

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

Tuesday, February 24, 2015
9:00 a.m.
OPEN SESSION

1. CALL TO ORDER – 9:04 AM

- 2. ROLL CALL** - Board Members in attendance: Alejandro Angel, LeRoy Brady, Neal Jones, Stuart Lane, Jason Madison, Edward Marley, Stephen Noel, and Robert Stanley. Absent: Douglas Folk. Staff: Lorraine Brown, Melissa Cornelius, Michael Martinez, Douglas Parlin, and Patrice Pritzl. Assistant Attorney General: Carrie Smith

3. CALL TO THE PUBLIC

Mr. David Swartz, Chairman of the Home Inspector Rules and Standards Committee, addressed the Board. Mr. Swartz stated that he was available to offer input on any Home Inspector issues that may arise during the meeting.

4. ADOPTION OF MINUTES

Review, Consideration, and Possible Action on the following:

- A. Approve, modify and/or reject January 27, 2015 Board meeting minutes – Mr. Stanley moved to approve the Board minutes from the January 27, 2015 meeting with minor technical modifications offered by Dr. Angel. Mr. Lane seconded the motion. No further discussion; motion carried.
- B. Approve, modify and/or reject January 27, 2015 Executive Session meeting minutes – Mr. Lane moved to approve the Executive Session minutes from the January 27, 2015 Board meeting. Mr. Brady seconded the motion. No further discussion; motion carried.

5. FORMAL HEARINGS

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. M11-005, Todd Connelly, P.E. (Civil) #23974 and Resource Concepts Inc., Firm Registration #16022 – Mr. Marley explained that this is a case that the Board considered previously and was referred back to staff in September of 2014 for further investigation and review from the Enforcement Advisory Committee. Mr. Bruce Scott, a principal from Resource Concepts, Inc., addressed the Board. Dr. Angel, citing a conversation a Board investigator had with the author of the PBS&J report, stated concerns over the respondent's possible lack of technical expertise or an influence of politics. Mr. Scott addressed Dr. Angel's concerns, stating RCI used AMEC's model and that PBS&J were already working for Lake Havasu City and therefore could not be considered an "independent" third-party review. Mr. Scott also stated that the EAC review could be considered an "independent" third-party review and the Board should honor their recommendation. Dr. Angel moved to issue a Letter of Concern. Mr. Lane seconded the motion. Mr. Madison stated concerns that the Board may be taking the word of one side over the other when both could be right, and stated he believes the matter should be dismissed. No further discussion. A roll call vote was taken:

Ayes: Alejandro Angel, Stuart Lane. Nays: LeRoy Brady, Neal Jones, Jason Madison, Edward Marley, Stephen Noel, Robert Stanley. Absent: Douglas Folk.

Motion Failed.

Mr. Madison moved to dismiss the case. Mr. Brady seconded the motion. No further discussion; motion carried with Dr. Angel and Mr. Lane voting no.

2. P14-078, Johnny Fisher, Non-Registrant – Mr. Lane moved to dismiss the case. Mr. Stanley seconded the motion. No further discussion; motion carried.
3. P15-030, Bob Groat, Non-Registrant – Dr. Angel stated that Mr. Groat's website, although currently corrected, had stated that he offered architectural services. Dr. Angel also stated concerns that an architect, Mr. William Slatton (#43265), was not employed by the firm yet sealed and signed plans. Mr. Marley also voiced concerns over surveyors sealing the plans. Dr. Angel moved to offer a Consent Agreement to Mr. Groat with an Assurance of Discontinuation and imposing the cost of investigation, as well as direction to staff to open an investigation regarding Mr. Slatton.

4. HI14-057, Kurt S. Hurst, Non-Registrant – Mr. Lane moved to close the case. Mr. Stanley seconded the motion. No further discussion; motion carried.

B. Complaints Proposed for Resolution with Signed Consent Agreements:

1. P15-027, Carlos Dominguez, Non-Registrant – The complainant, Roger Amaya, addressed the Board. Mr. Amaya stated that Mr. Dominguez is continues work on projects in other areas. Mr. Marley directed staff to investigate any other alleged violations by Mr. Dominguez. Mr. Stanley moved to accept the staff recommendation to offer a Consent Agreement with an Assurance of Discontinuance, imposing a civil penalty of \$3,000, and imposing the cost of the investigation in the amount of \$800. Mr. Jones seconded the motion. No further discussion; motion carried.

C. Complaints Proposed to Offer Consent Agreement:

1. P14-061, Joel Eric Kramer, Architect #27000 – Mr. Marley recused himself from this case. Mr. Stanley moved to accept staff's recommendation to offer respondent a Consent Agreement with an Assurance of Discontinuance, imposing an administrative penalty of \$2,000, and imposing the cost of the investigation in the amount of \$666. Failure to sign the consent agreement within 30 days will result in a formal hearing. Mr. Lane seconded the motion. No further discussion; motion carried.
2. P15-034, Victor M. Fontes, Non-Registrant – Mr. Adrian Fontes, acting as counsel for Mr. Victor Fontes, addressed the Board stating his concerns with the complaint.

Mr. Jones expressed his concerns over the fact that respondent used the term "Managing Engineer" was used, stating that you can't call yourself an Engineer if you're not. Mr. Madison expressed concern that Mr. Victor Fontes used the title "Civil Engineer," he noted that the use of the title clearly violated statute stating that unlicensed individuals could not claim to be a member of a Board regulated profession. Mr. Lane stated that the Board's mission is to protect the public, and if services are only offered to one individual then you're offering services to the public.

Dr. Angel asked about the seal that is used on Mr. Victor Fontes' website that looks identical to Board seals. Mr. Victor Fontes explained that seal was given to him by the U.S. Department of Housing and Urban Development as a Federal building inspector. Dr. Angel recommended that he not use that seal when referring to "Civil Engineering" on his website because it could be deceiving. Dr. Angel stated that according to A.R.S. § 32-101, an engineer is defined as a "Professional Engineer," and noted that all registered firms received a letter from the Board in September in 2013 stating that they should not use a title including the word engineer unless that person is a registered professional engineer with the Board.

Mr. Marley stated that he was more concerned over the firm's role in this case. Mr. Madison moved to offer the respondent a Consent Agreement with an Assurance of Discontinuance and imposing the cost of investigation in the amount of \$240. Mr. Stanley seconded the motion. Mr. Lane and Dr. Angel stated that there should be some civil penalty involved. No further discussion; motion carried with Mr. Lane and Dr. Angel voting no.

3. AL15-010, Jared Wright, Tekna LLC, Non-Registrants – Mr. Jared Wright addressed the Board voicing his concerns about the complaint. Mr. Wright stated he does not dispute his firm was not registered with the Board. Mr. Wright explained that he was unaware that the law requires alarm firms to register with the Board. Mr. Wright stated he felt as though a \$2,000 Civil Penalty was too high. Ms. Cornelius stated that the burden is on the business owner to understand the laws applying their industry and to comply with those laws and regulations. Mr. Wright stated he understood that and was not disputing the cost of investigation but that the amount of the Civil Penalty was unreasonable considering there wasn't a reasonable attempt to notify him that the firm must now be registered. Mr. Wright stated he is the only employee of his firm and he is a full-time student studying Geology and cannot afford a \$2,000 fine. Dr. Angel moved to offer him an amended Consent Agreement with an Assurance of Discontinuance, imposing a reduced Civil Penalty of \$1,000, imposing the cost of investigation in the amount of \$497, and to allow the penalties to be paid over the course of 24 months. Mr. Lane seconded the motion. No further discussion; motion carried.
4. P15-029, Dennis Donovan, P.E. (Civil) #41697 – Mr. Dennis Donovan appeared before the Board with Cochise County Deputy Attorney Britt Hanson and Cochise County Engineer Karen Riggs. Mr. Donovan addressed the Board, explaining his professional history in Arizona and Colorado before starting work with Cochise County as a Civil Engineer. Mr. Donovan stated he applied for reactivation of his registration with the Board and instead of getting his approval of registration; he got an investigative notice about practicing without a license.

Mr. Hanson clarified that there were two allegations against Mr. Donovan; practicing while his registration was inactive and printing business cards with "PE" before he got his license. Ms. Riggs explained how Mr. Donovan came to be employed by Cochise County. Ms. Riggs explained that the cards were a timing issue. She stated that the county was under a directive to use new business cards, that they were printed after Mr. Donovan applied for registration, and that the "PE" was used in anticipation of the approval of his reactivation. Mr. Hanson added that Mr. Donovan's application was approved and the cards were not meant to be distributed to anyone, so Mr. Donovan wasn't holding himself to be a Professional Engineer to the public.

Mr. Jones asked Mr. Donovan if he was a Professional Engineer in Colorado and, if so, if he was still registered in Colorado. Mr. Donovan stated he was registered in Colorado but he is not currently registered. Mr. Jones asked if Mr. Donovan is current in Arizona. Mr. Parlin answered that Mr. Donovan is currently registered in Arizona.

Dr. Angel moved to issue a Letter of Concern regarding Mr. Donovan having represented himself as an active, registered Engineer prior to reactivation. Mr. Madison seconded the motion. No further discussion; motion carried. Mr. Marley clarified that, even though the Letter will go in Mr. Donovan's file, it is not a disciplinary action.

D. Complaints Requiring Board Guidance:

1. P15-036, Ryan Trudell, LA #43528 and Hadley Design Group Inc., Firm Registration #13047(expired 3/31/13) – Mr. Brady recused himself from the case. Mr. Hadley addressed the Board regarding his concerns about the complaint. Mr. Hadley stated that Mr. Trudell left the firm around February of 2013 and, in August of 2013, Mr. Hanneman joined the firm and they re-registered as a Landscape Architect firm. Mr. Hadley said he then received a notice that the firm was not in compliance with the law but he had assumed that the Board just hadn't updated the paperwork yet. Because of this, Mr. Hadley stated that they were operating the firm with the belief that it was compliant.

Dr. Angel asked if there was any reason it took a subpoena for Mr. Hadley to respond to the Board. Mr. Hadley answered that a temp had actually received the notices and never delivered them to Mr. Hadley. Dr. Angel asked if the collaborating professionals had been paid and, if not, why. Mr. Hadley mentioned that they had not been paid, due to their invoices incorrectly being filed as "paid" in their system. Mr. Hadley stated that those subcontractors should be paid within the next couple of weeks.

The Board questioned whether Mr. Trudell should be listed on the complaint. Mr. Trudell addressed the Board stating he was only informed about this investigation recently after being called by a Board investigator. Assistant Attorney General Smith advised the Board that they could dismiss Mr. Trudell from the complaint. Mr. Stanley moved to remove Mr. Trudell from the complaint. Mr. Jones seconded the motion. Ms. Catherine Alcorn, the complainant, addressed the Board on her firm not receiving payment and explained why they filed a complaint. No further discussion; motion carried.

Dr. Angel moved to offer a Consent Agreement to the respondent with a Stayed Suspension requiring the subcontractors to be paid within 30 days, imposing an Administrative Penalty of \$2,000 plus a \$500 fine for a lack of firm registration, and imposing the cost of investigation in the amount of \$1,352. Failure to sign the Consent Agreement within 30 days will result in a

formal hearing. Mr. Lane seconded the motion. No further discussion; motion carried.

2. P15-038, Stephen P. Maslan, P.E. (Civil) #31790 – Per his request, the Board called Mr. Maslan and teleconferenced him into the Board meeting. Mr. Maslan addressed the Board, stating his concerns over the complaint. Mr. Maslan explained that the Missouri Board revoked his license simply because they didn't receive his renewal check. Mr. Marley asked if Mr. Maslan had worked out arrangements to reinstate his license in Missouri. Mr. Maslan answered that he had been reinstated and then the Missouri Board revoked it again claiming that he had been practicing without a license. Mr. Maslan stated he submitted a letter from another architect stating that Mr. Maslan could mark up some plans and that the Missouri Board said that since he had red-marked the plans, he was practicing architecture. Mr. Maslan stated he disagreed with the Missouri Board's findings since he had the permission of the architect before marking the plans.

Mr. Jones asked if Mr. Maslan had ever checked his bank to see if the check had been cashed. Mr. Maslan said he didn't check because his bookkeeper handled his finances and that he figured the Missouri Board received his check but didn't cash it. Mr. Marley asked for clarification on the current status of his license in Missouri. Mr. Maslan stated his license was currently revoked and that he was going to reapply for a license in about a year.

Dr. Angel read the Missouri Board's order reflecting that Mr. Maslan failed to report at least 4 projects that he was required to report, as well as marking and signing architectural plans. Mr. Maslan stated that there was a misunderstanding between him and the Missouri Board about what constituted practicing architecture. Dr. Angel stated concerns about two different recent disciplines from Kansas and Texas, as well as a Letter of Concern from Utah and that there seemed to be a pattern forming. Dr. Angel also stated concerns that Mr. Maslan was required to report any actions taken by the Missouri Board within 10 days, and that he didn't report to the Board the action taken on December 8, 2014 by Missouri until January.

Mr. Madison stated that Mr. Maslan violated his Consent Order with the Board by not staying licensed in Missouri. Mr. Maslan asked the Board to consider how hard he and his firm have been working to live up to what is being expected of him. Mr. Marley stated that he is deeply concerned about the wave of disciplinary actions taken against Mr. Maslan from Board's across the country. Dr. Angel stated that appeared Mr. Maslan's skills were technically incompetent and didn't know what the bounds of practice were in his profession. Mr. Marley stated that the reason the Board was hearing this complaint was because Mr. Maslan's Consent Agreement with the Board was tied to the actions of Missouri's Board. Ms. Cornelius noted that the Board

could send the case to a formal hearing. Ms. Smith stated that they could continue the current consent agreement, offer a modified consent agreement, or to send the case to a formal hearing.

Mr. Stanley moved to offer a new Consent Agreement with a Stayed Suspension of three years or peer reviews on Mr. Maslan's next three projects in Arizona, extension of probation to 3 years, and require that Mr. Maslan not receive any disciplinary actions on new violations in other states. Mr. Brady seconded the motion. No further discussion; motion carried.

E. Review and Approval of Appointment for EAC Membership:

1. Mark Fellingner, Landscape Architect #36734 – Mr. Brady moved to approve the appointment of Mr. Fellingner to the Enforcement Advisory Committee. Mr. Lane seconded the motion. No further discussion; motion carried.

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

1. M13-038, John H. Davis, RLS #26410 – Mr. John Davis addressed the Board, stating that the terms of the offered Consent Agreement required monthly payments and that he would like to be able to make payments every six months instead. Mr. Davis explained that he has basically retired and is currently living on a fixed-income. Dr. Angel asked Mr. Davis if he had recorded the survey at issue yet. Mr. Davis replied that he had not completed the survey yet as he had been waiting to find out the Board's ruling. Mr. Noel voiced concerns stating he would like to see the survey amended by Mr. Davis within 30 days. Mr. Davis stated he could amend the survey within 30 days. Ms. Cornelius asked Mr. Davis if he would rather surrender his license. Mr. Davis replied that he still does some surveyor work and does not want to surrender his license. Dr. Angel moved to amend the Consent Agreement to impose a Stayed Suspension, require that the survey be amended within 30 days, and to impose payments of Administrative Penalties (\$500) and the costs of investigation (\$540) to be paid over the next 12 months. Mr. Lane seconded the motion. No further discussion; motion carried.

7. LICENSING MATTERS

Discussion, Consideration and Vote on the following:

A. Discussion, Consideration, and Vote to Grant or Deny Registration

1. Brisco, Michael, Home Inspector Application # 141657 – Mr. Brisco addressed the Board regarding his concerns over the review conducted of his inspection report. Mr. Brisco stated he was unsure about why his application was recommended for denial. Ms. Brown addressed the Board, clarifying that Mr. Brisco's application hasn't been denied. Ms. Brown explained that an evaluator reviewed one of Mr. Brisco's inspection reports and felt that Mr.

Brisco's report did not meet the standards and that Mr. Brisco did not understand the Standards of Practice. Dr. Angel asked if the Board had, in the past, sent a report to a second evaluator. Ms. Brown confirmed that the Board has sent reports to a second evaluator in the past. Mr. Brisco explained a misunderstanding of what was being asked of him when his report was sent back to him. Mr. Brisco stated that he was asked to make changes to his report but he did not have a copy of the report he sent in. Mr. Marley stated concerns that the evaluator was overly vague in what he was asking for in response from Mr. Brisco and that sending the report to a second evaluator may be the prudent thing to do.

Mr. Peter Maxie, who conducted the evaluation of Mr. Brisco's report, addressed the Board regarding his evaluation. Mr. Maxie stated that he was attempting to get Mr. Brisco to protect himself by quoting the Standards of Practice within the inspector's report itself. Mr. Noel asked Mr. Maxie to clarify if he was saying that Mr. Brisco's report was okay but he just wasn't quoting the appropriate standards. Mr. Maxie stated that was correct and that, by not quoting the appropriate standards, Mr. Brisco was exposing himself to a potential lawsuit. Dr. Angel asked Mr. Maxie what action he would recommend the Board take. Mr. Maxie answered that someone should show Mr. Brisco how to cite the Standards of Practice and to ensure Mr. Brisco and his clients are signing the standards. Mr. Maxie also stated that Mr. Brisco is currently meeting the standards and will improve as he gains more experience.

Mr. Briscoe stated he carries the Standards of Practice with him on inspections and that he does have his clients sign a standards agreement before he conducts an inspection. Mr. Madison moved to grant Mr. Brisco's application. Mr. Brady seconded the motion. No further discussion; motion carried.

2. Scott, William, Civil Engineer Application # 141431 – Dr. Angel explained that he evaluated Mr. William Scott's application and wanted to get the opinion of the rest of the Board. The Board clarified that Mr. Scott had worked in Colorado for 10 of the last 15 years. Dr. Angel moved to grant Mr. Scott's application. Mr. Stanley seconded the motion. No further discussion; motion carried.
3. Ramos, Simon, Civil Engineer Application # 142479 – Dr. Angel stated that he knows the respondent, Mr. Simon Ramos, and has worked with him on projects but felt that he could be impartial in his judgment of this case. Mr. Ramos addressed the Board regarding his past convictions that were disclosed on his application. Dr. Angel asked if Mr. Ramos was currently employed. Mr. Ramos stated that he'd be employed with ADOT the following Monday. Mr. Noel asked if he went to college after the reported incidents. Mr. Ramos

responded that he attended the University of Arizona after the last incident in 2004. Mr. Madison moved to approve Mr. Ramos' application. Mr. Noel seconded the motion. No further discussion; motion carried.

- B. Review, Consideration and Action to Accept, Modify or Reject the Administrative Law Judge's February 5, 2015 Recommended Decision and Order in: The Matter of Adam Yahl, Applicant for Certification as a Home Inspector in Arizona, Case No. 014-141091-BTR – Marc Harris was present on behalf of the State. Dr. Angel moved to approve the Administrative Law Judge's finding of fact 1-15. Mr. Brady seconded the motion. Mr. Noel asked if all Mr. Yahl's charges were dismissed by the Court. Mr. Harris stated that the charges against Mr. Yahl were dismissed and that Mr. Yahl disclosed that fact on his initial application, however, Mr. Yahl had not disclosed the fact that he pled guilty to those charges, was given probation, and that those charges weren't dismissed until completion of his probation. No further discussion; motion carried. Mr. Lane moved to adopt the Administrative Law Judge's conclusions of law 1-5. Mr. Brady seconded the motion. No further discussion; motion carried. Mr. Lane moved to accept the recommended order of the Administrative Law Judge. Mr. Brady seconded the motion. No further discussion; motion carried.

8. LICENSING CONSENT AGENDA

- A. Review, Consideration, and Action on the Evaluation Committee and Staff Recommendations for the following:

Lists of names available at the Board's office for public review

1. Granting professional registrations, certifications or in-training designations pursuant to A.R.S. §§ 32-122.01, 32-123;
2. Granting approval to applicants to sit for the professional or in-training examinations pursuant to A.R.S. § 32-122;
3. Granting professional registrations to those applicants possessing NCARB Blue Cover or NCEES Model Law Engineer certifications, pursuant to A.R.S. § 32-122.01, and § 32-123;
4. Granting professional registrations, certifications or in-training designations or authorizations to test to those applicants who disclosed minor criminal history that has no reasonable relationship to the applicant's proposed area of practice or who disclosed lesser disciplinary action taken against their registrations in other jurisdictions, pursuant to A.R.S. §§32-122, 32-122.01 and § 32-123;
5. Administratively closing professional or in-training applications pursuant to A.R.S. §§ 32-122, 32-122.01(A); A.A.C. R4-30-204(E);
6. Re-Open Files of Alarm Agents Closed in Error
7. Cancellation of registrations and certifications that have been expired for one full renewal period;

8. List of Alarm firm and Alarm Agent certifications granted by the Executive Director pursuant to A.R.S. § 32-122.05 and A.R.S. § 32-122.06.

Mr. Marley stated he'd like to pull Demetrius Vaughn (Architect Application #070585) and Gregory Darvauex (Home Inspector Application #141825) from the Agenda item 8.5 consent list. Mr. Stanley moved to approve the February 24, 2015 consent agenda items 8.A.1-8.A.8 with the exception of Mr. Vaughn and Mr. Darvauex. Mr. Lane seconded the motion. No further discussion; motion carried.

Mr. Darvauex addressed the Board asking for his application deadline to be extended. Ms. Brown stated that Mr. Darvauex failed to respond to the request for additional information to support his application within the timeframe allotted and was asked to come before the Board to request an extension. Ms. Pritzl stated that, due to licensing timeframe laws, Mr. Deveaux was placed on the closed list automatically after 90 days. Dr. Angel moved to extend the application deadline to September of 2015. Mr. Lane seconded the motion. No further discussion; motion carried.

Mr. Marley explained that Mr. Vaughn initially applied in 2007. Ms. Brown stated that was correct and that Mr. Vaughn originally tested in 2012 but failed the test. Mr. Marley also explained that Mr. Vaughn stated that he was retesting on the date of the Board meeting. Mr. Marley moved to close Mr. Vaughn's application and invite him to reapply, subject to verification that NCARB will keep his test scores, and to advise Mr. Vaughn that he needs to complete the IDP. Mr. Lane seconded the motion. No further discussion; motion carried.

9. POLICY MATTERS

Review, Consideration, and Possible Action on the following:

- A. Review and discuss industry comments regarding NCEES' proposed changes to the Agricultural PE and vote to approve or reject the exam as satisfying State licensing requirements – Mr. Madison moved to approve the proposed exam changes. Dr. Angel seconded the motion. No further discussion; motion carried.

Dr. Angel excused himself from the meeting – 1:33 PM

- B. Board Member Training: The Home Inspector EAC Process – Mr. David Swartz addressed the Board explaining Home Inspector's standards and how the Home Inspector EAC process works. Mr. Swartz explained the limited responsibility of home inspectors to report on items that may be obscured from view.

C. Home Inspector Rules and Standards Committee's Recommendation to Modify Substantive Policy Statement #8: The Home Inspector Preferred Vendor or Similar Programs (eff. 1/13/04.) – Mr. Swartz explained the history of the policy, preferred vendor programs, and the need to update the policy to include Marketing Service Agreements into the language of the policy. Mr. Madison moved to approve and publish the modification of SPS#8. Mr. Stanley seconded the motion. No further discussion; motion carried.

D. Whether to Adopt New Substantive Policy Statements on the following:

1. Referring Tradesmen To Correct Adverse Conditions Identified During a Home Inspection – Mr. Swartz addressed the Board regarding a change to the policy statement to allow referrals of tradesmen as long as the Home Inspector does not have a vested interest in that referral. Dr. Angel moved to approve the changes to the substantive policy statement. Mr. Brady seconded the motion. No further discussion; motion carried.

2. Referring Termite Inspectors at the Time of a Home Inspection – Mr. Swartz addressed the Board stating this change would stop home inspectors from accepting a low-price from a termite inspector for referrals while still charging the client a higher price. Mr. Noel stated that the home inspectors are accepting liability for the referral and that he didn't understand why they shouldn't receive some compensation. Mr. Marley agreed with Mr. Noel's concerns. Mr. Swartz stated that no matter the action, it would be difficult to enforce. Dr. Angel moved to proposed policy to the Home Inspectors Standards and Rules committee to make the modifications to the termite issue and replace the approvals made in agenda item 9.D.1. Mr. Brady seconded the motion. No further discussion; motion carried.

3. The Definition of "Peer Review" as it Relates to Home Inspector Registrants Involved in Board Disciplinary Actions – Mr. Swartz addressed the committee regarding changing the definition of "peer review" to include that peer reviewers must have been in business for 5 years and have completed no less than 250 inspections. Dr. Angel asked about broadening the language to include other professions regulated by the Board. Mr. Noel agreed that the language should be broadened. Mr. Marley directed this item to be sent back to the Legislative and Rules Committee.

E. The Latest Edition of the Board's Newsletter – Mr. Marley directed the staff to publish the Board newsletter after making minor edits.

- F. Whether to Participate in CLARB's Model Board Partnership Pilot Program – Ms. Cornelius explained CLARB's pilot program and the process the Board must take to be included in the program. Mr. Brady mentioned that the good thing about the program is that it isn't a very long program. Dr. Angel asked Mr. Brady if he is willing to take the lead on this project. Mr. Brady agreed. The Board directed staff to apply to the program.

Mr. Jones and Mr. Brady excused themselves from the Board meeting – 1:20 PM

- G. Press Release Regarding Alarm Industry Door-To-Door Marketing Scams – Ms. Pritzl addressed the Board regarding the expansion of door-to-door marketing scams. Mr. Stanley moved to approve the Press Release as written. Mr. Lane seconded the motion. No further discussion; motion carried.

10. DIRECTOR'S REPORT

- A. Budget Update – Ms. Cornelius reported that with 58% of the FY15 budget year lapsed, 51% of the Board's appropriation and all revenue has been spent.
- B. Staff Update – Ms. Cornelius reported that Sylvia Bates had retired from State service on January 31, 2015 and that Dolly Lucero, who had been "temping" with the Board for several months, was hired to fill the position on February 9, 2015.
- C. Previous Meeting Follow-Up – Ms. Cornelius reported that the RFP for a new computer system should be posted by the next week.

Per the request of Mr. Folk, Mr. Cornelius reported that she sent out letters to certain NCEES members to see if their states include GIS and Photogrammetry in their Practice Act for Surveying and has received four responses.

Ms. Cornelius reported that they would be requesting an exception to the Governor's Rule Moratorium so that, if the Board has to keep regulative authority over the Alarm Industry, the Board could write new rules to govern them.

Ms. Cornelius asked the Board's opinion regarding reaching out to engineers on the Enforcement Advisory Committee to help with the processing of Professional Engineering applications. Dr. Angel asked about the possibility of hiring a part-time engineer to help. Ms. Cornelius stated that the Board might be able to cover that expense.

- D. Director's Meetings – Ms. Cornelius reported that she joined Harry Falconer from NCARB at an AIA conference on February 7, 2014 where they presented

information to students interested in taking the ARE and answered questions from interested potential candidates.

Ms. Cornelius reported that she and Ms. Pritzl had attended the 90/10 Director's meeting on February 10, 2015 to hear a discussion on pending legislation that could affect the entire regulatory community. Ms. Cornelius also met with Ryan Peters, who works for the Governor and handles Appointments to Boards and Commissions. He encouraged those members of the Board who would like to be re-appointed to serve on the Board to submit applications to him several months prior to the end of their term.

Finally, Ms. Cornelius reported that she had a meeting with Attorney General Mark Brnovich regarding the Board's concerns on obtaining and retaining competent legal services from the AG's office.

- E. Legislative Update – Ms. Cornelius explained that she would be leaving the meeting early in order to speak to Senator Yee about introducing another amendment to HB2127 that would change the amendment added to the bill on the House floor by Representative Petersen and would require the Board only to issue refunds if the Board rejected an application and, after a hearing, the registrant was granted an application.

Ms. Cornelius reported that HB2504, the Alarms bill, died after it was held in Caucus. Ms. Cornelius explained that since then, a staff member had had a firsthand experience with an alarm industry marketing scam and Ms. Cornelius stated she has reached out to other organizations to attempt to move regulatory authority over the alarm industry to the Department of Public Safety.

Ms. Cornelius reported that SB1062 passed the Senate and is awaiting action in the House. Ms. Cornelius reported that ADEQ is interested in accepting the jurisdiction over the Drug Lab Remediation industry, but felt the language of the current bill requires an amendment.

- 11. **BOARD CHAIR'S REPORT** – Mr. Marley reported that he attended the NCEES President's meeting with Ms. Pritzl and that a full report could be found in his communique included in the Board's newsletter.

12. **STANDING COMMITTEE REPORTS**

- A. Legislation and Rules Committee – Next meeting on March 19, 2015
- B. Home Inspector Rules and Standards Committee – Next meeting is March 12, 2015
- C. Environmental Remediation Rules and Standards Committee – Nothing new to report

13. BOARD MEMBER REPORTS ON OUTSIDE ACTIVITIES

- A. National Council of Examiners for Engineering and Surveying (“NCEES”) – NCEES event in Scottsdale the May 14-16 and the national meeting will be in August in Williamsburg, Virginia. Mr. Marley reported that Arizona was not the only state having examination score problems and that NCEES is now taking steps to rectify the issue.
- B. National Council of Architectural Registration Boards (“NCARB”) – NCARB will be having their Regional Summit in March in Long Beach, CA, and their annual meeting in June in New Orleans.
- C. Council of Landscape Architectural Registration Boards (“CLARB”) – CLARB will be having their annual meeting in September in New Orleans.
- D. National Association of State Boards of Geology (“ASBOG”) – ASBOG will be meeting in Calgary in April.
- E. Public Member News/Information – Mr. Folk being absent, there was nothing new to report.

14. **FUTURE BOARD MEETINGS** – Tuesday, March 24, 2015 at 9:00 a.m.

15. **SUGGESTED TOPICS FOR FUTURE MEETING AGENDAS** – Board strategic planning meeting in Flagstaff.

16. **MEETING ADJOURNMENT** – 1:54 PM

Ed Marley, Chair

Melissa Cornelius, Executive Director