

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

Tuesday, May 26, 2020, beginning at 9:00 a.m.  
1110 W. Washington, Conference Room #240  
Phoenix, AZ 85007

1. **CALL TO ORDER** – 9:02am
2. **ROLL CALL**

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

**PRESENT TELEPHONICALLY** - Eugene Montgomery, Carmen Wyckoff, Andrew Everroad, Clarence McAllister, Stephen Noel, Dr. Alejandro Angel

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

**AAG** - Scott Donald, Deanie Reh (telephonic), Seth Hargraves (telephonic)

3. **ADOPTION OF MINUTES**

Review, Consideration, and Possible Action on the following:

A. Board Meeting Minutes

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

Mr. Gilmore moved and Mr. Jones seconded to approve the minutes with a minor modification; 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. P19-044, Ricardo Jiminez, Non-Registrant, and RJ Design, Non-Registrant Firm

Scott Donald, A.A.G., explained that Respondent agreed to the Board's original offered consent agreement during an informal settlement conference Mr. Donald recommended that the Board accept the signed consent agreement.

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

2. P18-053, Jose Alba, Non-Registrant, and JVAC Design LLC, Non-Registrant Firm

Deanie Reh, A.A.G., explained that Respondent agreed to the Board's original offered consent agreement during an informal settlement conference. Ms. Reh recommended that the Board accept the signed consent agreement.

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

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. P19-018, John Davis, R.L.S. #26410

Deanie Reh, A.A.G., appeared before the Board representing the State. Seth Hargraves, A.A.G., appeared before the Board to give independent legal advice.

Ms. Reh explained that Respondent contacted her before the meeting and that he wished to voluntarily surrender his license. Ms. Reh asked that the Board continue this matter.

Dr. Angel moved and Ms. Wyckoff seconded to accept the State's motion to continue the hearing; motion carried unanimously.

Mr. Foose moved and Mr. Gilmore seconded to set the hearing date for the next board meeting; motion carried unanimously.

C. Review, Discuss and Take Possible Action on Motion to Continue Hearing.

1. AL19-001, Tyson Landon, Non-Registrant

Ms. Reh explained that the Board's mailed and emailed complaint and notice of hearing failed to reach Respondent. Ms. Reh explained that since Respondent was a non-registrant, the Board would need to exhaust all means of service before the State could submit a motion to deem for the Board to vote on. She asked the Board to accept the State's motion to continue.

Mr. Foose moved and Mr. Gilmore seconded to accept the State's motion to continue the hearing; motion carried unanimously.

5. **ENFORCEMENT MATTERS**

Review, Consideration and Possible Vote on the following:

A. Complaints Proposed for Resolution by Dismissal or Closure:

1. HI20-025, Timothy Hyland, C.H.I. #39421

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

2. HI20-026, Daniel Harris, C.H.I. #38440

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

3. P20-035, Nestor Brea, P.E. (Civil) #68488

Mr. Everroad left the meeting at 9:53 and returned at 10:15am.

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

B. Complaints Proposed for Resolution by Letters of Concern:

1. P20-040, Benjamin McRae, R.A. #47862 and LGE Design Group, LLC, Firm #18590

Respondent and counsel, Mr. Stayner, appeared telephonically.

Dr. Angel opined that the Board dismiss the case.

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

2. P20-046, Stephen Judge, R.A. #34411

Respondent appeared telephonically.

Respondent stated that he sent an email to the builder to vent his frustration with the builder and subsequently the builder sent his email to the Allegers. Respondent stated he never intended the Allegers to see the email and he argued that he did not commit fraud or deceit.

Investigator Hunt stated that staff recommended that the Board issue a letter of concern to inform Respondent to act professionally with anyone he dealt with, client or builder.

Dr. Angel asked that the Respondent read the Board's Practice Act so he does not disseminate false information to the public.

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

C. Complaints Proposed to Offer Consent Agreement:

1. HI20-013, Patrick Harkness, C.H.I. #39418

Respondent appeared telephonically.

Respondent argued that the EAC unsubstantiated the original allegations of the complaint but did find other issues of concern with his report, which he argued were due to differing interpretations of the standards, that the issues were de minimus and the fines in the proposed consent agreement were too high. He asked that the Board offer a less severe resolution for this matter.

Dr. Angel explained why the EAC looked at Respondent's home inspection as a whole and not just the issues alleged in the complaint. Mr. Montgomery asked who was in the video provided in conjunction with this matter. Investigator Loera indicated that she did not know who was in the video, but she did know that it was not the Respondent. Mr. Gilmore opined that the disciplinary action and fines within the proposed consent agreement appeared fair. Respondent asked if the Board received his letters arguing his case. Mr. Foose answered 'yes.'

Mr. Foose opined that the Board should issue a letter of concern to Respondent. Ms. Pritzl stated that the EAC found violations of observable components in Respondent's home inspection report. Investigator Loera confirmed. Mr. Noel asked if the home inspection checklist was available to Respondent. Ms. Loera answered 'yes.' Ms. Pritzl stated that the checklist was not the law, the Home Inspector Standards were, and the Home Inspection Rules and Standards Committee reviewed the standards annually. Ms. Cornelius explained that staff recommended this consent agreement because it appeared that Respondent missed required items per the Home Inspection Standards on his home inspection report.

Mr. Gilmore moved to offer the proposed consent agreement and if not signed within 30 days move to formal hearing, but no one seconded the motion.

Dr. Angel moved and Mr. Foose seconded to issue a letter of concern; motion carried. Mr. Gilmore and Mr. Montgomery voted Nay.

The Board took a break at 10:47am and returned at 11:00 am.

D. Complaints Proposed for Resolution with Signed Consent Agreements:

1. HI20-027, Anthony Chiarello, C.H.I. #61655 and Buyer's Home Inspection Services, Non-Registrant Firm

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

2. HI20-028, Derick Greene, C.H.I. #68684 and True Home Inspections. LLC, Firm #22506

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

3. HI20-029, Terrell Abbott, Non-Registrant and Bluejay Home Inspections, Non-Registrant Firm

Respondent appeared telephonically.

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

E. Complaints Requiring Board Guidance:

1. P20-034, Seth Trotter, Non-Registrant

Respondent appeared before the Board.

Respondent argued that he was within his right to post the work he completed while in the employment of the Alleger, a registered architect, on a design site, and that the Board should consider the contractual issues between Respondent and Alleger in addition to the Alleger's ethics and morals when determining this matter.

Mr. Jones stated that Respondent posted images of the work he completed while employed at Alleger's firm online, but the Alleger owned the rights to the images and he did not give permission to Respondent to post them. Mr. Jones stated to Respondent that he could not post the images without the permission of the registrant in charge, the Alleger. Ms. Wyckoff agreed, and stated that the Board could not discuss the Respondent and Alleger's contractual issues or the Alleger's ethics and morals. Mr. Montgomery asked if Respondent had posed as an architect. Mr. Jones answered 'no.'

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

Mr. McAllister left the meeting at 11:57am.

2. P20-020, Rick Phares, Non-Registrant and Nest Design, LLC, Non-Registrant Firm

Mr. Jones opined that the Board should dismiss the case. Ms. Loera indicated that Respondent took down his website.

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

3. P20-004, Glenn Daugherty, R.A. #15222

Respondent and counsel, Mr. Folk, appeared telephonically.

Mr. Folk argued that Respondent did not violate the Board's Practice Act and that the issue between Respondent and Alleger was contractual.

Mr. Jones asked staff for clarification regarding the investigation and assessment timeline for this matter. Investigator Hunt obliged. Mr. Jones opined that this was a contractual issue and that the Board should dismiss the case.

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

F. Complaints Recommended for Formal Hearing:

1. P20-038, Christopher Caver, R.A. #50438 and Architectural Solutions, PLLC, Non-Registrant Firm

Investigator Correl stated that Mr. Caver failed to comply with any part of his 2019 Board Order, that he had never responded to any of the Board's communications, that he was practicing architecture on a suspended license and that the Board had received two new complaints against Respondent. Mr. Donald recommended that the Board send this matter to formal hearing but administratively close it if the Board lifts the stay of revocation for non-compliance with the Board Order for case P17-026.

Mr. Gilmore moved and Mr. Jones seconded to send this matter to formal hearing; motion carried unanimously.

**6. LICENSING MATTERS**

Discussion, Consideration and Vote on the following:

A. Burgos-Ponce, Arturo - Universal Licensure Application for Registration as a Geologist #200922

Mr. Noel asked if Applicant qualified for Universal Licensure without taking the ASBOG exams. Ms. Pritzl answered 'yes.' Ms. Pritzl explained that the Universal License law required the applicant to meet the requirements of the original state of licensure at the time the State issued the license.

Mr. Jones 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. Bolin, Henry - Universal Licensure Application for Registration as a Home Inspector #200244

Mr. Jones 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. Johnson, Erik - Universal Licensure Application for Registration as an Architect #200990

Mr. Jones 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. Valente, Adam- Universal Licensure Application for Registration as an Architect #200798

Mr. Jones 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.

**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. Jones moved and Mr. Gilmore 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.*



## 8. POLICY MATTERS

Review, Consideration, and Possible Action on the following:

- A. 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.]

Dr. Angel moved and Mr. Jones seconded to enter executive session. The Board entered executive session at 11:01 am and returned to open session at 11:36am.

Nothing further discussed in open meeting.

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

SB1274 and SB1142

Ms. Cornelius reported that SB1274 passed through the Legislature and the Governor would most likely sign it into law. Mr. Jones asked if the bill passed along party lines. Ms. Cornelius answered 'yes.' Mr. Montgomery asked if the bill, once it came into effect, would terminate the terms of Board Members whose terms were expired. Ms. Cornelius answered 'yes,' but that the AG's office would need to provide the Board with guidance.

Ms. Pritzl reported that SB1142 died when the legislator voted Sine Die.

## 9. DIRECTOR'S REPORT

- A. Budget Update

Nothing discussed.

- B. Previous Meeting Follow-Up

- a. Electronic Meeting Formats

Ms. Cornelius stated that the Board would continue to meet remotely into the near future.

- b. Arizona Legislature

See 8a



C. National Council Updates

Ms. Cornelius reported that most testing centers would not be proctoring national council exams until late summer or early autumn, which could affect the Board's registration candidates.

D. Statistics Review

Ms. Cornelius proudly reported that only one enforcement case was open from 2019.

Dr. Angel and Ms. Wyckoff left the meeting at 12:30pm

**10. FUTURE BOARD MEETINGS - June 23, 2020**

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

Nothing discussed

## 12. MEETING ADJOURNMENT – 12:34pm

### Google Meetup Comments

sweet Hargraves

9:29 AM

Kurt,

I can't get call to unmute

I keep typing #6

P.D. Folk

10:03 AM

Douglas Folk is present on agenda item 5(E)(3) - Glenn "Rick" Daugherty.

Carmen Wyckoff

10:46 AM

Kurt, Mr. Chair, can we have a 5 min bio break?

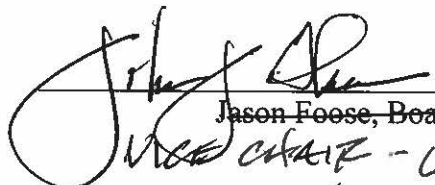
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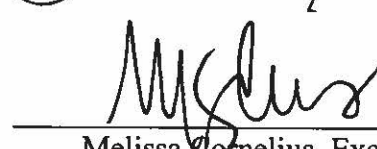
Carmen Wyckoff

12:29 PM

I need to go for another meeting. Thanks everyone!

Signed and approved this day, June 23, 2020:

  
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Jason Foose, Board Chairman  
*vec chair - 6/23/20*

  
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Melissa Cornelius, Executive Director