

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

<p><b>In the Matter of:</b></p> <p><b>Garry Hukill Home Inspector Certification No. 45509</b></p> <p style="text-align: center;"><b>Respondent</b></p>	<p style="text-align: center;"><b>Case No. HI19-034</b></p> <p style="text-align: center;"><b>CONSENT AGREEMENT and ORDER OF DISCIPLINE</b></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, Garry Hukill (“Respondent”), holder of Certification No. 45509, 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 agreement  
2 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 public  
5 records (as defined in A.R.S. § 41-158.18) upon acceptance by the Board of this Consent  
6 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 number  
8 HI19-034 involving allegations that Respondent engaged in conduct that would subject him to  
9 discipline under the Board's statutes and rules. The investigation into these allegations against  
10 Respondent shall be concluded upon the Board's adoption of this Consent Agreement.

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

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

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

23          10.       This Consent Agreement is subject to the approval of the Board and is effective  
24 only when accepted by the Board and signed on behalf of the Board. If the Board does not accept  
25 this Consent Agreement, the Board retains its authority to hold a formal administrative hearing  
26 pursuant to A.R.S. § 32-128(E). In the event that the Board does not approve this Consent  
27 Agreement, it is withdrawn and shall be of no evidentiary value and shall not be relied upon nor  
28 introduced in any action by any party, except that the parties agree that should the Board reject

1 this Consent Agreement and this case proceeds to hearing, Respondent shall assert no claim that  
2 the Board was prejudiced by its review and discussion of this document or any records relating  
3 thereto.

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

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

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

11 **FINDINGS OF FACT**

12 1. The Board is the duly constituted authority for the regulation and control of the  
13 occupation of Home Inspector in the State of Arizona.

14 2. Respondent is the holder of Arizona Home Inspector Certification No. 45509.

15 3. On January 16, 2018, Respondent conducted a Home Inspection at 6042 E Halifax  
16 St, Mesa, AZ.

17 4. On February 15, 2019, the Board received a complaint alleging that Respondent  
18 failed to conduct a home inspection in accordance with the Standards of Professional Practice by  
19 failing to accurately report on the condition of the roof and failed to report on cracks in the stem  
20 wall.

21 5. On May 21, 2019, the Board's Enforcement Advisory Committee ("EAC")  
22 convened to review the complaint against the Respondent. After reviewing the evidence and  
23 interviewing both the Allegor and Respondent, the Committee determined that Respondent failed  
24 to conduct a home inspection in accordance with the Standards of Practice for Arizona Home  
25 Inspectors ("S.O.P.") in the following areas, to include part of the allegation concerning the stem  
26 wall:

- 27 a) Respondent did not accurately report on the cracks in the stem wall, as required in  
28 S.O.P. #4.1,

- 1 b) Respondent contract failed to list inspector's name and license number, as required  
2 by S.O.P. #2.2,
- 3 c) Respondent failed to report on the condition of the walls as required in S.O.P. #4.1,  
4 d) Respondent failed to report on the condition of the roof/ceiling structure as required  
5 in S.O.P. #4.1,
- 6 e) Respondent failed to report on the condition of supports and insulation as required  
7 in S.O.P. #7.1,
- 8 f) Respondent failed to report on functional flow as required in S.O.P. #7.1,  
9 g) Respondent failed to report on the functional drainage as required in S.O.P. #7.1,  
10 h) Respondent failed to report on the condition of compatibility as required in S.O.P.  
11 #8.1,
- 12 i) Respondent failed to report on the presence of a heat source in each room as  
13 required in S.O.P. #9.1,
- 14 j) Respondent failed to report on the presence of a cooling source in each room as  
15 required in S.O.P. #10.1,
- 16 k) Respondent failed to report on condition (depth) of insulation as required in S.O.P.  
17 #12.1,
- 18 l) Respondent failed to report on the type and condition of vapor retarder as required  
19 in S.O.P. #12.1,
- 20 m) Respondent failed to observe the type and report on the operation and condition of  
21 bathroom ventilation as required in S.O.P. #12.1.

#### 22 CONCLUSIONS OF LAW

- 23 1. The Board has jurisdiction in this matter pursuant to A.R.S. § 32-101, et seq.
- 24 2. The conduct alleged in the Findings of Fact constitutes grounds for discipline  
25 pursuant to A.R.S. § 32-128(C)(4) as it relates to A.A.C. R4-30-301.01, in that Respondent  
26 failed to conduct a Home Inspection in accordance with the Standards of Professional Practice for  
27 Arizona Home Inspectors.
- 28

**ORDER**

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

1. LETTER OF REPRIMAND. Respondent is hereby issued a Letter of Reprimand.
2. RESTITUTION. Within thirty (30) days from the effective date of this Consent Agreement, Respondent shall pay restitution to the client, Lynn Wirick, in the amount of Four Hundred Twenty-Five Dollars (\$425.00) for the cost of the home inspection fee related to case HI19-034. Respondent shall provide proof of payment to the client, such as a copy of the check, to the Board of Technical Registration showing payment was made to the client.
3. PROFESSIONAL EDUCATION. Within thirty (30) days from the effective date of this Consent Agreement, Respondent shall provide proof to the Board that he has successfully completed Board Staff approved home inspection professional education in the following areas:
  - a. Electrical Components and Compatibility
  - b. Stem Wall and Foundation
4. PEER REVIEW. Within thirty (30) days of the effective date of this Consent Agreement, Respondent shall accompany a supervising Certified Home Inspector (“Peer Reviewer”) for one Home Inspection, and perform the inspection at the same time and location as the Peer Reviewer. Respondent shall write a Home Inspection Report, and submit the written report to the Peer Reviewer for review.

The Respondent may select his Peer Reviewer who shall be in good standing with the Board and shall not have received any disciplinary action from the Board within the last 3-years. The Peer Reviewer shall have been continuously certified by the Board as a Home Inspector for at least five (5) years and shall have conducted at least two hundred and fifty (250) Home Inspections in the State of Arizona.

The Respondent shall cause the Peer Reviewer to sign an Affidavit and Agreement to Conduct Peer Review with the Board affirming that the Peer Reviewer has met the Peer Review selection criteria prior to conducting any Peer Reviews.

At the conclusion of each peer reviewed Home Inspection, Respondent will submit his work

1 product, specifically a Home Inspection Report, to the Peer Reviewer who will review and make  
2 all corrections to the Respondent's Home Inspection Report necessary for the report to meet the  
3 Standards of Professional Practice for Arizona Home Inspectors. Respondent shall not perform  
4 any Home Inspections or provide any client with a Home Inspection Report for a fee, until the  
5 Peer Review are completed.

6 Respondent shall ensure that the Peer Reviewer provides a written report to the Board after  
7 each peer reviewed Home Inspection, detailing any deficiencies in the Respondents practice,  
8 and certifying that the deficiencies have been explained and corrected, in so far as the peer  
9 reviewed Home Inspection is concerned. Respondent shall retain the Peer Reviewer at his  
10 own expense.

11 5. ADMINISTRATIVE PENALTY. Within six (6) months from the effective  
12 date of this Consent Agreement, Respondent shall pay an administrative penalty of Seven  
13 Hundred Fifty Dollars (\$750.00) by certified check or money order made payable to the State of  
14 Arizona Board of Technical Registration.

15 6. COST OF INVESTIGATION. Within ninety (90) days from the effective date of  
16 this Consent Agreement, Respondent shall pay the cost of investigation of this case to the Board  
17 in the amount of Five Hundred Ten Dollars (\$510.00) by certified check or money order made  
18 payable to the State of Arizona Board of Technical Registration, according to the provisions of  
19 A.R.S. § 32-128(H).

20 7. OBEY ALL LAWS. Respondent shall obey all federal, state and local laws, as  
21 well as, all rules governing the occupation of Home Inspection in the State of Arizona. The  
22 Board shall consider any violation of this paragraph to be a separate violation of the rules and  
23 statutes governing the Arizona Board of Technical Registration. The Board may also consider  
24 Respondent's non-compliance with this Order as a separate violation of A.R.S. § 32-150.

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

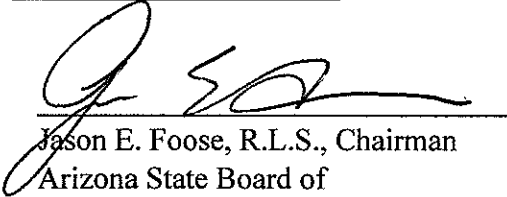
27 9. EFFECTIVE DATE. The effective date of this Consent Agreement is the date the  
28 Respondent and Board sign the Consent Agreement. If the dates are different, the effective date is

1 the later of the two dates.

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

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

8  
9 ACCEPTED and ORDERED this 25<sup>TH</sup> day of JUNE, 2019.

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11   
12 Jason E. Foose, R.L.S., Chairman  
13 Arizona State Board of  
14 Technical Registration

15 Consent Agreement and Order, No. HI19-034 accepted this 11 day of JUNE, 2019.

16  
17   
18 Garry Hukill, Respondent

19 **ORIGINAL** filed this 26<sup>th</sup> day of  
JUNE, 2019, with:

20 Arizona State Board of Technical Registration  
21 1110 W. Washington, Suite 240  
22 Phoenix, AZ 85007

23 **COPY** of the foregoing mailed via Certified Mail  
24 No. 9214 8901 9434 4600 0570 33 and  
25 First Class mail this 26<sup>th</sup> day of JUNE, 2019, to:

26 Garry Hukill  
27 Burns Home Inspection  
28 8194 W. Deer Valley Rd. #106-292  
Peoria, AZ 85382

By: 