

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

<p>In the Matter of:</p> <p>Jodon Markona Home Inspector #44153</p> <p style="text-align: center;">Respondent</p>	<p style="text-align: center;">Case No. HI19-025</p> <p style="text-align: center;">CONSENT AGREEMENT and ORDER OF DISCIPLINE</p>
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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, Jodon Markona ("Respondent"), holder of Registration No. 44153, 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.

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

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

6. Respondent understands this Consent Agreement deals with Board case number HI19-025 involving allegations that Respondent engaged in conduct that would subject him to discipline under the Board's statutes and rules. The investigation into these allegations against Respondent shall be concluded upon the Board's adoption of this Consent Agreement.

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

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

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

10. This Consent Agreement is subject to the approval of the Board and is effective only when accepted by the Board and signed on behalf of the Board. If the Board does not accept this Consent Agreement, the Board retains its authority to hold a formal administrative hearing pursuant to A.R.S. § 32-128(F). In the event that the Board does not approve this Consent Agreement, it is withdrawn and shall be of no evidentiary value and shall not be relied upon nor

1 introduced in any action by any party, except that the parties agree that should the Board reject
2 this Consent Agreement and this case proceeds to hearing, Respondent shall assert no claim that
3 the Board was prejudiced by its review and discussion of this document or any records relating
4 thereto.

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

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

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

12 **FINDINGS OF FACT**

13 1. The Board is the duly constituted authority for the regulation and control of the
14 practice of Home Inspection in the State of Arizona.

15 2. Respondent is the holder of Arizona Home Inspector, Registration No. 44153.

16 3. On or about October 29, 2018 Respondent conducted a home inspection at 1621
17 Slippery Rock Rd. in Flagstaff, Arizona.

18 4. On November 13, 2018 the Board received a complaint alleging that Respondent
19 failed to conduct a home inspection in accordance with the Standards of Professional Practice by
20 failing to accurately report on tree branches touching the house, the finish on the bedroom
21 drywall, the location of the outdoor GFI outlets, and overstated the condition of the stairway and
22 location of upstairs bedroom windows.

23 5. On or about March 5, 2019, the Board's Enforcement Advisory Committee
24 ("EAC") convened to review the complaint against Respondent. After reviewing the evidence and
25 interviewing the Respondent, the committee determined that Respondent failed to conduct a
26 home inspection in accordance with the Standard of Professional Practice for Arizona Home
27 Inspectors ("S.O.P") and found that:

- a.i Respondent failed include notation on AZ Standards of Professional Practice on written agreement as required in S.O.P #2.2
- b.i Respondent failed to report on foundation as required in S.O.P #4. li
- c.i Respondent failed to report on type of floor structure as required in S.O.P #4.2i
- d.i Respondent failed to report on type of columns as required in S.O.P #4.2i
- e.i Respondent failed to report on condition of driveway as required in S.O.P #5. li
- f.i Respondent failed to report on condition of water heater as required in S.O.P #7. li
- g.i Respondent failed to report on condition of laundry ventilation and dryer venti as required in S.O.P #12.1

CONCLUSIONS OF LAW

- 1.i The Board has jurisdiction in this matter pursuant to A.R.S. § 32-101, et seq.i
- 2.i The conduct alleged in the Findings of Fact constitutes grounds for discipline pursuant to A.R.S. § 32-128(C)(4) as it relates to A.A.C. R4-30-301.01, in that Respondent failed to conduct a Home Inspection in accordance with the Standards of Professional Practice for Arizona Home Inspectors.

ORDER

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

- 1.i LETTER OF REPRIMAND. Respondent is hereby issued a Letter of Reprimand.i
- 2.i ADMINISTRATIVE PENALTY. Within sixty (60) days from the effective date of this Consent Agreement, Respondent shall pay an administrative penalty of Two Hundred Fifty Dollars (\$250.00) by certified check or money order made payable to the State of Arizona Board of Technical Registration.
- 3.i COST OF INVESTIGATION. Within thirty (30) days from the effective date of this Consent Agreement, Respondent shall pay the cost of investigation of this case to the Board in the amount of Two Hundred Eighty Six Dollars (\$286.00) by certified check or money order made payable to the State of Arizona Board of Technical Registration, according to the provisions of A.R.S. § 32-128(H).

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

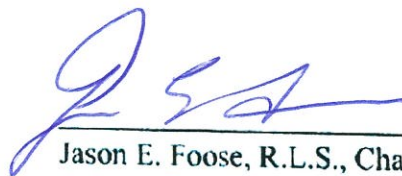
7 5. RENEWAL OF REGISTRATION. Respondent shall timely renew his Arizona
8 registration as a Home Inspector, and timely pay all required registration fees.

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

12 7. COSTS OF COMPLIANCE. Respondent shall pay all costs associated with
13 complying with this Consent Agreement.

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

18 ACCEPTED and ORDERED this 28TH day of MAY, 2019.

19 

20 Jason E. Foose, R.L.S., Chairman
21 Arizona State Board of
22 Technical Registration

23 Consent Agreement and Order, No. HI19-025 accepted this 23rd day of April, 2019.

24 
25 Jodon Markona, Respondent

1 ORIGINAL filed this 30th day of

2 MAY, 2019, with:

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

8 COPY of the foregoing mailed via Certified Mail

9 No. 9214 8701 9434 4600 0555 96 and

10 First Class mail this 30th day of MAY, 2019, to:

11
12 Jodon Markona
13 4121 E. Coburn Dr.
14 Flagstaff, AZ 86004

15
16
17 By: 