

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

3 **In the Matter of:**

Case No.: HI23-034

4 **Steven Rodriguez**
5 **Home Inspector**
6 **Certification No. 66142**

CONSENT AGREEMENT
and
ORDER OF DISCIPLINE

7 **Respondent**

8
9 In the interest of a prompt and judicious resolution of the above-captioned matter
10 before the Arizona State Board of Technical Registration (“Board”) and consistent with
11 the public interest, statutory requirements, and the responsibilities of the Board, and
12 pursuant to A.R.S. § 32-101 et seq., and A.A.C. R4-30-120(G), the undersigned party,
13 Steven Rodriguez (“Respondent”), holder of Certification No. 66142, and the Board enter
14 into the following Recitals, Findings of Fact, Conclusions of Law and Order (“Consent
15 Agreement”) as a final disposition of this matter.

16 **RECITALS**

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

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

27 3. Respondent affirmatively agrees that this Consent Agreement shall be
28 irrevocable.

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

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

7 6. Respondent understands this Consent Agreement deals with Board case
8 number HI23-034 involving allegations that Respondent engaged in conduct that would
9 subject him to discipline under the Board's statutes and rules. The investigation into
10 these allegations against Respondent shall be concluded upon the Board's adoption of
11 this Consent Agreement.

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

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

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

26 10. This Consent Agreement is subject to the approval of the Board and is
27 effective only when accepted by the Board and signed on behalf of the Board. If the
28 Board does not accept this Consent Agreement, the Board retains its authority to hold a

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

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

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

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

15 **FINDINGS OF FACT**

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

18 2. Respondent is the holder of Arizona Home Inspector Certification No.
19 66142.

20 3. On or about February 19, 2023, Respondent conducted a Home Inspection at
21 1432 West Wolsey Street in Ajo, Arizona.

22 4. On or about March 28, 2023, the Board received a complaint alleging that
23 Respondent, after conducting a home inspection at 1432 West Wolsey Street in Ajo,
24 Arizona, on or about February 19, 2023, failed to mention three out buildings on the
25 property, failed to report on termite activity in one of the outbuildings, failed to report on
26 termite damage in the attic, failed to report on the exposed wiring in the attic, failed to
27 report on the plumbing damage under a sink, failed to report on the faulty washer hook
28 up fixtures, failed to report on a fire hazard caused by underrated gas stove piping, failed

1 to report on the faulty shower drains, failed to report on the leaking outside hose bib,
2 failed to report that only one water source can be ran at a time, and failed to report on the
3 toilet not flushing adequately.

4 5. On or about March 20, 2024, an Enforcement Advisory Committee Meeting
5 (“EAC”) convened to review the complaint against Respondent. After reviewing the
6 evidence and conducting interviews, the Committee substantiated two of the original
7 allegations from the complaint as follows:

- 8 A. Respondent failed to report on exposed wiring in the attic as required by
9 the Standards of Professional Practice for Arizona Home Inspectors
10 (“S.O.P.”) No. 8.1.B. The Committee identified the allegation as a
11 significant deficiency representing a potential life safety hazard,
- 12 B. Respondent failed to report on faulty washer plumbing hook up fixtures
13 as required by S.O.P. No. 7.1.A.2.

14 The Committee additionally found that Respondent’s Home Inspection Report and
15 Inspection Agreement failed to meet the Standards of Professional Practice for Arizona
16 Home Inspectors (“S.O.P.”) in that:

- 17 A. Respondent failed to include the inspection fee in the inspection
18 agreement as required per S.O.P. No. 2.2.A.4,
- 19 B. Respondent failed to include the inspection date in the inspection
20 agreement as required per S.O.P. No. 2.2.A.2,
- 21 C. Respondent failed to correctly report on the floor structure type as
22 required per S.O.P. No. 4.2.A.2,
- 23 D. Respondent failed to correctly report on the type of structural columns as
24 required per S.O.P. No. 4.2.A.4,
- 25 E. Respondent failed to report on the type and condition of the ceiling
26 structure as required per S.O.P. No. 4.1.A.5,
- 27 F. Respondent failed to report on the condition of the water heater
28

- 1 automatic safety controls as required per S.O.P. No. 7.1.C.3,
- 2 G. Respondent failed to report on the type and the condition of the heating
- 3 equipment as required per S.O.P. No. 9.1.A.1 and No. 9.2.A.2,
- 4 H. Respondent failed to report on the heating energy source as required per
- 5 S.O.P. No. 9.2.A.1,
- 6 I. Respondent failed to report on the condition of the heating equipment
- 7 operating controls as required per S.O.P. No. 9.1.A.2,
- 8 J. Respondent failed to report on the condition of the heating equipment
- 9 automatic safety controls as required per S.O.P. No. 9.1.A.3,
- 10 K. Respondent failed to report on the type and condition of the heating
- 11 distribution system as required per S.O.P. No. 9.1.A.6,
- 12 L. Respondent failed to report on the condition of the heating system air
- 13 filter as required per S.O.P. No. 9.1.A.6,
- 14 M. Respondent failed to report on the heating source presence in each room
- 15 as required per S.O.P. No. 9.1.A.7,
- 16 N. Respondent failed to report on the type and condition of the cooling
- 17 equipment as required per S.O.P. No. 10.1.A.1 and No. 10.2.A.2.,
- 18 O. Respondent failed to report on the cooling energy source as required per
- 19 S.O.P. No. 10.2.A.1,
- 20 P. Respondent failed to report on the condition of the cooling equipment
- 21 operating controls as required per S.O.P. No. 10.A.2,
- 22 Q. Respondent failed to report on the type and condition of the cooling
- 23 distribution system as required per S.O.P. No. 10.1.B.1,
- 24 R. Respondent failed to report on the condition of the cooling system air
- 25 filter as required per S.O.P. No. 10.1.B.1,
- 26 S. Respondent failed to report on the cooling source presence in each room
- 27
- 28

1 as required per S.O.P. No. 10.1.B.2,

2 T. Respondent failed to report on the condition of the laundry room and
3 dryer ventilation as required per S.O.P. No. 12.1.C,

4 U. Respondent incorrectly reported on the interior water supply type as
5 required per S.O.P. No. 7.1.A.1.

6 During his interview at the EAC meeting, Respondent acknowledged the following
7 deficiencies in his Home Inspection Report:

8 A. Respondent failed to include the inspection fee in the inspection
9 agreement as required per S.O.P. No. 2.2.A.4,

10 B. Respondent failed to include the inspection date in the inspection
11 agreement as required per S.O.P. No. 2.2.A.2,

12 C. Respondent failed to correctly report on the floor structure type as
13 required per S.O.P. No. 4.2.A.2,

14 D. Respondent failed to report on the type and the condition of the heating
15 equipment as required per S.O.P. No. 9.1.A.1 and No. 9.2.A.2,

16 E. Respondent failed to report on the heating energy source as required per
17 S.O.P. No. 9.2.A.1,

18 F. Respondent failed to report on the condition of the heating equipment
19 operating controls as required per S.O.P. No. 9.1.A.2,

20 G. Respondent failed to report on the condition of the heating equipment
21 automatic safety controls as required per S.O.P. No. 9.1.A.3,

22 H. Respondent failed to report on the type and condition of the heating
23 distribution system as required per S.O.P. No. 9.1.A.6,

24 I. Respondent failed to report on the condition of the heating system air
25 filter as required per S.O.P. No. 9.1.A.6,

26 J. Respondent failed to report on the heating source presence in each room
27
28

1 as required per S.O.P. No. 9.1.A.7,

2 K. Respondent failed to report on the type and condition of the cooling
3 equipment as required per S.O.P. No. 10.1.A.1 and No. 10.2.A.2,

4 L. Respondent failed to report on the cooling energy source as required per
5 S.O.P. No. 10.2.A.1,

6 M. Respondent failed to report on the condition of the cooling equipment
7 operating controls as required per S.O.P. No. 10.A.2,

8 N. Respondent failed to report on the type and condition of the cooling
9 distribution system as required per S.O.P. No. 10.1.B.1,

10 O. Respondent failed to report on the condition of the cooling system air
11 filter as required per S.O.P. No. 10.1.B.1,

12 P. Respondent failed to report on the cooling source presence in each room
13 as required per S.O.P. No. 10.1.B.2,

14 Q. Respondent failed to report on the condition of the laundry room and
15 dryer ventilation as required per S.O.P. No. 12.1.C.

16
17 **CONCLUSIONS OF LAW**

- 18 1. The Board has jurisdiction in this matter pursuant to A.R.S. § 32-101, et seq.
19 2. The conduct alleged in the Findings of Fact constitutes grounds for discipline
20 pursuant to A.R.S. § 32-128(C)(4) as it relates to A.A.C. R4-30-301.0.1, in that
21 Respondent failed to conduct a Home Inspection in accordance with the Standards of
22 Professional Practice for Arizona Home Inspectors.

23 **ORDER**

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

- 26 1. LETTER OF REPRIMAND. Respondent is hereby issued a Letter of
27 Reprimand.
28 2. STAYED SUSPENSION AND PROBATION. As of the effective date of

1 this Order, Respondent's registration as a Certified Home Inspector, No. 66142, shall be
2 suspended for Twelve (12) Months; however, the suspension shall be stayed for as long
3 as Respondent remains in compliance with this Order. During the period of stayed
4 suspension, Respondent's registration as a Certified Home Inspector shall be placed on
5 probation. If Respondent is non-compliant with any term of this Order during the
6 probationary period, the stay of suspension shall be lifted and Respondent's registration
7 as a Certified Home Inspector shall be automatically suspended without formal hearing,
8 and remain suspended until Respondent is compliant with all terms of this Order.

9 3. **REMEDIAL TRAINING.** Within Three (3) Months of the effective date of
10 this Consent Agreement, Respondent shall submit a course for Board staff pre-approval.
11 Upon approval, Respondent shall complete a course regarding Home Inspection Report
12 writing and provide proof to Board staff that he has successfully completed the course.

13 4. **PEER REVIEW.** Within Three (3) Months of the effective date of this
14 Consent Agreement, Respondent shall accompany a supervising Certified Home
15 Inspector ("Peer Reviewer") for Three (3) Home Inspections, and perform inspections at
16 the same time and location as the Peer Reviewer. Respondent shall write a Home
17 Inspection Report, and submit the written report to the Peer Reviewer for review. The
18 Respondent may select his Peer Reviewer who shall be in good standing with the Board
19 and shall not have received any disciplinary action from the Board within the last three
20 (3) years. The Peer Reviewer shall have been continuously certified by the Board as a
21 Home Inspector for at least five (5) years and shall have conducted at least two hundred
22 and fifty (250) Home Inspections in the State of Arizona. Respondent shall provide
23 Board staff with the name, certification number and contact information of the Peer
24 Reviewer for approval prior to engaging in any peer reviews. The Respondent shall cause
25 the Peer Reviewer to sign and have notarized an Affidavit and Agreement to Conduct
26 Peer Review with the Board affirming that the Peer Reviewer has met the Peer Review
27 selection criteria prior to conducting any Peer Reviews. At the conclusion of each peer
28 reviewed Home Inspection, Respondent will submit his work product, specifically a

1 Home Inspection Report, to the Peer Reviewer who will review and make all corrections
2 to the Respondent's Home Inspection Report necessary for the report to meet the
3 Standards of Professional Practice for Arizona Home Inspectors. Respondent shall not
4 perform any Home Inspections or provide any client with a Home Inspection Report for a
5 fee, until all Peer Reviews are completed. Respondent shall ensure that the Peer Reviewer
6 provides a written report directly to Board staff after each peer reviewed Home
7 Inspection, detailing any deficiencies in Respondent's practice, and certifying that the
8 deficiencies have been explained and corrected; in so far as the peer reviewed Home
9 Inspection is concerned. Respondent shall retain the Peer Reviewer at his own expense.

10 5. ADMINISTRATIVE PENALTY. Within Twelve (12) Months from the
11 effective date of this Consent Agreement, Respondent shall pay an administrative penalty
12 of One Thousand Dollars (\$1,000.00) by certified check or money order made payable to
13 the State of Arizona Board of Technical Registration.

14 6. COST OF INVESTIGATION. Within Twelve (12) Months from the
15 effective date of this Consent Agreement, Respondent shall pay the cost of investigation
16 of this case to the Board in the amount of Two Hundred and Two Dollars (\$202.00) by
17 certified check or money order made payable to the State of Arizona Board of Technical
18 Registration, according to the provisions of A.R.S. § 32-128(H).

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

25 8. RENEWAL OF REGISTRATION. During the probationary period,
26 Respondent shall timely renew his Arizona certification as an Arizona Home Inspector,
27 and timely pay all required registration fees.

28 9. EFFECTIVE DATE. The effective date of this Consent Agreement is the


1 date the Respondent and Board sign the Consent Agreement. If the dates are different, the
2 effective date is the later of the two dates.

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

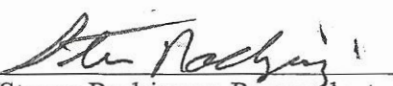
5 11. NONCOMPLIANCE. If Respondent violates this Order in any way or fails
6 to fulfill the requirements of this Order, the Board, after giving notice and the opportunity
7 to be heard, may revoke, suspend or take other disciplinary actions against the
8 registration. The issue at such a hearing will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

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ACCEPTED and ORDERED this 23rd day of April, 2024.


Michael Kolejka, R.A., Chairman
Arizona State Board of
Technical Registration

Consent Agreement and Order, No. HI23-034 accepted this 8 day of
APRIL, 2024.


Steven Rodriguez, Respondent

1 **ORIGINAL** filed this 24th day of

2 April, 2024, with:

3 Arizona State Board of Technical Registration
4 1110 W. Washington, Suite 240
5 Phoenix, AZ 85007

6 **COPY** of the foregoing mailed via Certified Mail

7 No. 9214 8901 9434 4600 0968 27 and

8 First Class mail this 24th day of April, 2024, to:

9 Steven Rodriguez
10 25264 W. Pueblo Ave
11 Buckeye, AZ 85326

12
13 By: Daniel Carthel