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**BEFORE THE ARIZONA STATE
BOARD OF TECHNICAL REGISTRATION**

In the Matter of:
Troy Bashford
Home Inspector
Certification No. 58611
Respondent

Case No.: HI17-018
CONSENT AGREEMENT
and
ORDER OF DISCIPLINE

In the interest of a prompt and judicious resolution of the above-captioned matter before the Arizona State Board of Technical Registration (“Board”) and consistent with the public interest, statutory requirements, and the responsibilities of the Board, and pursuant to A.R.S. § 32-101 *et seq.*, and A.A.C. R4-30-120(G), the undersigned party, Troy Bashford (“Respondent”), holder of Certification No. 58611, and the Board enter into the following Recitals, Findings of Fact, Conclusions of Law and Order (“Consent Agreement”) as a final disposition of this matter.

RECITALS

1. Respondent has read and understands this Consent Agreement and has had the opportunity to discuss this Consent Agreement with an attorney, or has waived the opportunity to discuss this Consent Agreement with an attorney.
2. Respondent understands that he has a right to a public administrative hearing concerning this case. He further acknowledges that at such formal hearing he could present evidence and cross-examine witnesses. By entering into this Consent Agreement, Respondent knowingly, voluntarily, and irrevocably waives his right to such an administrative hearing, as well as rights of rehearing, review, reconsideration, appeal, judicial review or any other administrative and/or judicial action concerning the matters set forth herein.
3. Respondent affirmatively agrees that this Consent Agreement shall be irrevocable.

1 4. Respondent understands that this Consent Agreement or any part of the
2 agreement may be considered in any future disciplinary action by the Board against him.

3 5. The Consent Agreement, any record prepared in this matter, all investigative
4 materials prepared or received by the Board and all related exhibits and materials, are
5 public records (as defined in A.R.S. § 41-158.18) upon acceptance by the Board of this
6 Consent Agreement and may be retained in the Board's files pertaining to this matter.

7 6. Respondent understands this Consent Agreement deals with Board case
8 number HI17-018, involving allegations that Respondent engaged in conduct that would
9 subject him to discipline under the Board's statutes and rules. The investigation into
10 these allegations against Respondent shall be concluded upon the Board's adoption of
11 this Consent Agreement.

12 7. Respondent understands that this Consent Agreement does not constitute a
13 dismissal or resolution of any other matters currently pending before the Board, if any,
14 and does not constitute any waiver, express or implied, of the Board's statutory authority
15 or jurisdiction regarding any other pending or future investigation, action or proceeding.

16 8. Respondent also understands that acceptance of this Consent Agreement does
17 not preclude any other agency, subdivision, or officer of this State from instituting any
18 other civil or criminal proceedings with respect to the conduct that is the subject of this
19 Consent Agreement.

20 9. Respondent acknowledges and agrees that, upon signing this Consent
21 Agreement and returning this document to the Board's Executive Director, he may not
22 revoke his acceptance of the Consent Agreement or make any modifications to the
23 document regardless of whether the Consent Agreement has been signed on behalf of the
24 Board. Any modification to this original document is ineffective and void unless
25 mutually agreed by the parties in writing.

26 10. This Consent Agreement is subject to the approval of the Board and is
27 effective only when accepted by the Board and signed on behalf of the Board. If the
28 Board does not accept this Consent Agreement, the Board retains its authority to hold a

1 formal administrative hearing pursuant to A.R.S. § 32-128(E). In the event that the
2 Board does not approve this Consent Agreement, it is withdrawn and shall be of no
3 evidentiary value and shall not be relied upon nor introduced in any action by any party,
4 except that the parties agree that should the Board reject this Consent Agreement and this
5 case proceeds to hearing, Respondent shall assert no claim that the Board was prejudiced
6 by its review and discussion of this document or any records relating thereto.

7 11. If a court of competent jurisdiction rules that any part of this Consent
8 Agreement is void or otherwise unenforceable, the remainder of the Consent Agreement
9 shall remain in full force and effect.

10 12. Respondent understands that any violation of this Consent Agreement may
11 result in disciplinary action, including suspension or revocation of the registration under
12 A.R.S. § 32-150.

13 13. Respondent agrees that the Board will adopt the following Findings of Fact,
14 Conclusions of Law and Order.

15 FINDINGS OF FACT

16 1. The Board is the duly constituted authority for the regulation and control of
17 Certified Home Inspectors in the State of Arizona.

18 2. Respondent is the holder of Arizona Certified Home Inspector No. 58611.

19 3. On or about November 12, 2016, the Respondent performed a home
20 inspection for the property located at 15132 W. Briles Rd., Surprise, AZ.

21 4. On January 4, 2017, the Board received a complaint alleging that Respondent
22 failed to conduct a home inspection in accordance with Standards of Professional Practice
23 for Arizona Home Inspectors ("AZ SOP").

24 5. On March 8, 2017 and June 1, 2017, the Board received assessments, from
25 two (2), members of the Board's Enforcement Advisory Committee ("EAC") who
26 reviewed the case and found Respondent failed to conduct a Home Inspection in
27 accordance with the Standards of Professional Practice for Arizona Home Inspectors.

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1 6. On July 20, 2017, an Enforcement Advisory Committee reviewed the case,
2 and determined that Respondent failed to report on evidence of a prior leak and the
3 resulting floor damage during the Home Inspection. The Committee also determined that
4 Respondent's Home Inspection report failed to meet the Standards of Professional
5 Practice for Arizona Home Inspectors in the following areas:

- 6 a) The Respondent's firm address was not included in the agreement as required in
7 AZSOP 2.2.A.3,
- 8 b) The condition of the foundation/crawl space was not reported on as required in
9 AZSOP 4.1.A.1,
- 10 c) The condition of the floor framing was not observed as required in AZSOP
11 4.1.A.2,
- 12 d) The type and condition of the exterior walls were not reported on as required in
13 AZSOP 4.1.A.3 & 4.2.A.3,
- 14 e) Type of roof framing and condition were not reported on as required in AZSOP
15 4.1.A.6 & 4.2.A.6,
- 16 f) The condition of the wall flashing and trim were not reported on as required in
17 AZSOP 5.1.A,
- 18 g) The condition of the entry door was not reported on as required in AZSOP 5.1.B,
- 19 h) The condition of the windows was not reported on as required in AZSOP 5.1.B,
- 20 i) The condition of eaves, soffits and trim were not reported on as required in
21 AZSOP 5.1.E,
- 22 j) The presence of polybutylene plumbing was observed but a cautionary note as
23 suggested in the Report Evaluation Checklist was not included in the report on as
24 required in AZSOP 7.1.A.1,
- 25 k) The condition of plumbing supports and insulation was not reported on as required
26 in AZSOP 7.1.A.1,
- 27 l) The report stated that a representative number of plumbing fixtures were operated
28 but the Standards require that all fixtures be operated as required in AZSOP

- 1 7.1.A.2,
- 2 m) Functional flow was not described or reported on as required in AZSOP 7.1.A.3,
- 3 n) The condition of the waste and vent plumbing system was not reported on as
- 4 required in AZSOP 7.1.13.1,
- 5 o) Functional drainage was not described and reported on as required in AZSOP
- 6 7.1.B.3,
- 7 p) The electrical service condition was not reported on as required in AZSOP 8.1.A,
- 8 q) The condition of the service conductor was not reported as required in AZSOP
- 9 8.1.A,
- 10 r) The condition of over current protection devices was not reported on as required in
- 11 AZSOP 8.1.D,
- 12 s) The compatibility and condition of electric branch circuit conductors was not
- 13 reported on as required in AZSOP 8.1.D,
- 14 t) The condition of lights and switches was not reported on as required in AZSOP
- 15 8.1.E,
- 16 u) Receptacle polarity and grounding was not reported on as required in AZSOP
- 17 8.1.F,
- 18 v) Heating system automatic safety controls were not observed as required in AZSOP
- 19 9.1.A.3,
- 20 w) The HVAC distribution condition was not reported on as required in AZSOP
- 21 9.1.A.6,
- 22 x) The condition of HVAC filters was not reported on as required in AZSOP 9.1.A.6,
- 23 y) The presence of an HVAC source in every room was not reported on, only
- 24 bedrooms were addressed, as required in AZSOP 9.1.A.7,
- 25 z) The condition of interior walls, floors windows and doors was not reported on as
- 26 required in AZSOP 11.1.A,
- 27 aa) The type and presence of insulation was not reported on as required in AZSOP
- 28 12.1.A,

1 bb)The presence or absence of a vapor retarder was not reported on as required in
2 AZSOP 12.1.A, and

3 cc) The attic ventilation system and condition was not reported on as required in
4 AZSOP 12.1.B.

5 **CONCLUSIONS OF LAW**

6 1. The Board has jurisdiction in this matter pursuant to A.R.S. § 32-101, et seq.

7 2. The conduct alleged in the Findings of Fact, constitutes grounds for
8 discipline pursuant to A.R.S. § 32-128(C)(4) as it relates to; A.A.C. R4-301.1(A), in that
9 Respondent failed to conduct home inspection in accordance with the Standards of
10 Professional Practice for Arizona Home Inspectors.

11 **ORDER**

12 Based on the foregoing Findings of Fact and Conclusions of Law, the Board issues
13 the following Order:

14 1. LETTER OF REPRIMAND. Respondent is hereby issued a Letter of
15 Reprimand.

16 2. PEER REVIEW. Within Four (4) months of the effective date of this
17 Consent Agreement, Respondent shall accompany a supervising Certified Home
18 Inspector (“Peer Reviewer”) on Four (4) Home Inspections, and perform inspections
19 at the same time and location as the Peer Reviewer. Respondent shall write a Home
20 Inspection Report, and submit the written report to the Peer Reviewer for review.
21 Respondent may select his Peer Reviewer who shall be in good standing with the Board
22 and shall not have received any disciplinary action from the Board within the last 3-years.
23 The Peer Reviewer shall have been continuously certified by the Board as a Home
24 Inspector for at least five (5) years and shall have conducted at least two hundred and
25 fifty (250) Home Inspections in the State of Arizona. The Respondent shall cause the
26 Peer Reviewer to sign an Affidavit and Agreement to Conduct Peer Review with the
27 Board affirming that the Peer Reviewer has met the Peer Review selection criteria prior
28 to conducting any Peer Reviews. At the conclusion of each peer reviewed Home

1 Inspection, Respondent will submit his work product, specifically a Home Inspection
2 Report, to the Peer Reviewer who will review and make all corrections to the
3 Respondent's Home Inspection Report necessary for the report to meet the Standards
4 of Professional Practice for Arizona Home Inspectors. **Respondent shall not**
5 **perform any Home Inspections or provide any client with a Home Inspection**
6 **Report for a fee, until all Peer Reviews are completed.** Respondent shall ensure
7 that the Peer Reviewer provides a written report to the Board after each peer reviewed
8 Home Inspection, detailing any deficiencies in the Respondents practice, and certifying
9 that the deficiencies have been explained and corrected, in so far as the peer reviewed
10 Home Inspection is concerned. Respondent shall retain the Peer Reviewer at his own
11 expense.

12 3. ADMINISTRATIVE PENALTY. Within ninety (90) days from the
13 effective date of this Consent Agreement, Respondent shall pay an administrative penalty
14 of One Thousand Dollars (\$1,000.00) by certified check or money order made payable to
15 the State of Arizona Board of Technical Registration.

16 4. COST OF INVESTIGATION. Within sixty (60) days from the effective date
17 of this Consent Agreement, Respondent shall pay the cost of investigation of this case to
18 the Board in the amount of Five Hundred Forty-Eight Dollars (\$548.00) by certified
19 check or money order made payable to the State of Arizona Board of Technical
20 Registration, according to the provisions of A.R.S. § 32-128(H).

21 5. RESTITUTION TO CLIENT. Within thirty (30) days from the effective
22 date of this Consent Agreement Respondent shall pay the client, Robert Lytle, the
23 amount of Two Hundred Fifty Dollars (\$250.00) by check or money order. If
24 Respondent fails to pay the client, Robert Lytle, within thirty (30) days from the
25 effective date of this Consent Agreement and Order, Respondent's registration shall be
26 suspended until such time payment is made in full. Within ten (10) days of the payment
27 to the client, Robert Lytle, Respondent shall provide the Board with written proof that
28 payment has been made.

1 6. OBEY ALL LAWS. During the probationary period, Respondent shall obey
2 all federal, state and local criminal laws, as well as, all rules governing the practice of
3 Home Inspections, in the State of Arizona. The Board shall consider any violation of this
4 paragraph to be a separate violation of the rules and statutes governing the Arizona Board
5 of Technical Registration. The Board may also consider Respondent's non-compliance
6 with this Order as a separate violation of A.R.S. § 32-150.

7 7. EFFECTIVE DATE. The effective date of this Consent Agreement is the
8 date the Respondent and Board sign the Consent Agreement. If the dates are different, the
9 effective date is the later of the two dates.

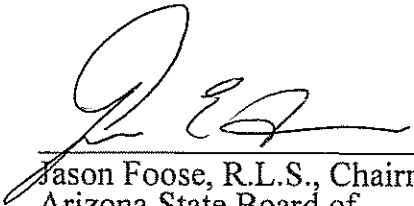
10 8. COSTS OF COMPLIANCE. Respondent shall pay all costs associated with
11 complying with this Consent Agreement.

12 9. NONCOMPLIANCE. If Respondent violates this Order in any way or fails
13 to fulfill the requirements of this Order, the Board, after giving notice and the opportunity
14 to be heard, may revoke, suspend or take other disciplinary actions against the
15 registration. The issue at such a hearing will be limited solely to whether this Order has
16 been violated.

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19 ACCEPTED and ORDERED this 29TH day of JULY, 2019.

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Jason Foose, R.L.S., Chairman
Arizona State Board of
Technical Registration

26 Consent Agreement and Order, No. HI17-018 accepted this 10 day of
27 July, 2019.

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Troy Bashford, Respondent

1 ORIGINAL filed this 25th day of


2 July, 2019, with:

3
4 Arizona State Board of Technical Registration
5 1110 W. Washington, Suite 240
6 Phoenix, AZ 85007

7 COPY of the foregoing mailed via Certified Mail
8 No. 9214 8901 9434 4600 0588 01 and

9 First Class mail this 25th day of July, 2019, to:

10 Troy Bashford
11 Amerigo Property Inspections, LLC
12 12825 S. 71st St.
13 Tempe, AZ 85284

14 By:  _____

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