

Minutes
ARIZONA STATE BOARD OF TECHNICAL REGISTRATION
1110 West Washington, Conference Room #240
Phoenix, AZ 85007

Tuesday, January 26, 2016
9:00 a.m.
OPEN SESSION

1. CALL TO ORDER – 9:08 AM

2. ROLL CALL

Board Members in attendance: Alejandro Angel, LeRoy Brady, Douglas Folk, Jason Foose, Neal Jones, Jason Madison, and Steve Noel. Absent: Edward Marley and Robert Stanley. Staff: Melissa Cornelius, Michelle Fleming, Douglas Parlin, Patrice Pritzl, and Michelle Johnson. Assistant Attorney General: Michael Raine.

3. CALL TO THE PUBLIC

At 10:06AM. Ms. Mehrzad Khorsandi addressed the Board regarding her application to take the ARE. She had received a prior 3 year extension to test, but the extension will end in March 2016. She requested another 6 month extension. She explained that she could not concentrate on the testing because her job was too time consuming. The Board directed staff to work with her and investigate her application.

4. ADOPTION OF MINUTES

Review, Consideration, and Possible Action on the following:

A. Approve, modify and/or reject December 15, 2015 Board meeting minutes.

The members reviewed the minutes. Dr. Angel moved to approve the December 2015 minutes. Mr. Noel seconded the motion. No further discussion; motion carried.

5. FORMAL HEARINGS OR MOTION FOR REHEARING/REVIEW:

A. Case No. HI10-027, Robert W. Garrard, Non-Registrant

Roll call was taken for this rehearing. Board members in attendance were: Alejandro Angel, LeRoy Brady, Douglas Folk, Jason Foose, Neal Jones, Jason Madison, and Steve Noel. Absent were: Edward Marley and Robert Stanley. The Respondent, Mr. Garrard appeared and represented himself. Assistant Attorney General, Michael Raine appeared on behalf of the State. Chris Munns, AAG., was available to advise the Board.

The Respondent admitted to holding himself out as a registered home inspector by offering to conduct home inspections without certification and distributing a business card, stating he was a certified home inspector.

Mr. Folk moved to adopt the Findings of Fact on Paragraphs one through four of the Complaint and Notice of Hearing and Paragraphs six through eleven and thirteen. Mr. Foose seconded the motion; motion passed. Mr. Folk moved to adopt as Conclusions of Law, the alleged violations in the complaint and Notice of Hearing excluding the last sentence. Mr. Foose seconded the motion; motion carried.

Mr. Folk moved to impose a civil penalty in the amount of \$500.00, costs of the investigation, and an Assurance of Discontinuance. Mr. Foose seconded the motion; No further discussion; motion carried.

- B. Case No. AL15-007, OAH Docket No. 15F-M007-BTR. The Board will consider whether to approve a Consent Agreement in this matter or proceed to hearing.

Mr. Raine addressed the Board and asked that the Board accept a consent agreement which required the Respondent to become licensed within a 14 day period after acceptance of the consent agreement, and pay a civil penalty in the amount of \$1500 within twelve months, plus the costs of the investigation.

Dr. Angel moved to accept the signed consent agreement. Mr. Folk seconded the motion. Dr. Angel stated that the penalty was too "light." No further discussion; motion carried.

- C. Case No. P14-035, Ahmad N. Zarifi, P.E. (Structural) #32008, (Civil) #41872.

Mr. Raine explained how the newly proposed consent agreement was created. The consent proposed that the Respondent would surrender his structural PE, retain his Civil PE, which will be placed on a stayed revocation/probation with peer reviews, 16 hours of Board approved CE, civil penalties and costs of the investigation.

Mr. Madison expressed concerns about the consent agreement, but he moved to offer the Respondent a revised consent agreement that included surrender of his SE license, the restriction of practice of structural engineering with his civil PE until he takes and passes the NCEES 16 hour SE exam, stayed revocation/probation on his civil license for one year from the effective date of the consent agreement; that Respondent pay a \$4000 civil penalty and costs of the investigation. If not signed within 5 days, this matter will proceed to the scheduled hearing on February 11, 2016. Dr. Angel moved to second the motion. No further discussion; motion carried.

6. ENFORCEMENT MATTERS

Review, Consideration and Possible Vote on the following:

A. Complaints Proposed for Resolution by Dismissal or Closure:

1. P16-020, Adam Bronnenkant, P.E. (Structural) #55015

Attorney David Williams appeared on behalf of the Respondent. Mr. Folk recused himself. Mr. Bailey, the complainant, appeared. Mr. Madison moved to dismiss the case. Mr. Noel seconded the motion. Dr. Angel asked for statements from Mr. Bailey and Mr. Williams and expressed concerns that this case had escalated as far as it did, involving lawyers and collection agencies. No further discussion; motion carried. The case was dismissed.

2. HI16-010, John O'Coin, C.H.I. #39184

Mr. Madison moved to dismiss the complaint. Dr. Angel seconded the motion. No further discussion; motion carried.

B. Complaints Proposed for Resolution by Letters of Concern:

1. HI16-003, Benjamin Schern, C.H.I. #50397

Dr. Angel moved to issue a Letter of Concern. Mr. Madison seconded the motion. No further discussion; motion carried.

C. Complaints Proposed to Offer Consent Agreement:

1. HI15-023, Matthew Berry, Non-Registrant

Dr. Angel moved to proceed to a formal hearing. Mr. Foose seconded the motion. No further discussion; motion carried.

2. P15-073, Van McDonald, R.L.S. #05357

Dr. Angel expressed concern that the Respondent lacked the required skills to practice surveying safely and was upset that the Respondent contacted the property owners and "bullied" them. Mr. Foose opined that the Board should consider revoking the Respondent's surveying licensing because he caused conflict and disruption among the neighbors. The Respondent's survey varied from the chain of title. Mr. Foose also suggested that the Respondent invalidate his survey rather than correct it. Mr. Madison suggested the Board should require either the corrected survey or restitution, but not both. Mr. Foose suggested that the restitution was the better option. Mr. Foose moved to offer the Respondent a consent agreement to a voluntary surrender, including the maximum administrative penalty of \$4000, costs of the investigation, restitution to the property owner; if possible, voluntary invalidation of the plat in the public records, and if not

signed within 30 days, proceed to a formal hearing. Dr. Angel seconded the motion. No further discussion; motion carried.

3. HI16-006 and HI16-009, David Butler, C.H.I. #55756

Ms. Young, the complainant in HI16-009, appeared and addressed the Board. She explained her concern that the Respondent failed to bring issues with the HVAC system to her attention prior to the purchasing of her home, which in turn created an additional expense of \$7000. Dr. Angel asked if she had received restitution for her fees. Ms. Young stated she had not. Mr. Hunt, investigator, indicated that the Respondent had not cooperated with the investigation process. Dr. Angel moved to offer the consent agreement and include a requirement for the Respondent to pay restitution to Ms. Young. Mr. Folk seconded the motion. Mr. Madison asked to increase the administrative fee. Dr. Angel amended his motion to increase the penalty fee to \$1000. Mr. Folk seconded the motion. No further discussion; motion carried.

4. HI16-016, Fidelity Inspection & Consulting Services, Non-Registrant Firm

5. P15-045, Carlos A. Padilla, R.L.S. #46474

Dr. Angel moved to consent Agenda items 6C(4) and 6C(5). Mr. Madison seconded the motion. No further discussion; motion carried. Dr. Angel moved to offer consent agreements in 6C(4) and 6C(5). Mr. Madison seconded the motion. No further discussion; motion carried.

D. Complaints Proposed for Resolution with Signed Consent Agreements:

1. P16-022, Robert Moric, Non-Registrant

2. P16-001, Partner Engineering and Science, Inc., Non-Registrant Firm

Dr. Angel moved to accept the signed Consent Agreements in 6D(1), 6D(2) and 6D(5). Mr. Noel seconded the motion. No further discussion; motion carried.

3. P15-032, Raad Salih, P.E. (Civil) #34016

Dr. Angel moved to offer the Respondent a consent agreement to include administrative penalties in the amount of \$4000, an Assurance of Discontinuance from practicing land surveying until Respondent passes the NCEES professional surveying examination. If the consent agreement is not signed within 30 days, this matter will proceed to a formal hearing. The Board directed staff to open a complaint against the noted employee for aiding and abetting unlicensed practice. Mr. Noel seconded the motion. No further discussion; motion carried.

4. P16-009, Raad Salih, P.E. (Civil) #34016

Complainant Ed Cami appeared and addressed the Board explaining that the Respondent deceived him by stating he was an architect and put him in a bad financial situation. Mr.

Folk asked Mr. Cami if he would be satisfied if the Respondent agreed to the Board's discipline. Mr. Cami stated he would be. The Respondent had been present to address the Board, but had to leave to attend another meeting. Dr. Angel moved to modify the consent agreement to require the Respondent's practice of structural engineering be restricted until he passes the 16 hours NCEES SE exam. Mr. Jones seconded the motion. The motion failed. Mr. Folk moved to accept the signed consent agreement. Mr. Noel seconded the motion. No further discussion; motion carried with Dr. Angel voting Nay.

5. P15-050, Craig Parkinson, R.G. #30843

Dr. Angel moved to accept the signed Consent Agreement. Mr. Noel seconded the motion. No further discussion; motion carried.

E. Complaints Requiring Board Guidance:

1. P15-065, Michael P. Johnson, Non-Registrant

The Respondent appeared and addressed the Board. Mr. Jones recused himself. The Respondent was not a licensed architect but may have held himself out to the public as such. Dr. Angel recalled that this case was sent back to the staff to determine who designed the AZ 88 restaurant. The Respondent admitted that he designed the restaurant under the supervision of licensed architects he worked for in the 1980s.

Dr. Angel moved to offer Respondent a Consent Agreement with an Assurance of Discontinuance, civil penalties in the amount of \$1000, and costs of the investigation. If not signed within 30 days, this matter will proceed to a formal hearing. Mr. Noel seconded the motion. Mr. Folk spoke against the motion, citing the residential design exemption. Dr. Angel noted that the exemption does not include commercial projects. The Respondent requested a lesser fine. Dr. Angel amended his motion to remove the costs of the investigation. Mr. Noel seconded the amendment. No further discussion; motion carried.

F. Review and Approval of Appointment for EAC Membership:

1. Patrick Rehse, R.A. #10615

Mr. Jones moved to approve Mr. Rehse's appointment to the EAC membership. Mr. Folk seconded the motion. No further discussion; motion carried.

G. Compliance Monitoring Investigations:

1. M09-134, Robert Jedinak, R.L.S. #15332 (Suspended)

The Board considered approving the Respondent's requested peer reviewers. Mr. Foose moved to approve Mr. Jedinak's request for peer reviewers. Dr. Angel seconded the motion. No further discussion; motion carried.

7. LICENSING MATTERS

Discussion, Consideration and Vote on the following:

Whether to Grant Requests for Extension of Licensing Time Frames:

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| A. Behrens, Seth | Mechanical Engineer Application #151518 |
| B. Bruno, Cole | Architect Application #152171 |
| C. Cameron, Vhybirt | Architect Application #152069 |
| D. Porter, Kevin | Civil Engineer Application #151740 |
| E. Rofail, Amgad | EIT Application #151819 |

Whether to Grant or Deny Registration after Full Board Review

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|-----------------|---|
| F. Kizer, Julia | Structural Engineer Application #140985 |
| G. Mask, Bryan | Landscape Architect Application #151303 |

Dr. Angel moved to consider Agenda items 7(A) through 7(G) as a consent agenda. Mr. Jones seconded the motion. No further discussion; motion carried. Dr. Angel moved to approve the time extensions requested. Mr. Jones seconded the motion. No further discussion; motion carried.

Whether to Reopen and Extend the Licensing Time Frames

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| H. Coleman, Shawn | Civil Engineer Application #152375 |
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Dr. Angel noted that the applicant has been registered in Illinois for 8 years and qualifies for registration. The Board directed the Executive Director to grant him registration.

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| I. Djordjevic, Dusan | Chemical Engineer Application #151586 |
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This item will be tabled until the February 2016 meeting.

Whether to Grant Authorization to take Exam after Full Board Review

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| J. Dalton, Chad | Civil Engineer Application #152216 |
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Dr. Angel moved to authorize the Applicant to test. Mr. Madison seconded the motion. No further discussion; motion carried.

8. 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;

Dr. Angel moved to cancel those registrations and certifications that have been expired for more than one full renewal period. Mr. Folk seconded the motion. No further discussion; motion carried.

B. 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.

9. POLICY MATTERS

Review, Consideration, and Possible Action on the following:

A. Presentation from Representatives from NCARB, AIA, and Arizona's NAAB Accredited Architectural Programs regarding NCARB's *Integrated Path to Registration*.

Harry Falconer from NCARB appeared and made a presentation to the Board, along with Phillip Horton from ASU, about the initiative. ASU would like the Board to support their proposal, which is due to NCARB on April 1, 2016.

B. When appropriate, whether to credit engineering applicants with more than 12 months of construction experience toward exam eligibility and/or registration.

The Board considered whether to award more than 12 months of credit for the construction experience toward the registration requirement. Dr. Angel expressed the desire to consider each application on a case by case basis. Mr. Madison pointed out that the Board does not define "construction experience" and does not separately acknowledge the construction experience as a branch of engineering.

C. Possible new Substantive Policy Statement regarding Home Inspectors referring other Tradesmen to correct adverse conditions identified during a home inspection.

The Board reviewed the proposed Substantive Policy Statement. Mr. Madison moved to approve it and Mr. Noel seconded the motion. No further discussion; motion carried.

D. Legislation for the 2016 Session.

The Board's lobbyists appeared to review the proposal legislation with the Board members. Mr. Folk moved to direct the board staff to offer comments to the legislature on HB2333 regarding the Board's concerns for the public safety. Dr. Angel seconded the motion. No further discussion; motion carried.

10. DIRECTOR'S REPORT

A. Budget Update

Ms. Cornelius reported that with 50% of the budget year elapsed; we have spent 51% of our appropriation and 72% of our revenue.

B. Staff Update

Julie Armour left state service on January 11, 2016 and will return to her previous job at Hospice of the Valley.

C. Previous Meeting Follow-Up

The Board's RFP was awarded to GL Solutions. The PIJ is currently being approved. The vendor will contact us regarding building of the new computer system.

D. Director's Meetings

On December 15, 2015, at his request, Ms. Cornelius and Ms. Pritzl met with Barry Wong, who is the director of the Equal Opportunity section at the Department of Administration.

On December 16, 2015, The Board's lobbyists, Ms. Cornelius, and Ms. Pritzl met with a policy advisor at the Governor's Office, Victor Riches, to discuss the Board's need to increase our appropriation next fiscal year in order to pay for the new computer system. Also discussed was the proposed termination of the drug lab remediation program, the assayers, remediation specialists and alarms issues—all the legislation the Board plans to run this coming session.

On January 7, 2016, Ms. Cornelius and Ms. Pritzl met with Mark Killian, the Director of the Department of Agriculture, regarding the potential legislation in which the agricultural agency plans to submit which could have had an impact on the Home Inspectors. After the meeting, the Department determined not to include the provisions that would have affected home inspectors in their proposed legislation.

Ms. Cornelius attended the NCARB MBE Meeting in San Francisco January 14-17, 2016.

Now that the Legislative session has begun, Ms. Cornelius and Ms. Pritzl will be meeting with Legislators to discuss the Board's 4 bills. The meetings began in earnest on January 19, 2016.

11. **BOARD CHAIR'S REPORT** – The Chairman waived giving a report this month.

12. **STANDING COMMITTEE REPORTS**

- A. Legislation and Rules Committee
- B. Home Inspector Rules and Standards Committee

Both meetings were cancelled this month.

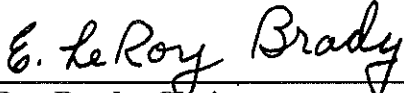
13. **BOARD MEMBER REPORTS ON OUTSIDE ACTIVITIES**

- A. ASBOG – Mr. Noel will be attending a meeting in Tucson in February 2016.
- B. CLARB – Nothing new to report.
- C. NCARB – Harry Falconer made a presentation to the Board.
- D. NCEES – Nothing new to report.


14. **FUTURE BOARD MEETINGS** – Tuesday, February 23, 2016

15. **SUGGESTED TOPICS FOR FUTURE MEETING AGENDAS.** – None suggested at this time.

16. **MEETING ADJOURNMENT** – 3:25PM



E. LeRoy Brady, Chairman



Melissa Cornelius, Executive Director

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Phoenix, AZ 85007

Tuesday, February 23, 2016
9:00 a.m.
OPEN SESSION

1. **CALL TO ORDER** – 9:08AM
2. **ROLL CALL** – Board Members in attendance: LeRoy Brady, Douglas Folk, Jason Foose, Neal Jones, Jason Madison, Edward Marley, Stephen Noel, and Robert Stanley. Absent: Alejandro Angel. Staff: Melissa Cornelius, Michelle Fleming, Douglas Parlin, Patrice Pritzl, and Michelle Johnson. Assistant Attorney General: Michael Raine.
3. **CALL TO THE PUBLIC** – No one addressed the Board.
4. **ADOPTION OF MINUTES**

Review, Consideration, and Possible Action on the following:

- A. Approve, modify and/or reject January 26, 2016 Board meeting minutes.
The members reviewed the minutes. Mr. Foose moved to approve the minutes. Mr. Noel seconded the motion. No further discussion; motion carried. Mr. Marley and Mr. Stanley abstained.
- B. Approve, modify and/or reject February 10, 2016 Telephonic Board meeting minutes.
The members reviewed the minutes. Mr. Noel moved to approve the minutes. Mr. Jones seconded the motion. No further discussion; motion carried. Mr. Marley and Mr. Madison abstained.

5. **CONSIDERATION OF CASES REFERRED FOR FORMAL HEARING**

- A. Consideration of Motion to Deem
 1. Case No. A13-012, Armando Collelmo, Non-Registrant
The Respondent, Armando Collelmo, appeared and was not represented by legal counsel. Assistant Attorney General, Michael Raine appeared on behalf of the State. Christopher Munns, AAG, appeared to provide legal advice to the Board.

Mr. Raine presented an argument to the Board in support of the State's Motion to Deem, which was filed on February 16, 2016.

Mr. Raine stated that the Board did not receive an official answer to the complaint,

Notice of Hearing within 30 days as required by law. The Board's statute requires that the Board deem the allegations in the Complaint and Notice of Hearing as admitted, if an answer is not filed in a timely manner. Mr. Raine asked the Board impose a civil penalty against the Respondent in the amount of \$2000 and costs of investigation. The Respondent responded in Spanish. Board staff, Lilianna Ruiz, interpreted for the Board. Respondent said he worked with registrant, Fred Benedict (PLA #26398). The Respondent argued that the statute of limitations should apply, since this case is 3 years old and stated that the proposed penalty was too high. The Respondent agreed that the translation from Spanish to English was accurate.

Mr. Raine argued that the Statute of Limitations argument the Respondent presented did not apply to this case.

Mr. Folk asked for the date the Board received this complaint and was told it was filed on May 9, 2012. The Respondent replied to the initial complaint with a letter. It was confirmed he retained an attorney until recently. The Respondent presented letters from his attorney and the land surveyor he worked for. Mr. Folk asked Mr. Munns whether the Board could excuse the Respondent's failure to respond timely. Mr. Munns advised that the Deem is required in the Board's statute, but "there is gray area" because the statute did not indicate that the answer couldn't be filed before the Complaint and Notice of Hearing was filed.

Mr. Folk spoke against the State's request to Deem Allegations admitted. Mr. Folk moved to deny the Motion to Deem. Mr. Marley seconded the motion. No further discussion; motion passed.

Mr. Raine argued that the Respondent's failure to answer was "pure neglect." He requested that if the Board denied the Motion to Deem, that it direct the Respondent to file a formal answer within in a specific time frame. The Respondent was directed to file a Formal Answer to the Complaint within 30 days of this date. The Respondent agreed to comply. The Board directed staff to set a hearing at a future date.

B. Reconsideration of Consent Agreement

1. Case No. P15-072, Victor Fontes, Non-Registrant

The Respondent, Victor Fontes, appeared and addressed the Board. The Respondent requested that the Board reconsider his signed consent agreement, which was finalized in 2015. The Respondent requested that the Board dismiss the case against him. He argued that improprieties had occurred in the investigative process. He argued that the EAC did not include a member of the public and the surveyors present were biased against him. The Respondent also claimed that he was denied the right to confront his accusers.

Board members questioned the Respondent. Mr. Fontes explained that he signed the consent agreement because he didn't read it and he made a mistake. Mr. Hunt, investigator, clarified certain issues the Respondent had raised and confirmed details of the consent agreement had been discussed with Mr. Fontes. Mr. Fontes stated he

understood the consent agreement and its terms. Mr. Foose moved to deny the reconsideration of the Respondent's signed consent agreement. Mr. Folk seconded the motion. No further discussion; motion carried.

6. ENFORCEMENT MATTERS

Review, Consideration and Possible Vote on the following:

A. Complaints Proposed for Resolution by Dismissal or Closure:

1. P16-043, John Bryan, Non-Registrant
2. HI16-011, Michael York, C.H.I. #38083

Mr. Madison moved to consent items 6A(1) and 6A(2) and dismiss the above referenced cases. Mr. Marley seconded the motion. No further discussion; motion carried.

B. Complaints Proposed for Resolution by Letters of Concern:

1. P16-030, John Trimble, P.E. (Civil) #02201(Retired 8/18/2010)

Mr. Kraemer, investigator, gave a synopsis of the complaint to the Board. Mr. Madison moved to issue a Letter of Concern to the Respondent because his license has been on retired status and he should not be practicing. Mr. Foose seconded the motion. No further discussion; motion carried.

2. HI16-007, Bernard Rubin, C.H.I. #38442

The Respondent, Bernard Rubin, appeared and addressed the Board. A Letter of Concern was recommended for reporting deficiencies regarding the water damage to the property. Mr. Madison moved to issue the recommended Letter of Concern. Mr. Foose seconded the motion. No further discussion; motion carried.

C. Complaints Proposed to Offer Consent Agreement:

1. P14-095, Bradley Graham, R.A. #15430

Mr. Marley disclosed involvement in reviewing the previous case involving the Respondent's possible aiding and abetting an unlicensed person, but declared he could judge this matter fairly and impartially. Mr. Foose moved to accept staff's recommendation to offer the proposed, modified consent agreement and if not signed within 30 days, refer to a formal hearing. Mr. Noel seconded the motion. No further discussion; motion carried.

2. P16-039, Zeyn Uzman, P.E. (Civil) #37789

The Board received a signed consent agreement from the Respondent. Mr. Madison moved to accept the signed consent agreement. Mr. Noel seconded the motion. No further discussion; motion carried.

3. P15-057, Shane Barnett, R.L.S. #50618

The Respondent, Shane Barnett, appeared and addressed the Board. The Respondent

requested that the proposed stayed suspension be shortened from 24 months to 12 months. Mr. Marley spoke in support of lowering the stayed suspension as it is tied to the payment period. Mr. Foose explained that the length of time (24 months) was required to complete the proper peer reviews. Mr. Raine explained what "stayed suspension" was to the Respondent. Mr. Madison mentioned that if the Respondent completed all the terms of the order, he could petition the Board for an early termination. Mr. Marley moved to offer the consent agreement with the modification of the stayed suspension/probationary period from 24 months to 12 months. Mr. Madison seconded the motion. No further discussion; motion carried.

4. P15-088, Bruce Small, R.L.S. #12122

Mr. Foose opened the discussion on this case. The EAC committee encouraged the allegor to reach out to the Respondent to address the corrective measures required. AZ Boundary Resolution item #7 requires the surveyors to try and resolve the complaints. The Respondent did not reach out to the allegor, another surveyor. Mr. Foose moved to send Respondent a Letter of Concern regarding item #7. Mr. Folk seconded the motion. It was noted that the Board received a signed consent agreement from the Respondent. Mr. Foose withdrew his motion and moved to accept the signed consent agreement. Mr. Stanley seconded the motion. No further discussion; motion carried. Mr. Madison voted nay.

5. P16-011, David Marsh, P.E. (Civil) #46538

The Respondent, David Marsh, appeared and addressed the Board. He agreed to take an ethics class but he did not agree to all the proposed terms in the offered agreement. The Board members reviewed the consent agreement. Mr. Marley moved to offer the proposed consent agreement without amendment to the Respondent. The matter will proceed to a formal hearing if not signed within 30 days. Mr. Foose seconded the motion. No further discussion; motion carried.

5. Complaints Proposed for Resolution with Signed Consent Agreements:

1. P16-029, Thomas Trimble, Non-Registrant (Registration Revoked)

The Board Staff recommended that the Board accept the signed consent agreement and directed the Assistant Attorney General, Mr. Raine to seek an injunction in Superior Court. It was noted that the Board could also refer this case to the Attorney General's office for criminal prosecution. Mr. Raine indicated that if Respondent violates an injunction, he can ask the Court for a variety of remedies. Mr. Madison moved to accept the signed consent, directed the AAG to seek an injunction and refer the matter for criminal prosecution. Board staff was directed to inform the Respondent in a letter that these actions will occur. Mr. Marley seconded the motion. No further discussion; motion carried.

Mr. Marley initially directed staff to open a case against Mr. Roberts, who signed Mr. Trimble's drawings, after they were rejected by local authorities.

2. AL16-003, Shadow Surveillance, LLC, Non-Registrant Firm
3. P16-036, James Lapuzza, R.L.S. #29879, Rio Rico Land Survey, P.L.L.C., Non-Registrant Firm

Mr. Madison moved to consent items 6D(2) and 6D(3) and accept the signed consent agreements. Mr. Marley seconded the motion. No further discussion; motion carried.

E. Complaints Requiring Board Guidance:

1. P15-085, David Montgomery, P.E. (Civil) #21549

Mr. Folk recused himself. The Respondent, David Montgomery, appeared and addressed the Board. The Board reviewed the signed consent agreement. Mr. Stanley moved to accept the signed consent agreement. Mr. Marley seconded the motion. No further discussion; motion carried.

F. Review, Consideration and Action on Respondent's Counter-Offer of Consent:

1. HI16-016, Fidelity Inspection & Consulting Services, Non-Registrant Firm

Staff noted that the Board offered the Respondent a consent agreement to resolve the above referenced complaint at its January 2016 meeting. The Respondent presented a counterproposal for the Board's consideration. Jim Ballenger, attorney, appeared on behalf of the Respondent. He stated that the Respondent doesn't conduct home inspections; they order inspections to be conducted by licensed CHIs. Fidelity Inspection provides relocation services for employees of large companies, and provides various services to accomplish these goals, including home inspections. The cover page of the report says "home inspection report" which is inaccurate but admittedly gives the Board jurisdiction even though Respondent wasn't conducting an actual home inspection. The Respondent will amend its report cover page to accurately reflect that they are ordering a home inspection by licensed CHIs and will avow that it will not conduct home inspections.

Mr. Warner, investigator, addressed the Board and indicated that all home inspections were published using the Respondent's letterhead. The Respondent's Attorney indicated that the form is a relocation industry promulgated property assessment form that might include a home inspection report. Mr. Raine provided comment, indicating that the proposed modifications to the consent cure the issues before the Board.

Mr. Folk expressed concerns with the actions addressed in the complaint. He stated that the licensed home inspector's report should be given to the consumer, not a synopsis of it provided by the Respondent. The Respondent's attorney responded that the corrected cover page should provide the necessary information and the actual home inspection report will be available to the public. Mr. Folk disputed that the report the Respondent provides to the public is not a lawful home inspection.

Board members discussed the issues and expressed concerns that the Respondent's proposed solution was not sufficient to meet requirements of Arizona law. Mr. Marley suggested referring the case back to board staff to work out the details and the concerns with the Respondent's coversheet. Mr. Folk spoke to increasing the civil penalty because the facts indicate that multiple violations have occurred. The Board offered that the consent agreement needs to provide more guidance to the Respondent regarding the

logos, the disclosures and an assurance of discontinuance. Mr. Parlin suggested that the firm become licensed in Arizona. Mr. Raine advised against the Board providing guidance to the Respondent. Mr. Folk moved that the Board send the case back to staff to negotiate a new consent agreement with the Respondent, to be presented at the next month's meeting. Mr. Marley seconded the motion. No further discussion; motion carried.

7. LICENSING MATTERS

Discussion, Consideration and Vote on the following:

Whether to Grant or Deny Registration:

- A. Blaker, Allen Home Inspector Application #151527

The Applicant, Allen Blaker, appeared and addressed the Board. Mr. Marley moved to continue until the March Board meeting, in order to receive and review documents from the Private Post-Secondary Board. Mr. Foose seconded the motion. No further discussion; motion carried.

Whether to Grant Requests for Extension of Licensing Time Frames:

- B. Aidoo, Frederick Architect Application #050789

Mr Marley moved to grant applicant an extension. Mr. Jones seconded the motion. No further discussion; motion carried.

- C. Khorsandi, Mehrzad Architect Application #021077

The Applicant, Mehrzad Khorsandi, appeared and addressed the Board. She requested an additional extension to take and pass the ARE. The Applicant passed one section of the ARE. The Applicant avowed that she was prepared to take and pass the remaining sections of the ARE. She requested an extension through the end of 2016. Mr. Marley moved to extend the application and exam authorization until December 31, 2016. The Board stressed to Ms. Khorsandi that no further extensions will be approved. Mr. Jones seconded the motion. No further discussion; motion carried.

Whether to Grant or Deny Authorization to take Exams:

- D. Almatari, Alaa Civil Engineer Application #152564

The Applicant, Alaa Almatari, appeared and addressed the Board. The Applicant did not provide references from registered engineers on his application. The Board evaluator recommended a full board review. The Applicant requested authorization to take the national exams. Mr. Madison asked for clarification regarding the FE waiver. Mr. Stanley recommended that the Board authorize the Applicant to take the PE. Mr. Stanley moved

to authorize Applicant to take the PE and waive the FE. Mr. Folk seconded the motion. No further discussion; motion carried. Mr. Madison opposed.

E. Dalbik, Raed Land Surveyor Application #152630

The Applicant, Raed Dalbik, appeared and addressed the Board. Mr. Brady disclosed that he knew the applicant but felt he could sit and judge the matter fairly and impartially. The Applicant is a registered civil engineer and has worked for ADOT for 9 years. It was explained that Mr. Dalbik has submitted two applications to sit for the PS exam. The first Board evaluator determined that he did not meet the qualifications in law, but a staff person had mistakenly approved him to sit for the exam. The second time he failed the exam. The Board's new evaluator determined that Mr. Dalbik needed an additional 36 months of surveying experience to qualify to sit for the exams. Mr. Foose told the Applicant that he needs additional experience in boundary surveying.

Mr. Foose moved to deny the authorization to take the professional exam. Mr. Stanley seconded the motion. No further discussion; motion passed.

F. Goudeau, Daniel Mining Engineer Application #152463

Mr. Madison moved to reopen this application and extend the application for testing. Mr. Noel seconded the motion. No further discussion; motion carried.

G. Henderson, Brent Land Surveyor Application #140123

Mr. Foose moved to reopen the application and authorize the applicant to continue testing until end of December 2016. Mr. Stanley seconded the motion. No further discussion; motion carried.

H. Spangler, Timothy Land Surveyor Application #152275

Mr. Foose moved to reopen the application and extend it so it can move to the Substantive Review process. Mr. Jones seconded the motion. No further discussion; motion carried.

Whether to Grant or Deny Registration after Full Board Review

I. Coleman, Shawn Civil Engineer Application #152375

Mr. Madison moved to grant registration to Mr. Coleman; Mr. Stanley seconded the motion. No further discussion; motion carried. Mr. Foose opposed.

J. Djordjevic, Dusan Chemical Engineer #151586

Mr. Madison indicated that this application had no professional engineer COES, but the qualifications of the applicant appeared to be satisfactory. Mr. Madison moved to grant the registration. Mr. Stanley seconded the motion. No further discussion; motion carried.

8. 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 – None this month.

B. 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. – None this month.

List available for public review upon request.

9. POLICY MATTERS

Review, Consideration, and Possible Action on the following:

A. Bills pending during the 2016 Legislative Session:

1. HB2613
2. SB1422 (Omnibus)
3. SB1256 (Deregulation of Assayers, et.al.)
4. SB1122 (Alarms)
5. SB1119 (Continuation)
6. HB2333 (retaining walls)

Ms. Cornelius explained the status of all of the bills noted on the agenda.

B. BTR's Social Media Policy

Ms. Cornelius informed the Board the Social Media Policy has been completed and a Facebook page established.

10. DIRECTOR'S REPORT

A. Budget Update

Ms. Cornelius stated with 57% of the budget year elapsed; the Board has spent 57% of its appropriation and 79% of its revenue.

B. Staff Update

Ms. Cornelius reported that Alicia Guerra will return to her position as Board Operations Manager after an extended absence on March 1, 2016.

C. Previous Meeting Follow-Up

ASET/ADOA approved the Boards PIJ on February 10, 2016. SPO awarded the RFP to GL

Solutions on February 22, 2016. Board staff will be in contact with the vendor as soon as possible. The Governor's proposed budget includes the Boards request for an \$800,000 increase in our appropriation to pay for the new system.

The Palo Verde Power Plant invited the Board to tour the facility on March 23, 2016.

D. Director's Meetings

Ms. Cornelius and Ms. Pritzl have met with legislators, legislative staff, and Governor's Office staff to discuss the pending bills that may impact the Board.

11. BOARD CHAIR'S REPORT – The Chairman waived giving a report this month.

12. STANDING COMMITTEE REPORTS

A. Legislation and Rules Committee

Question from the Committee – What an electronically signed seal looks like and what is acceptable? The Board will provide guidance on this matter.

B. Home Inspector Rules and Standards Committee – Nothing new to report.

13. BOARD MEMBER REPORTS ON OUTSIDE ACTIVITIES

A. ASBOG – Nothing new to report.

B. CLARB – Nothing new to report.


C. NCARB – Nothing new to report.

D. NCEES – Ms. Cornelius, Ms. Pritzl, Dr. Angel and Mr. Foose to attend the Western Zone meeting in Anchorage, Alaska in May 2016.

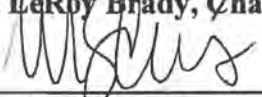
14. FUTURE BOARD MEETINGS – Tuesday, March 22, 2016

15. SUGGESTED TOPICS FOR FUTURE MEETING AGENDAS – Nothing suggested at this time.

16. MEETING ADJOURNMENT – 3:25PM



E. LeRoy Brady, Chairman



Melissa Cornelius, Executive Director

Minutes
ARIZONA STATE BOARD OF TECHNICAL REGISTRATION
1110 West Washington, Conference Room #240
Phoenix, AZ 85007

Wednesday, February 10, 2016
10:00 a.m.
OPEN SESSION

Title II of the Americans with Disabilities Act (ADA) prohibits the Board of Technical Registration from discriminating on the basis of disability in its public meetings. Persons with a disability may request a reasonable accommodation such as Aa sign language interpreter by contacting Travis Holbrook at (602) 364-4930. Requests should be made as early as possible to allow time to accommodate the request.

The Board may discuss, consider or take action on any item on the agenda. At the discretion of the Board, agenda items may be taken out of order.

All examination material, transcripts, educational records, reference forms and applications are confidential pursuant to A.R.S. § 32-129.

The Board may vote to go into executive session to receive legal advice from counsel on any agenda item, during the meeting, or specifically on agenda item 4 to review statutorily confidential materials or receive legal advice from counsel pursuant to A.R.S. §§ 38-431.03(A)(2) or (3).

1. CALL TO ORDER-10:05 a.m.

2. ROLL CALL

Board Chairman, LeRoy Brady and Jason Foose, appeared in person. Alejandro Angel, Robert Stanley, Neal Jones, and Douglas Folk appeared telephonically. Stephen Noel joined the meeting in person at 10:20 a.m.

3. CALL TO THE PUBLIC

Robert Burgheimer, AIA, spoke and asked the board to reconsider its neutral status on HB2333. Dr. Angel asked staff to dialog with him to explain its position.

4. LEGISLATION MATTERS

Review, Consideration, and Possible Action on the following:
A. Discussion of House Bill 2613

Greg Harris, the Board's lobbyist, explained the deregulatory bills being considered this session at the Legislature. HB2613 reflects the Governor's policy decision to reorganize the regulatory framework in Arizona.

Dr Angel offered that the Board should express its concerns about the bill to the Governor's office, and provide hard data regarding geologists and landscape architects to highlight how they protect the public.

Mr. Folk explained that he has concerns about the proposed deregulation. Mr. Foose stated that in order to receive public works money and federal highway money plans and projects need to be guided by registrants. LAs are important to highway projects and if deregulation occurs, it could result in more litigation to the State. Mr. Brady stated concerns about storm water designs and environmental issues that might occur if Landscape Architects are deregulated.

Mr. Harris explained the ideas he's heard from the Governor's office regarding how the Board might operate if it's moved to ADOA. HB2613 does not include any details regarding the intended reorganization of regulatory boards. Other agencies have already been moved and consolidated: Appraisal, Gaming/Racing, Weights and Measures.

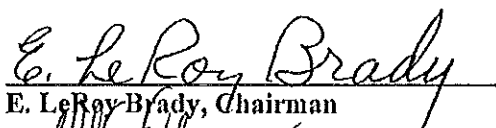
The Board heard comments from the following people: Galen Drake, PLA, on behalf of ASLA, Tina Litteral on behalf of AIA, and Barbara Murphy, RG.

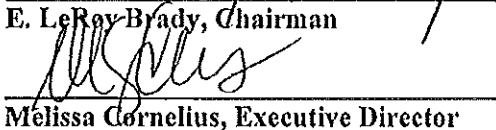
The Board directed staff to send emails to all registrants explaining the facts regarding the bill, attach the bill for review, and the email addresses of the legislators and Governor's Office representatives. The Board expressed serious concerns with provisions of the bill, and expressed desire to draft amendments to fix them.

Mr. Noel moved to oppose the bill, specifically the provisions that propose the deregulation of geologists and landscape architects and moving the Board under ADOA. Mr. Foose seconded the motion; motion carried unanimously. Dr. Angel asked staff to provide the members with weekly updates.

5. **FUTURE BOARD MEETINGS** – Tuesday, February 23, 2016

6. **MEETING ADJOURNMENT - 11:05 a.m.**


E. LeRoy Brady, Chairman


Melissa Cornelius, Executive Director

MINUTES
ARIZONA STATE BOARD OF TECHNICAL REGISTRATION
1110 West Washington, Conference Room #240
Phoenix, AZ 85007

Tuesday, March 22, 2016
9:00 a.m.
OPEN SESSION

1. **CALL TO ORDER** – 9:08 AM
2. **ROLL CALL** – Board Members in attendance: LeRoy Brady, Douglas Folk, Jason Foose, Neal Jones, Jason Madison, Edward Marley, Stephen Noel and Robert Stanley. Absent: Alejandro Angel. Staff: Melissa Cornelius, Michelle Fleming, Douglas Parlin, Patrice Pritzl, and Travis Holbrook. Assistant Attorney General: Michael Raine.
3. **CALL TO THE PUBLIC** – No one addressed the Board.
4. **ADOPTION OF MINUTES**

Review, Consideration, and Possible Action on the following:

- A. Approve, modify and/or reject February 23, 2016 Board meeting minutes. – The members reviewed the minutes. Mr. Folk moved to approve the minutes. Mr. Madison seconded the motion. No further discussion; motion carried.

5. **CONSIDERATION OF CASES REFERRED FOR FORMAL HEARING**

- A. Case No. P14-070, Gregory E. Schwerdt, Architect #29731
Mr. Brady opened the hearing. The Respondent was not present and was not represented by legal counsel. Mr. Michael Raine, Assistant Attorney General, appeared on behalf of the State. Mr. Mark Harris, Assistant Attorney General, appeared to provide legal advice to the Board. All Board Members, with the exception of Dr. Alejandro Angel, were present to hear and weigh the evidence presented in the formal hearing. The Board considered Respondent's attorney's (who is licensed in Kansas) letter to the Board for consideration as a possible response to the Complaint and Notice of Hearing. The Respondent was served notice of the hearing in January 2016. His attorney responded formally in March 2016. Mr. Raine argued that the hearing could proceed without the Respondent being present, without prejudice.

Mr. Raine presented a brief opening statement. The Respondent failed to disclose a criminal conviction, by checking "no" on his renewal application. The Respondent's conviction was reversed on appeal and was subsequently dismissed.

The State called Mr. Parlin, the Board's Enforcement Manager, to provide testimony. The Chairman, Mr. Brady, swore in Mr. Parlin. Mr. Parlin identified the State's exhibits, including Respondent's renewal application, which was received in November 2013. Mr. Parlin noted that Respondent checked the box on the application referring to criminal convictions as "no." He testified that the board staff checks the Lexis/Nexis data base to confirm all applicants' responses and determined that Respondent had been convicted of a crime and it appeared that his answer on the renewal application was false. The staff then reached out to the Respondent to determine why he failed to disclose the conviction. The Respondent sent the Board a response letter with court records demonstrating a DUI conviction in Kansas. The Respondent's attorney indicated in a letter to the Board that under Kansas law the conviction isn't final until all appeal rights have been exhausted - which was the reason Respondent answered "no" to the Board's question on the renewal application. Respondent's appeal of his DUI conviction was successful; his conviction was reversed, and criminal charges were dismissed.

The Board admitted the State's exhibits one through four. Mr. Parlin explained that Respondent should have checked the box on the renewal application as "yes" and should have explained the situation involving his DUI conviction. His "no" answer was considered misleading.

Mr. Folk asked Mr. Parlin whether the Board staff's correspondence from Respondent was answered. Mr. Parlin indicated that staff sent correspondence to Respondent and his attorney and that it was not included in the State's exhibits. Mr. Parlin clarified that Respondent had only one DUI conviction. Mr. Folk asked whether Mr. Parlin learned if Respondent had received legal advice prior to answering the application question as "no." He observed from the record the Respondent did not appear to seek legal counsel until after a complaint was opened.

In closing argument, Mr. Raine argued that Respondent had the responsibility to disclose his DUI conviction truthfully on his renewal application, as required by Arizona law. He asked that the Board impose some form of discipline on Respondent to prevent other registrants from failing to disclose information to the Board that might be critical in the future.

Mr. Marley moved to adopt all Factual Allegations in the Complaint as Findings of Fact. Mr. Folk seconded the motion. No further discussion; motion carried. Mr. Folk moved to adopt as Conclusions of Law those Violations alleged in the Complaint and Notice of Hearing. Mr. Marley seconded the motion. No further discussion; motion carried. The Board discussed a final Order. Mr. Folk noted that Respondent's argument regarding Kansas law was not persuasive and moved to impose a Letter of Reprimand on Respondent, along with costs of the investigation and an administrative penalty of \$150.00. Mr. Madison seconded the motion. No further discussion; motion carried.

- B. Case No. P14-073, David Joseph Buttke, Architect #23461
Roll call was taken for this hearing. Board members in attendance were: LeRoy Brady,

Douglas Folk, Jason Foose, Neal Jones, Jason Madison, Edward Marley, Stephen Noel and Robert Stanley. Absent: Alejandro Angel.

Respondent, David Buttke, appeared and represented himself. The State was represented by Mr. Michael Raine, Assistant Attorney General, and Mr. Mark Harris, Assistant Attorney General, appeared to provide independent legal advice to the Board.

Mr. Raine presented a brief opening statement. Respondent checked “yes” on his renewal application, indicating that he had been convicted of a crime in 2014, since his last renewal, and he described the convictions (DUI and attempted unlawful flight-which was a C6F). The Respondent served his criminal probation successfully and his Class 6 felony was redesignated as a misdemeanor.

Respondent presented a brief opening statement and stated that Mr. Raine’s statement was accurate.

The State called Respondent as its first witness. The Chairman, Mr. Brady, swore him in. Respondent has been a registered architect since 1989 and practices in Prescott. Respondent identified the State’s exhibits 1-his renewal application and 2-a letter dated March 28, 2014, which he sent to the Board after staff inquired about the convictions. Respondent admitted to being convicted of misdemeanor DUI and Attempted Unlawful Flight, a class 6 undesignated felony, in January 2014, and was sentenced to probation. He confirmed Exhibit 3-Respondent’s email response to Mr. Raine indicating all his minor crimes were resolved/disposed after he completed all the conditions of his probation. The Chair admitted Exhibits 1-3, with redaction of personal identifying information.

Mr. Folk asked Respondent whether his convictions were related to his practice as an architect. Respondent answered that the convictions were indirectly related to his practice because they illustrated a moment of bad judgment.

Respondent indicated that he was open to questions from the Board members. He reiterated that he completed criminal probation.

Mr. Raine presented a closing argument. He stated that the case did not proceed to hearing timely, which is why Respondent was able to complete probation while the case was pending prosecution by the AG’s Office. Respondent asked for “mercy” from the Board.

Mr. Folk moved to adopt the Factual Allegations in the Complaint and Notice of Hearing and add an additional Finding of Fact that the criminal convictions did not relate to the Respondent’s practice as an architect. Mr. Folk moved to find that the State failed to carry its burden of proof to establish that violations of law occurred. Mr. Marley seconded the motion. No further discussion; motion carried. Mr. Harris advised that the Board’s order should be non-disciplinary. Mr. Folk moved to dismiss the complaint; Mr.

Stanley seconded the motion. No further discussion; motion carried.

6. ENFORCEMENT MATTERS

Review, Consideration and Possible Vote on the following:

A. Complaints Proposed for Resolution by Dismissal or Closure:

1. P16-033, Manuel Flores, Non-Registrant

Board Staff recommended the dismissal of this complaint against Respondent. Mr. Folk questioned whether he was practicing outside of the size exemption, and Mr. Marley noted that the exemption wouldn't apply because this was a public works project. Mr. Brady noted that the property is privately owned, but the building was intended to be used for a public purpose. The Board reviewed ARS 142(A); which requires a registrant to prepare plans for public works projects.

Mr. Kraemer explained that Mr. Flores told him that he did not prepare any plans. He noted that Mr. Flores is not a registered contractor.

Mr. Marley expressed a desire to see additional information. Mr. Folk referred to the letter Respondent's attorney sent to the Board as evidence that he was practicing without registration. Mr. Folk moved to offer Respondent a consent agreement for an assurance of discontinuance, administrative penalty fee of \$1000 and the costs of investigation. Mr. Marley seconded the motion. No further discussion; motion carried.

B. Complaints Proposed for Resolution by Letters of Concern:

1. P15-089, Martin Sandino, R.A #59457

The Respondent, Martin Sandino, appeared and addressed the Board. The Complaint alleged that Respondent held himself out as qualified and licensed to practice architecture without being registered at the time of the project in question. Respondent told the Board that he had an "agreement" with the Board to call himself an "arquitecto" in Arizona for the past 20 years as long as he disclosed that he wasn't registered in AZ. Mr. Thacker informed the Board that Respondent was registered in Mexico.

Mr. Stanley moved to issue Respondent a Letter of Concern. Mr. Madison seconded the motion. No further discussion; motion carried

2. HI16-017, John Erceg, C.H.I. #50352

3. HI15-007, Kurtis Nelson, C.H.I. #38457

Mr. Marley moved to consent items 6B(1) and 6B(2), and to issue proposed Letters of Concern. Mr. Madison seconded the motion. No further discussion; motion passed.

4. P16-038, Michael Murphee-Roberts, P.E. (Civil) #52186

Respondent, Michael Murphee-Roberts appeared and addressed the Board. The Board opened a complaint against Respondent for failure to exercise the required technical knowledge and skill by preparing and sealing a home foundation inspection report that

may have failed to include required HUD information. Staff recommended a Letter of Concern for failing to include required HUD information in the report.

Mr. Noel asked Respondent about the HUD requirements and why they weren't in the report. Respondent explained that HUD instructed that inspections do not require details for the type of property involved in this complaint. Mr. Folk asked who hired Respondent. Respondent stated he was hired by the lender.

Mr. Foose moved to dismiss the case. Mr. Madison seconded the motion. No further discussion; motion carried.

C. Complaints Proposed to Offer Consent Agreement:

1. P15-032, Raad Salih, P.E. (Civil) #34016

Respondent, Raad Salih, appeared and addressed the Board. The Board and Respondent had previously entered into several consent agreements with payment requirements. Respondent requested a payment plan, to be completed within 24 months, rather than 12 months. Staff proposed an alternate consent agreement that would accommodate Respondent's request. Staff noted that Respondent has been cooperative. Mr. Marley moved to offer Respondent the newly proposed consent agreement. Mr. Foose seconded the motion. No further discussion; motion carried.

2. HI16-016, Fidelity Inspection & Consulting Services, Non-Registrant Firm

Mr. Jim Ballenger, appeared and addressed the Board on behalf of the unregistered firm. Staff recommended that the Board offer Respondent a consent agreement including civil penalties in the amount of \$4000, costs of investigation in the amount of \$600, an assurance of discontinuance to include on agreement to provide the full home inspection reports with its review. Mr. Ballenger explained that the Firm provides relocation services and hires licensed CHIs to conduct the home inspections. The Firm wants to figure out how to provide the information to clients, respecting that it cannot hold itself out as a home inspection firm, and asked that a portion of the consent regarding the provision of the home inspection report be removed from the offered consent.

The Board dialoged with Mr. Ballenger about his concerns with the portion of the proposed consent agreement's assurance of discontinuance requiring that his firm attach the entire inspection report with its relocation report.

Mr. Marley moved to table the case until the May 2016 Board meeting. Mr. Folk seconded the motion. No further discussion; motion carried.

3. HI15-021, Travis Russell, Non-Registrant (Revoked C.H.I.)

Mr. Stanley moved to offer the proposed consent agreement. The matter will proceed to formal hearing if not signed within 30 day. Mr. Madison seconded the motion. No further discussion; motion carried.

4. P16-044, Raul C. Pino, R.A. #18234

George King, attorney for Respondent Raul Pino, appeared and addressed the Board. The complaint alleged that Respondent failed to pay a collaborating professional within 7 days of receiving payment. Mr. Pino filed bankruptcy in 2015 and the alleged non-payment was included in the filing documents. Mr. King explained that the complaint was only filed after the complainant learned that Respondent had filed bankruptcy and named him a creditor. He asked that the Board dismiss the complaint.

Mr. Marley commented that good moral character of the Board's registrants is a greater concern to him than the bankruptcy filing. He stated that he wouldn't support dismissing this case. Mr. Noel agreed. Mr. Marley supported the idea of amending the proposed consent agreement to include a conclusion of law regarding his violation of the Board's requirement that registrants possess good moral character and repute. It was noted that the firm's registration expired in 2011.

Mr. Foose moved to offer Respondent a consent agreement addressing good moral character issues as per ARS 128(C)(5). Mr. Marley seconded the motion. Mr. Madison supported including an administrative penalty and cost of investigations in the consent agreement. The motion was withdrawn.

Mr. Marley moved to table this case to receive legal advice from Mr. Raine at its April meeting regarding its options. Mr. Stanley seconded the motion. No further discussion; motion carried.

D. Complaints Proposed for Resolution with Signed Consent Agreements:

1. P15-020, David Ashton, P.E. (Civil) #16225
2. HI16-015, Steven Anderson, C.H.I. #51896

The Board received a signed consent agreement from Respondent. Mr. Stanley moved to accept the signed consent agreement. Mr. Madison seconded the motion. No further discussion; motion carried.

3. AL16-006, James P. Godfrey, Non-Registrant, JPG Security Consulting, LLC, Non-Registrant Alarm Business
4. AL16-007, Vincent Winget, Alarm Controlling Person #56641

Mr. Madison moved to consent items 6D(3) and 6D(4); to accept the signed consent agreements. Mr. Marley seconded the motion. No further discussion; motion carried.

5. P16-028, Timothy Gaudette, R.L.S. #45721

The Board received a signed consent agreement from Respondent. Mr. Foose moved to accept the signed consent agreement. Mr. Stanley seconded the motion. No further discussion; motion carried.

E. Review and Approval of Appointment for EAC Membership:

1. Patrick McGarrity, R.L.S. #49459
2. Spencer Ellingson, P.E. (Civil) #51459

Mr. Madison moved to approve Mr. McGarrity and Mr. Ellingson for EAC membership. Mr. Foose seconded the motion. No further discussion; motion carried.

7. LICENSING MATTERS

Discussion, Consideration and Vote on the following:

Whether to Grant or Deny Registration after Full Board Review:

- A. Blaker, Allen Home Inspector Application #151527
Applicant, Allen Blaker, appeared and addressed the Board. Staff recommended denying him certification for lack of good moral character. Applicant explained that he discussed his license issues with the Private Post -Secondary Education Board. He claimed there was no wrong doing on his part or on the part of his school. He explained that he was a home inspector for 31 years and had never had a complaint filed against him. He asked the Board to consider the time he spent on EACs for board investigations.

Mr. Noel asked about the Private Post-Secondary Education Board and inquired of the Applicant about the status of his prior school. Mr. Noel asked how he lost his license at Private-Post Secondary. Mr. Blaker stated he failed to pay this Board's renewal fee of his CHI license and the Board cancelled it. The Board questioned the validity of the education certificate that Mr. Blaker provided when asked by staff to provide proof of completion of the education requirement for certification.

Mr. Madison moved to grant registration. Mr. Folk seconded the motion. No further discussion; motion carried.

- B. Dreyer, John Mechanical Engineer Application #160204
Mr. Madison agreed with the evaluator's recommendation that the supervisors that provided COEs were not qualified to opine about the Applicant's mechanical engineering qualifications for registration. Mr. Madison moved to close the application until the Applicant can obtain qualified COEs attesting to his skill and abilities to practice as a mechanical engineer. Mr. Marley seconded the motion. No further discussion; motion carried. Staff clarified that the application was incomplete.
- C. Saenz, Joseph Mechanical Engineer Application #160009
Mr. Madison stated that the supervisors that provided COEs fall under the industrial exemption and are qualified to opine about the Applicant's skill and abilities. He moved to grant registration. Mr. Stanley seconded the motion. No further discussion; motion carried

Whether to Grant or Deny Request for Extension of Licensing Time Frames

- D. Freeman, Jacob Alarm Agent Application #151429

Ms. Fleming explained that Applicant was arrested in California but no disposition was recorded. The Applicant failed to disclose this arrest on his application. Mr. Stanley moved to approve an extension of the application timeframes for 60 days to receive necessary documents. Mr. Madison seconded the motion. No further discussion; motion carried.

8. 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;

B. 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.

There were no cancellations or list, submitted to the Board for review this month.

9. POLICY MATTERS

Review, Consideration, and Possible Action on the following:

A. ASU's Diagram and Request for Support of its Submission to NCARB for Consideration and Acceptance into the Integrated Path to Licensure.

The Board discussed NCARB's Integrated Path to Licensure and ASU's proposed submission to NCARB for approval. The Board requested a more detailed submission from ASU.

B. Update on CLARB's Model Board Pilot Program from Veronica Meadows, CLARB's Senior Director of Member Engagement and Strategic Governance.

Veronica Meadows was unable to meet with the Board and will reschedule at a later date.

C. Legislative Update.

Ms. Cornelius reported that House bill 2613 proposes to make registration for geologists voluntary. There may be a sponsor who will amend the bill to remove the geologists from the bill. The bill has already been amended to push up the time frame for the cost benefit analysis. Once the cost benefit analysis has been completed, there should be enough time to empanel a legislative study committee to look at the pros and cons of moving this Board over to DOA, if necessary.

10. DIRECTOR'S REPORT

A. Budget Update

Ms. Cornelius stated with 67% of the budget year elapsed; the Board has spent 60% of its appropriation and 70% of its revenue.

B. Staff Update

Ms. Cornelius reported that Carly Broadbent had been hired for the front desk position.

C. Previous Meeting Follow-Up

The Staff met with vendor – GL Solutions on March 7, 2016. The Board is very excited to work with them in building a new computer system.

D. Director's Meetings

Ms. Cornelius and Ms. Pritzl continue to meet with legislators and policy makers to get the Board's four bills assigned to committees.

11. BOARD CHAIR'S REPORT – The Chairman waived giving a report this month.

12. STANDING COMMITTEE REPORTS

A. Legislation and Rules Committee – Nothing new to report.

B. Home Inspector Rules and Standards Committee – There is a meeting scheduled for Tuesday, March 29.

13. BOARD MEMBER REPORTS ON OUTSIDE ACTIVITIES

A. ASBOG – The Board has been in contact with ASBOG regarding the possible deregulation of geologists and the impact that action may have on the Board's candidates' accessibility to the exams. ASBOG's director has indicated that as long as the Board requests access to the exams, they will continue to provide them to our candidates.

B. CLARB – Nothing new to report.

C. NCARB – NCARB entered into a Mutual Recognition Agreement with Australia and New Zealand. Ms. Cornelius, Ms. Pritzl, Mr. Brady, and Mr. Marley attended the Regional Conference in Savannah. Ms. Cornelius will be attending a meeting of Ethics Task Force in Minnesota on March 31 – April 2, 2016.

D. NCEES – Ms. Pritzl, Mr. Madison, and Dr. Angel will be attending the Zone meeting in Alaska on May 19 – May 21, 2016. The NCEES Annual meeting will be held in Indianapolis, IN in August, 2016.

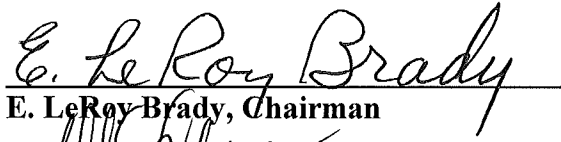
14. FUTURE BOARD MEETINGS – Tuesday, April 26, 2016

15. SUGGESTED TOPICS FOR FUTURE MEETING AGENDAS.

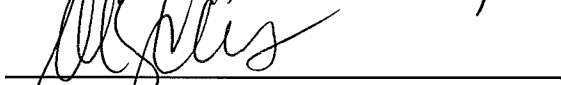
- Mr. Madison would like to meet to discuss the EAC pool with Board staff.

- Discussion regarding cases heard before the ALJ vs. the Board

16. MEETING ADJOURNMENT – 1:13PM



E. LeRoy Brady, Chairman



Melissa Cornelius, Executive Director

Meeting Minutes
ARIZONA STATE BOARD OF TECHNICAL REGISTRATION
1110 West Washington, Conference Room #240
Phoenix, AZ 85007

Tuesday, April 26, 2016
9:00 a.m.
OPEN SESSION

1. **CALL TO ORDER** – Meeting called at 9:03AM
2. **ROLL CALL** – Board Members in attendance: Alejandro Angel, LeRoy Brady, Douglas Folk, Neal Jones, Jason Madison, Edward Marley, and Stephen Noel. Absent: Robert Stanley. Staff: Melissa Cornelius, Michelle Fleming, Douglas Parlin, Patrice Pritzl, and Michelle Johnson. Assistant Attorney General: Michael Raine.
3. **CALL TO THE PUBLIC** – No one addressed the Board during the call to the public.
4. **ADOPTION OF MINUTES**

Review, Consideration, and Possible Action on the following:

- A. Approve, modify and/or reject March 22, 2016 Board meeting minutes.
The members reviewed the minutes. Mr. Marley moved to approve the minutes. Mr. Noel seconded the motion. No further discussion; motion carried. Dr. Angel abstained.

5. **CONSIDERATION OF CASES REFERRED FOR FORMAL HEARING**

- A. Consideration of Motion to Deem
 1. Case Nos. P14-052, P15-004, P15-021, Teodorico Gutierrez, P.E. (Civil) #17984

Mr. Brady opened the hearing. Respondent was not present and was not represented by legal counsel. The State was represented by Mr. Michael Raine, Assistant Attorney General, and Mr. Mark Harris, Assistant Attorney General, appeared to provide independent legal advice to the Board.

All Board Members, with the exception of Mr. Douglas Folk, who recused himself, and Mr. Robert Stanley, who was absent, were present to hear and weigh the evidence presented in the formal hearing.

The Board properly served Respondent with the Complaint and Notice of Hearing at Respondent's last known address of record. Respondent failed to respond. Mr. Raine asked the

Board to deem the Complaint's allegations as admitted and enter the conclusions of law. Mr. Raine asked the Board to revoke Respondent's registration because he had been non-compliant with previous Board orders addressing his lack of technical skill and competence. Dr. Angel asked Mr. Raine if the complaint was sent to Respondent's other addresses. There were attempts made to contact Respondent via email. Mr. Douglas Kraemer told the Board that he tried to contact Respondent personally and learned he was working in the Philippines. Mr. Marley moved to deem the Complaint's allegations as admitted. Dr. Angel seconded the motion. No further discussion; motion carried. Dr. Angel moved to adopt the Alleged Violations as Conclusions of Law; Mr. Marley seconded the motion. No further discussion; motion carried. Mr. Marley moved to revoke Respondent's registration. Dr. Angel seconded the motion. No further discussion; motion carried. The Board directed staff to notify the firm that had previously employed Respondent with the results of the meeting's outcome.

B. Formal Administrative Hearing

1. Case No. A13-012. Armando Collelmo, Nonregistrant

Mr. Brady opened the hearing. Roll call was taken. Board members in attendance were: Alejandro Angel, LeRoy Brady, Douglas Folk, Neal Jones, Jason Madison, Edward Marley, and Stephen Noel. Absent: Robert Stanley.

Respondent, Mr. Armando Collelmo, was present and represented himself. The State was represented by Mr. Michael Raine, Assistant Attorney General, and Mr. Mark Harris, Assistant Attorney General, appeared to provide independent legal advice to the Board.

The Board provided Respondent with a Spanish interpreter. Mr. Brady informed Respondent of his legal rights and explained the hearing process to him.

The Board's complaint against Respondent alleged that he practiced land surveying without proper Board registration. Respondent alleged that he was contracted by a Board licensee to perform the work at issue. He further alleged that he worked with a contractor, Fred Benedict, under his supervision. There was no written contract for the work he did. He alleged that he worked as a liaison on the project.

Mr. Parlin testified that he determined that Respondent wasn't registered with the Board but that he did hold a septic license of some sort with the Registrar of Contractors. Mr. Parlin identified the State's exhibits for the Board. He discussed the initial complaint sent to the Board. The Board admitted the State's exhibits with no objections from Respondent. Respondent cross-examined Mr. Parlin. Mr. Folk asked Respondent whether he was working on the construction of the house at issue. Respondent answered "no."

Respondent called Mr. Fred Benedict to testify on his behalf. Mr. Brady swore in Mr. Benedict, Respondent, and the interpreter, Mr. Renee Ramirez. Respondent explained that he has known Mr. Benedict for over 25 years and that he has helped him on various projects over that time in Rio Rico and Nogales. Respondent explained that he was the "contact" on the job and he in turn recommended Mr. Benedict for it. Mr. Raine cross

examined Respondent and Board Members questioned Respondent. Respondent explained Mr. Benedict testified that he has known the Respondent for years and there was no attempt to defraud anyone in this case. Dr. Angel asked if Mr. Benedict had a registered firm. Mr. Benedict responded that he did not know if he had a firm registration. He stated that he just uses his name and his license to practice. Respondent testified that he believe the complaint was a misinterpretation. He asked the Board to consider his response. Both parties provided closing arguments. Mr. Raine argued the relationship between the State's evidence and asked the Board to find violations of A.R.S. 32-106.02. He also asked that the Board impose civil penalties upon Respondent. Respondent explained that he understood there are rules, but he worked with Mr. Benedict under his supervision even though he does not have a firm. He understood the State's position but did not want to be fined.

The Board discussed the case. Mr. Foose explained that he thought Mr. Benedict provided enough guidance on the construction of this house. Mr. Foose moved to dismiss the case against Respondent. Mr. Folk seconded the motion. During discussion of the motion, Dr. Angel expressed concerns that Mr. Benedict did not set the corners. Respondent did the work setting the corners of the house. Mr. Folk explained that he wasn't troubled by what happened in this case because there wasn't any advertising to solicit work as a registered surveyor. The arrangement wasn't as formal as it might be in Phoenix but it didn't appear to be unauthorized practice. Respondent was not advertising because the community knows they can use the Respondent. The question was called and a roll call vote was taken. The Motion passed with Mr. Brady, Mr. Folk, Mr. Jones, Mr. Foose, Mr. Madsion, and Mr. Noel voting yea and Dr. Angel and Mr. Marley voting nay. The case was dismissed.

The Board directed staff to reach out to Mr. Benedict and request for him to register his firm.

6. ENFORCEMENT MATTERS

Review, Consideration and Possible Vote on the following:

A. Complaints Proposed for Resolution by Dismissal or Closure:

1. HI15-035, Douglas Zumach, C.H.I. #48113

The Complainant appeared and addressed the Board. Mr. Thacker explained that the Board assessments determined that Respondent's Report met all Board standards. Dr. Angel explained that he did not think there was any significant damage to anyone, and he didn't think there was a reason to discipline the registrant. The Complainant disagreed and explained that he had to pay for another home inspection. Dr. Angel moved to dismiss the case. Mr. Marley seconded the motion. No further discussion; motion carried.

2. P16-054, David Cox, Non-Registrant
3. DL16-001, Drug Lab at 7958 W. Hazelwood St., Phoenix, AZ
4. DL16-002, Drug Lab at 8431 W. Flower St., Phoenix, AZ
5. HI16-021, Edward Fifer, C.H.I. #38566

Mr. Marley moved to consent and dismiss items 6(A)2 – 6(A)5 and dismiss them. Mr. Madison seconded the motion. No further discussion; motion carried.

B. Complaints Proposed for Resolution by Letters of Concern:

1. P16-037, Todd Heroldt, P.E. (Structural) #54022

Respondent, Todd Heroldt, appeared and addressed the Board. Board staff recommended that the Board issue a Letter of Concern for a minor calculation error on a 30 foot long industrial gate and allowing the firm registration to expire. The Complainant, Kathy Donaldson appeared and addressed the Board. She stated she'd incurred extended litigation costs related to Respondent's report. Mr. Madison reviewed the case and explained that the assessments were similar and no recommendations for an EAC were made. He expressed concern about the firm registration being expired for 10 years. Mr. Madison stated that the simple math error, the miscalculation that was noted, did not affect the findings. Mr. Madison moved to offer Respondent a consent agreement regarding the lapse of firm registration, administrative penalty fee in the amount of \$500, costs of investigation, and issue a Letter of Concern regarding the math error. The matter will proceed to a formal hearing if not signed within 30 days. Mr. Marley seconded the motion. No further discussion; motion passed.

C. Complaints Proposed to Offer Consent Agreement:

1. P16-056, Jerry Atwood, R.A. #08025

The complaint against Respondent alleges that he failed to report a DUI misdemeanor conviction on his license renewal application. Respondent, Jerry Atwood, appeared and addressed the Board. His attorney, Flynn Carey, was also present. Respondent admitted that he did not pay careful attention to the questions on the license renewal form. Respondent's conviction was set aside, demonstrating his intent to be law abiding. The Assistant Attorney General requested that the Board to resolve this case with a Letter of Concern. The Board members dialoged with Respondent. Dr. Angel moved to offer Respondent a consent agreement in the amount of \$150 for administrative penalty fee and costs of investigation. The matter will proceed to a formal hearing if not signed within 30 days. Mr. Folk seconded the motion. Mr. Madison opposed. No further discussion; motion carried.

2. P15-013, David G. Laredo, P.E. (Civil) #40063

Respondent, Mr. David Laredo, appeared and addressed the Board. The complaint against Respondent alleged that he failed to comply with the Pima County flood control requirements and failed to apply the required technical knowledge and skill to properly complete the encroachment analysis for a berm. He explained that he had difficulties using the Flow 2D software, and the data from Pima County would not "run." The Board discussed the case and dialoged with Respondent. Dr. Angel moved to offer Respondent a consent agreement with an administrative penalty in the amount of \$500 and add a continuing education requirement (8 Hours) on flood control ordinances/requirements and/or Flow 2D software. Mr. Folk seconded the motion. No further discussion; motion carried.

3. AL16-004, Todd Johnson, Alarm Controlling Person #56651 and Capital Connect, Inc., Alarm Business #18428

Mr. Marley moved to offer the proposed consent agreement. The matter will proceed to a formal hearing if not signed within 30 days. Mr. Folk seconded the motion. No further discussion; motion carried.

4. P15-071, Jeremy Walterscheid, P.E. (Civil) #52021

Mr. Folk recused himself on item 6(C)4. Mr. Madison moved to consent and accept the signed consent agreements from Respondents on items 6(C)4 and 6(D)4. Mr. Foose seconded the motion. No further discussion; motion carried.

D. Complaints Proposed for Resolution with Signed Consent Agreements:

1. HI15-037, Mark Craig, C.H.I. #50421

Respondent, Mark Craig, appeared and addressed the Board. Mr. Marley moved to accept the signed consent agreement. Mr. Noel seconded the motion. No further discussion; motion carried.

2. P16-050, Eddie Strong Jr., Non-Registrant and Strong Kennedy Architects, Non-Registrant Firm

Respondent, Eddie Strong Jr., appeared and addressed the Board. Mr. Marley moved to accept the signed consent agreement. Mr. Foose seconded the motion. No further discussion; motion carried.

3. P16-049, Glenn Kennedy, R.A. #24664 and Glenn Kennedy Architect, Non-Registrant Firm

Respondent, Glenn Kennedy, appeared and addressed the Board. Mr. Marley disclosed that he brought the complaint to investigation but felt he could be fair and impartial in deciding the case. The Board dialoged with investigative staff. Respondent said he wasn't aware of firm registration requirement. Mr. Marley moved to accept the signed consent agreement. Mr. Foose seconded the motion. No further discussion; motion carried.

4. P16-006, Mark Bowker, Non-Registrant and Pixolux Laboratory, LLC, Non-Registrant Firm

Mr. Marley moved to accept the signed consent agreement. Mr. Jones seconded the motion. No further discussion; motion carried.

5. HI15-028, Adam Tidwell, Non-Registrant (C.H.I. #55259, Revoked 12/18/15) and

TruHome Inspections, LLC, Frim Registration #19227

Mr. Marley moved to offer the proposed consent agreement on items 6(D)5 and 6(D)7. The matter will proceed to a formal hearing if not signed within 30 days. Mr. Foose seconded the motion. No further discussion; motion carried.

6. AL16-005, Marc Dunham, Non-Registrant

Dr. Angel expressed concerns about statements Respondent made during the investigation and spoke against the proposed consent agreement. Dr. Angel moved to revise the consent agreement to increase the penalty to \$2500. Mr. Marley seconded the motion. After some discussion, the motion was withdrawn. Dr. Angel moved to accept the consent agreement and send the employer a letter explaining that Respondent was denied registration. Mr. Marley seconded the motion. No further discussion; motion carried.

7. AL16-009, Arcom Security, Inc., Non-Registrant Alarm Business

Mr. Marley moved to offer the proposed consent agreement on items 6(D)5 and 6(D)7. The matter will proceed to a formal hearing if not signed within 30 days. Mr. Foose seconded the motion. No further discussion; motion carried.

E. Complaints Requiring Board Guidance:

1. P16-044, Raul C. Pino, R.A. #18234

The Board dialoged with Mr. Raine regarding the bankruptcy laws and how it might apply to this case. The Board discussed how to proceed with this case and resolve it. Mr. Madison moved to offer Respondent a consent agreement for a Letter of Reprimand, CE in professional ethics (8 hours, to be approved by staff-with verification,) stayed suspension for 6 months to be lifted when the training has been completed or upon successful completion of the ordered requirements. The matter will proceed to a form hearing if not signed within 30 days. Mr. Marley seconded the motion. No further discussion; motion carried.

F. Review, Consideration and Action on Respondent's Counter-Offer of Consent:

1. P14-095, Bradley H. Graham, R.A. #15430

The Board dialoged about the case. Dr. Angel moved to reject the offered counteroffer, and proceed to a formal hearing. Mr. Madison seconded the motion. No further discussion; motion carried.

G. Review and Approval of Appointment for EAC Membership:

1. Bryck Guibor, C.H.I. #38101

Mr. Madison moved to approve Mr. Guibor for EAC membership. Mr. Noel seconded the motion. No further discussion; motion carried.

7. LICENSING MATTERS

Discussion, Consideration and Vote on the following:

Whether to Grant or Deny Request for Extension of Licensing Time Frames:

A. Dorame, Julieta Architect Application #101108
Mr. Marley moved to deny the request, stating applicant can reapply. Mr. Foose seconded the motion. No further discussion; motion carried.

8. 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. Marley moved to cancel the registrations and certifications that have been expired for one full renewal period. Dr. Angel seconded the motion. No further discussion; motion carried.

B. 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.

No action required at this time.

9. POLICY MATTERS

Review, Consideration, and Possible Action on the following:

A. EBAS-Ethics and Boundary Assessment Service as a possible disciplinary tool.

The Board discussed the service and whether to use it in disciplinary actions.

B. NCARB's Mutual Recognition Agreement with New Zealand and Australia.

The Board expressed approval of the agreement.

C. Legislative Update. (Verbal)

The Board is discussed the SB1119 and HB2613.

D. Draft Newsletter

The Board reviewed and discussed the draft newsletter.

10. DIRECTOR'S REPORT

A. Budget Update

Ms. Cornelius stated with 75% of the budget year elapsed: the Board has spent 74 of its appropriation and 77% of its revenue.

B. Previous Meeting Follow-Up

Representatives from GL Solutions met with staff on April 4 and 5, 2016, to discuss the scope of the computer project. Representatives will return in early May.

The Board's bills, including Continuation (SB1119), were all pending legislative action until the Legislature passed the budget.

State Procurement contacted Ms. Cornelius to discuss the Board's contract with our lobbyists. The State Procurement Office and the Governor's Office want to ensure that we are receiving good value for our money.

C. Director's Meetings

Ms. Cornelius attended the third meeting of the NCARB Ethics Task Force in Minneapolis from March 31-April 2, 2016. We learned about the Ethics codes at the National Councils that test Psychologists, Medical Doctors and Accountants, and compared the ethics rules in NCARB's code to those in NCEES's and CLARB's codes.

D. Statistics Review

A statistical review of all the professional and occupational professions were provided for the Board to review.

11. BOARD CHAIR'S REPORT – The Chairman declined to give a report this month.

12. STANDING COMMITTEE REPORTS

A. Legislation and Rules Committee – Nothing new to report.

B. Home Inspector Rules and Standards Committee – Nothing new to report.

13. BOARD MEMBER REPORTS ON OUTSIDE ACTIVITIES

- A. ASBOG – Mr. Weiland attended an ASBOG meeting and contacted the Board requesting information/status on HB2613 to answer questions he received from the meeting attendees.
- B. CLARB – Ms. Cornelius interviewed for the MBE position on the CLARB Board of Directors via SKYPE from Minneapolis on April 1, 2016 and hoped to learn whether she will be the Board’s choice to serve.
- C. NCARB – NCARB’s annual meeting will be held in Seattle, WA from June 16 – June 18, 2016.
- D. NCEES – The zone meeting will be held in Anchorage, AK from May 19 – May 21, 2016. The annual meeting will be held in Indianapolis, IN from August 24 – August 27, 2016.

14. FUTURE BOARD MEETINGS – Tuesday, May 24, 2016

15. SUGGESTED TOPICS FOR FUTURE MEETING AGENDAS

- Executive Director Review
- Setting appointment times on hearings
- Addressing meeting attendees from meeting sign in sheet prior to hearings and other matters on the agenda
- Board members that will be leaving in June

16. MEETING ADJOURNMENT – 2:02PM

E. LeRoy Brady, Chairman

Melissa Cornelius, Executive Director

MEETING MINUTES
ARIZONA STATE BOARD OF TECHNICAL REGISTRATION
1110 West Washington, Conference Room #240
Phoenix, AZ 85007

Tuesday, May 24, 2016
9:00 a.m.
OPEN SESSION

1. **CALL TO ORDER** – 9:03 AM
2. **ROLL CALL** – Board members in attendance: LeRoy Brady, Douglas Folk, Jason Foose, Neal Jones, Jason Madison, Edward Marley, Stephen Noel, and Robert Stanley. Absent: Alejandro Angel. Staff: Melissa Cornelius, Michelle Fleming, Douglas Parlin, Patrice Pritzl, and Michelle Johnson. Assistant Attorney General: Michael Raine.
3. **CALL TO THE PUBLIC** – Mr. Larry Walsh requested that the Board consider allowing him to take the PE without having a degree because he had 30 years of experience. Board directed him to Licensing staff for consultation.

4. **ADOPTION OF MINUTES**

Review, Consideration, and Possible Action on the following:

- A. Approve, modify and/or reject April 26, 2016 Board meeting minutes.
The members reviewed the minutes. Mr. Marley moved to approve the minutes. Mr. Noel seconded the motion. No further discussion; motion carried.

5. **CONSIDERATION OF CASES REFERRED FOR FORMAL HEARING**

- A. Formal Administrative Hearing and/or Review, Discuss and Take Possible Action to Continue the Hearing or Consider Acceptance of Signed Consent Agreement in lieu of Hearing

AL14-005, Marcelino E. Martinez, Alarm Agent #58664

Mr. Brady opened the hearing. Respondent was not present. The State was represented by Mr. Michael Raine, Assistant Attorney General and Mr. John Tellier, Assistant Attorney General, appeared to provide independent legal advice to the Board.

All Board Members, with the exception of Dr. Alejandro Angel, who was absent, were present to hear and weigh the evidence presented in the formal hearing.

The Board properly served Respondent with the Complaint and Notice of Hearing at Respondent's last known address of record. Mr. Raine explained that Respondent,

Marcelino E. Martinez, had suffered a stroke and requested a continuance of the hearing. Mr. Raine also informed the Board that he was able to negotiate a consent agreement for a \$375 civil penalty and the voluntary surrender of Mr. Martinez's certificate. Mr. Jones moved to accept the offered consent agreement. Mr. Marley seconded the motion. No further discussion; motion carried.

6. ENFORCEMENT MATTERS

Review, Consideration and Possible Vote on the following:

A. Complaints Proposed for Resolution by Dismissal or Closure:

1. P14-050, John P. Murphy, P.E. (Civil) #13786

Respondent, Mr. John P. Murphy, appeared and offered to answer any questions the Board had.

2. P16-045, Dale Gardon, R.A. #23775

Respondent, Mr. Dale Gardon, appeared and offered to answer any questions the Board had. Mr. Folk recused himself. Board heard comments from Allegor and Respondent. Board members questioned the Allegor and dialoged with Respondent. Board members discussed the case. Mr. Marley moved to dismiss the case. Mr. Foose seconded the motion. No further discussion; motion carried.

3. P16-032, Blucor Contracting Inc., Non-Registrant Firm
4. DL16-004, Drug Lab at 2629 North 63rd Drive, Phoenix, AZ

Mr. Madison moved to consent and dismiss items 6(A)1, 6(A)3, and 6(A)4. Mr. Jones seconded the motion. No further discussion; motion carried.

B. Complaints Proposed for Resolution with Signed Consent Agreements:

1. P16-051, Richard Ladrack, R.A. #35639
2. P16-005, Jesus Ceden, Non-Registrant and JACA Design, LLC, Non-Registrant Firm

Mr. Marley commented upon the drawings in this case. He expressed concern that the Drafter of the drawings was not a bona fide employee of Respondent. Mr. Marley moved to accept the signed consent agreement. Mr. Madison seconded the motion. No further discussion; motion carried. Staff was directed to open a complaint against Mr. Paul Zommo for aiding and abetting a non-registrant for the practice of architecture, engineering, and surveying.

3. HI16-001, John Clayton, C.H.I. #38555
4. HI15-017, Jeff Arellano, C.H.I. #52571
5. HI16-014, John Allen, C.H.I. #59631

Mr. Marley moved to accept the signed consent agreements in items 6(B)1, 6(B)3, 6(B)4, 6(B)5, and 6(B)7. Mr. Jones seconded the motion. No further discussion; motion carried.

6. P15-022, Allen C. Aerni, R.L.S. #24513

Respondent, Mr. Allen C. Aerni, appeared and addressed the Board. Mr. Folk and Mr. Foose questioned Respondent about the record of the survey. The Board members discussed the case. Mr. Foose moved to reject the consent agreement and have an independent assessor review the complaint and reconsider the case at a later meeting. Mr. Folk seconded the motion. No further discussion; motioned carried.

7. P16-052, Derek Roberts, P.E. (Civil) #41010

7. LICENSING MATTERS

Discussion, Consideration and Vote on the following:

Whether to Grant or Deny Registration:

A. Perhson-Davidson, Jessica Alarm Agent Application #160441

Mr. Folk expressed concern about Applicant's extensive criminal history and questioned whether Applicant had good judgment and moral character to hold the certification. Mr. Madison expressed concern about certifying Applicant. Mr. Folk moved to pend consideration of the application and invite Ms. Perhson-Davidson, to address the Board regarding its concerns about the number and nature of her criminal violations; how they reflect on her good judgment and ability to safely practice. Mr. Marley seconded the motion. No further discussion. Motion carried with Mr. Noel and Mr. Madison opposing.

8. 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. Folk moved to cancel the registrations and certifications that have been expired for one full renewal period. Mr. Marley seconded the motion. No further discussion; motion carried.

B. 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.

9. POLICY MATTERS

Review, Consideration, and Possible Action on the following:

- A. Giving Authority to Vice-Chairman Marley to vote as appropriate on all Resolutions considered at the NCARB Annual Meeting to take place in Seattle, WA in June 2016.

The Board discussed giving Mr. Marley authority to vote on its behalf at the annual meeting and approved such.

- B. Legislative Update (Verbal Report)

Ms. Cornelius reported that the Legislative session had ended. The Governor signed the Board's bills along with HB2613. Staff will send notification to all the Registrants that will be affected by the deregulation in SB1256. She also reported that the Board will be continued for an additional eight years.

- C. Whether to ask the Attorney General for a Formal Opinion regarding the Board's regulatory authority over geologists as a result of the passage of HB2613; whether HB2613 conflicts with A.R.S. § 32-106.02; and any other issues and/or questions regarding the bill that Board members may have for Attorney General consideration.

Board members discussed the question. Mr. Folk suggested that the Board does have a need to establish rules regarding "trained geologist." Assistant Attorney General, Michael Rain advised that the new law may be viewed as another "exemption" like those listed in 32-144; SB1524. The Board expressed concern that HB 2613 is vague and directed staff to draft a letter requesting the Attorney General to interpret HB2613 in a formal opinion for consideration at the next meeting.

10. DIRECTOR'S REPORT

- A. Budget Update

Ms. Cornelius stated with 83% of the budget year elapsed; the Board has spent 79% of its appropriation and 73% of its revenue.

- B. Previous Meeting Follow-Up

Ms. Cornelius reported that representatives from GL Solutions met with staff during the week of May 2 – May 6 to learn about the Boards policies and procedures and began writing the "requirements" that will guide the building of the new computer system.

- C. Director's Meetings

Ms. Cornelius reported that she had met with the Director of ADOA, Mr. Craig Brown regarding plans to implement the new licensing and regulation division at ADOA and how that might affect the Board and staff next year.

D. Statistics Review

A statistical review of all the professional and occupational professions was provided for the Board to review.

11. BOARD CHAIR'S REPORT

Mr. Brady thanked Ms. Janice Burnett for her help during the legislative session and expressed gratitude to the other professions for their support of the landscape architects and geologists.

12. STANDING COMMITTEE REPORTS

- A. Legislation and Rules Committee – Nothing new to report.
- B. Home Inspector Rules and Standards Committee – Meeting scheduled for June 14, 2016.

13. BOARD MEMBER REPORTS ON OUTSIDE ACTIVITIES


- A. ASBOG – ASBOG's meeting scheduled for June 2, 2016
- B. CLARB – CLARB's meeting scheduled for May 25, 2016
- C. NCARB – NCARB's annual meeting will be held in Seattle, WA from June 16 – June 18, 2016
- D. NCEES – NCEES's annual meeting will be held in Indianapolis, IN from August 24 – August 27, 2016.

14. FUTURE BOARD MEETINGS – Tuesday, June 28, 2016

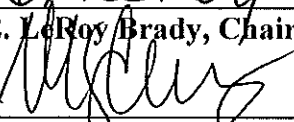
15. SUGGESTED TOPICS FOR FUTURE MEETING AGENDAS

- Draft letter to the Attorney General
- Psychometrician for AZLS exam
- Scheduling hearing to OAH vs. the Board
- WCARB White Paper – possible vote
- Executive Director review

16. MEETING ADJOURNMENT – 11:23 AM



E. LeRoy Brady, Chairman



Melissa Cornelius, Executive Director

MEETING MINUTES
ARIZONA STATE BOARD OF TECHNICAL REGISTRATION
1110 West Washington, Conference Room #240
Phoenix, AZ 85007

Tuesday, June 28, 2016
9:00 a.m.
OPEN SESSION

1. **CALL TO ORDER** – 9:02 AM
2. **ROLL CALL** – Board members in attendance: Alejandro Angel, LeRoy Brady, Douglas Folk, Jason Foose, Neal Jones, Jason Madison, Edward Marley, Stephen Noel, and Robert Stanley. Staff: Melissa Cornelius, Michelle Fleming, Douglas Parlin, and Patrice Pritzl. Assistant Attorney General: Michael Raine
3. **CALL TO THE PUBLIC** – No one addressed the Board.
4. **ADOPTION OF MINUTES**

Review, Consideration, and Possible Action on the following:

- A. Approve, modify and/or reject May 24, 2016 Board meeting minutes.
The members reviewed the minutes. Mr. Noel moved to approve the minutes. Mr. Marley seconded the motion. Dr. Angel abstained. No further discussion; motion carried.

5. **CONSIDERATION OF CASES REFERRED FOR FORMAL HEARING**

- A. Formal Administrative Hearing and/or Review, Discuss and Take Possible Action to Continue the Hearing or Consider Acceptance of Signed Consent Agreement in lieu of Hearing.

There were no formal hearings scheduled for this Board meeting.

6. **ENFORCEMENT MATTERS**

Review, Consideration and Possible Vote on the following:

- A. Complaints Proposed for Resolution by Dismissal or Closure:

1. P16-034, Kevin Finn, P.E. (Civil) #53930

Mr. Marley moved to dismiss the complaint. Mr. Foose seconded the motion. No further discussion; motion carried.

B. Complaints Proposed for Resolution by Letters of Concern:

1. P15-044, Alexander J. Kory, P.E. (Civil) #10219
2. HI16-018, Larkin Palmer, C.H.I. #50795

Mr. Madison moved to consent these cases and issue the Respondents Letters of Concern. Mr. Foose seconded the motion. No further discussion; motion carried.

C. Complaints Proposed to Offer Consent Agreement:

1. AL16-008, Paul Varley, Alarm Agent #57759

The Board considered the proposed consent agreement. Dr. Angel moved to offer it to Respondent. The matter will proceed to a formal hearing if not signed within 30 days. Mr. Madison seconded the motion. No further discussion; motion carried.

2. P16-055 and P16-060, James Elson, R.A. #11005

Mr. Madison and Mr. Folk recused themselves. Respondent, James Elson, appeared and was available to answer questions from the Board. The Board received a signed consent agreement. Mr. Foose moved to accept the signed consent agreement. Mr. Stanley seconded the motion. Dr. Angel inquired about whether the complainant understood there was a consent that would delay receipt of payment. Respondent stated to the Board that he understood that he must pay collaborating professionals within 7 days as required by statute. Dr. Angel spoke against accepting the consent agreement as signed. Mr. Foose withdrew his motion to defer to Dr. Angel's comments. Mr. Stanley withdrew his second. Mr. Marley also expressed concerns with the consent agreement as signed. Dr. Angel moved to offer Respondent a modified consent agreement with new terms, a 90 day requirement to pay the collaborating professional, Stayed Suspension for one year, ethics training within 90 days. The matter will proceed to a formal hearing if not signed within 15 days. Mr. Marley seconded the motion. No further discussion; motion carried.

D. Complaints Proposed for Resolution with Signed Consent Agreements:

1. P16-035, William Graham, R.L.S. #14184

Respondent, William Graham, and his Counsel, Andrew Everroad, appeared to address the Board. The Board reviewed the signed consent agreement. Dr. Angel questioned Respondent about the revised results of survey and quick claim deed. Respondent explained he had a vested interest in the property and he was conducting the survey for family owned land. Mr. Foose asked whether the boundary issue with the neighbors had been resolved. Respondent avowed it had. Mr. Foose moved to accept the signed consent agreement. Mr. Marley seconded the motion. No further discussion; motion carried.

2. P15-049, Timothy Evans, R.L.S. #50988

Complainant, Mr. Webster, appeared to address the Board about his concerns regarding the EAC Committee findings. The Board reviewed the Respondent's signed consent

agreement and the investigative findings of the EAC. Dr. Angel commented on and questioned the investigative findings with questions about the EAC findings. Mr. Foose requested that staff obtain another independent assessment to validate the EAC findings. Mr. Foose moved to send the case back to staff for further investigation. Dr. Angel seconded the motion. No further discussion; motion carried.

3. P14-095, Bradley H. Graham, R.A. #15430

Nicole Sorensen, attorney for Respondent, appeared on his behalf and asked that the Board to accept the signed consent agreement. Mr. Marley moved to accept the signed consent agreement. Dr. Angel seconded the motion. No further discussion; motion carried.

4. P16-018, Patrick Hallman, R.A. #50692

Dr. Angel moved to consolidate D4 and D7 and moved to accept consent agreements. Mr. Madison seconded the motion. No further discussion; motion carried.

5. P16-019, Jeff Dietz, Non-Registrant

Respondent did not appear to address the Board. The Complaint alleged that Respondent performed professional services without being registered as an architect and that he provided falsified documents, by using a seal that was not his. Respondent signed a consent agreement, which the Board considered. Mr. Marley, Mr. Madison, and Mr. Stanley expressed concern that the penalties were not sufficient and the case should be referred for criminal prosecution. Collaborating professionals, Josh Oehler and Richard Oehler, appeared to explain to the Board that they (and their firm) did not know that Respondent forged their names and seals on documents. Dr. Angel expressed concern that the Oehler stamp was lent to Respondent, inappropriately, and expressed interest in investigating the matter further. Mr. Folk expressed concern about accepting the consent agreement as presented. He moved to reject the consent agreement and send the case to staff for further investigation for possible allegations of fraud in connection with registration and fraud in the work Respondent may have completed. Mr. Marley seconded the motion. No further discussion; motion carried.

Board members requested staff to open an investigation against the Oehlers to determine whether their actions in this case violated the Practice Act.

6. P16-048, Raul Sereno, R.A. #11031

Respondent, Raul Sereno, and Complainant, Robert Mendez, appeared to address the Board. Board members reviewed the signed consent agreement. Respondent told the Board that he accepted responsibility for the actions described in the complaint (changing plans without sealing them and removing other registrants' seals.) He explained extenuating circumstances, believing that the Pasqua Yaqui tribe owned the plans. Respondent took the original registrant's seal off the plans after he modified them. Mr. Mendez addressed the Board and explained that the original plans were drafted and sealed in 1996 and now

Applicant, Christopher Steinle, appeared and addressed the Board. He requested an extension of his application to test. Mr. Marley moved to reopen the application to allow him to take a July 2016 exam. Mr. Stanley seconded the motion. No further discussion; motion carried.

Whether to Grant or Deny Registration

Criminal History

C. Saenz, Hector Alarm Agent Application #160790

Mr. Madison moved to grant certification. Mr. Marley seconded the motion. Dr. Angel expressed concern that Applicant didn't explain the circumstances of the criminal case to the Board. Mr. Foose spoke in favor of the motion. Dr. Angel opposed. No further discussion; motion carried.

D. Stead, Paul Alarm Agent Application #160570

Dr. Angel noted that old criminal charges were dismissed so he moved to approve application. Mr. Madison seconded the motion. No further discussion; motion carried.

E. Weaver, Nicholas Alarm Agent Application #160476

Mr. Madison moved to grant certification. Mr. Jones seconded the motion. No further discussion; motion carried.

8. 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. Marley moved to cancel the registrations listed. Mr. Foose seconded the motion. No further discussion; motion carried.

B. 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.

9. POLICY MATTERS

Review, Consideration, and Possible Action on the following:

- A. The Request for a Formal, Written, Legal Opinion from the Attorney General for Interpretation of HB2613.

The Board reviewed a draft letter with certain questions to be presented to the Attorney General. Mr. Folk suggested one amendment. Board directed staff to send this letter to the Attorney General.

- B. Whether to Invite the Psychometrician Back to Review and Update the Arizona State Specific Land Surveying Exam.

The Board directed staff to begin the process with Mr. Warner to update the exam.

- C. The Executive Director's performance and compensation.

The Board may go into executive session pursuant to A.R.S. § 38-431.03(A)(1) to discuss this matter.

Mr. Marley moved to convene to an executive session to review and discuss personnel matters at 11:23 AM. Mr. Foose seconded the motion. The Board went into executive session pursuant to A.R.S. § 38-431.03(A)(1) to discuss this matter.

The Board returned from executive session at 12:09 PM.

In open session, Mr. Marley moved to grant the Executive Director a 5% raise for FY2017 and a 5% bonus for FY2016. Mr. Stanley seconded the motion. No further discussion; motion carried.

- D. Discussion regarding whether to send all formal hearings to OAH.

The Board discussed the issue, considering the NC Dental Board case and the FTC Guidance concerned about "Market Participants." Mr. Marley suggested that the Board forward unlicensed cases to Office of Administrative Hearings. Mr. Folk explained that many "protections" exist in law to review Boards' actions, such as the Administrative Procedures Act, Judicial Review Actions, etc. No action was taken; Board staff will continue to exercise discretion when scheduling formal hearings.

10. DIRECTOR'S REPORT

- A. Budget Update

Ms. Cornelius stated with 92% of the budget year elapsed, the Board has spent 87% of our appropriation and 74% its revenue.

- B. Previous Meeting Follow-Up

Ms. Cornelius reported that Staff has been meeting virtually with GL staff three times a week to review design plans and process flowcharts.

C. Director's Meetings

Ms. Cornelius reported that she and Ms. Pritzl continue to speak with Janice Burnett regarding potential legislation and outreach efforts. They have attended the 90/10 meetings and discussed consolidation issues with our colleagues.

Ms. Cornelius stated, she, Ms. Pritzl and Mr. Parlin met with Assistant Attorney General Michael Raine to discuss the formal hearings waiting for prosecution.

Ms. Cornelius reported she met with the Independent Electrical Contractors' Association and representatives from ROC on June 22, 2016 to discuss the use of construction experience to qualify for the PE exam.

D. Statistics Review

A statistical review of all the professional and occupational professions was provided for the Board to review.

Ms. Cornelius thanked Mr. Brady, Mr. Folk, and Mr. Stanley for their long time service with the Board and presented each of them with a plaque.

11. BOARD CHAIR'S REPORT

Mr. Brady shared his career experience with the Board.

12. STANDING COMMITTEE REPORTS

- A. Legislation and Rules Committee – Nothing new to report
- B. Home Inspector Rules and Standards Committee – The Committee continues to work on rules.

13. BOARD MEMBER REPORTS ON OUTSIDE ACTIVITIES

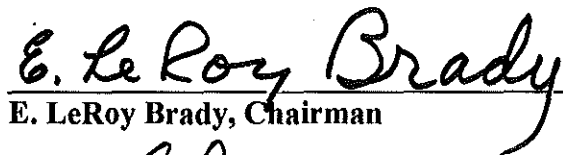
- A. ASBOG – Nothing new to report
- B. CLARB – Nothing new to report
- C. NCARB: AXP/Regional Dues/ARE 5.0 – New version of AXP has passed.
- D. NCEES – 2016 Annual Meeting in Indianapolis August 24-27, 2016

14. FUTURE BOARD MEETINGS – Tuesday, July 26, 2016

15. SUGGESTED TOPICS FOR FUTURE MEETING AGENDAS.

- Elections of Officers

16. MEETING ADJOURNMENT – 12:51 PM



E. LeRoy Brady, Chairman



Melissa Cornelius, Executive Director

Minutes
ARIZONA STATE BOARD OF TECHNICAL REGISTRATION
1110 West Washington, Conference Room #240
Phoenix, AZ 85007

Tuesday, July 26, 2016
9:00 a.m.
OPEN SESSION

1. **CALL TO ORDER** - 9:10 a.m.
2. **ROLL CALL** – Board Members in attendance: Dr. Alejandro Angel, LeRoy Brady, Neal Jones, Jason Foose, Jason Madison, Edward Marley, and Stephen Noel. Board Members who are absent: Robert Stanley and P. Douglas Folk. Staff: Melissa Cornelius, Patti Pritzl, Doug Parlin, and Kurt Winter.
3. **CALL TO THE PUBLIC** - No one addressed the board.

4. **ADOPTION OF MINUTES**

Review, Consideration, and Possible Action on the following:

- A. Approve, modify and/or reject June 28, 2016 Board meeting minutes - Mr. Marley moved and Mr. Jones seconded to approve the minutes. Dr. Angel noted that a correction was needed on page 10; Mr. Marley amended his motion to approve the minutes as modified. Mr. Jones seconded the motion. No further discussion; motion carried.

5. **CONSIDERATION OF CASES REFERRED FOR FORMAL HEARING**

- A. Formal Administrative Hearing and/or Review, Discuss and Take Possible Action to Deem Respondent(s) Admission to the Complaint and Notice of Hearing:

1. AL15-005, Christian Bluth, Alarm Agent #56382

Mr. Brady opened the hearing. Roll call was taken and a quorum established. Mr. Raine, A.A.G. appeared on behalf of the State. Mr. Harris, A.A.G., was present to advise the Board. Respondent was not present and was not represented by legal counsel. Mr. Raine presented the evidence regarding the allegations in this proceedings. According to Mr. Raine, the Respondent failed to comply with a May 2014 Consent Agreement. Mr. Raine presented the evidence regarding the allegations in this matter, including testimony from Board Investigator Douglas Kraemer.

Mr. Marley moved and Mr. Foose seconded to adopt the Factual Allegations from the Complaint as Findings of Fact; motion carried.

Dr. Angel moved and Mr. Marley seconded the motion to adopt the Alleged Violations as Conclusions of Law; motion carried.

Dr. Angel moved and Mr. Marley seconded the motion to revoke Respondent's certification; motion carried.

Dr. Angel asked staff to send notice of the revocation to Respondent's former employer.

2. AL15-006, Oscar Bluth, Alarm Agent #57762

Mr. Brady opened the hearing. Roll call was taken and a quorum established. Mr. Raine, A.A.G. appeared on behalf of the State. Mr. Harris, A.A.G., was present to advise the Board. Respondent was not present and was not represented by legal counsel. Mr. Raine presented the State's case against the Respondent and requested that the Board deem the allegations admitted due to the Respondent's failure to respond to the Complaint and Notice of Hearing. Respondent failed to file an answer to the complaint.

Mr. Marley moved and Mr. Noel seconded to deem the allegations of the complaint admitted; motion carried.

Mr. Foose moved and Mr. Marley seconded to adopt the alleged violations in the Complaint as Conclusions of Law; motion passed.

Mr. Marley moved and Dr. Angel seconded to revoke Respondent's license; motion carried.

Mr. Marley asked staff to name the Respondent in email salutation lines in the future.

6. ENFORCEMENT MATTERS

Review, Consideration and Possible Vote on the following:

A. Complaints Proposed for Resolution by Dismissal or Closure:

1. HI16-013, Brent Ruttle, C.H.I. #41248

Mr. Marley moved and Mr. Madison seconded to dismiss the case; motion carried.

B. Complaints Proposed for Resolution by Letters of Concern:

1. HI16-026, John Hess, C.H.I. #42607

Mr. Madison expressed that the case should be dismissed. Dr. Angel disagreed. Dr. Angel moved and Mr. Marley seconded to resolve the issue by Letter of Concern; motion carried with Mr. Madison voting nay.

C. Complaints Proposed for Resolution with Signed Consent Agreements:

1. HI16-020, Jeffery Garay, C.H.I. #56405

Jeffery Garay, Respondent, appeared in front of the Board to answer any questions. Luis Chacos, Complainant, appeared and addressed the Board to impart that the actions of Respondent hindered his ability to get accurate estimates for the inspected home, therefore causing him damages. Dr. Angel explained to Mr. Chacos the limited scope of the Board in this matter, that being the skills and abilities of the Registrant and the Consent Agreement that addresses the issue. Dr. Angel further clarified that the consent agreement does consider the performance of the Registrant and restitution of the inspection fee. Staff recommended that the Board accept the signed Consent Agreement for a Letter of Reprimand, costs of investigation, and an administrative penalty for established violations of the Practice Act.

Dr. Angel moved and Mr. Marley seconded to adopt the Consent Agreement; motion carried.

2. P16-068, Timothy Evans, R.L.S. #50988

Mr. Madison moved and Mr. Marley seconded to consolidate items C2, 3, 5 and 6 and accept signed Consent Agreements; motion carried.

3. P16-031, Jeffrey Pierce, R.A. #35237

Mr. Madison moved and Mr. Marley seconded to consolidate items C2, 3, 5 and 6 and accept signed Consent Agreements; motion carried.

4. HI16-023, Scott Fidel, C.H.I. #52986

David Bennett, Complainant, appeared to address the Board. Scott Fidel, Respondent, did not appear at the meeting. Mr. Bennett dialoged with the Board expressing concern that many items were missing from the inspection report. Mr. Marley and Mr. Madison expressed concern that the proposed Consent Agreement was insufficient to address the level of violation substantiated by the investigation. Mr. Marley requested that staff refer the issue to the Board of Real Estate so that they can investigate as well.

Mr. Marley moved and Dr. Angel seconded to reject the Consent Agreement and directed staff to offer a different Consent Agreement that included a letter of reprimand, \$2,000 fine, restitution of \$300, the cost of investigation, and directs the registrant to complete an ethics course within 90 days, and if not signed within 30 days to proceed to formal hearing.

Mr. Madison spoke in favor of the motion and recommended that the Board set a specific number of hours for the ethics courses, as well as include peer reviews due to the lack of a signed agreement and disclosure of conflicts. Mr. Hunt explained that only three allegations of deficiencies were substantiated in the EAC:

1. There was no signed agreement between Complainant and Respondent.
2. The unsigned home inspection was given to the realtor.
3. The home inspection included a realtor license number.

Mr. Bennet expressed his displeasure with the Board process and the lack of notice regarding the investigation and agenda. Ms. Cornelius then explained for the Board and Mr. Hunt that investigations are confidential pursuant to statutory law, and while frustrating, must be followed.

Mr. Marley amended his motion to require eight hours of ethics education and the completion of five peer reviews. Dr. Angel seconded; motion carried.

The Board directed staff to communicate the Board's findings to the Department of Real-Estate. Mr. Bennet stated to the Board that he had already filed a complaint. No further discussion.

5. AL16-010, Mitchell Hughes, Non-Registrant

Mr. Madison moved and Mr. Marley seconded to consolidate items C2, 3, 5 and 6 and accept signed Consent Agreements; motion carried.

6. AL16-011, Derek Bradshaw, Alarm Controlling Person #60748, The Alarm Guys, Inc. Alarm Business #19329

Mr. Madison moved and Mr. Marley seconded to consolidate items C2, 3, 5 and 6 and Accept signed Consent Agreements; motion carried.

D. Complaints Proposed to Offer Consent Agreement:

1. P15-022, Allen C. Aerni, R.L.S. #24513

Mr. Madison moved and Mr. Foose seconded to accept the signed Consent Agreement; motion carried.

E. Complaints Requiring Board Guidance:

1. P16-063, Karl Franklin, P.E. (Civil) #46029

Mr. Foose moved and Dr. Angel seconded to dismiss the case regarding the state of Colorado discipline of Respondent's registration. The Board agreed that the Respondent posed no danger to public welfare and safety; motion carried.

F. Review and Approval of Appointment for EAC Membership:

1. William Amor, R.A. #34217

Mr. Marley expressed concern that Mr. Amor lives and works in California. Mr. Marley questioned whether the standard of practice in Arizona might differ from California and expressed a concern that Mr. Amor might not be available to participate in EACs or to review applications. The Board questioned Investigator Jeff Hunt as to the usefulness of having an out of state EAC member to which Mr. Hunt mirrored the concerns of the board. The Board expressed an interest in asking Mr. Amor for more information to explain his interest and availability. The Board deferred action on this candidate.

2. Robert H. Marmon, P.E. (Civil) #45921

Mr. Madison moved and Mr. Marley seconded to approve Mr. Marmon and Mr. Stanley as EAC members; motion carried.

3. Robert M. Stanley, P.E. (Structural) #27352, P.E. (Civil) #20954

Mr. Madison moved and Mr. Marley seconded to approve Mr. Marmon and Mr. Stanley as EAC members; motion carried.

G. Compliance Monitoring Investigations:

1. C99-030, Francis Henri, P.E. (Civil) #12385

Francis Henri, Registrant, appeared and addressed the Board. Staff requested that the compliance file be closed. Respondent is retired and has not been able to complete required peer reviews, but has complied with the remaining terms of the 1999 Consent Agreement. Dr. Angel and Mr. Madison discussed the possibility of closing this case and issuing a new Consent Agreement for a practice restriction. Mr. Henri agreed to the proposal orally.

Mr. Madison moved and Dr. Angel seconded to administratively close the original Consent Agreement and offer Respondent a new consent for a permanent restriction on Respondent's practice of structural engineering. After receiving legal advice, the motion was amended to amend the existing Consent Agreement to restrict Respondent's practice of structural engineering indefinitely; motion carried.

7. LICENSING MATTERS

Discussion, Consideration and Vote on the following:

Whether to Grant Waiver of the FE

A. Samuel Palacios-Anzaldua, Civil Engineer Exam Application #161406

The Board noted that Applicant's education does not qualify him for a waiver of the FE pursuant to statute. Mr. Madison moved and Mr. Foose seconded to deny the request for a waiver and authorize applicant to sit for the FE; motion carried.

Whether to Grant or Deny Registration/Certification

B. Talon Powers, Home Inspector Application #160794

The Board went into executive session for legal advice at 10:40 am. The Board returned to open session at 10:50 am.

The Board discussed the case and focused on the Applicant's past criminal offenses which would be grounds to deny his application pursuant to statutory law. Mr. Noel noted that the criminal offenses Applicant committed were old-over 10 years. He expressed concern over the nature of the crimes: theft, and how it relates to the good moral character required of the profession. Dr. Angel expressed an interest in inviting Applicant to the next meeting to address the Board. Mr. Marley agreed. The Board tabled this application to invite Applicant to the August meeting to address its concerns.

C. Samuel Dean, Electrical Engineer Application #160393

Mr. Madison moved and Mr. Marley seconded to grant registration. Dr. Angel questioned whether the Board should require Applicant to take the professional exam since the Applicant's California registration lapsed in 1984. Mr. Madison and Mr. Marley amended the motion to waive the FE and approve applicant to retake the PE prior to being granted registration; motion carried.

8. 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;

Dr. Angel moved and Mr. Marley seconded the cancellation of registrations and certificates that have been expired for one full renewal period; motion passed.

- B. 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.

9. POLICY MATTERS

Review, Consideration, and Possible Action on the following:

- A. CLARB Model Board Pilot Program Report.

The Board reviewed the draft report proposed to send to CLARB. The Board had positive comments regarding the report, and that it exemplifies the Board's disciplinary and strategic character. Mr. Marley moved and Mr. Madison seconded to approve the Model Board report and send it to CLARB with minor editing as necessary; motion carried.

- B. Legislative Plans in light of the Governor's Executive Order 2016-05.

The Board acknowledged the Executive Order. Ms. Cornelius's communications and cooperation with the DOA resulted in the lobbyists unilaterally consenting to cancel their contract with the Board, effectively ending any professional lobbying on the Board's behalf. Ms. Cornelius awaits further information from the DOA regarding a possible exemption. Ms. Cornelius will attend the Stake holder meeting on July 28 and will update the Board afterwards. Ms. Cornelius suggested that the Board not pursue legislation this coming session due to the unknown effects of the Governor's Executive Order and his possible legislative plans. Mr. Marley suggested that the "B" list be placed on the next L&R agenda for vetting and consideration reasoning that perhaps the associations would put forth necessary corrective legislation. The Board suggested that staff stay in close contact with the associations and the ROC, and invite them to the L&R meeting.

- C. Giving Authority to Board Members Alejandro Angel, Jason Madison and Jason Foose to vote as appropriate on all Resolutions considered at the NCEES Annual Meeting to take place in Indianapolis, Indiana in August of 2016.

Mr. Marley moved and Mr. Noel seconded to grant the necessary authority to Board members attending the annual meeting to vote appropriately; motion carried.

10. DIRECTOR'S REPORT

- A. Budget Update – Ms. Cornelius reported that the DOA accounting office has not sent revenue updates, but Ms. Cornelius stated she is positive that there are no budget issues. She stated she expects to have figures next month.

Ms. Cornelius reported that OSPB has approved the transfer of \$15,000 from the 2071 fund to reimburse Fy16 expenses related to the drug lab program.

B. Previous Meeting Follow-Up

Ms. Cornelius reported that GL Solutions has indicated that the computer system is still set to go live April 2017. Ms. Cornelius updated DOA on the computer system's progress. The Board discussed what might occur if the system were not completed in a timely manner, possible drop of the project, and was glad to hear that progress was running smoothly and timely.

Ms. Cornelius reported that the AG Office acknowledged the Board's request for a formal opinion interpreting HB2613 and had indicated an opinion would be forthcoming.

Ms. Cornelius reported that there is no new news regarding new board member appointments.

C. Director's Meetings –

Ms. Cornelius introduced Kurt Winter as the new communication officer.

The Board requested that an update be sent to them after the ASBOG meeting in Lawrence, Kansas concludes.

D. Statistics Review – No discussion

11. BOARD CHAIR'S REPORT

A. Presentation of a plaque to Tom Thomas, P.E.

Mr. Brady presented a plaque to Mr. Thomas for his outstanding contribution to the Engineering Application Review Committee.

B. Appointments to the Legislation and Rules Committee

Appointed: Ron Starling, Ed Marley, LeRoy Brady, Jason Foose, Doug Folk, Bob Stanley, and Bill Greenslade.

12. STANDING COMMITTEE REPORTS

A. Legislation and Rules Committee – Next meeting on August 18th, 2016.

B. Home Inspector Rules and Standards Committee – No meeting calendared.

13. BOARD MEMBER REPORTS ON OUTSIDE ACTIVITIES

A. ASBOG – Annual meeting in Lawrence, Kansas on August 2, 2016.

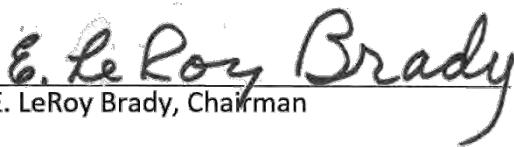
- B. CLARB – Annual meeting in Philadelphia, Pennsylvania in September, 2016.
- C. NCARB – Board President’s meeting in Columbus, Ohio late October, 2016.
- D. NCEES – Annual Meeting in Indianapolis, Indiana August 24-27, 2016.

14. **FUTURE BOARD MEETINGS** – Tuesday, August 23, 2016

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

- A. Inviting Stakeholder Associations to Dialog with the Board.

16. **MEETING ADJOURNMENT 11:45 am**


E. LeRoy Brady, Chairman


Melissa Cornelius, Executive Director

Minutes
ARIZONA STATE BOARD OF TECHNICAL REGISTRATION
1110 West Washington, Conference Room #240
Phoenix, AZ 85007

Tuesday, August 23, 2016
9:00 a.m.
OPEN SESSION

1. **CALL TO ORDER** – 9:04am

2. **ROLL CALL**

Board Members Present: Dr. Alejandro Angel, LeRoy Brady, Neal Jones, Jason Foose, Edward Marley, Stephen Noel. **Board Members Absent:** Jason Madison. **Staff:** Melissa Cornelius, Douglas Parlin, Dolly Lucero, and Kurt Winter.

3. **CALL TO THE PUBLIC** –

No one addressed the Board.

4. **ADOPTION OF MINUTES**

Review, Consideration, and Possible Action on the following:

A. Approve, modify and/or reject July 26, 2016 Board meeting minutes.

Dr. Angel moved and Mr. Marley seconded to approve minutes. However, Dr. Angel wanted to verify that agenda item 6c4 correctly stated Respondent would be required to complete five peer reviews per the consent agreement; motion carried.

After reviewing the July 23, 2016 audio minutes and the new Consent Agreement, staff verified that 6c4 stated Respondent would be required to complete five peer reviews.

B. Approve, modify and/or reject June 28, 2016 Executive Session meeting minutes.

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

C. Approve, modify and/or reject July 26, 2016 Executive Session meeting minutes.

Dr. Angel moved and Mr. Marley seconded to approve the minutes; motion carried.

5. CONSIDERATION OF CASES REFERRED FOR FORMAL HEARING

A. Formal Administrative Hearing and/or Review: Discuss and Approve, Modify or Reject the Administrative Law Judge Decision.

1. Case No. P14-001, William Eric Nau, Non-Registrant

Mr. Brady opened the hearing. Roll call was taken and a quorum established. Michael Raine, A.A.G., appeared on behalf of the State. Seth Hargraves, A.A.G, was present to advise the Board. Respondent, Mr. Nau, appeared before the Board on his own behalf.

Mr. Raine argued that the evidence presented at the formal hearing demonstrated that Respondent practiced land surveying without registration and asked the Board to accept the Administrative Law Judge's recommended decision and order and impose a fine on Respondent in the amount of \$25,000. In rebuttal, Mr. Nau tried to argue additional information not presented at the formal hearing. However, Mr. Brady commented that new information couldn't be introduced at that time. In rebuttal, Mr. Raine stated that it may be possible for Mr. Nau to request another hearing to present new information but could not present new information at that time and reiterated to the Board his request to accept the A.L.J.'s decision. No further discussion.

In order to protect the public from unqualified and unlicensed practitioners, Dr. Angel motioned and Mr. Marley seconded to adopt the Administrative Law Judge's Findings of Fact, adopt the proposed Conclusions of Law, and accept the recommended order of the A.L.J., but reduce the civil penalty amount from \$25,000 to \$10,000 and specify that the penalty be paid over an eighteen-month period; motion carried with Mr. Foose opposed.

2. Case No. HI14-049, Dwayne Franklin, Home Inspector, #39204

Mr. Brady opened the hearing. Roll call was taken and a quorum established. Michael Raine, A.A.G., appeared on behalf of the State. Mr. Hargraves, A.A.G., was present to advise Board. Respondent, Mr. Franklin, appeared before the Board on his own behalf.

Mr. Raine asked the Board to accept the A.L.J.'s recommended decision and order with some minor modifications to the Conclusions of Law, which included:

1. Editing a typo in paragraph two.
2. Modifying the third paragraph to include language about Respondent's untimeliness of payments.
3. Adding language to allow Respondent to be peer reviewed while suspended.

In rebuttal, Mr. Franklin explained to the Board that he had found a peer reviewer and asked the Board to allow him the ability to practice under peer review if placed under

suspension. Mr. Raine did not offer rebuttal. No further discussion.

Mr. Marley moved and Mr. Foose seconded to adopt the proposed Findings of Fact; motion carried.

Mr. Marely moved and Mr. Noel seconded to adopt the proposed Conclusions of Law as drafted with the typo corrected in paragraph two; motion carried.

Dr. Angel moved and Mr. Marley seconded to accept the recommended order of the A.L.J. but modify the decision to allow Respondent to complete required peer reviews under the current peer review process while suspended; motion carried.

6. ENFORCEMENT MATTERS

Review, Consideration and Possible Vote on the following:

A. Complaints Proposed for Resolution by Dismissal or Closure:

1. HI16-022, Dennis Demke, Non-Registrant

Mr. Marley moved and Mr. Foose seconded to dismiss complaint; motion carried.

2. HI16-025, Edward Fifer, C.H.I. #38566

Mr. Marley moved and Mr. Foose seconded to dismiss complaint; motion carried.

3. P16-002, Chad R. Erickson, R.L.S. #40590

Mr. Foose recused himself. Dr. Angel asked the A.A.G.s and Staff why additional information was required of Respondent to pursue this case when it appeared enough evidence existed. Mr. Raine opined that enough evidence existed but in a minimum sense and argued for obtaining additional documents from Respondent. Mr. Raine also suggested pursuing contempt of court if Mr. Erickson failed to reply to a subpoena. Mr. Kraemer explained to the Board that the evidence Dr. Angel was referring to was part of a matter settled via a letter of concern and could not be used to pursue this matter. Furthermore, Mr. Kraemer explained that staff could not locate evidence for its investigation and asked that the case be closed, not dismissed. Mr. Parlin informed the Board that Idaho had revoked Mr. Erickson's registration.

Dr. Angel moved and Mr. Marely seconded to direct staff to conduct further investigation and consider that Respondent's advertisement for Discovery Report services in a newspaper while Respondent's firm was not registered as evidence of practice through a Non-Registrant firm; motion carried.

B. Complaints Proposed for Resolution with Signed Consent Agreements:

1. HI16-024, Kenneth Austin, C.H.I. #50444

Dr. Angel moved and Mr. Marley seconded to consolidate items B1 and B2, and accept the signed Consent Agreements; motion carried.

2. P16-057, Constantine Sakellar, R.A. #12826, and Sakellar PLLC, Firm #11763

Mr. Marley informed the Board that Mr. Sakellar is a competitor of his but he felt that he can be fair and impartial in this manner.

Dr. Angel moved and Mr. Marley seconded to consolidate items B1 and B2, and accept the signed Consent Agreements; motion carried.

C. Complaints Proposed to Offer Consent Agreement:

1. P16-073, David Keith, Non-Registrant and DSK Design, LLC, Non-Registrant Firm

Mr. Keith appeared before the Board. Mr. Keith explained to the Board that it was not his or DSK Design's intention to deceive the public. Mr. Keith asked the Board if he could modify the Consent Agreement to allow him to use "architecture/architectural services" for advertising and have the \$250 civil penalty dismissed. The Board indicated that the use of "architecture/architectural services" may mislead the public and that the civil penalty should not be dismissed.

Mr. Marley moved and Mr. Jones seconded to adopt the Consent Agreement as drafted; motion carried.

D. Complaints Requiring Board Guidance:

1. P17-002, Boyd Schneiderwent, R.L.S. #17594

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

2. P17-003, Alan Lankford, P.E. (Mechanical) #41137

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

3. P15-049, Timothy Evans, R.L.S. #50988

Mr. Evans appeared before the Board. The Board had requested an independent assessment be made regarding the complaint. Dr. Angel believed this assessment indicated that the Consent Agreement was insufficient. Mr. Foose disagreed and indicated that minimum standards were met and the Consent Agreement was therefore

sufficient. Mr. Evans expressed to the Board that he believed he met the minimum standards and wanted the Board to accept the Consent Agreement. Mr. Foose moved and Mr. Marley seconded to accept the Consent Agreement; motion carried with Dr. Angel opposed.

E. Complaints Proposed for Summary Suspension of Registration:

1. A13-015, A13-018, P14-082, M13-002, M13-033, P15-045 and P15-090, Carlos A. Padilla, R.L.S. #46474

Mr. Foose recused himself. Mr. Marley moved and Mr. Noel seconded to enter Executive Session to obtain legal advice; motion carried. Board entered executive session at 10:48 am. After receiving legal advice, the Board returned to open session at 11:21am.

Respondent, Carlos A. Padilla, was not present. Mr. Padilla's counsel, Stephen Gonzalez, attended on his behalf telephonically. Mr. Gonzalez asked the Board for a continuation of the case based upon his argument that there was a lack of notice given to Mr. Padilla and a lack of basis and authority for a summary suspension. Mr. Raine informed Mr. Gonzalez that the Board Meeting and previous investigative meetings were not formal hearings and that the Board had authority to suspend Mr. Padilla's registration without formal hearing per A.R.S § 41-1092.11. Mr. Raine further explained that the Board was only discussing summary suspension as an option to a formal hearing.

Dr. Angel expressed his concern that the Respondent mislead and harmed the public, lacked technical knowledge and skill to perform surveys appropriately, and had been uncooperative with the Board. He therefore felt it was prudent to have a hearing as soon as possible. Mr. Raine stated a hearing could take place as early as in six weeks but other factors could affect the hearing date. Dr. Angel asked Mr. Raine if it was possible to add language to a motion to allow a special meeting to take place if a date could not be settled upon in a timely manner. Mr. Raine indicated that it was possible.

Dr. Angel moved and Mr. Noel seconded that the parties schedule a formal hearing before the end of October and if Board staff has not received a confirmation of a decided date within two weeks, the Board would convene under special circumstances to discuss further action; motion carried.

7. LICENSING MATTERS

Discussion, Consideration and Vote on the following:

Whether to Grant or Deny Registration:

Criminal History

A. Powers, Talon

Home Inspector Application #160794

Mr. Powers appeared before the Board and answered questions regarding his criminal history. Background investigator Garvy Biggers appeared before the Board to help answer any questions regarding Mr. Powers background investigation.

Angel moved and Mr. Marley seconded to grant registration; motion carried.

B. Ramirez, Gabriel

Alarm Agent Application #161051

Dr. Angel moved and Mr. Foose seconded to grant registration; motion carried.

8. 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;

No information to review. No further discussion.

B. 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.

9. POLICY MATTERS

Review, Consideration, and Possible Action on the following:

A. Integrating the initial two-year renewal fee into the application fee for alarm agents.

Board's suggested resolution was as follows: Alarm agent applicants will send in their application fee with their application. If the application is approved, Staff will mail applicant a notice of approval with a request for the \$130 registration fee. Staff will mail applicant's photo ID upon receipt of registration fee.

10. DIRECTOR'S REPORT

A. Budget Update – Ms. Cornelius reported that the Board's budget was submitted timely to ADOA and a special appropriation was requested to pay for ongoing maintenance on the new computer system.

B. Previous Meeting Follow- Ms. Cornelius reported the following:

The AG's office has not yet sent the requested formal opinion interpreting HB2613; the new computer system completion date is scheduled for May 12, 2017; pending background checks, the governor has appointed Andrew Everroad and Eugene Montgomery to fill two of three Board vacancies; Psychometrician Jack Warner was invited to lead a Subject Matter Expert meeting on October 22, 2016 at the Board's office to revise the Arizona State Specific Land Surveyor Examination; as of August 6, 2016 the Board no longer regulates the practice of assaying, remediation specialists or the Clandestine Drug Laboratory Remediation; and, approximately \$255,000 was transferred from the BTR Enforcement Fund to the ADEQ Hazardous Waste Fund for use in cleaning up contaminated properties in Arizona.

C. Director's Meetings – Ms. Cornelius reported the following:

Patrice Pritzl and she met with the company ADOA hired to conduct the Cost/Benefit analysis on Thursday, August 4, 2016, to answer basic questions about Board functions; Two Staff members, Liliana Ruiz and Andrew Puccino, were promoted within the office and a new front desk staff member will be hired; Michael Raine, the Board's assigned A.A.G., has been reassigned and will no longer be representing the Board. He will still prosecute the formal hearings scheduled at OAH; and, the Board will utilize an ASU Law Student, Casey Ball, at the office.

11. BOARD CHAIR'S REPORT

Mr. Brady will remain Chairman of the Board.

12. STANDING COMMITTEE REPORTS

A. Legislation and Rules Committee

Mr. Brady opined that the August 18, 2016 L&R Committee Meeting was successful. Stakeholders were well represented. A follow up meeting is scheduled for October 4, 2016.

B. Home Inspector Rules and Standards Committee

No meeting scheduled at this time. Board asked Staff to have a follow up made.

13. BOARD MEMBER REPORTS ON OUTSIDE ACTIVITIES

A. ASBOG – Annual meeting in Kansas, in November, 2016.

B. CLARB – Annual meeting Philadelphia, Pennsylvania in September, 2016.

C. NCARB – Melissa will attend the Ethics Committee meeting in Denver, August 25-27, 2016. Annual meeting in Columbus, Ohio in October.

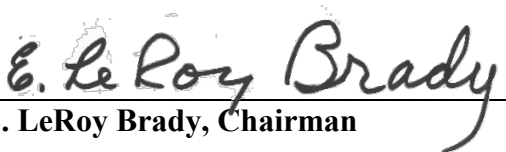
D. NCEES – Annual meeting in Indianapolis, Indiana this week.

14. **FUTURE BOARD MEETINGS** – Tuesday, September 27, 2016

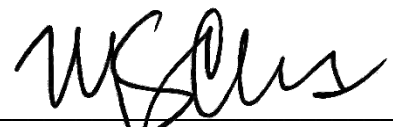
15. **SUGGESTED TOPICS FOR FUTURE MEETING AGENDAS**

Ms. Cornelius suggested voting for officers.

16. **MEETING ADJOURNMENT – 12:15 pm**



E. LeRoy Brady, Chairman



Melissa Cornelius, Executive Director

Minutes
ARIZONA STATE BOARD OF TECHNICAL REGISTRATION
1110 West Washington, Conference Room #240
Phoenix, AZ 85007

Tuesday, September 27, 2016
9:00 a.m.
OPEN SESSION

1. **CALL TO ORDER – 9:06**

2. **ROLL CALL**

Board members Present: Dr. Alejandro Angel, LeRoy Brady, Neal Jones, Jason Foose, Edward Marley, Stephen Noel, Andrew Everroad, Eugene Montgomery, Jason Madison.

Staff Present: Melissa Cornelius, Patrice Pritzl, Douglas Parlin, Michelle Fleming, and Kurt Winter

3. **CALL TO THE PUBLIC**

John Owens appeared before the Board. Mr. Owens communicated to the Board that he has waited 17 weeks for his application to be processed and would like it expedited. Board members requested that Staff discuss the matter further with Mr. Owens. Ms. Fleming and Ms. Pritzl left the room with Mr. Owens, identified the problem, corrected it and issued his license.

4. **ADOPTION OF MINUTES**

Review, Consideration, and Possible Action on the following:

A. Approve, modify and/or reject August 23, 2016 Board meeting minutes.

Mr. Marley moved and Mr. Foose seconded to approve minutes but asked staff for clarification on items 6B1 and 6B2; motion carried. Mr. Madison abstained.

Staff verified that 6B1 and 6B2 were correctly consolidated and corrected the minutes to reflect Mr. Marley had stated for the record that the respondent of 6B2 was a competitor of his but he felt he could be fair and impartial in the matter.

B. Approve, modify and/or reject August 23, 2016 Executive Session meeting minutes.

Angel moved and Mr. Madison seconded to approve minutes; motion carried. Mr. Foose and Mr. Madison abstained.

5. CONSIDERATION OF CASES REFERRED FOR FORMAL HEARING

A. Formal Administrative Hearing and/or Review: Discuss and Approve, Modify or Reject the Administrative Law Judge Decision.

1. Case No. 16F-M001-BTR; P15-001 William Gilbert, P.E. (Structural) #41931

Mr. Brady opened the matter. Roll call was taken and a quorum established. Michael Raine, A.A.G., appeared on behalf of the State. Seth Hargraves, A.A.G, was present to advise the Board. Respondent, Mr. Gilbert, appeared before the Board on his own behalf.

Mr. Raine argued that the evidence presented at the formal hearing demonstrated that Respondent received payment for services but failed to perform said services or refund complainant's payment. Mr. Raine asked the Board to accept the Administrative Law Judge's recommended decision and order, impose an order of restitution in the amount of \$5207.00 and revoke Respondent's license. In rebuttal, Mr. Gilbert communicated to the Board that he wished to remain registered and was willing to do what he could to settle the matter.

Mr. Noel moved and Mr. Foose seconded to adopt the Administrative Law Judge's Findings of Fact; motion carried.

Dr. Angel asked Respondent if he had received emails from the Complainant and the Respondent stated not to his knowledge but acknowledged that he did receive voice messages to which he did not respond. Dr. Angel asked Respondent if he was aware that he had taken the payment, not done the work, and did not take the complainant's calls. Respondent admitted that he was aware.

Dr. Angel moved and Mr. Marley seconded to adopt the proposed Conclusions of Law but modify numeral 1 to read "The Board is the duly constituted authority for the regulation and control of the practices of Engineering." Motion passed.

Dr. Angel moved and Mr. Foose seconded to modify the ALJ' recommendation and entered to include the following order: revoke Respondent's license; stay the revocation to allow Respondent to pay restitution to the complainant in the amount of \$5207.00 and provide confirmation of payment to the Board within 30 days; pay a civil penalty in the amount of \$2000.00 within six months; pay the cost of investigation in the amount of \$1454.00 within six months; eight hours of staff approved ethics training within 60 days; and serve a 60-day suspension; motion carried.

Respondent informed Board and Staff of a typo in his address. Letter sent to respondent read "42B" for his box number. It should read "428".

6. ENFORCEMENT MATTERS

Review, Consideration and Possible Vote on the following:

A. Complaints Proposed for Resolution by Dismissal or Closure:

1. P17-007, Josh Oehler, R.A. #16899

Respondent appeared before the Board. Dr. Angel asked Mr. Hunt if Respondent's missing emails were available from Respondent's Internet Provider; Mr. Hunt indicated they were not. Respondent also stated the emails were not available to him.

Mr. Marley moved and Mr. Jones seconded to send a Letter of Concern to Respondent.

B. Complaints Proposed for Resolution with Signed Consent Agreements:

1. P16-053, Jerry Wier, R.L.S. #32237

Mr. Madison moved and Mr. Marley seconded to accept the signed Consent Agreement; motion carried.

2. P16-058, Michael Frank, Non-Registrant and Frank Civil Consulting, Non-Registrant Firm

Mr. Madison moved and Mr. Marley seconded to accept the signed Consent Agreement; motion carried.

3. P17-015, Darrin Skonieczny, P.E. (Civil) #50899

Board members discussed their concerns regarding Respondent's truthfulness and possible history of alcohol abuse.

Mr. Marley moved and Mr. Montgomery seconded to table the matter for next month and invite Respondent to appear before the Board, physically or telephonically, to explain his past and what has changed since his conviction; motion passed.

4. H116-008, Lynn Reber, C.H.I. #40415

Mr. Madison moved and Mr. Marley seconded to accept the signed Consent Agreement; motion carried.

5. P17-014, William Carnell, R.A. #26986

Respondent, William Carnell, appeared before the Board. Mr. Marely stated that he and Mr. Carnell are competitors but Mr. Marley believed he could be fair and impartial in this matter.

Mr. Noel moved and Mr. Neal seconded to accept the signed Consent Agreement; motion carried.

C. Complaints Proposed to Offer Consent Agreement:

1. P16-069, Michael Jorgensen, R.A. #50668 and MDJ Studios, Firm Registration #19900

Mr. Marley moved and Mr. Jones seconded to adopt the signed Consent Agreement; motion carried.

2. P16-040, Adaptive Architecture and Planning, L.L.C., Non-Registrant Firm

Respondent, Rob Burkhart, appeared before the Board. Respondent communicated to Board that he provided support to professionals. He argued that he had never presented himself as a registered professional.

Staff indicated that all three reviewing EAC members agreed that Respondent violated the Board's statutes. Dr. Angel stated that the Respondent's submitted plans were not part of the Board Packet and inquired if they were available; Staff indicated they were and that all EAC members had reviewed them prior to making their decisions.

Dr. Angel asked Respondent to clarify how he worked with his clients. Respondent stated he worked under contract; mostly with a registered professional, occasionally with private individuals and small firms, rarely, if ever, with large firms.

Dr. Angel stated he had three concerns, which included: Respondent's firm name was deceptive, the list of services Respondent provided to staff included services that a registered architect provides as defined by statute, and use of the word architect, and similar nomenclature, to describe his firm and the services provided were deceptive.

Mr. Foose and Mr. Noel asked staff to clarify how this case came to their attention. Mr. Parlin stated that it came about as a derivative of other cases that have come to Staffs attention.

Mr. Foose moved and Mr. Marley seconded to adopt the Consent Agreement as drafted and move to hearing if not signed within 30 days; motion carried.

3. P17-009, Najib Monsif, P.E. (Civil) #47525 and Summit Structural Engineering, Inc., Firm Registration #19894

Dr. Angel moved and Mr. Madison seconded to approve the Consent Agreement but send Respondent a Letter of Concern instead of a Letter of Reprimand reminding the Respondent that he needs to know and follow Board law and ordered that Respondent pay a civil penalty and investigation costs for his failure to register his firm and move to hearing if not signed within 30 days; motion carried.

Board directed staff to communicate with registrants the need to register their professional firms.

4. P17-010, Andrew Boubel, R.A. # 35853 and Desert Ridge Design, L.L.C. Firm Registration #19893

Mr. Everroad stated that he had worked with the Registrant before, but could remain fair and impartial.

Respondent appeared before the Board. Respondent stated he registered as a professional but was unaware that his firm required registration. Upon becoming aware, Respondent immediately registered his firm with the Board. Registrant stated the BTR is in place to prevent false professionals from performing professional services and penalize them, not penalize true professionals. Respondent wished to pay the \$250 administrative penalty, not to pay the \$270 investigative cost and receive a written statement indicating closure of the matter.

Dr. Angel moved and Mr. Marley seconded to approve the Consent Agreement but issue Respondent a Letter of Concern reminding him to follow the Board's statutes and rules instead of a Letter of Reprimand; motion carried.

After motion carried, Respondent made it known that he wished to have the Consent Agreement language slightly modified. Dr. Angel stated the Board wished to emphasize the Consent Agreement fees. Respondent stated he had no issue with the fees, only the language. Mr. Raine commented that small changes wouldn't require Board involvement. Mr. Marley opined that the Board should review the Consent Agreement if changes were made.

D. Complaints Requiring Board Guidance:

1. P17-001, David Mwewa, P.E. (Civil) #44715

Dr. Angel recused himself.

Mr. Madison moved and Mr. Marley seconded to dismiss the case; motion carried.

7. LICENSING MATTERS

Discussion, Consideration and Vote on the following:

Whether to Authorize Examination Upon Board Review:

- A. Mohammed, Qays Civil Engineer Application #160661

8. 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;

Nothing to review. No discussion.

B. 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.

Nothing to Review. No discussion.

9. POLICY MATTERS

Review, Consideration, and Possible Action on the following:

- A. ADOA's September 1, 2016 "study relating to the transfer of all nonhealth regulatory Boards and Occupational licenses issued by state agencies to a new licensing and regulatory division."

Ms. Cornelius notified the Board of the Capital Times's request for the Board's opinion regarding the ADOA's study. She informed the Board of the following: the ADOA plans to raise capital mall rents to renovate other mall buildings with the possible intent, among others, of moving Board and Staff to a renovated facility; the space currently occupied by Board and Staff is rent to own and therefore it benefits the State to continue paying the rent; there is no current appropriation of funds to renovate a possible future site for Board and Staff; there is no benefit for Board and Staff to pay for and work within the study recommended impaired practitioner program.

Dr. Angel proposed sending a letter communicating the Board's opinion of the study and its contents to the legislature and to include the importance of EAC volunteers and the possibility of losing them if the Board were under the ADOA, the importance of continuing education of Board members, and the Board's self-sufficiency. Mr. Montgomery stated that the report did not present any potential risks to the proposed changes and opined that any study of this nature required both benefits and risks to be presented. Ms. Cornelius agreed and added that the report failed to state the benefits of the current system. Mr. Foose stated that the BTR is fulfilling a function to the state by occupying and paying rent in its current location as well as paying 10% of its revenue to the State. Mr. Jones stated that ADOA needed to present the costs of moving the Board and Staff, which is not included in the report and questioned if the costs were considered. Dr. Angel raised the point of losing the computer contract and costs associated with it if the Board were moved. Mr. Foose opined that the proposed triage system would not be

beneficial since the Board has a similar system already in place and would therefore only create an extra administrative layer and added expense if implemented. Mr. Brady and Mr. Foose showed concern that the study compared the Arizona Board to other state Boards in a subjective manner.

Ms. Cornelius volunteered to compose the letter to ADOA in response to the study and communicated that she would include the Board's observations. Board suggested Ms. Cornelius state 'a statement is forthcoming' if the Capital Times requested information regarding the Board's opinion. Mr. Noel suggested the inclusion of Board contributions in the letter. Ms. Cornelius agreed. Dr. Angel promoted distributing the letter to stakeholders, legislators, media outlets and others.

- B. The consistent criteria for crediting education and work experience when evaluating applications for exam and registration; specifically, for:
- i) Humanities classes or other subjects not related to the profession;
 - ii) Foreign applicants with an ABET Master's Degree
 - iii) Foreign credentials evaluations
 - iv) And, whether to pursue a rulemaking to clarify A.A.C. R4-30-208 regarding "school or curriculum approved by the Board," meaning ABET, NAAB or LAAB accreditation.

Dr. Angel and Mr. Madison informed the Board that there is no formalized evaluation method concerning the above four points and discussed the matter. Board suggested creating a substantive policy statement for the present and pursue rule changes later to formalize methods.

- C. Establishing the Calendar for the Board's Meetings in 2017.

Board members suggested changing the proposed calendar to include meetings on the fourth Tuesday of every month with the exception of November, no Board meeting that month, and December, meeting will take place on December 12.

10. DIRECTOR'S REPORT

- A. Budget Update

Ms. Cornelius reported that ADOA recommended that the Board purchase new laptops. The Board decided to upgrade laptops but keep the size the same (15.4" screen).

- B. Previous Meeting Follow-Up

Ms. Cornelius reported the following: the AG opinion regarding the conflict between the new statutes defining a trained geologist and the Board's responsibility to prevent non-registrants from performing registrant services is forthcoming and staff had successfully used Facebook to post highlights of the October CLARB meeting and acknowledged the passing of State Geologist Lee Allison.

C. Director's Meetings

Ms. Cornelius reported her and Staff's positive experiences at the September CLEAR meeting in Portland and her impressions of the images of Board members and Staff at September's CLARB meeting in Philadelphia.

D. Statistics Review

Nothing discussed.

11. BOARD CHAIR'S REPORT

Mr. Brady discussed his attendance of the September, 2016 CLARB meeting. Topics at the meeting included: "Defend Adapt Innovate", Strategic Planning, trans-regulation, model law updates, Arizona successes stories, and presenting the Arizona Board's relevancy program.

12. STANDING COMMITTEE REPORTS

A. Legislation and Rules Committee

The next meeting will take place on October 4, 2016.

B. Home Inspector Rules and Standards Committee

The next meeting will take place on October 18, 2016.

13. BOARD MEMBER REPORTS ON OUTSIDE ACTIVITIES

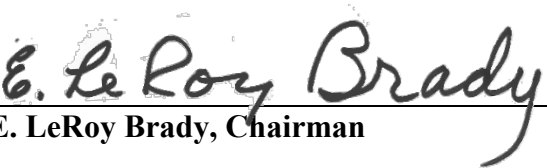
- A. ASBOG – Annual meeting in Lawrence, Kansas November, 2016.
- B. CLARB – Meeting took place in September in Philadelphia. Ms. Cornelius reported she made three presentations at the meeting.
- C. NCARB – Board Presidents Meeting in Columbus, Ohio in October. Ms. Cornelius reported NCARB is changing its exam from 4.0 to 5.0, but will allow exam takers to either version for an 18-month period to ease into the new version.
- D. NCEES – Meeting took place in September in Indianapolis. Dr. Angel reported that NCEES did not keep records after migrating to a new computer system, creating a situation where registrants are having difficulties verifying their records. Dr. Angel reported the NCEES decision to change the costs of the FE and PE exams and switching the exams to a computer based system.

14. **FUTURE BOARD MEETINGS** – Tuesday, October 25, 2016

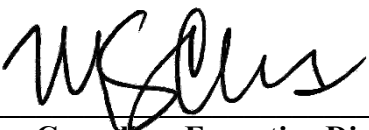
15. **SUGGESTED TOPICS FOR FUTURE MEETING AGENDAS.**

Review Ms. Cornelius’s letter to ADOA 9(a) and the substantive policy changes 9(b).

16. **MEETING ADJOURNMENT – 12:18pm**



E. LeRoy Brady, Chairman



Melissa Cornelius, Executive Director

Minutes
ARIZONA STATE BOARD OF TECHNICAL REGISTRATION
1110 West Washington, Conference Room #240
Phoenix, AZ 85007

Tuesday, October 25, 2016
9:00 a.m.
OPEN SESSION

1. CALL TO ORDER – 9:02

- 2. ROLL CALL – Board Members Present:** Dr. Alejandro Angel, Jason Foose, Jason Madison, Edward Marley, Stephen Noel, Andrew Everroad, Eugene Montgomery **Board Members Absent:** LeRoy Brady, Neal Jones **Staff Present:** Melissa Cornelius, Patrice Pritzl, Douglas Parlin, Michelle Fleming, and Kurt Winter

3. CALL TO THE PUBLIC

No one addressed the Board

4. ADOPTION OF MINUTES

Review, Consideration, and Possible Action on the following:

- A. Approve, modify and/or reject September 27, 2016 Board meeting minutes.

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

5. CONSIDERATION OF CASES REFERRED FOR FORMAL HEARING

- A. Formal Administrative Hearing and/or Review: Discuss and Approve, Modify or Reject the Recommended Administrative Law Judge Decision.

1. Case No. 14F-MO35-BTR, Ahmad Zarifi, P.E., (Structural) #32008, (Civil) 41872

Mr. Marley opened the matter. Roll call was taken and a quorum established. Michael Raine, A.A.G., appeared on behalf of the State. Marc Harris, A.A.G., was present to advise the Board. Respondent, Mr. Zarifi, appeared before the Board without counsel.

Mr. Raine argued to modify the ALJ decision to remove footnote two under the Findings of Fact, asked the Board to consider some sort of peer review and/or education review to show that Respondent is competent after a two-year suspension, and argued for the suspension of Respondent's structural engineering license until he can prove his competence.

Mr. Zarifi questioned the initial review of his work indicating his belief that either the reviewer was not qualified to review the work or he did not visit the review site. Mr. Zarifi argued that another reviewer, Mr. Stephenson, was incorrect in his evaluation and his numerous hearing continuances impeded the process. Mr. Zarifi agreed he was in violation for not registering his firm.

In rebuttal, Mr. Raine stated that Mr. Zarifi exaggerated the impact, reasoning, and number of Mr. Stephenson's continuances and failed to identify the continuances he himself requested. Mr. Raine argued for suspension with a mechanism to gauge Respondent's competence.

Mr. Madison moved and Mr. Noel seconded to modify the Findings of Fact with a modification to footnote two; motion carried.

Mr. Madison moved and Mr. Foose seconded to adopt the proposed Conclusions of Law; motion carried.

Mr. Madison moved and Mr. Everroad seconded to accept the ALJ Order; motion rescinded.

Mr. Montgomery questioned the parties as to whether the structure in question was demolished after it was examined and found unfit for habitation. Mr. Raine commented that to his knowledge the structure had not been demolished. Mr. Zarifi stated that the structure was not demolished.

Mr. Marley asked for the status of Mr. Zarifi's structural engineering license. Mr. Raine commented that as of the hearing it was in delinquent status. Mr. Zarifi stated that he decided not to renew his license while the hearing was proceeding. Ms. Cornelius stated that the license was expired but not yet canceled.

Mr. Noel questioned whether the work done in this matter was structural or civil in nature. Mr. Zarifi stated that the project was structural in nature and he stamped the plans with his structural engineer stamp. Mr. Raine commented that the State did not disagree with Mr. Zarifi's statement.

Dr. Angel moved and Mr. Noel seconded to modify the ALJ recommended order to include the following order: Respondent shall pay a civil penalty in the amount of \$2500 within 15 days, serve a two-year suspension of his structural license which will be lifted upon taking and passing the NCEES 16-hour structural engineering exam, have his civil license restricted from structural engineering which will be lifted upon taking and passing the current NCEES 16-hour structural engineering exam, failure to take and pass the 16-hour exam within two years will be considered a violation of the Board Order; motion carried.

B. Formal Administrative Hearing: Discuss and Approve, Modify or Reject State's Motion

to Deem.

1. Case No. HI15-023, Matthew Barry, Non-Registrant

Mr. Marley opened the matter. Scott Donald A.A.G. appeared on behalf of the State. Marc Harris A.A.G. was present to advise the Board. Respondent did not appear before the Board and was not represented by counsel.

Mr. Donald argued that the Respondent had failed to respond to the Notice of Hearing and Complaint within 30 days and asked the Board to approve the motion to deem.

Mr. Noel moved and Mr. Everroad seconded to grant the State's motion and deem the allegations in the Complaint and Notice of Hearing as admitted; motion carried.

Mr. Foose moved and Dr. Angel seconded to adopt the Factual Allegations and the Alleged Violations from the Complaint and Notice of Hearing as Findings of Fact and Conclusions of Law; motion carried.

Mr. Donald argued that a civil penalty be applied.

Mr. Madison moved and Dr. Angel seconded to enter in the following order: Respondent shall pay a civil penalty of \$2500.00 and pay the cost of investigation in the amount of \$680.00, both to be paid within 12 months; motion carried.

2. Case No. AL16-008, Paul Varley, Alarm Agent, #57759

Mr. Marley opened the matter. Scott Donald A.A.G. appeared on behalf of the State. Marc Harris A.A.G. was present to advise the Board. Respondent did not appear before the Board and was not represented by counsel.

Mr. Donald stated that the Respondent failed to respond to the Notice of Hearing and Complaint within 30 days and argued for the approval of the motion to deem.

Mr. Noel moved and Mr. Montgomery seconded to grant the State's motion and deem the allegations in the Complaint and Notice of Hearing as admitted; motion carried.

Mr. Noel moved and Mr. Foose seconded to adopt the Factual Allegations and the Alleged Violations from the Complaint and Notice of Hearing as Findings of Fact and Conclusions of Law; motion carried.

Mr. Donald argued for a heavier penalty to protect the health and welfare of the

public.

Mr. Madison moved and Dr. Angel seconded to enter the following order: Respondent shall receive a Letter of Reprimand, pay the cost of investigation in the amount of \$455.00 to be paid within three months, pay a civil penalty in the amount of \$500.00 to be paid within three months, and a stay of revocation to be lifted if all terms of the Order are not met in a timely manner; motion carried.

C. Review, Discuss and Approve or Deny Motion for Rehearing/ Review

1. Case No. P14-001, William Eric Nau, Non-Registrant

Mr. Marley opened the matter. Michael Raine, A.A.G., appeared on behalf of the State. Marc Harris, A.A.G., was present to advise the Board. Respondent did not appear before the Board and was not represented by legal counsel.

Mr. Raine argued to deny the motion for Rehearing.

Mr. Everroad moved and Mr. Foose seconded to deny the request for rehearing or review; motion carried.

D. Review, discussion, and possible action to Summarily Suspend the registration of Carlos A. Padilla, R.L.S. #46474, Case numbers A13-015, A13-018, P14-082, M13-002, M13-033, P15-045 and P15-090, until the administrative law judge renders a recommended Decision and Order, and the Board acts upon it.

Mr. Foose recused himself.

Mr. Marley opened the matter. Roll call was taken and a quorum established. Mr. Raine appeared before the Board on behalf of the State. Seth Hardgraves, A.A.G, was present to advise the Board. Mr. Padilla appeared before the Board with his counsel Mr. Gonzales.

Mr. Raine argued to summarily suspend Mr. Padilla until the administrative law judge renders a recommended Decision and Order and the Board acts upon it on the grounds that the case has been continued numerous times, the Board has shown that it may entertain a summary suspension if the hearing were continued and that there are now four new cases pending against Mr. Padilla.

Mr. Gonzales argued that the Respondent did not receive proper due process to this matter due to the dilatory actions of BTR staff and therefore a continuance was required and not in violation of the agreement in August. Mr. Gonzales stated that Mr. Padilla would like to propose having his work peer reviewed in the interim between the Board meeting and the hearing.

In rebuttal, Mr. Raine stated that the State refuted the claims that the Respondent's due

process rights were violated and that BTR staff acted dilatory in their duties.

Dr. Angel moved and Mr. Montgomery seconded to enter Executive Session to review confidential records and seek legal advice at 11:06 am. Board exited executive session and returned to open session at 11:30am.

Mr. Everroad, Mr. Montgomery, and Mr. Madison questioned whether the allegations against Mr. Padilla rose to the level of harming the public health and safety. Dr. Angel argued that they did. Mr. Marley cautioned Board members to not put too much emphasis on the four pending cases and advised Mr. Gonzales that the Board cannot act upon Mr. Padilla's proposed use of peer reviewers due to the limitations set in Board statutes and rules. Mr. Gonzales stated that Respondent was willing to undergo peer reviews voluntarily. Mr. Raine inquired if the Respondent would be ready for the December hearing. Mr. Gonzales stated he had no issues with going to hearing in December.

Mr. Everroad moved and Dr. Angel seconded to not summarily suspend Respondent and move to hearing as scheduled; motion carried. Mr. Montgomery voted nay.

6. ENFORCEMENT MATTERS

Review, Consideration and Possible Vote on the following:

A. Complaints Proposed for Resolution by Dismissal or Closure:

1. HI16-030, Douglas Zumach, C.H.I. #48113

Mr. Madison moved and Mr. Foose seconded to dismiss the complaint.

2. P17-005, Sam Fratantoni, Non-Registrant

Mr. Madison moved and Mr. Foose seconded to dismiss the complaint.

B. Complaints Proposed for Resolution with Signed Consent Agreements:

1. P16-071, Felix Steele, R.L.S. #28234

Mr. Foose showed concern that accepting the signed consent agreement may cause ramifications in a possible land dispute. Staff indicated that no lawsuit currently existed.

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

2. P16-059, Raymond Jones, R.L.S. #05713

Dr. Angel moved and Mr. Montgomery seconded to approve the consent agreement; motion carried.

3. P17-015, Darrin Skonieczny, P.E. (Civil) #50899

Respondent appeared telephonically. The Board asked Respondent questions regarding his misdemeanors and past actions. Respondent explained the circumstances regarding the misdemeanors and stated he no longer abuses alcohol and had taken an obligatory substance abuse course.

Mr. Foose moved and Mr. Montgomery seconded to accept the signed consent agreement; motion carried.

4. P17-013, Tamara Caraway, R.A. #22538, Hunt & Caraway Architects, Firm #10556

Dr. Angel moved and Mr. Montgomery seconded to approve the consent agreement; motion carried.

5. P17-006, Richard Oehler, R.A. #12821

Respondent appeared before the Board to answer questions.

Dr. Angel moved and Mr. Montgomery seconded to approve the consent agreement; motion carried.

6. P17-011, Paul O'Connor, R.A. #15952, POCA Architecture and Design, LLC, Non-Registrant Firm

Dr. Angel moved and Mr. Montgomery seconded to approve the consent agreement; motion carried.

C. Complaints Proposed to Offer Consent Agreement:

1. P16-072, David Madrid, Non-Registrant

Dr. Angel moved and Mr. Foose seconded to offer the proposed consent agreement and to be moved to hearing if not signed within 30 days; motion carried.

Board directed staff to open an investigation against Mr. DePrima in regards to his involvement in this matter.

2. AL17-005, Edward Devine, A.A. #59045

Respondent appeared before the Board. Mr. Devine stated that he had paid the required renewal fees and would therefore like the case dropped.

Mr. Raine stated that the matter at hand was whether Mr. Devine was in violation of

B. Chapman, Thomas Civil Engineer Application #161775

Mr. Madison moved and Dr. Angel seconded to administratively close the case; motion carried.

C. Pirela, Alexander Electrical Engineer Application #162076

Madison Moved and Mr. Noel seconded to grant registration; motion carried.

Whether to Reopen and Grant or Deny Registration

D. Oder, Cynthia Civil Engineer Application #161554

Mr. Everroad moved and Mr. Noel seconded to reopen registration; motion carried.

Whether to Grant or Deny Authorization to take Professional Examination

E. Ayala-Martinez, Esmeralda Civil Engineer Application #161878

Mr. Madison moved and Mr. Noel seconded to grant authorization to take professional examination; motion carried.

F. Baliga, Sunil Electrical Engineer Application #161934

Mr. Madison moved and Mr. Foose seconded to deny waiver of the professional examination but grant to sit for the fundamentals examination; motion carried.

G. Beard, Drew Mining Engineer Application #161987

Mr. Madison moved and Mr. Noel seconded to grant authorization to take professional examination; motion carried.

H. Patchin, Daniel Control Systems Engineer Application #161833

Mr. Madison moved and Mr. Everroad seconded to grant authorization to take professional examination; motion carried.

Whether to Grant or Deny Certification:

Criminal History

I. Bennett, Daylon Alarm Agent Application #160817

Dr. Angel moved and Mr. Madison seconded to continue this matter; motion carried.

Dr. Angel left at 1:15pm and returned at 1:42pm. Board was still in a quorum.

J. De La Garza, Paul Alarm Agent Application #161510

Mr. Noel moved and Mr. Foose seconded to grant certification; motion granted.

K. Linhart, Timothy Alarm Agent Application #161014

Mr. Noel moved and Mr. Everroad seconded to grant certification; motion carried.

8. 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;

Dr. Angel moved and Mr. Everroad seconded to cancel the registrations and certifications that have been expired for one full renewal period; motion carried.

B. 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.

Nothing to consider.

List available for public review upon request.

9. POLICY MATTERS

Review, Consideration, and Possible Action on the following:

A. Draft Board Response to the September 1, 2016 Study ADOA sent to the Governor's Office and to representatives in the Legislature.

Board reviewed and discussed additions and modifications to the letter.

Mr. Everroad left the Board at 1:55pm. The Board still had a quorum.

B. The Next Edition of the Board Newsletter.

Board reviewed and discussed additions and modifications to the tentative Newsletter.

C. Election of Officers.

Mr. Noel moved and Mr. Montgomery seconded to elect Mr. Madison Chair, Dr. Angel Vice Chairman, and Mr. Foose Secretary; motion carried. Madison voted nay.

D. Traditional Board Holiday Luncheon.

Board discussed and approved the Holiday Luncheon.

E. Approval of the Proposed Meeting Dates in 2017.

Mr. Foose moved and Mr. Noel seconded to approve the proposed meeting dates for 2017; motion carried.

10. DIRECTOR'S REPORT

A. Budget Update –

Ms. Cornelius reported that the budget is on track; the transferring of money to ADEQ has surprised other agencies; and rent was paid.

B. Previous Meeting Follow-Up

Ms. Cornelius reported that the laptops discussed in the last meeting had arrived; the agency is on track for its new computer system; and there has been no new news regarding the AG's formal opinion.

C. Director's Meetings –

Ms. Cornelius reported that she and Ms. Pritzl attended the September FARB meeting; Ms. Cornelius's attendance of the CLEAR meeting in Portland has prompted CLEAR to request that she present a seminar at the next meeting, which she has yet to accept; and, Ms. Cornelius and Ms. Pritzl attended the 90/10 Board Meeting to discuss deregulation amongst other State Boards.

D. Statistics Review

Ms. Cornelius reported that the number of Geology exam takers had not decreased after the option of voluntary regulation was passed.

11. BOARD CHAIR'S REPORT

12. STANDING COMMITTEE REPORTS

A. Legislation and Rules Committee – Nothing to report.

B. Home Inspector Rules and Standards Committee - Committee discussed rule revisions for docketing to Governor's Office, if approved.

13. BOARD MEMBER REPORTS ON OUTSIDE ACTIVITIES

- A. ASBOG – Ms. Pritzl plans to attend the ASBOG meeting early November in Kansas.
- B. CLARB – Ms. Cornelius will have a telephonic meeting next week.
- C. NCARB – Mr. Marley and Ms. Cornelius will attend the late October meeting in Columbus Ohio; West CARB telephonically in December.
- D. NCEES – Discussion of the occupational reform act.

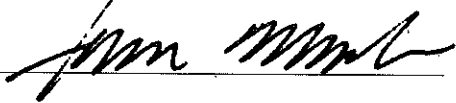
14. FUTURE BOARD MEETINGS – November 15, 2016

15. SUGGESTED TOPICS FOR FUTURE MEETING AGENDAS.

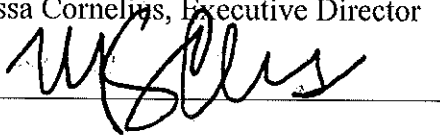
Discuss reopening of cases being delegated to staff. EAC meeting need to be cleaned up.
Substantive policy change.

16. MEETING ADJOURNMENT – 2:39

James Madison, Chairman



Melissa Cornelius, Executive Director



MINUTES
ARIZONA STATE BOARD OF TECHNICAL REGISTRATION
1110 West Washington, Conference Room #240
Phoenix, AZ 85007

Tuesday November 15, 2016
9:00 a.m.
OPEN SESSION

1. CALL TO ORDER – 9:01am

- 2. ROLL CALL – Board Members Present:** Dr. Alejandro Angel, Jason Foose, Jason Madison, Edward Marley, Stephen Noel, Andrew Everroad, Eugene Montgomery, LeRoy Brady, Neal Jones
Staff Present: Melissa Cornelius, Patrice Pritzl, Douglas Parlin, Michelle Fleming, and Kurt Winter
Assistant Attorney General Present: Scott Donald

3. CALL TO THE PUBLIC

No one addressed the Board.

4. ADOPTION OF MINUTES

Review, Consideration, and Possible Action on the following:

- A. Approve, modify and/or reject October 25, 2016 Board meeting minutes.

Mr. Marley moved and Mr. Noel seconded to approve the minutes as amended; motion carried. Mr. Brady, Mr. Foose, and Mr. Jones Abstained.

- B. Approve, modify and/or reject October 25, 2016 Executive session minutes.

Mr. Marley moved and Mr. Noel seconded to approve the minutes; motion carried. Mr. Brady, Mr. Foose, and Mr. Jones abstained.

5. CONSIDERATION OF CASES REFERRED FOR FORMAL HEARING

No cases to Consider

6. ENFORCEMENT MATTERS

Review, Consideration and Possible Vote on the following:

A. Complaints Proposed for Resolution with Signed Consent Agreements:

1. AL17-001, Steve C. Smith, Non-Registrant and Link Interactive, Non-Registrant Alarm Business

Mr. Marley moved and Mr. Jones seconded to accept the Signed Consent Agreement; motion carried.

B. Complaints Proposed to Offer Consent Agreement:

1. AL17-006, Smart Family Protection, Alarm Business #19635

Dr. Angel moved and Mr. Marley seconded to accept the signed consent agreement but increase the Administrative Penalty to \$1000 and move to hearing if not signed within 30 days; motion carried.

2. P16-002, Chad Erickson, R.L.S. #40590 and Erickson Land Surveys, Non-Registrant Firm

The Board consolidated this case with item number 6C3.

3. P17-028, Natasha Hartrick, R.A. #54414 and Natasha Marie Hartrick Designs, PLLC, Firm #20017

Mr. Marley moved and Mr. Noel seconded to accept the signed consent agreement; motion carried.

4. P16-067, Paul Nzomo, P.E. (Civil) #33446

Dr. Angel stated that he knew Mr. Nzomo but could be impartial in this matter.

Dr. Angel asked staff who was taking payments in this matter, Mr. Nzomo or the firm. The facts were unclear on the issue.

Mr. Marley moved and Mr. Noel seconded to modify the offered consent agreement as follows: Registrant will pay an Administrative Penalty of \$3,000 to be paid within 12 months, agree to an assurance of discontinuance of the practice of Mechanical Engineering, Electrical Engineering, and Architecture until such a time that Registrant can show competence through examination; and, complete 4 hours of Board approved ethics courses within 90 days; motion carried.

Mr. Everroad left the meeting at 9:23am and returned at 9:49am. Board had a quorum

during his absence.

5. P16-047, John Davis, R.L.S. #26410

Mr. Marley moved and Mr. Noel seconded to accept the signed consent agreement; motion carried.

6. HI17-002, Thomas Denton, C.H.I. #59413 and Zero Scope Home Inspections, Firm #19975

Mr. Marley moved and Mr. Noel seconded to accept the signed consent agreement; motion carried.

C. Complaints Requiring Board Guidance:

1. HI17-008, David Ungacta, C.H.I. #50920

Mr. Marley moved and Mr. Foose seconded to issue a Letter of Concern to Mr. Ungacta for failing to timely comply with a Board Order and to stress to Mr. Ungacta that he has the duty to comply with the order; motion carried.

2. AL17-009, Vincent Winget, A.C.P. #56641

Mr. Foose moved and Mr. Noel seconded to issue a Letter of Concern to Mr. Winget for failing to timely comply with a Board Order and to stress to Mr. Winget that he has the duty to comply with the order; motion carried.

3. P17-025, Chad Erickson, R.L.S. #40590

Mr. Foose stated to the Board that he can be impartial in this manner even though he sat on the EAC meeting for another complaint that had been filed against the Registrant.

The Board took a roll call indicating that Board Members had read all the materials regarding this matter including those submitted by the Registrant. All members indicated that they had read the materials. Mr. Foose abstained.

The Board expressed concern that Mr. Erickson's Idaho land surveying registration had been revoked for causes that are similar to actions pertaining to his AZ registration. The Board also expressed concern with Mr. Erickson's pattern of practice being below standard and behavior that indicated he cannot be regulated.

Mr. Marley moved and Dr. Angel seconded to consolidate cases P16-002 and P17-025, move this matter to hearing and issue a subpoena to Respondent for a list of discovery reports Registrant has conducted in Arizona for the periods 2012 through 2015; motion carried. Mr. Foose abstained.

7. LICENSING MATTERS

Discussion, Consideration and Vote on the following:

Whether to Grant or Deny Certification:

Criminal History

- A. Bennett, Daylon Alarm Agent Application #160817

Dr. Angel moved and Mr. Brady seconded to deny registration based on Mr. Bennet's lack of good character and reputation as demonstrated by his inaccuracy in marking his application, for failing to disclose a criminal conviction and failure to appear before the Board as requested; motion carried.

- B. Irwin, Fatimah Alarm Agent Application #161705

Dr. Angel moved and Mr. Brady seconded to grant registration; motion carried.

- C. Perras, Ryan Alarm Agent Application #161598

Mr. Marley moved and Mr. Brady seconded to grant registration; motion carried.

- D. Randolph, Frank Alarm Agent Application #161492

Respondent appeared before the Board. Dr. Angel asked Respondent to explain whether he reconciled his past and why he should be licensed. Respondent answered that he had rehabilitated and that he could be trusted to enter customer homes.

Dr. Angel moved and Mr. Marley seconded to grant registration; motion carried.

8. 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;

Nothing to consider.

- B. 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.

Nothing to consider.

9. POLICY MATTERS

Review, Consideration, and Possible Action on the following:

A. The Next Edition of the Board Newsletter.

Mr. Brady moved and Mr. Noel seconded to publish the Newsletter with minor modifications.

10. DIRECTOR'S REPORT

A. Budget Update –

Ms. Cornelius reported that the budget is on track.

B. Previous Meeting Follow-Up

Ms. Cornelius reported the following: Will Fairchild from GL Solutions was in Phoenix this week to help move the BTR forward with its computer system; there had been good communication between herself and the AG's office regarding the AG ISA; no official AG opinion regarding Trained Geologists was yet received; the Response to the ADOA Study was published on the BTR website and Mr. Brown and the policy advisor in the Senate acknowledged receipt of the response.

C. Director's Meetings – Ms. Cornelius reported on Stakeholder meetings.

D. Statistics Review – Ms. Cornelius provided the Board with current licensing and enforcement numbers.

11. BOARD CHAIR'S REPORT

Mr. Madison welcomed Scott Donald as the BTR's new AG.

12. STANDING COMMITTEE REPORTS

A. Legislation and Rules Committee – Meeting Early-January

B. Home Inspector Rules and Standards Committee – Meeting Mid-January

13. BOARD MEMBER REPORTS ON OUTSIDE ACTIVITIES

A. ASBOG – Ms. Pritzl reported that attempted deregulation and consolidation of Geologists was a nationwide concern discussed at the ASBOG meeting.

B. CLARB – Ms. Cornelius reported on weekly discussions with CLARB.

C. NCARB - Nothing mentioned

D. NCEES – Dr. Angel reported more applicants are taking the exams, possibly due to the move to computer based testing.

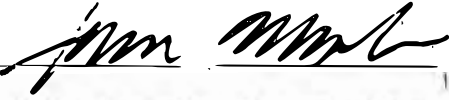
14. **FUTURE BOARD MEETINGS** – December 13, 2016

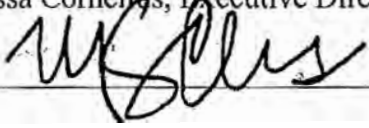
15. **SUGGESTED TOPICS FOR FUTURE MEETING AGENDAS.**

Home Inspector Calendar, Informing Registrants to register their firms via post, Substantive policy statement regarding foreign degree accreditation evaluation.

16. **MEETING ADJOURNMENT – 11:58**

Jason Madisocy Chairman



Melissa Cornelius, Executive Director


Minutes
ARIZONA STATE BOARD OF TECHNICAL REGISTRATION
1110 West Washington, Conference Room #240
Phoenix, AZ 85007

Tuesday December 13, 2016
9:00 a.m.
OPEN SESSION

1. **CALL TO ORDER** – 9:00am
2. **ROLL CALL – Board Members Present:** Dr. Alejandro Angel, Jason Foose, Jason Madison, Edward Marley, Stephen Noel, Andrew Everroad, Eugene Montgomery, LeRoy Brady, Neal Jones
Staff Present: Melissa Cornelius, Patrice Pritzl, Douglas Parlin, Michelle Fleming, and Kurt Winter
Assistant Attorney General Present: Scott Donald

3. **CALL TO THE PUBLIC**

No one appeared before the Board.

4. **ADOPTION OF MINUTES**

Review, Consideration, and Possible Action on the following:

- A. Approve, modify and/or reject November 15, 2016 Board meeting minutes.

Mr. Marley moved and Mr. Foose seconded to approve the minutes; motion carried.

5. **CONSIDERATION OF CASES REFERRED FOR FORMAL HEARING**

- A. Review, Discussion and Action on Proposed Consent Agreement Amending a Board Order

1. Case No. P14-035, OAH Docket No. 14F-M035-BTR, Ahmad N. Zarifi, P.E. #32008 (Structural) and #41872 (Civil)

Mr. Donald, A.A.G., explained to the Board that Mr. Zarifi wished to enter into an amended consent agreement that will allow him to pay his administrative penalty in increments; voluntarily surrender his registration as a Professional Engineer (structural) No. 32008; and restrict his practice as a Professional Engineer (civil) No. 41872. Ms. Pritzl informed the Board that she advised Mr. Zarifi to pay \$500 of his \$2500 administrative penalty to demonstrate to the Board his sincerity when considering the consent agreement. Mr. Donald further stated that the Board members may suspend the

matter for another Board meeting to obtain Mr. Zarifi's signature on the consent agreement.

Mr. Foose moved and Mr. Brady seconded to table the matter for the January 2017 Board Meeting; motion carried.

6. ENFORCEMENT MATTERS

Review, Consideration and Possible Vote on the following:

A. Complaints Proposed for Resolution by Dismissal or Closure:

1. P17-036, Klaus Ganser, Non-Registrant

Respondent appeared before the Board. Dr. Angel expressed his concern about Respondent's scope of work and LinkedIn account possibly being misleading to the public. Other Board members expressed similar concern.

Dr. Angel moved and Mr. Marley seconded to have the case investigated further to clarify whether respondent's project is a public works project and whether Respondent had been overseeing and approving the project construction; motion carried.

2. HI16-031, James Sullivan, C.H.I. #52827

Respondent appeared before the Board. Mr. Marley expressed his opinion that the respondent conducted himself in a professional manner with regard to this matter.

Mr. Marley moved and Dr. Angel seconded to dismiss the complaint; motion carried.

B. Complaints Proposed for Resolution by Letters of Concern:

1. HI16-029, Anthony Harms, C.H.I. #50096

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

C. Complaints Proposed for Resolution with Signed Consent Agreements:

1. P16-041, Drone View Technologies, Non-Registrant Firm

Mr. Brady moved and Mr. Noel seconded to approve the consent agreement; motion carried.

2. AL17-008, Mountain Alarm Corporation, Alarm Business #18908

Mr. Brady moved and Mr. Noel seconded to approve the consent agreement; motion carried.

D. Complaints Proposed to Offer Consent Agreement:

1. P17-018, Michael Sanchez, Non-Registrant, Sanchez Survey, Non-Registrant Firm

Mr. Foose asked staff if the consent agreement imposed the maximum administrative penalty. Staff replied that the maximum administrative penalty was being imposed in this matter.

Mr. Foose moved and Mr. Marley seconded to offer the consent agreement and if not accepted within 30 days move to hearing; motion carried.

After the vote, Mr. Foose asked whether Mr. Yarbrough's participation in this matter was under inquiry. Mr. Yarbrough was the Arizona registered land surveyor who stamped Respondent's work. Staff responded that there was an open case regarding Mr. Yarbrough.

E. Complaints Requiring Board Guidance:

Mr. Foose recused himself from Agenda Items 6E1 and 6E2.

1. P16-074, Carlos Padilla, R.L.S. #46474

Mr. Marley moved and Mr. Everroad seconded to pend agenda items 6E1 and 6E2 to the January Board meeting; motion carried.

2. P17-012, Carlos Padilla, R.L.S. #46474

Alleger, Clifford Rice, appeared in person and Respondent's Counsel, Stephen Gonzalez, appeared before the Board telephonically. Respondent did not appear before the Board.

Mr. Madison asked Mr. Rice to detail his concerns with the case. Mr. Rice explained that he hired Respondent to complete a survey by a specific date which he says was never completed. Mr. Rice stated he asked Respondent for a refund on his down payment but Respondent failed to reply to the request.

Dr. Angel asked both parties to explain the discrepancy between the Mr. Rice's and Respondent's submitted contracts. Mr. Gonzalez alleged that the Respondent's contract was unaltered and the Mr. Rice's contract was a forgery. Mr. Gonzalez further explained that due to the short notice of the EAC meeting and the fact that his request for a continuance was denied, he was unable to discuss the contract discrepancies at the EAC meeting. Mr. Gonzalez rebutted Mr. Rice's argument that Responded did not do any of the work, stating work had been done and examples of which were submitted to the EAC meeting. Mr. Rice stated no work product was ever provided to him.

Mr. Donald advised the Board that staff had acted timely in this matter. Mr. Gonzalez

disagreed.

Mr. Marley moved and Mr. Everroad seconded to table agenda items 6e1 and 6e2 for the January, 2017 Board meeting; motion carried.

After the vote, Mr. Madison directed staff to send a letter by certified mail to Mr. Gonzalez informing him of the date of the January 2017 Board Meeting.

3. P16-019, Jeff Dietz, Non-Registrant

Board Members asked staff for an investigation update. Investigator Jeff Hunt explained that Respondent submitted new project plans and a contact list, but Mr. Hunt indicated that he could not get in touch with the provided contacts. Dr. Angel inquired about Mr. Oehler's involvement in this case. Mr. Hunt indicated that matter had already been settled in a past meeting. Mr. Marely wondered if the civil penalty fee was high enough and was skeptical about the penalty fee being paid.

Dr. Angel moved and Mr. Foose seconded to approve the signed consent agreement; motion carried.

F. Complaints Proposed for Formal Hearing:

1. AL17-007, Nathaniel B. Stevens, A.A. #57304

Dr. Angel moved and Mr. Everroad seconded to move case to hearing; motion carried.

G. Review and Approval of Appointment for EAC Membership:

1. Robert L. Winiecke, P.E. (Civil) #48059

Mr. Foose moved and Mr. Marley seconded to approve Mr. Winiecke's appointment; motion carried.

H. Review, discussion and action regarding compliance with a Board Order and lifting a stay of revocation:

1. 16F-M001-BTR, P15-001, William Gilbert, P.E. (Civil) #41931

Mr. Donald explained to the Board that the lifting of the stay of the revocation of Respondent's license was pending the Board's decision. Board members showed concern that Respondent failed to pay restitution to the Alleger within the 30 days as per the Board Order, but they also noted that he did pay the restitution in full the day prior to this Board Meeting. Mr. Foose opined that the matter be tabled for the January 2017 Board Meeting to validate Respondent's email comment that suggested his intent to pay the remaining fines and complete ethics training by the end of the year. Dr. Angel opined that revoking a license is a very serious action and believed the Respondent should be given a chance to pay the remaining amount owed considering he had paid two-thirds of the fines already. Mr. Madison directed staff to inform Respondent that the lifting of the stay of revocation will remain pending but the Board expects all fines to be paid in full by the January 2017 Board meeting.

Dr. Angel moved and Mr. Everroad seconded to table the matter for next Board meeting; motion carried.

7. LICENSING MATTERS

Discussion, Consideration and Vote on the following:

Whether to Grant or Deny Request for Extension of Licensing Timeframes:

A. Roggentine, Wesley Electrical Engineer Application #162078

Mr. Foose moved and Mr. Marley seconded to grant Applicant's request for extension of licensing timeframe until the March, 2017 Board Meeting; motion carried.

Whether to Grant or Deny Certification:

Criminal History

B. Armstrong, Nicholas Alarm Agent Application #161788

Dr. Angel asked staff to clarify why Applicant indicated that he had a professional license suspended or revoked on his application. Staff indicated that the Applicant's driver's license had been revoked, not a professional license.

Dr. Angel moved and Mr. Foose seconded to grant certification; motion carried.

8. 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. Marley seconded to cancel registrations and certifications that have been expired for one full renewal period; motion carried.

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.

Nothing to Review.

9. POLICY MATTERS

Review, Consideration, and Possible Action on the following:

A. Substantive Policy Statement Research and Draft Review for Foreign Education Evaluation Services

Board members expressed concern that the current evaluation process allowed practically any entity to evaluate transcripts for submittal to the Board. Mr. Marley suggested creating a list of Board approved transcript evaluation entities for registrants.

Board directed the Deputy Director to create a list of entities that evaluate based upon generally accepted accreditation standards.

B. Research for evaluation of education credit for applicants without a degree or with an unrelated degree.

Board Members discussed the matter. Concerns and opinions included the following: whether there should be a single education credit evaluation method over all professions or should each profession have its own education credit evaluation method; should there be a set maximum amount of credit given for humanities courses; should course work going towards an unfinished degree be given credit; and, will there be discrepancies between different BTR evaluators and what can keep evaluations consistent.

C. Review and Discussion of Formal Attorney General Opinion No. I16-012, regarding the Board's Jurisdiction over Trained Geologists.

Ms. Cornelius explained her understanding of the Attorney General Opinion. She stated that trained geologists are exempt from the BTR practice act. If a complaint is submitted with regard to a geologist, an analysis, one which is not based upon BTR rules, must be conducted to specify if the potential respondent is a trained geologist, and, if found to be a trained geologist, cannot be investigated by the BTR due to lack of jurisdiction. Board Members and Scott Donald agreed with this understanding.

10. DIRECTOR'S REPORT

A. Budget Update

Ms. Cornelius reported the BTR has spent 37% of the Board appropriation and 117% of the Board's revenue with 42% of the budget year elapsed.

B. Previous Meeting Follow-Up

Ms. Cornelius reported that the BTR is still on schedule with its computer system, she signed the Attorney General ISA, the Board had received the AG opinion regarding jurisdiction over trained geologists, and, Mr. Madison was quoted in the Capital Times.

C. Director's Meetings

Ms. Cornelius reported that she participated in a meeting with Senator Nancy Barto to hear about the legislative plans for the health regulatory boards and that Senator Barto wished to introduce a Bill that would address the Governor's concerns over the North Carolina Dental Board decision.

Ms. Cornelius reported her efforts to meet with legislators.

Ms. Cornelius introduced BTR intern Casey, a third year law student, to the Board.

Ms. Cornelius reported Michelle Johnson will be taking another position and her last day is December 16. Kayla Blanco will be promoted to her position.

D. Statistics Review

11. BOARD CHAIR'S REPORT

- A. Presentation of Plaque to Gene Cetwinski, P.E. in appreciation for his dedicated service to the Board reviewing engineering applicants' credentials.
- B. Presentation of Plaque to Chip Shay, R.A., in appreciation for his dedicated service to the Board reviewing architect applicants' credentials.

12. STANDING COMMITTEE REPORTS

- A. Legislation and Rules Committee – meeting in January
- B. Home Inspector Rules and Standards Committee – meeting in January

13. BOARD MEMBER REPORTS ON OUTSIDE ACTIVITIES

- A. ASBOG – Nothing new to report.
- B. CLARB – Ms. Cornelius has been participating in CLARB training.
- C. NCARB – NCARB might hire lobbyist on their own behalf to make themselves heard in the AZ legislature.
- D. NCEES – Mr. Foose and Ms. Pritzl will attend a meeting in February in Atlanta.

14. FUTURE BOARD MEETINGS – January 24, 2017


15. SUGGESTED TOPICS FOR FUTURE MEETING AGENDAS.

Mr. Foose requested enforcement statistics regarding registrants in Arizona to be presented at the next meeting.

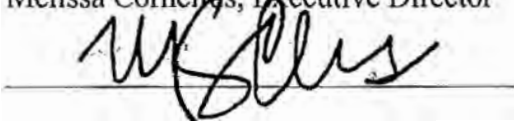
16. MEETING ADJOURNMENT 11:12 a.m.

Mr. Marley moved and Mr. Foose seconded to adjourn the meeting; motion carried.

Jason Madison Chairman

Handwritten signature of Jason Madison in black ink, written over a horizontal line.

Melissa Cornelius, Executive Director

Handwritten signature of Melissa Cornelius in black ink, written over a horizontal line.