 
17 _____