

**ARIZONA STATE BOARD OF TECHNICAL REGISTRATION  
MINUTES FOR REGULAR SESSION MEETING**

Tuesday, October 27, 2020, beginning at 9:00 a.m.  
1110 W. Washington, Conference Room #240  
Phoenix, AZ 85007

**1. CALL TO ORDER – 9:01am**

**2. ROLL CALL**

**PRESENT** –Neal Jones, Jack Gilmore, Jason Foose

**TELEPHONIC** - Dr. Alejandro Angel, Carmen Wyckoff (left at 10:30am), Clarence McAllister, Stephen Noel

**ABSENT** – Andrew Everroad, Three Vacancies

**AAGs** – Deanie Reh (telephonic), Scott Donald, Mona Baskin (telephonic)

**STAFF** – Robert Stam, Melissa Cornelius (telephonic). Kurt Winter, Douglas Parlin

**3. CALL TO THE PUBLIC**

No one appeared before the Board.

**4. ADOPTION OF MINUTES**

Review, Consideration, and Possible Action on the following:

**A. Approve, modify and/or reject, Board meeting minutes.**

**1. September 22, 2020 Board Meeting Minutes**

Dr. Angel moved and Mr. Jones seconded to approved the minutes; motion carried.  
Mr. Foose recused.

**B. Approve, modify and/or reject, Executive Session meeting minutes**

**1. September 22, 2020 A 11:46am ES Minutes**

Mr. Gilmore moved and Mr. Jones seconded to approved the minutes; motion carried.  
Mr. Foose recused.

**2. September 22, 2020 B 10:20am ES Minutes**

Mr. Gilmore moved and Mr. Jones seconded to approved the minutes; motion carried.  
Mr. Foose and Mr. McAllister recused.

5. **CONSIDERATION OF CASES REFERRED FOR FORMAL HEARING**

*Formal Hearings or Related Proceedings will begin at 9:30 a.m.*

A. Formal Administrative Hearing

1. AL19-008, AL19-010, AL19-019; Stevens, Travis and Triton Alarm LLC

\*This matter is a continuation of the hearing that took place on September 22, 2020 before the Board.\*

Respondent appeared telephonically. Mona Baskin, AAG, appeared before the Board to give independent advice. Deanie Reh, AAG, appeared before the Board representing the State.

Mr. Foose stated that he had reviewed all of the case materials, including the audio of the first day of the hearing.

The Board accepted exhibits 13 through 24 into the record. The State and Respondent made closing statements. Both parties rested their case.

Dr. Angel opined that the Board did not have sufficient evidence to prove that Respondent firm was operating for four years and he asked that the Board strike the language 'for 4 years' in factual allegation 12.

Dr. Angel moved and Mr. Noel seconded to adopt factual allegations 5-11 as the Board's Finding of Fact; motion carried unanimously.

Dr. Angel moved and Mr. Foose seconded to modify and adopt factual allegation 12, striking 'for 4 years' from the paragraph; motion carried unanimously.

Dr. Angel moved and Mr. Gilmore seconded to adopt the alleged violations as the Board's Conclusions of Law; motion carried unanimously.

Mr. Foose moved and Dr. Angel seconded to issue the following Board Order; Respondent shall pay a civil penalty in the amount of \$2000, to be paid within 18 months of the effective date of this order; motion carried unanimously.

Board took a break at 11:00am and returned at 11:15am.

B. Formal Administrative Hearing and/or Review, or Discuss and Take Possible Action to Deem Respondent Admission to the Complaint and Notice of Hearing:

1. P17-076 Quimby, Wayne D.

Respondent did not appear before the Board. Mona Baskin, AAG, appeared before the Board to give independent advice. Scott Donald, AAG, appeared before the Board representing the State.

Mr. Donald asked that the Board approve the State's motion to deem the allegations admitted.

Dr. Angel moved and Mr. Jones seconded to approve the State's motion to deem the allegations admitted; motion carried unanimously.

Mr. Foose moved and Mr. Jones seconded to adopt the alleged violations and the allegations as the Board's Finding of Fact and Conclusions of Law; motion carried unanimously.

Mr. Donald asked that the Board impose the maximum penalty in this matter.

Mr. Foose moved and Mr. Noel seconded to issue the following Board Order; Respondent shall pay a civil penalty in the amount of \$4,000, the cost of investigation, and attorney fees, to be paid within 90 days, and if not paid, forward to the AGs office for collections; motion carried unanimously.

2. P20-003, McQuality

Respondent did not appear before the Board. Mona Baskin, AAG, appeared before the Board to give independent advice. Deanie Reh, AAG, appeared before the Board representing the State.

Ms. Reh asked that the Board approve the State's motion to deem the allegations admitted.

Dr. Angel moved and Mr. Jones seconded to approve the State's motion to deem the allegations admitted; motion carried unanimously.

Mr. Jones moved and Mr. Gilmore seconded to adopt the alleged violations and the allegations as the Board's Finding of Fact and Conclusions of Law; motion carried unanimously.

Ms. Reh asked that the Board show leniency when issuing its order.

Dr. Angel moved and Mr. Foose seconded to issue the following Board Order: Respondent shall pay a civil penalty in the amount of \$2,000, costs of investigation, and attorneys fees, to be paid within 90 days, and if not paid, forward to AG's office for collections; motion carried unanimously.

C. Review, or Discuss and Take Possible Action on Signed Consent Agreement in Lieu of Formal Hearing

1. P19-060 Loaiza, Andres and Beaux Architecture LLC

Mr. Donald stated that Respondent had been cooperative and he asked that the Board accept the signed consent agreement.

Dr. Angle opined reducing the civil penalty since Respondent was cooperative.

Dr. Angle moved and Mr. Jones seconded to offer a revised consent agreement, reducing the civil penalty from \$3,000 to \$1,000; motion carried unanimously.

D. Review, or Discuss and Take Possible Action on ALJ Decision:

1. P19-013 Clark, Gerald and Clark Architects, Inc.

Respondent did not appear before the Board. Mona Baskin, AAG, appeared before the Board to give independent advice. Scott Donald, AAG, appeared before the Board representing the State.

The Board opened the matter with a roll call in which all Board members stated that they had reviewed the case materials.

Mr. Donald asked that the Board accept the ALJ's decision but asked that the Board award restitution to the Alleger. Dr. Angel asked why Mr. Donald was requesting the Board award restitution when the ALJ did not include it and a third party had already paid partial restitution to Alleger. Mr. Donald rescinded his request when he noted that the Board might revoke Respondent's license.

Mr. Gilmore moved and Mr. Jones seconded to adopt the ALJ's Findings of Fact as written; motion carried unanimously.

Mr. Gilmore moved and Mr. Jones seconded to adopt the ALJ's Conclusions of Law as written; motion carried unanimously.

Mr. Foose moved and Dr. Angel seconded to accept the ALJ's recommended Order; motion carried unanimously.

## 6. ENFORCEMENT MATTERS

Review, Consideration and Possible Vote on the following:

### A. Complaints Proposed for Resolution by Dismissal or Closure:

1. HI21-006, Brian Quisberg, C.H.I. #40889

Mr. Gilmore moved and Mr. Jones seconded to administratively close the case; motion carried unanimously.

2. HI20-036, Kelly Lopez, C.H.I. #39582

Mr. Gilmore moved and Mr. Jones seconded to dismiss the case; motion carried unanimously.

3. HI21-008, Tony Hecht, C.H.I. #38350

Mr. Gilmore moved and Mr. Jones seconded to dismiss the case; motion carried unanimously.

4. HI21-004, Mark Kilian, C.H.I. #55011 (Revoked)

Mr. Gilmore moved and Mr. Jones seconded to administratively close the case; motion carried unanimously.

### B. Complaints Proposed for Resolution with Signed Consent Agreements:

1. P21-015, Ali Gharai, R.A. #44966 and GHA Architects Inc., Firm #22793

Dr. Angel moved and Mr. Gilmore seconded to accept the signed consent agreement; motion carried unanimously.

2. P21-005, William Odell, P.E. (Mechanical) #33491 and OSE Design Group, LLC, Firm #15173

Dr. Angel moved and Mr. Gilmore seconded to accept the signed consent agreement; motion carried unanimously.

3. HI20-031, John Thorp, C.H.I. #40941

Respondent's attorney, Mr. Patel, appeared telephonically. Alleger, Ms. Maltos, appeared telephonically.

Ms. Maltos stated that Respondent failed to inform her that the roof would need repairs in his home inspection report. Mr. Patel disagreed.

Mr. Foose moved and Mr. Jones seconded to accept the signed consent agreement; motion carried unanimously.

After the vote, Ms. Maltos requested a time in which Respondent should pay restitution. Mr. Foose answered that Respondent had 30 days to pay her restitution once the Board finalized the order.

4. P21-025, Vianey Vega, P.E. (Civil) #50476 and Vega & Vega Engineering, PLC, Firm #16377

Dr. Angel moved and Mr. Gilmore seconded to accept the signed consent agreement; motion carried unanimously.

5. P21-024, Claire Clark, R.A. #50724 and Arizona Natural Design, PLLC, Firm #16296

Dr. Angel moved and Mr. Gilmore seconded to accept the signed consent agreement; motion carried unanimously.

6. P21-028, Mahdi Sadek, P.E. (Civil) and Epsilon Engineering & Material, LLC, Firm #17295

Dr. Angel moved and Mr. Gilmore seconded to accept the signed consent agreement; motion carried unanimously.

7. P21-014, Susan Biegner, R.A. #34496 and Biegner Murff Architects, LLC, Firm #15472

Dr. Angel moved and Mr. Gilmore seconded to accept the signed consent agreement; motion carried unanimously.

8. AL21-003, Juan Godinez, Non-Registrant

Dr. Angel moved and Mr. Gilmore seconded to accept the signed consent agreement; motion carried unanimously.

9. AL21-004, Trevor Maddux, Alarm C. P. #72046 and Cransten, Inc., Alarm Business #22775

Dr. Angel moved and Mr. Gilmore seconded to accept the signed consent agreement; motion carried unanimously.

10. P20-014, Kenneth O'Dell, R.A. #06797

Dr. Angel moved and Mr. Gilmore seconded to accept the signed consent agreement; motion carried unanimously.

11. AL21-001, David Roman, Non-Registrant and Safeguard America, DBA Safe Home Security, Non-Registrant Alarm Business

Dr. Angel moved and Mr. Gilmore seconded to accept the signed consent agreement; motion carried unanimously.

12. P20-043, Khalid Khalifa, P.E (Mechanical) #52677 and KK Engineering, LLC, Firm #17120

Respondent appeared telephonically.

Dr. Angel opined that the consent agreement should include a restriction of practice of electrical engineering. Mr. McAllister agreed. Investigator Lorea stated that the EAC members determined through questioning that Respondent was competent to practice electrical engineering. Enforcement Manager Parlin explained that A.A.C. R4-30-301(18) indicated that an engineer could practice another discipline of engineering outside of their own if they had the knowledge and skill to do so. Dr. Angel stated that Respondent had issues with technical knowledge and skill in this matter. Mr. Parlin agreed, but stated the EAC opined that it was a one-time occurrence. Mr. Foose stated that the EAC's responsibility was to investigate this matter and the evidence, not test the Respondent's knowledge of electrical engineering to determine whether he had the knowledge and skill to practice electrical engineering. Mr. Foose asked what profession each EAC member was. Investigator Loera answered that all EAC members were electrical engineers.

Dr. Angel moved and Mr. Foose seconded to reject the signed consent agreement and direct staff to renegotiate the consent agreement to include a restriction of practice of electrical engineering; motion carried unanimously.

After the vote, Respondent asked the Board to reconsider its motion because he argued that he had the technical knowledge and skill to practice electrical engineering; that this matter was not an issue of technical knowledge since his calculations were correct; that the EAC severity rating for this matter was the lowest it could be; and, that the Board Practice Act allowed exceptions for engineers to practice other engineering disciplines if the engineer in question had the technical knowledge and skill.

C. Complaints Proposed to Offer Consent Agreement:

1. P21-006, Allan Morris, P.E. (Civil) #31702

Dr. Angel opined lowering the administrative penalty. Mr. Parlin stated that Respondent did not cooperate with the Board, and requested the amount remain unchanged.

Mr. Jones moved and Mr. Gilmore seconded to offer the proposed consent agreement and if not signed within 30 days, move to formal hearing; motion carried unanimously.

- D. Compliance and Monitoring Investigations to Consider Lifting Stay of Revocation:  
1. P18-070 and P19-031, Peter Takach, P.E. (Civil) #44085

Respondent appeared telephonically. Respondent's attorney, Mr. Williams, appeared telephonically.

Mr. William stated that the plans that Respondent sealed after signing the Board's order, which restricted his practice of structural engineering, did not contain substantial changes and that Respondent was trying to help his client who hired and paid him prior to his signing of the Board order. He argued that the Board not lift the stay of revocation.

Dr. Angel opined that Respondent might have violated the Board's order when he sealed a structural analysis. Mr. Foose agreed. Mr. Donald asked the Board move into executive session to seek legal advice.

Mr. Foose moved and Mr. Jones seconded to enter executive session at 11:30am to seek legal advice pursuant to A.R.S. § 38-431.03(A)(3); motion carried unanimously. The Board returned to open session at 11:51am.

Mr. Foose moved and Mr. Jones seconded to move this matter to formal hearing and directed Mr. Donald to discuss alternative options with Respondent's attorney; motion carried unanimously.

- E. Complaints Requiring Board Guidance:  
1. P21-029, Derek Petrich, P.E. (Civil) #64712

Respondent appeared telephonically.

Mr. Foose opined that Respondent met the Board's standards when he informed the Board of his conviction and that the Board dismiss the case. Dr. Angel agreed.

Respondent thanked the Board.

Mr. Foose moved and Mr. Jones seconded to dismiss the case, motion carried.

- F. Notification of Civil Malpractice Action to Consider Opening a Complaint Investigation:  
1. Kenneth Allen R.A. #14330 and Mark Philp R.A. #14369 and Allen & Philp Architects, PC

Mr. Jones recused himself.

Respondent's attorney, Mr. Folk, appeared before the Board.



Dr. Angel opined that the Board open an investigation against Kenneth Allen R.A. #14330 and Mark Philp R.A. #14369 and Allen & Philp Architects, PC. Mr. Foose opined opening an investigation after the civil suit closed. Dr. Angel disagreed, stating that opening an investigation immediately would help protect the public. Ms. Wyckoff agreed. Mr. Gilmore asked if the Board's conclusion for a hypothetical case could affect the outcome of the civil suit. Mr. Foose stated it was a possibility. Dr. Angel disagreed. Ms. Cornelius agreed that staff should open an investigation immediately. Mr. Folk stated that the basis of the civil suit was a dispute over costs, not technical knowledge and skill. Mr. Donald stated that based upon Mr. Folk's description of the basis of the civil suit, the civil suit should not affect any hypothetical Board investigation.

Dr. Angel moved and Ms. Wyckoff seconded to open a complaint investigation against Kenneth Allen R.A. #14330 and Mark Philp R.A. #14369 and Allen & Philp Architects, PC; motion carried unanimously.

## 7. LICENSING MATTERS

Review, Consideration, and Action on Staff Recommendations for the following Universal Applications:

### A. Meldrum, David - Application # 201844 for Licensure as a Civil Engineer

Dr. Angel moved and Mr. Foose seconded to grant registration based upon the Board's determination that the applicant's state of original registration's practice level was equivalent to Arizona; motion carried unanimously.

### B. Eberly, Steven - Application #201914 for Licensure as a Mechanical Engineer

Dr. Angel moved and Mr. Foose seconded to grant registration based upon the Board's determination that the applicant's state of original registration's practice level was equivalent to Arizona; motion carried unanimously.

### C. Baer, Jayme - Application #201942 for Licensure as a Civil Engineer

Dr. Angel moved and Mr. Foose seconded to grant registration based upon the Board's determination that the applicant's state of original registration's practice level was equivalent to Arizona; motion carried unanimously.

### D. Kloc, Curtis - Application #201719 for Certification as a Home Inspector

Dr. Angel moved and Mr. Foose seconded to grant registration based upon the Board's determination that the applicant's state of original registration's practice level was equivalent to Arizona; motion carried unanimously.

E. Rogers, Emily- Application #202012 for Licensure as a Geologist

Dr. Angel moved and Mr. Foose seconded to grant registration based upon the Board's determination that the applicant's state of original registration's practice level was equivalent to Arizona; motion carried unanimously.

F. Lucia, Christopher- Application #202015 for licensure as an Architect

Dr. Angel moved and Mr. Foose seconded to grant registration based upon the Board's determination that the applicant's state of original registration's practice level was equivalent to Arizona; motion carried unanimously.

Extension request for Examination timeframes due to Covid-19

G. Cody, Norman- Application #191126 for approval to sit for PE exam

Dr. Angel moved and Mr. Foose seconded to extend Applicant's period to sit for the PE exam; motion carried unanimously.

H. Ballard, James Walter- Application #192374 for approval to sit for SSE exam

Dr. Angel moved and Mr. Foose seconded to extend Applicant's period to sit for the SSE exam; motion carried unanimously.

Extension request for Application timeframes and consideration of licensure request

I. Halligan, Ryan- Application #201600 for registration as a Civil Engineer

Applicant appeared telephonically.

Licensing manager Robert Stam explained that Applicant was short on experience due to having a degree in environmental engineering while applying for registration as a civil engineer; to receive full credit towards a civil engineer registration, he would need to have earned a degree in civil engineering.

Applicant argued that his education was equivalent to a civil engineering degree and asked to receive the full 48 hours of experience for his education. Dr. Angel disagreed, stating that the degrees were not equivalent. Applicant asked that the Board extent his application period one year.

Dr. Angel moved and Mr. Foose seconded to extend applicant's application period one year; motion carried unanimously.

## 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

Mr. Gilmore moved and Mr. Jones seconded to cancel registrations and certification that have been expired for one full renewal period; motion carried unanimously.

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:

- A. Recognition of Patrice Pritzl and Eugene Montgomery for their contributions to the Board, staff and the public.

Board members made comments regarding the departure of Ms. Pritzl and Mr. Montgomery.

- B. Board Meeting dates 2021

Mr. Foose moved and Mr. Gilmore seconded to accept the board meeting dates as presented by staff; motion carried unanimously.

- C. Holiday Party

The Board decided to cancel the holiday party due to Covid-19.

- D. Election of Officers

Continued to next meeting

- E. Supplemental Proposed Rulemaking

Ms. Cornelius asked whether the Board members had read the public comments concerning the supplemental rulemaking. Board members indicated they had. Ms. Cornelius asked that the Board move to direct staff to send the rulemaking to GRRC for review and approval.

Mr. Foose moved and Mr. Gilmore seconded to direct staff to send the Board's final rulemaking to GRRRC for review and approval; motion carried unanimously.

- F. CV 2019-013509 – Mills v. Arizona State Board of Technical Registration: upon motion and vote, the Board may hold an executive session to receive legal advice 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.]

Nothing discussed

- G. Public Comment: Whether a Conflict exists between the Board's Practice Act and the Arizona Department of Transportation Record Drawing Guidelines.

Steve Boschen of ADOT appeared telephonically.

Board members commented that no conflict existed between the Board's Practice Act and the Arizona Department of Transportation Record Drawing Guidelines. Mr. Boschen agreed.

## 10. DIRECTOR'S REPORT

- A. Budget Update
- B. Previous Meeting Follow-Up
  - a. National Council Updates
    - i. NCARB – October 14, 2020 webinar
    - ii. NCEES – PE Civil Exam via computer beginning April 1, 2022
    - iii. CLARB – Remote proctoring beginning Nov. Dec. 2020
    - iv. ASBOG – Exam October 1 and 2, 2020. Annual meeting Nov. 4, 2020
    - v. AZSLS – Six exam takers in October
  - b. Board Composition under SB1274
  - c. Land Surveyor Standards of Practice Update
  - d. Staff update
- C. Statistics Review

Lost quorum at 1:58pm. Nothing discussed.

## 11. FUTURE BOARD MEETINGS – December 8, 2020

## 12. SUGGESTED TOPICS FOR FUTURE MEETING AGENDAS.

## 13. MEETING ADJOURNMENT - Lost quorum at 1:58pm

Google Meets Comments

Darth Terminus

12:32 PM

If I can share <https://www.mcqualitydesigns.com/aerial-real-estate-photography>

Kurt Winter

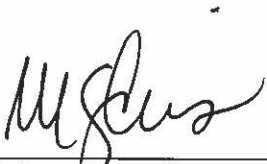
12:34 PM

its ok. just saw your comment



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Jason Foose, Chairman



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Melissa Cornelius, Executive Director