

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

Tuesday, April 28, 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 – Jason Foose, Neal Jones, Jack Gilmore

TELEPHONIC – Dr. Alejandro Angel (left the meeting at 10:50am), Steven Noel, Carmen Wyckoff, Clarence McAllister, Andrew Everroad, Eugene Montgomery

NOT PRESENT -

STAFF – Melissa Cornelius, Patrice Pritzl, Douglas Parlin, Robert Stam, Kurt Winter

AAG – Scott Donald, Marc Harris (telephonic), Deanie Reh (telephonic)

**3. ADOPTION OF MINUTES**

Review, Consideration, and Possible Action on the following:

**A. Board Meeting Minutes**

1. Approve, modify and/or reject, March 24, 2020 Board meeting minutes.

Mr. Noel moved and Mr. Gilmore seconded to approve the minutes; motion carried. Mr. Montgomery abstained.

2. Approve, modify and/or reject, April 7, 2020 Board meeting minutes

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

**4. 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 Signed Consent Agreement in lieu of Hearing:**

1. P19-006, Krzysik, Henry RA #27097 and H.J. Krzysik, Architect Firm # 21438 (expired)

Deani Reh A.A.G. appeared before the Board on behalf of the State. Marc Harris A.A.G. appeared before the Board to provide independent legal advice.

Ms. Cornelius explained that she and Ms. Reh attended a settlement conference with Respondent, who cooperated with Ms. Reh to draft a consent agreement that all parties would agree to. Ms. Reh suggested the Board accept the signed consent agreement.

Dr. Angel opined that the penalty fee was too low. Ms. Reh stated that Respondent was remorseful. Ms. Cornelius commented that the signed consent agreement mirrored the original consent agreement the Board originally offered to Respondent.

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

## 5. ENFORCEMENT MATTERS

Review, Consideration and Possible Vote on the following:

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

1. P20-026, Paul O'Connor, R.A. #15952 and POCA Architecture and Design, LLC, Firm #19923

Alleger, Dan Holbert, appeared telephonically.

Mr. Holbert stated that the Board should not dismiss the matter, arguing that Respondent's lack of communication delayed his project.

Mr. Jones stated that he agreed with the EAC that Respondent had not violated the Board's Practice Act, though he did comment that Respondent's communication with clients should be better. Mr. Holbert stated that Respondent acted unprofessionally. Mr. Foose asked if the Board should issue Respondent a Letter of Concern. Mr. Jones answered 'yes.' Mr. Montgomery stated that the contract between Mr. Holbert and Respondent did not contain a timeline for the project. Mr. Jones opined that a lack of a timeline did not excuse Respondent's lack of communication with Mr. Holbert.

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

2. P20-030, Andrew Netupsky, P.E. (Structural) #20538

Respondent appeared telephonically.

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

After the vote, staff brought to the Chairman's attention that the Alleger, Mr. Young, appeared telephonic at the meeting but the Board could not hear him. Staff asked the Board if they wished to discuss the matter again. The Board, through a roll call vote, decided not to indicating that Mr. Young could listen to

the meeting discussion audio as it was within the Board's discretion to reconsider a prior action. No further discussion.

3. P18-037, Brian Robichaux, Non-Registrant

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

4. HI20-019, Kevin Barber, C.H.I. #60049

Mr. Jones moved and Mr. Gilmore seconded to accept staff's recommendation to dismiss the case; motion carried unanimously.

5. P20-018, Robert Burson, R.A. #48509

Respondent appeared telephonically with counsel, Christopher Hossack. Allegers, Angie Moore and David Moore, appeared telephonically.

Dr. Angel opined that Respondent did not do his due diligence as a professional and argued that the Board should issue him a Letter of Concern. Mr. Jones opined that the only issue in this matter was miscommunication. Dr. Angel disagreed, stating Respondent should have checked the beam in question himself. Ms. Moore stated that she and her husband needed to re-measure the whole home before they could remodel it due to Respondent's error. Mr. Gilmore asked Respondent if he was aware that the plans the contractor gave Respondent were not the correct plans for the house. Respondent answered 'no, 'the contractor informed him the plans were identical and that the contractor would make him aware of any discrepancies once the contractor inspected the home, which did not occur. Mr. Jones asked if Respondent inspected the home and if not, why. Respondent answered that the owners instructed him not to bother the current tenants. Dr. Angel asked Respondent if he provided a disclaimer on his plans that indicated he was utilizing the measurements of others. Respondent answered 'yes.' Dr. Angel stated that the disclaimer was too broad. Mr. Jones opined that the contractor appeared most at fault for failing to bring the parties together to discuss the issues. Dr. Angel disagreed. Mr. Montgomery stated that the contract placed responsibility for verifying the measurements on the contractor.

Mr. Foose moved and Mr. Jones seconded to dismiss the case; motion carried. Dr. Angel voted Nay.

6. AL20-006, Netzer Villagomez, A.A. #68553 (Invalid)

Mr. Jones moved and Mr. Gilmore seconded to accept staff's recommendation to administratively close case; motion carried unanimously.

7. AL20-008, Bobbie Nichols, A.A. #67557 (Invalid)

Mr. Jones moved and Mr. Gilmore seconded to accept staff's recommendation to administratively close case; motion carried unanimously.

8. AL20-010, Jay Page, A.A. #69805 (Invalid)

Mr. Jones moved and Gilmore seconded to accept staff's recommendation to administratively close case; motion carried unanimously.

9. P20-017, Roderick Lane, P.E. (Civil) #40226

Respondent appeared telephonically with counsel, James Braselton. Alleger, Michael Jauch, appeared telephonically. Dallas Hammit from ADOT appeared telephonically.

Dr. Angel made it known that he knows Respondent but believed that he could be fair and impartial in this matter.

Mr. Jauch argued that Respondent did not act in the best interest of the public when he disagreed with his assessment that the thermo plastic on I-19 was inadequate and that it was unethical for Respondent to fire him because of this disagreement.

Mr. Braselton argued that Respondent acted within his professional role as district engineer to disagree with Mr. Jauch and accept the thermo plastic as applied and that Mr. Jauch submitted this complaint because he was angry that Respondent fired him.

Mr. Hammit explained how ADOT delegates authority to its engineers and how ADOT escalates issues in its organization.

Dr. Angel opined that Respondent's firing of Mr. Jauch was not under the Board's jurisdiction and that the Board should focus solely on public safety issues possibly present in this complaint. Mr. Foose opined that this was a contractual issue. Mr. Jauch argued that the I-19 reflective stipe was a concern for public safety and ADOT should have had the contractor redo the project. Dr. Angel opined that Respondent was within his purview as a licensed Professional Engineer to accept the project 'as-is,' overruling Mr. Juach. Respondent stated that Mr. Jauch did not supply enough information to make a determination as to whether the reflective striping was sufficient, for whatever reason, so he had to make a decision and he decided to accept the project. Mr. Hammit stated that there was no evidence that there was a danger to the public.

Dr. Angel moved and Mr. Foose seconded to dismiss the case; motion carried. Mr. Jones voted Nay.

The Board went on break at 10:50am and returned at 11:01am.

B. Complaints Proposed for Resolution by Letters of Concern:

1. HI20-021, Gary Hukill C.H.I. # 45509

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

C. Complaints Proposed for Resolution with Signed Consent Agreements:

1. P19-078 and P20-010, Gary Hokanson, R.A. #51987 and Hokanson Architecture, PLLC, Firm #16972

Mr. Montgomery opined that Respondent should have peer reviews added to the consent agreement due to the seriousness of his violations. Board Members agreed.

Mr. Jones moved and Mr. Gilmore seconded to reject signed consent agreement and offer Respondent a modified consent agreement with the same terms but with the addition of peer reviews for the next three (3) architectural projects, residential or commercial, of any size, and offer to Respondent to be signed in 30 days or move to hearing; motion carried unanimously.

2. HI20-016, Robert Herrell, C.H.I. #67199

Alleger, Alex Olson, appeared telephonically.

Mr. Olson asked if the EAC substantiated his original two allegations. Investigator Loera answered 'no.' Mr. Olson disagreed with the EAC assessment.

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

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

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

4. P20-037, Robert Phillips, R.L.S. #45495 and Survey Solutions, LLC, Firm #22443

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

D. Review and Approval of Appointment for EAC Membership:

1. Dennis Rogers, R.A. #28523

Ms. Wyckoff moved and Mr. Jones seconded to approve appointment; motion carried.

- E. Whether to proceed to formal hearing or pend until license renewal:  
1. P20-028, Paul Stover, R.A. #35136

Ms. Cornelius stated that the Board could pursue this matter now with a formal hearing or pend the matter until such time that Respondent renews, when the Board could consider his incarceration before approving his renewal.

Mr. Gilmore moved and Mr. Jones seconded to administratively close this case and have staff maintain this information until such time as Respondent's license was up for renewal when the Board could determine whether to approve or deny the renewal; motion carried.

## 6. LICENSING MATTERS

Discussion, Consideration and Vote on the following:

- A. Glenn, Steven - Universal Licensure Application for Registration as an Architect #200803

Mr. Jones moved and Mr. Gilmore 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.

## 7. 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. Foose moved and Mr. Gilmore seconded to cancel registration 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.*

## 8. POLICY MATTERS

Review, Consideration, and Possible Action on the following:

- A. Review, discussion and possible action on pending Legislation; discussion of various bills that may impact the Board and the professions it regulates.

SB1298, SB1274, SB1142, HB2175, HB2402, HB2184, HB2288, SB1089, SB1211, SB1212, HB2722, HB2690, HB2685, HB2713, HB2740, HB2589, HB2359, HB2809, HB2836

Ms. Pritzl stated that the legislature was still recessed.

## 9. DIRECTOR'S REPORT

A. Budget Update - No further information provided

B. Previous Meeting Follow-Up

i. Electronic Meeting Formats

Ms. Cornelius reported that the Board would continue to meet telephonically until further notice.

ii. Pending Legislation - Nothing discussed

iii. COVID Related Updates

Ms. Cornelius reported that the Federal Government amended the FMLA to help state employees dealing with Covid-19. She stated that the agency had experienced a decline of walk-ins and that the Legislature passed a 'skinny' budget, which may have implications on the Board's budget in the coming fiscal year.

C. Director's Meetings

i. National Council Updates

1. NCARB

Ms. Cornelius reported that Prometric would not be providing NCARB examinations until the end of May and the annual meeting would take place electronically on June 19, 2020.

2. NCEES

Ms. Cornelius reported that Pearson Vue would not be providing NCEES examinations until the end of May at the earliest. Mr. Foose asked if the Board would provide the state specific exam. Ms. Cornelius answered 'yes.'

3. Electronic Testing Sites - Nothing discussed

ii. Community Outreach

1. CLEAR - Nothing discussed

D. Statistics Review

a. Licensing Numbers - Nothing discussed

b. Enforcement Numbers - Nothing discussed

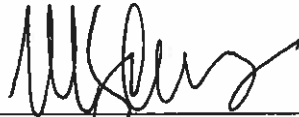
c. Fiscal Report - Nothing discussed

10. **FUTURE BOARD MEETINGS** – 5/12/2020, 5/26/2020

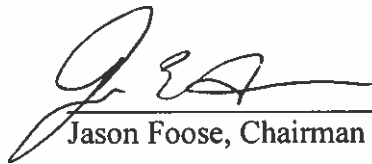
11. **SUGGESTED TOPICS FOR FUTURE MEETING AGENDAS.**

12. **MEETING ADJOURNMENT** – 12:25pm

Signed this day May 26, 2020,



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Melissa Cornelius, Executive Director



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Jason Foose, Chairman