

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

Tuesday, January 26, 2021 beginning at 9:00 a.m.  
1110 W. Washington, Conference Room #240  
Phoenix, AZ 85007

**1. CALL TO ORDER – 9:06am**

**2. ROLL CALL**

**Present:** Jack Gilmore, Neal Jones

**Telephonic:** Dr. Alejandro Angel, Carmen Wykoff, Clarence McAllister, Jason Foose

**Absent:** Andrew Everroad, Stephen Noel

**Three Vacancies**

**AAG:** Scott Donald, Deanie Reh, Seth Hargraves

**Staff:** Melissa Cornelius, Robert Stam, Douglas Parlin, Kurt Winter

**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. December 8, 2020**

Mr. Jones moved and Mr. McAllister seconded to accept the minutes as drafted; motion carried unanimously.

**B. Approve, modify and/or reject, Board meeting executive session minutes**

**1. December 8, 2020 executive session A**

Dr. Angel moved and Mr. Jones seconded to accept the minutes as drafted; motion carried unanimously

**2. December 8, 2020 executive session B**

Dr. Angel moved and Mr. Jones seconded to accept the minutes as drafted; motion carried unanimously.

## 5. CONSIDERATION OF CASES REFERRED FOR FORMAL HEARING

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

### A. Review, Discuss and Take Possible Action on State's Motion to Rescind and take other action to resolve the case:

#### 1. AL20-007, Vengoechea, Rodolfo and Safe Field Security LLC

Respondent appeared telephonically. Deanie Reh, AAG, appeared telephonically representing the State. Seth Hargraves, AAG, appeared telephonically to give the Board legal advice.

Ms. Reh explained that DPS mistakenly invalidated Respondent's DPS fingerprint clearance card and that he did not receive the Board's subpoena because he had not updated his address with the Board. Ms. Reh requested that the Board withdraw the State's Motion to Deem and rescind the Board's prior vote to hearing to discuss an alternative resolution to this matter.

Respondent stated that he had updated all of his contact information with the Board and he apologized for his initial lack of cooperation with investigative staff.

Dr. Angel moved and Mr. Jones seconded to withdraw the State's Motion to Deem; motion carried unanimously.

Mr. Gilmore moved and Mr. Jones seconded to rescind the Board's prior vote to hearing; motion carried unanimously.

Dr. Angel questioned whether the Board should issue a Letter of Concern as recommended by staff or offer a consent agreement in light of Respondent's DPS card being invalid for a short period and that he was uncooperative with investigative staff. Ms. Reh clarified that Respondent was not responsible for his DPS card invalidation; DPS mistakenly invalidated it. Investigator Thacker recommended the Board issue a Letter of Concern.

Dr. Angel moved and Mr. Jones seconded to issue a Letter of Concern; motion carried unanimously.

### B. Conduct Review of Certified ALJ Decision pursuant to A.A.C. R4-30-126(E) and (C), and take possible action to Modify:

#### 1. P19-023 & P20-031, Halhber, Ahler aka James Halarewicz

Scott Donald, AAG, appeared telephonically representing the State. Seth Hargraves, AAG, appeared telephonically to give the Board legal advice.

Mr. Hargraves explained that the Board voted to modify and accept the ALJ's recommended Order at its December 2020 meeting; that Board staff reached out to the AAG's office for attorney costs and fees; that the AAG's office gave Board staff the costs and fees but only after the five-day deadline to submit the modified Order to OAH ended; that OAH certified the ALJ's recommended Order as the Final Order; that, pursuant to A.A.C. R4-30-126(E), the Board may review the certified Order and choose to re-affirm the changes the Board made in December, citing the specific rule for its reasoning, or take no action, resulting in the certified Order remaining the Final Order.

Dr. Angel moved and Mr. Jones seconded to grant the review of the order pursuant to A.A.C. R4-30-126(C)(5); motion carried. Mr. Gilmore and Mr. Foose voted Nay.

Dr. Angel explained that he would vote to reaffirm the Board's prior modifications because tacking on fees that Respondent will never pay only adds administrative burden on Board staff. Mr. Gilmore opined that Respondent's violations were egregious enough that the penalty fees should remain.

Dr. Angel moved and Mr. Foose seconded to reaffirm the Board's changes voted on at its December 8, 2020 Board Meeting; motion carried. Mr. Foose voted Nay.

## 6. ENFORCEMENT MATTERS

Review, Consideration and Possible Vote on the following:

### A. Complaints Proposed for Resolution by Letters of Concern:

1. P21-022, Michael Amerson, R.L.S. #22245

Mr. Jones moved and Mr. Foose seconded to issue a letter of concern, motion carried unanimously.

2. P21-012, Lance Dickson, R.L.S. #46643

Mr. Jones moved and Mr. Foose seconded to issue a letter of concern, motion carried unanimously.

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

1. P21-039, Mariano Rodriguez, R.A. #27502 and Mar Designs, PLC, Firm #17903 (expired)

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

2. P21-041, John Ware, R.L.S. #37937 and AZ Surveyors Inc., Firm #12800 (expired)

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

3. P21-036. Scott Thomson, R.A. #49780 and Thomson Architectural Group. Firm #15880 (expired)

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

4. HI20-039, Mathew Dominy, C.H.I. #65557

Respondent appeared telephonically.

Respondent opined that the violation was de minimis and the administrative penalty amount excessive. Investigator Loera explained that the penalty amount correlated with the Board's penalty fee matrix and Respondent's violations.

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

5. HI20-034, Harry Jim Bacon. C.H.I. #44513 and Pillar to Post, Inc., Firm #16623 (expired)

Alleger, Janet Helm, appeared telephonically.

Alleger asked if restitution was included in the consent agreement. Investigator Loera answered 'yes.'

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

#### C. Compliance and Monitoring Investigations:

1. P21-013, Gary Hokanson, R.A. #51987 (suspended)

Investigator Correll stated that Respondent has not complied with any of the provisions set forth in his signed consent agreement and that she had been unable to get into contact with Respondent. Dr. Angel opined that the Board should move this matter to hearing for revocation since the Respondent's prior violations were egregious and his failure to comply with the Board's Order.

Dr. Angel moved and Mr. Jones seconded to forward this matter to hearing for revocation; motion carried unanimously.

#### D. Reconsideration of Prior Board Action to Review, Discuss and take possible Action on Registrant's Request for Modification of Consent Agreement and Order of Discipline:

1. P19-066, Rene Martinez, P.E. (Civil) #47518 and Talavera Engineering and Construction, Firm #20939

Respondent and Respondent's attorney, Shanks Leonhardt, appeared telephonically.

Mr. Loenhardt explained that Respondent had complied with all of the provisions of the Board Order except passing the NCEES SE exam in October 2020. Respondent requested that the Board extend the stay of practice restriction on his registration until he could pass the April 2021 NCEES SE exam, further stating that the lifted stay was affecting his practice.

Mr. Gilmore asked if Respondent complied with all other provisions of the Order. Investigator Correll answered 'yes.' Mr. Gilmore asked Respondent if he planned to retake the exam until such time that he passed, all the while not performing structural engineering. Respondent answered 'yes.' Dr. Angel expressed his concern that Respondent may fail the exam again; make another request to the Board, thus creating a cycle. Respondent assured the Board he would pass the exam.

Dr. Angel moved and Mr. Jones seconded to modify the previously signed consent agreement and extend the Stay of Practice Restriction for structural engineering until the April 2021 Structural Exam results were received, motion carried. Foose voted Nay.

The Board took a break at 9:58am and returned at 10:03am.

## **7. LICENSING MATTERS**

Discussion, Consideration and Vote on the following:

### **A. Staff Proposed Policy Decision regarding Requests for Extension of Licensing Timeframes to Take National Exams**

Mr. Stam requested the Board approve Staff's request.

Mr. Jones moved and Dr. Angel seconded to approve Staff's request for Extension of Licensing Timeframes to Take National Exams; motion carried unanimously.

### **B. Whether to Grant or Deny Request for Extension of Licensing Timeframes:**

#### **1. Plett, Andrew- Application for authorization to sit for AZ SSE Exam #200525**

Dr. Angel moved and Mr. Jones seconded to grant extension of licensing timeframe as requested, motion carried unanimously.

#### **2. Ingram, Robert- Application for authorization to sit for AREs #192458**

Dr. Angel moved and Mr. Jones seconded to grant extension of licensing timeframe as requested, motion carried unanimously.

#### **3. Engquist, Chase- Application for authorization to sit for AREs#192831**

Dr. Angel moved and Mr. Jones seconded to grant extension of licensing timeframe as requested, motion carried unanimously.

4. Lopez, Mario- Application for authorization to sit for AREs#191849

Dr. Angel moved and Mr. Jones seconded to grant extension of licensing timeframe 3 months from today, motion carried unanimously.

5. Wilson, Monica- Application for authorization to sit for PE exam #191728

Dr. Angel moved and Mr. Jones seconded to grant extension of licensing timeframe 3 months from today, motion carried unanimously.

6. Naves, Manuel- Application for authorization to sit for PE Exam #192465

Dr. Angel moved and Mr. Jones seconded to grant extension of licensing timeframe as requested, motion carried unanimously.

7. Macarthur, Derek - Application for authorization to sit for PE Exam #200097

Dr. Angel moved and Mr. Jones seconded to grant extension of licensing timeframe as requested, motion carried unanimously.

8. Rong, Li- Application for authorization to sit for PE Exam #192871

Dr. Angel moved and Mr. Jones seconded to grant extension of licensing timeframe as requested, motion carried unanimously.

9. Khoshtinat, Arash- Application for authorization to sit for PE Exam #191193

Dr. Angel moved and Mr. Jones seconded to grant extension of licensing timeframe 3 months from today, motion carried unanimously.

10. Armendariz, Larissa - Application for authorization to sit for PE Exam #200093

Dr. Angel moved and Mr. Jones seconded to grant extension of licensing timeframe as requested, motion carried unanimously.

11. Kidnappalai, Kala - Application for authorization to sit for PE Exam #192989

Dr. Angel moved and Mr. Jones seconded to grant extension of licensing timeframe as requested, motion carried unanimously.

12. Barnes, Bill - Application for authorization to sit for FS Exam #192718

Dr. Angel moved and Mr. Jones seconded to grant extension of licensing timeframe as requested, motion carried unanimously.

13. Cox, Amzie - Application for authorization to sit for PS Exam #200314

Dr. Angel moved and Mr. Jones seconded to grant extension of licensing timeframe as requested, motion carried unanimously.

C. Whether to Grant or Deny Registration after Full Board Review:

1. Seckinger, Peter- Application for reactivation of Civil Engineer License #34709

Dr. Angel opined that the Board grant Mr. Seckinger's reactivation.

Dr. Angel moved and Mr. Jones seconded to grant reactivation of registration, motion carried unanimously.

2. Richards, Robert- Application for registration as a Civil Engineer #202270

Mr. Richards opined that the Board's Practice Act was problematic for those individuals seeking registration as civil engineers who graduated from university engineering degree programs that, at their core, were civil engineering programs but not awarded as such, since the Board credited these degrees 12 months less than a degree in civil engineering, per A.A.C. R4-30-208. Mr. Richards asked the Board to discuss the issue in hopes of helping those who may find themselves in a similar situation in the future.

Dr. Angel stated that the Board should grant an extension of the licensing timeframe for Mr. Richards's application; that he would contact ASU to clarify the Board's rules for licensure; that the Board's Practice Act was very explicit in the awarding of credits for bachelor's degrees in a branch of engineering that differed from the one being sought for registration; that Mr. Richards degree program course work did not include some core course work required for a civil engineering degree; and, that Mr. Richards could request NCEES to review his courses to seek certification of equivalency to a civil engineering degree, though he doubted such a request would be accepted.

Mr. Jones asked Mr. Richards to explain his work experience. Mr. Richards obliged.

Dr. Angel moved and Mr. Jones seconded to grant extension of licensing timeframe as requested, motion carried unanimously.

3. Montez, Juan- Universal Application for registration as an Electrical Engineer #202216

Mr. Gilmore moved and Mr. Jones 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.



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

Dr. Angel opined that SB1062 as drafted could promote the unlicensed practice of engineering; that the language in the Bill specified that only work done that was necessary to protect the health, safety and welfare of the public was the practice of engineering; this language differed from NCEES's model law language, which stated that the practice of engineering was anything that potentially affected the public; and, that he had reached out to ACEC, Senator Mesnard and Mr. Folk regarding SB1062.

Ms. Cornelius stated that NCEES was not opposing SB1062; she stated that NCEES CEO B. David Cox opined that SB1062's language was close enough to NCEES's model law language. Dr. Angel stated that NCEES did have issues with SB1062, but since it did not oppose last year's SB1029, which had similar language, it was reluctant to oppose SB1062.

Board members discussed whether to take a position regarding SB1062. After discussion, Board members agreed to oppose SB1062 as drafted.

Dr. Angel moved and Mr. McAllister seconded to oppose SB1062 as drafted; motion carried unanimously.

Dr. Angel opined that passage of HB2037 as drafted would set a bad precedent in which the legislature could attempt to lower or remove the professional requirements of other government high positions. Mr. Gilmore Agreed.



Mr. Gilmore moved and Mr. Jones seconded to oppose HB2037 as drafted; motion carried unanimously.

Board members agreed that the language in HB2128 and HB2243 would help individuals become registered and that the Board should support their passage.

Dr. Angel moved and Mr. Gilmore seconded to support HB2128 and HB2243; motion carried unanimously.

The Board discussed but did not take a position on SB1063, SB1151, SB1218, HB 2014, HB2242, HB2267, HB2433

**B. Open Meeting Law Complaint against the Board**

Mr. Donald stated that the Maricopa County Prosecutor's Office was handling the complaint since the AAGs office represented the Board in cases that involved the allegor of the complaint and that they would probably dismiss the case.

No action taken.

**C. Whether to send a letter addressed to Arizona's plat reviewing authorities regarding the removal of factual information from submitted plats prior to acceptance**

Mr. Foose opined that the Board should not send the letter because the letter was too broad sweeping considering the many differences and nuances of the reviewing processes of the different Arizona's plat reviewing authorities. Dr. Angel agreed, stating that the letter would only cause confusion.

No action taken.

**D. Election of Officers**

Mr. Gilmore moved and Mr. Jones seconded to elect Mr. Foose as Chairman, Mr. Gilmore as Vice Chairman and Ms. Wycoff as secretary; motion carried unanimously.

**10. DIRECTOR'S REPORT**

**A. Budget Update**

**a. OSPB Budget**

Ms. Cornelius reported that the OSPB budget included funds for digitization of the Board's physical documents but did not include funds to hire experts or consultants to help the Board with updating to a digital licensing platform or to help review applications and enforcement matters.

B. Previous Meeting Follow-Up:

1. National Council and Exam Updates

Ms. Cornelius reported that the March NCARB meeting will be virtual and former Board Member Ed Marley was running for office.

2. Board Composition Update

Ms. Cornelius reported that she planned to ask the Governor's office for an update on the status of the Board composition.

3. Staff Update

Ms. Cornelius reported that a new licensing manger would begin working at the Board next month; that Jeff Hunt left the Board; that Erin Correll was promoted to Assistant Enforcement Manager; and, Robert Stam was promoted to Deputy Director.

4. Land Surveyor Boundary Minimum Standards Rule Request

Ms. Cornelius reported that she planned to ask the Governor's office for an update on the status of Land Surveyor Boundary Minimum Standards Rule Request.

5. Supplemental Rulemaking-A.A.C. R4-30-247 and 106

Nothing Discussed

6. Covid-19 Office Update

Nothing Discussed

7. ADOA Office Space Survey

Nothing Discussed

8. Consent Agenda for Future meetings

Nothing Discussed

C. Statistics Review

Nothing Discussed

11. **BOARD CHAIR'S REPORT** – Nothing to report

**12. ASSISTANT ATTORNEY GENERAL'S REPORT**

- A. Open Meeting Law Training and Update on Open Meeting Law Complaint

Mr. Donald made a presentation to the Board regarding open meeting law

**13. STANDING COMMITTEE REPORTS**

- A. Legislation and Rules Committee – No new meeting date
- B. Home Inspector Rules and Standards Committee – No new meeting date

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

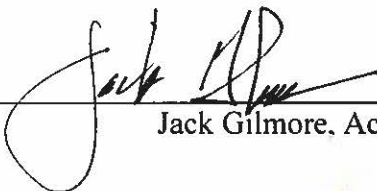
- A. ASBOG – Nothing Discussed
- B. CLARB - Nothing Discussed
- C. NCARB - Nothing Discussed
- D. NCEES - Nothing Discussed
- E. ABET - Nothing Discussed
- F. Land Surveyor Task Force - Nothing Discussed


**15. FUTURE BOARD MEETINGS – February 23, 2021**

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

Personnel Action

**17. MEETING ADJOURNMENT – 11:53am**

  
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Jack Gilmore, Acting Chairman

  
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Robert Stam, Deputy Director