

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

Thursday, August 20, 2020, beginning at 9:00 a.m.  
1110 W. Washington, Conference Room #240  
Phoenix, AZ 85007

1. **CALL TO ORDER - 9:03am**
2. **ROLL CALL**

**Present:** Jack Gilmore, Neal Jones, Jason Foose

**Telephonic:** Carmen Wyckoff (appeared at 9:11am), Clarence McAllister (appeared at 10:00am), Eugene Montgomery, Stephen Noel, Alejandro Angel

**Absent:** Andrew Everroad

**Staff:** Melissa Cornelius, Patrice Pritzl, Robert Stam, 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. Board Meeting Minutes**

1. Approve, modify and/or reject, July 28, 2020 Board meeting minutes.

Dr. Angel moved and Mr. Gilmore seconded to approve the minutes; motion carried unanimously.

**B. Board Executive Session Minutes**

1. Approve, modify and/or reject, July 28, 2020, 10:35am, Board meeting executive session minutes

Mr. Gilmore moved and Mr. Jones seconded to approve the minutes; motion carried unanimously.

2. Approve, modify and/or reject, July 28, 2020, 11:06am, Board meeting executive session minutes

Mr. Gilmore moved and Mr. Jones seconded to approve the minutes; motion carried unanimously.

## 5. CONSIDERATION OF CASES REFERRED FOR FORMAL HEARING

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

Nothing to discuss.

## 6. ENFORCEMENT MATTERS

Review, Consideration and Possible Vote on the following:

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

1. AL20-011, Daniel Bueschel, Non-Registrant and Pueblo Mechanical and Controls, LLC, Non-Registrant Alarm Business

Respondent Firm's representative, Mike Finn, and Respondent's counsel, Daniel Barr, appeared telephonically. Alleger, Mark Boggs, and Alleger's counsel, Elliot Isaac, appeared telephonically.

Mr. Isaac stated that Respondent firm hired Mr. Boggs to sell alarm systems with Mr. Boggs's understanding that Respondent firm was a licensed alarm business; that while employed with Respondent firm, Mr. Boggs did attempt to sell alarm systems but he discovered that Respondent firm was not licensed as an alarm business and he requested Respondent firm become licensed; that Respondent firm denied that Mr. Boggs's was hired to sell alarms services; and, that the evidence submitted to the Board proved otherwise. Mr. Isaac asked that the Board should not agree with Board Staff's recommendation to dismiss the case but find Respondent firm violated the Board's Practice Act.

Mr. Barr stated that Respondent firm did not sell alarm systems; that Respondent firm did not hire Mr. Boggs to sell alarm systems; that Mr. Boggs, while employed at respondent firm, failed to sell anything, resulting in his termination from employment; and, that Respondent firm was unaware that Mr. Boggs was pursuing selling alarm systems while employed at Respondent firm. Mr. Barr asked that the Board agree with Board Staff's recommendation and dismiss the case.

Dr. Angel asked why Respondent firm hired Mr. Boggs. Mr. Finn answered that Respondent firm hired Mr. Boggs to sell security cameras and access key card systems. Dr. Angel stated that the sale proposal to the University of Washington included services that may constitute an alarm system and asked Respondent firm to explain. Mr. Finn explained that Respondent firm was a subcontractor to the proposal. Dr. Angel stated that the services within the proposal appeared to be alarm system related.

Mr. Isaac asked Mr. Boggs to explain what he did for Respondent firm and explain the evidence submitted to the Board. Mr. Boggs obliged, detailing the proposals he produced while employed with Respondent firm as alarm system proposals. Mr. Barr stated that Mr. Boggs had not added any new information that the parties had not already presented during the investigation of the case.

Mr. Foose asked investigator Correll how she came to her recommendation. Investigator Correll answered that the evidence did not corroborate Mr. Boggs's allegations. Dr. Angel asked about Mr. Boggs designation as an Electronic Security Systems Sales Representative for Respondent firm. Investigator Correll explained that Mr. Boggs's employee documentation listed his duties as selling Respondent firm products, not alarm systems.

Dr. Angel asked Mr. Boggs why he submitted the complaint and hired an attorney. Mr. Boggs answered that he submitted the complaint because he believed what Respondent firm was doing was illegal and that he hired an attorney because he believed Respondent firm wrongfully terminated him.

Ms. Wyckoff opined that the case be dismissed because there was no evidence that an alarm system was sold. Dr. Angel asked if the Board could convene an EAC. Ms. Cornelius answered 'no,' the Board does not have EAC members for alarm industry related matters. Dr. Angel opined that Respondent firm appeared disingenuous, but that he would vote to dismiss the case since the evidence did not conclusively indicate that Respondent firm violated the Board's Practice Act. Mr. Montgomery asked why Respondent firm allowed Mr. Boggs to sell alarm systems when they were not registered. Investigator Correll explained that Respondent firm denied that it was aware of Mr. Boggs's attempts to sell alarm systems and that Mr. Boggs stated to her that, while employed at Respondent firm, he had little supervision.

Ms. Wyckoff moved and Mr. Noel seconded to dismiss the case; motion carried unanimously.

2. P20-045, Erin Harris, P.E. (Civil) #42751

Respondent appeared telephonically.

Dr. Angel informed the Board that he knew Respondent but that he could be fair and impartial in this matter.

Respondent asked the Board to dismiss the case.

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

B. Complaints Proposed for Resolution by Letters of Concern:

1. P21-002, Marvin Davis, R.L.S. #20358 and Marvin H. Davis and Associates, Firm #22711

Respondent appeared telephonically.

Mr. Foose moved and Dr. Angel seconded to dismiss the case; motion carried unanimously.

C. Complaints Proposed to Offer Consent Agreement:

1. HI20-033, Frank Vallone, aka J.R. Vallone, Non-Registrant and Arizona Executive Home Inspections, LLC, Non-Registrant Firm

Alleger, Greg Oswald, appeared telephonically.

Dr. Angel moved and Mr. Foose seconded to offer proposed consent agreement and if not signed within 30 days proceed to formal hearing; motion carried unanimously.

D. Complaints Proposed for Resolution with Signed Consent Agreements:

1. HI20-041, Adam Pitman, C.H.I. #51753 and Inspector Homes, LLC, Firm #15158 (Expired)

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

2. P20-052, Zane Muntz, R.A. #63865

Respondent appeared telephonically.

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

3. P20-051, Charlie Ray, Non-Registrant and The Green Room Collaborative, Non-Registrant Firm

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

4. P20-055, Andrew Gramling, R.A. #28543 and Gramling Architecture, LLC., Firm #11978

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

5. P20-006, Kristin Haley Balzano, R.A. #42182 and Bar Napkin Productions, LLC Firm #16229

Alleger, Dean Purdy, appeared telephonically.

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

The Board directed staff to open an investigation against Schafer Engineering.

E. Compliance and Monitoring Investigations:

1. P16-066, Steve O'Brien, P.E. (Mechanical) #35209

Respondent appeared telephonically.

Mr. Montgomery moved and Mr. Foose seconded to terminate Respondent's probation; motion carried unanimously.

7. LICENSING MATTERS

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

- A. Lovlein, Marvin - Application # 201463 for Licensure as a Land Surveyor

Dr. Angel moved and Ms. Wyckoff 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. Burke, Kelly - Application #201489 for Licensure as a Civil Engineer

Dr. Angel moved and Ms. Wyckoff 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. Ford, John - Application #201430 for Licensure as an Electrical Engineer

Dr. Angel moved and Ms. Wyckoff 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

- D. Albert, Kristen- Application #190407 for approval to sir for AREs

Ms. Wyckoff informed the Board she worked with Applicant but could be fair and impartial.

Mr. Jones moved and Mr. Gilmore seconded to extend timeframe three months; 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 all registrations and certifications 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. Mr. Jones wins AIA Western Mountain Region Silver Metal

Nothing discussed.

#### B. Budget review, discussion and approval

Ms. Pritzl discussed the budget with Board Members and requested that they approve the budget.

Mr. Foose moved and Mr. Jones seconded to approve and submit the budget to ADOA; motion carried unanimously.

#### C. IT Strategic Plan

Dr. Angel asked that staff make a minor change to the plan.

Mr. Foose moved and Mr. Gilmore seconded to approve and submit the IT Strategic Plan to ASET; motion carried unanimously.

#### D. Executive Session to review the Attorney General's Opinion regarding the issue of Board Composition, a confidential record exempt by law from public inspection, pursuant to A.R.S. § 38-431.03(A)(2); and, to obtain legal advice interpreting SB1274 pursuant to A.R.S. § 38-431.03(A)(3)

Mr. Foose moved and Mr. Jones seconded to enter executive session at 11:46am; motion carried unanimously.

The Board reentered public session at 12:20pm.

Mr. Montgomery indicated that he would not be continuing as a Board Member as of August 25, 2020.

- E. 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.]

Mr. Foose moved and Mr. Gilmore seconded to enter executive session at 10:20am; motion carried unanimously.

The Board reenter public session at 11:08am.

The Board directed its counsel to continue as previously instructed.

## 10. DIRECTOR'S REPORT

Review and Discuss:

### A. Budget Update

Ms. Cornelius reported that the Board spent 72% of its revenue and used 85% of its appropriation in FY 2020.

### B. Previous Meeting Follow-Up

- a. National Council Updates
  - i. NCARB – Annual Report
  - ii. NCEES – Board Ballot Submitted
  - iii. CLARB – Uniform Experience
  - iv. ASBOG – Virtual Meeting Nov. 2020
  - v. AZSLS – Four test takers for October

Nothing Discussed

#### b. Board Composition under SB1274

Nothing Discussed

#### c. Staff Updates

Nothing Discussed

d. Land Surveyor Standards of Practice Update

Nothing Discussed

C. Director's Meetings

Nothing Discussed

D. Statistics Review

Nothing Discussed

**11. STANDING COMMITTEE REPORTS**

A. Home Inspector Rules and Standards Committee

Ms. Cornelius reported that the HIRSC was preparing to update the Home Inspector Standards.

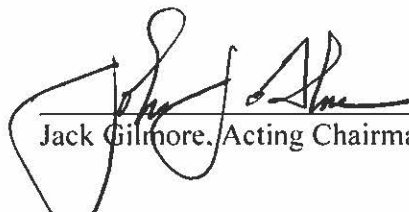
**12. FUTURE BOARD MEETINGS – September 22, 2020**

**13. SUGGESTED TOPICS FOR FUTURE MEETING AGENDAS.**

Holiday Party, Elections

**14. MEETING ADJOURNMENT – 12:35pm**

  
\_\_\_\_\_  
Melissa Cornelius, Executive Director

  
\_\_\_\_\_  
Jack Gilmore, Acting Chairman