

**ARIZONA STATE BOARD OF TECHNICAL REGISTRATION
NOTICE AND AGENDA FOR REGULAR SESSION MEETING**

Tuesday, March 23, 2021 beginning at 9:00 a.m.
1110 W. Washington, Conference Room #240
Phoenix, AZ 85007

The Arizona Board of Technical Registration will hold a regular meeting, open to the public at the Board's office, located at 1110 W. Washington, Suite 240, Phoenix, AZ 85007.

Please note that the cases on this agenda are categorized with staff recommendations for resolution. The Board has the authority to accept, reject, or modify any recommendation listed on the agenda. These recommendations are merely suggested Board actions; the Board may not adopt them, and may decide cases differently.

The Board may discuss, consider or take action on any item on the agenda, and at the discretion of the Board, agenda items may be taken out of order, except for those items set at a specific time.

The majority or a quorum of the Board may vote to hold an Executive Session to review confidential records exempt by law from public inspection, pursuant to A.R.S. § 38-431.03(A)(2); to obtain legal advice regarding any of the items on the agenda, pursuant to A.R.S. § 38-431.03(A)(3); or to discuss or consult 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 pursuant to A.R.S. § 38-431.03(A)(4). All examination material, transcripts education records, reference forms and applications are confidential pursuant to A.R.S. § 32-129(A), and all investigation files are confidential and not subject to inspection until the matter is final and a hearing notice is issued (A.R.S. § 32-129(B)).

Pursuant to the Americans with Disabilities Act, people with disabilities may request a reasonable accommodation by contacting Kurt Winter at (602) 364-4883. Requests for reasonable accommodations should be made as early as possible to allow time to accommodate the request. The Board may not be able to accommodate requests made less than 36 hours prior to the scheduled meeting.

Concerns Relating to Meetings held at the Board and COVID-19

At this time, the Board will proceed with all scheduled public meetings and the public is still welcome to attend in person. However, COVID-19 may prevent those otherwise wishing to attend from doing so. The Board is therefore allowing individuals to attend remotely to ensure the public's right to attend and listen to the Board's deliberations and proceedings per A.R.S. § 38-431.01(A) and A.R.S. § 38-431(4).

In order to maintain a cohesive meeting, the Board asks that those wishing to attend remotely make Board staff aware in advance. The Board utilizes Google Meetups for its remote meetings, which requires the meeting host (the Board) to 'invite' members to participate, hence the need for Board staff to know who wishes to attend in advance.

If you wish to attend a meeting remotely, please contact Kurt Winter via email at:

kurt.winter@azbtr.gov

Board staff posts meeting agendas on its website, the AZBTR's lobby (suite 240) and the meeting board located in the main entrance of the ADEQ building (1110 W. Washington St. Phoenix AZ 85007) in accordance with 38-431.02. The Board suggests reviewing any meeting agenda before requesting a Google Meetup invitation.

Please note that all meetings are recorded and the recordings posted on the Board's website within three working days after the meeting in accordance with A.R.S. § 38-431.01(E).

1. CALL TO ORDER

2. ROLL CALL

3. CALL TO THE PUBLIC

Members of the public may address the Board during this Call to the Public for no more than **3 minutes**. Pursuant to A.R.S. § 38-431.01(H), the Board members are not allowed to discuss or take legal action on matters raised during an open call to the public unless the matters are properly noticed for discussion and legal action. However, members may ask staff to review a matter or may ask that a matter be placed on a future agenda.

4. ADOPTION OF MINUTES

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 4(B),(D).

- A. Approve, modify and/or reject, Board meeting minutes.
 - 1. February 18, 2021 Board meeting
 - 2. February 23, 2021 Board meeting
- B. Approve, modify and/or reject, Executive Session minutes.
 - 1. February 23, 2021 Executive Session A
 - 2. February 23, 2021 Executive Session B
 - 3. February 23, 2021 Executive Session C
- C. Approve, modify and/or reject, EDHC Meeting minutes.
 - 1. March 18, 2021 EDHC Meeting
- D. Approve, modify and/or reject, EDHC Executive Session minutes.
 - 1. March 18, 2021 EDHC Executive Session

5. 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 items 5(A),(B).

- A. Review, Consideration and Possible Action on Signed Consent Agreement in Lieu of Formal Hearing
 - 1. P21-006, Morris, Allan
- B. Review, Consideration and Possible Action on Joint Stipulation to Continue Hearing
 - 1. P18-070; P19-031, Takach Peter

6. 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 6(A)-(E).

A. Complaints Proposed for Resolution by Dismissal or Closure:

1. P21-017, Robert Rogers, P.E (Structural) #49872 and Schaefer, Inc., Firm #15924
2. P21-051, Harvey Bryan, R.A. #34448 (Delinquent)

B. Complaints Proposed for Resolution with Signed Consent Agreements:

1. P20-053, Alan C. Nichols, P.E. (Mechanical) #20344 and Al Nichols Engineering, Firm #19429
2. HI21-007, Hector Suppici, aka Elbio H. Suppici, C.H.I. #65564 and Regal Choice, Firm #23078
3. HI21-011, David Edens, C.H.I. #50538 and Wild West Home Inspections, LLC, Firm #22889
4. P21-020, Lawrence Wilson, R.L.S. #32238
5. P21-047, Thomas Reuter, R.A. #53268
6. P21-040, Chad Glenn, R.A. #49090 and 3 Ten Studio Inc., Firm #21974

C. Complaints Requiring Board Guidance:

1. P21-046, Julius Doan, Non-Registrant
2. P21-032, Anthony Zaugg, R.L.S. #41076 and Allen Consulting Engineers, Inc. Firm #22000
3. P21-034, Kathryn Mills, P.E (Civil) #31118

D. Compliance and Monitoring Investigations:

1. P20-036, Paul Nzomo, P.E. (Civil) #33446

E. Review and Approval for EAC Membership:

1. Ronald E. Skoog, R.A. #47825

7. 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 7(A)-(J).

- A. Johnson, F - Universal Application for registration as a Control Systems Engineer #210055

- B. Zargar, Majid – Universal Application for registration as an Electrical Engineer #210109
- C. Meilleur, Aaron – Universal Application for registration as a Civil Engineer #210549
- D. Ogram IV, William – Universal Application for registration as a Landscape Architect #210283
- E. Nickell, Jerika – Universal Application for registration as a Civil Engineer #210555
- F. Rodenius, Jeffrey - Universal Application for registration as an Architect #210579
- G. Holloway, James - Universal Application for registration as a Civil Engineer #210621
- H. Cody, Norman – Extension request for PE exam #191126
- I. Wang, Xuan – Application for Registration as an Electrical Engineer #210036
- J. Tanner, Gary- Application for Registration as a Home Inspector #210645

8. LICENSING/CONSENT AGENDA

- A. Review, Consideration, and Action on Staff Recommendations for the following:
 - 1. Cancellation of registrations and certifications that have been expired for one full renewal period;
 - 2. Review of the List of registrations and certifications granted by the Executive Director pursuant to A.R.S. § 32-122.05, 32-122.06, and A.R.S. § 32-123.

List available for public review upon request.

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 items 9(A)-(D). 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(C).

- A. Pending Legislation: SB1062, SB1063, SB1151, SB1218, SB1304, HB2037, HB 2014, HB2128, HB2242, HB2243, HB2267, HB2433

- B. New Home Inspector Rule effective 3/08/2021
- C. CV 2019-013509 – Mills v. Arizona State Board of Technical Registration
- D. City of Flagstaff Questions:
 - a. Clarify what work “may be necessary and incidental to the work of the registrant’s profession on a specific project.”
 - b. Does the Board agree that a “qualified Arizona registrant” has the ability to prepare grading and drainage plans?
 - c. Does the term “qualified Arizona registrant” imply or assume any registrant discipline regulated by the Board?
 - d. Are there other State rules and regulations outside of A.R.S. Title 32 Chapter 1 and A.A.C. Title 4 Chapter 30 that the City of Flagstaff should be reviewing when considering the proposed changes?
 - e. Is any member of the Board aware of any County or local jurisdiction that does not specifically require a Professional Engineer for the type of work described?

10. DIRECTOR’S REPORT

- A. Statistics Review
- B. Previous Meeting Follow-up
 - a. National Council and Exam Updates
 - b. Board Composition
 - c. Staff and Member Update
 - d. Recruitment of Application Evaluators
 - e. Land Surveyor Boundary Minimum Standards
- C. Director’s Meetings and Correspondence
 - a. NSPE questions regarding SB1062 and SB1304
 - b. National Transportation Safety Board letter

11. BOARD CHAIR’S REPORT

Nothing to discuss

12. ASSISTANT ATTORNEY GENERAL’S REPORT

Update on Open Meeting Law Complaint filed against the Board

13. STANDING COMMITTEE REPORTS

The Board may vote to enter executive session pursuant to A.R.S. § 38-431.03(A)(1) (Personnel Matters), 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 13(A).

- A. Executive Director Hiring Committee

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

- A. ASBOG
- B. CLARB
- C. NCARB
- D. NCEES
- E. ABET
- F. Land Surveyor Task Force

15. EXECUTIVE DIRECTOR POSITION

Discussion will begin at 9:30 a.m.

Review, Consideration, and Possible Action on the following:

The Board may vote to enter executive session to review pursuant to A.R.S. § 38-431.03(A)(1) (Personnel Matters), A.R.S. § 38-431.03(A)(2) (to discuss confidential information), A.R.S. § 38-431.03(A)(3) (to receive legal advice) in regards to 15(A)-(D), (F).

- A. EDHC's recommended Procedure for Conduct of the Final Interviews
- B. EDHC's recommended Final Interview Questions
- C. Interviews of Executive Director candidates
 - 1. Gary Nelson
 - 2. Judith Stapley
 - 3. Thomas Salow
- D. Discussion of terms of employment for Executive Director Position and Selection of final candidates.
- E. Offering of Executive Director Position to Candidate and Identification of Secondary Candidate.
- F. Vote to Ratify the Interim Executive Director Agreement with Melissa Cornelius.

16. SUGGESTED TOPICS FOR FUTURE MEETING AGENDAS.

17. FUTURE BOARD MEETINGS – April 27, 2021

18. MEETING ADJOURNMENT