

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

Tuesday, May 26, 2015

9:00 a.m.

OPEN SESSION

1. **CALL TO ORDER** – 9:02 a.m.
2. **ROLL CALL** – Board Members in attendance: Alejandro Angel, LeRoy Brady, Douglas Folk, Neal Jones, Stuart Lane Jason Madison, Edward Marley, Stephen Noel, and Robert Stanley. Staff: Melissa Cornelius, Michelle Fleming, Douglas Parlin, Patrice Pritzl and Gregory Wisher. 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 April 28, 2015 Board meeting minutes - Dr. Angel recommended a minor change to the minutes and then he made a motion to approve them as modified. Mr. Stanley seconded the motion. No further discussion; motion carried with Mr. Folk, and Mr. Lane abstaining.

5. **FORMAL HEARINGS:**

A. Review, Consider and Act on State's Motion to Deem

1. P14- 058, Mark Brownell, non-registrant and J.R. Tuttle Co., non-registrant

Mr. Marley recused himself and Mr. Brady chaired this matter. Assistant Attorney General Michael Raine presented the State's case against the Respondent and requested that the Board deem the allegations admitted due to the Respondents failure to respond to the Complaint and Notice of Hearing. Neither the Respondent nor a representative was present for the proceeding. Respondent failed to file an answer to the complaint. Mr. Lane moved to deem the Factual Allegations of the Complaint as admitted. Dr. Angel seconded the motion. Mr. Folk moved to adopt the Alleged Violations as Conclusion of Law as Findings of Fact. Mr. Lane seconded the motion. Mr. Folk moved to impose civil penalties of \$2000.00 per violation per Respondent (there were four violations) plus investigation costs; 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. P15-040, John Trummer, P.E. (Structural) #12528 – Mr. Jones recused himself from this case. Mr. Lane moved to have this case dismissed. Mr. Brady seconded the motion. No further discussion; motion carried.
2. HI15-022, Roy Sirakis, C.H.I. #42681 - Mr. Lane moved to have this case dismissed. Mr. Brady seconded the motion. No further discussion; motion carried.

B. Complaints Proposed for Resolution with Signed Consent Agreements:

1. P15-026, Don E. Petersen, R.L.S. #33877 - Mr. Peterson appeared and addressed the Board. Mr. Lane moved to accept the signed Consent Agreement. Mr. Stanley seconded the motion. No further discussion; motion carried.
2. P15-037 and M13-051, Holten A. Bjoin, R.L.S. #37400 – Mr. Stanley moved to accept the signed Consent Agreement. Mr. Lane seconded the motion. No further discussion; motion carried.
3. HI15-016, Darren Wright, C.H.I. #50446 - Mr. Lane moved to accept the Respondent's signed Consent Agreement. Mr. Noel seconded the motion. No further discussion; motion carried.

C. Complaints Proposed for Offer of Consent Agreement:

1. HI15-008, Ronaldo Borgogni, C.H.I. #50622 – Mr. Borgogni was present and addressed the Board. The Alleger Pat Bishop was also present and addressed the Board. Mr. Folk moved to offer Mr. Borgogni a Consent Agreement for a Letter of Reprimand; restitution to the Alleger and costs of the investigation. If Mr. Borgogni fails to sign the Consent Agreement within 30 days, the matter is to proceed to Formal Hearing. Mr. Noel seconded the motion. No further discussion; motion carried with Mr. Jones being the only member that voted Nay.
2. P15-031, Stanford Lake, P.E. (Civil) #41946 – Mr. Lake appeared and addressed the Board. Mr. Frost also appeared and spoke on behalf of Mr. Lake. Dr. Angel moved that the Consent Agreement be offered as proposed. If Mr. Lake does not sign the Consent Agreement within 30 days, the matter will proceed to hearing. Mr. Folk seconded the motion. No further discussion; motion carried.

3. P15-017, SH Engineering and Manufacturing, LLC., Non-Registrant Firm – Mr. Skiles appeared as Principle and Mr. Sparks appeared as legal Counsel. Mr. Folk moved to offer a Consent Agreement including an assurance of discontinuance, a civil penalty in the amount of \$2000.00 and costs of investigation in the amount of \$734.00 to be signed in 30 days, if not signed move to Formal hearing. Mr. Lane seconded the motion. No further discussion; motion carried.
4. P14-057, Agnieszka Jastrzebska, Non-Registrant, AJ Design Studio LLC dba AJ Design Studio Architecture and Interiors, Non-Registrant Firm – Ms. Jastrzebska appeared and addressed the Board. Dr. Angel moved to offer a modified Consent Agreement with a civil penalty of \$1000.00 payable over a 12 month period and assurance of discontinuance. If the Consent Agreement is not signed within 30 days, the matter will proceed to Formal hearing. Mr. Lane seconded the motion. No further discussion; motion carried.
5. P15-008, David S. Klein, R.L.S. #42137 – Mr. Klein was present and addressed the Board. Mr. Lane moved to issue a Letter of Concern. Dr. Angel seconded the motion. No further discussion; motion carried.

7. LICENSING MATTERS

Discussion, Consideration and Vote on the following:

A. Whether to Grant or Deny Registration:

1. Mosallai, Mojtaba, Civil Engineer Application #142016 - Dr. Angel recused himself from this case. After reviewing the Application and Mr. Mosallai's previous registration history with the Board including two complaints, an order of Probation which he failed to comply with and license revocation for noncompliance with a Board order the Board determined that it would be too difficult to regulate Mr. Mosallai's practice and found that he lacked good moral character based upon his previous license revocation, to hold registration in Arizona. Mr. Lane moved to deny Mr. Mosallai's application for registration. Mr. Folk seconded the motion. No further discussion; motion carried.
2. Mualim, Jonathan, Electrical Engineer Application #150123 – Mr. Stanley moved to grant Jonathan Mualim's application for Electrical Engineering. 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/Green 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;

Mr. Stanley moved that the Board approve items 1 through 4 and 6 and 7 on the Licensing Consent portion of the agenda. Mr. Lane seconded the motion. No further discussion; motion carried.

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);

Mr. Schimanski, Dennis, III., (Architect Application #110003) Mr. Schimanski addressed the Board to request that his application remain in active status because he is in the process of taking a qualification test. Because Mr. Schimanski has a scheduled test date in June 2015, and his original deadline for testing was initially 5 years (which expires in 2016), Dr. Angel moved to keep Mr. Schimanski's application active until 2016. Mr. Stanley seconded the motion. No further discussion; motion carried.

Guzman, Ramirez, Luis (Civil Engineer Application #100871) Mr. Guzman addressed the Board to request that his application remain in active status because he had traumatic personal situations occur in his life for the past few years. Because Mr. Guzman has not passed any tests during the 5 year period, the Board determined that his application will be closed and he must reapply.

Felix, Edgar, AIT Application #120078 – Mr. Felix requested that the Board keep his application open. The Board denied his request and closed his application for AIT designation because it does not offer AIT designation any longer. The Board encouraged him to apply for ARE authorization if he desires authorization to test.

Ahmad, Ijaz, EIT Application #120168 – Mr. Ahmad, addressed the Board to request that his application remain in active status. Mr. Noel moved

to have his application extended until the end of 2015. Mr. Lane seconded the motion. No further discussion; motion carried.

Mahmulin, Saud, Architect Application # 131075 – Mr. Mahmulin addressed the Board to request that his application remain in active status because he took and passed one section of the ARE and later a second section. Mr. Lane moved to keep Mr. Mahmulin’s application active, Mr. Noel seconded the motion. No further discussion; motion carried.

Osteen, Scott, Architect Application #120517 – Mr. Osteen addressed the Board to request that his application remain in active status because he took and passed a section of the ARE exam. Mr. Stanley moved to keep Mr. Osteen’s application active through January 2019, Mr. Lane seconded the motion. No further discussion; motion carried.

Garcia, Claudia, Geologist Application #133205 – Ms. Garcia addressed the Board to request a 9 month extension on her application. Mr. Madison moved to grant Ms. Garcia an extension through December 31, 2015. Dr. Angel seconded the motion. No further discussion; motion carried.

Fritsch, Corinna, Architect Application #090027 – Ms. Fritsch addressed the Board and requested that her application remain active. Ms. Fritsch had not passed any sections of the ARE since filing her application in 2009. The Board denied Ms. Fritsch’s request.

Garrett, Gordon, EIT Application #120194 – Mr. Garrett addressed the Board and requested that his application remains in active status. Dr. Angel moved to extend Mr. Garrett’s application through December 31, 2015. Mr. Noel seconded the motion. No further discussion; motion carried.

Mr. Stanley moved to close all of the applications in 8.a.5. with the exception of Ljaz Ahmad Application #120168, Claudia Garcia Application #133205, Gordon Garrett Application #120194, Saud Mahmulin Application # 131075, Scott Osteen Application #120517, and Dennis Schimanski, Architect Application #110003. Mr. Lane seconded the motion. No further discussion; motion carried.

6. Cancellation of registrations and certifications that have been expired for one full renewal period;
7. 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.

9. **POLICY MATTERS**

Review, Consideration, and Possible Action on the following:

- A. Review of Proposed Letter to ADOT in Response to its April 7, 2015 Memorandum regarding *Replacement of the Terms “as built drawing,” and/or “as build drawing” with the updated term “record drawing.”*

Mr. Stanley left the meeting at 1:07 pm.

The Board agreed that Ms. Cornelius would make some minor changes to the Letter to ADOT and forward it for the Board Chairman’s signature.

- B. Discussion and possible Guidance to staff and the Legislation and Rules Committee regarding whether to revise the Rule definition of “Bona Fide Employee.”

The Board recommended that this matter be sent to The Legislation and Rules Committee.

- C. Proposed Home Inspector Rules and Standards Committee Recommended Disciplinary Severity Ratings.

Ms. Cornelius agreed to edit the Proposed Home Inspector Rules and Standards Committee Recommended Disciplinary Severity Ratings and bring it back to the Board at the June meeting.

- D. Review and Action on the Proposed Agenda for the Strategic Planning Meeting scheduled for July 10, 2015.

The Board approved the proposed agenda for the meeting. Ms. Cornelius agreed to send notice of the meeting to concerned stakeholders.

- E. Review and Action on the Proposed Substantive Policy Statement regarding HB 2127, giving the Board authority to delegate to the Executive Director the Authority to Grant registrations and certifications.

Ms. Cornelius will create a list for the next meeting to be reviewed by the Board.

- F. Review and Action on NCARB’s Proposed Resolutions for its June 2015 Annual Meeting.

Mr. Folk moved to authorize Mr. Marley to vote yay on the three resolutions at Annual NCARB meeting in June 2015. Mr. Noel seconded the motion. No further discussion; motion carried.

10. DIRECTOR’S REPORT

- A. Budget Update

Ms. Cornelius reported that with 83 percent of the FY15 budget year elapsed, the Board has spent 75% of its appropriation and 84% of the revenue.

B. Previous Meeting Follow-Up

Ms. Cornelius reported that there was a nice turnout for the Engineering Applications Committee. She also reported that Board staff has been reviewing the bids for the new BTR computer system.

C. Staff Update

Ms. Cornelius introduced Michelle Fleming as the new Licensing Manager, Andrew Puccino as the interim Licensing Specialist, and Gregg Wisher is here to assist with IT matters as well as Board Meetings.

D. Other Issues

Ms. Cornelius reported on renovations to the Board of Technical Registration office to be completed by the end of the fiscal year.

Ms. Cornelius reported that she asked Chet Pearson to take the Remediation Specialist exam and come up with an answer sheet for the exam. Mr. Pearson agreed.

Ms. Cornelius reported that she asked some registered Assayers to take the Assayer exam and come up with an answer sheet and about 10 of them agreed to do so.

Ms. Cornelius reported that another financial audit for the BTR is scheduled for June 8, 2015 to look at FY 2015.

Ms. Cornelius advised the Board members that they are invited to take a tour of the Palo Verde power plant during the week of September 22, 2015.

11. BOARD CHAIR'S REPORT

Mr. Marley reported that he attended the NCEES southern and western zone meeting in Scottsdale, AZ on May 15-17, 2015.

Mr. Marley reported that he is headed to New Orleans next month for the Annual NCARB meeting, June 17-21, 2015.

Mr. Marley reported that he has been reappointed to NCARB's BEA committee.

Mr. Noel left the meeting at 1:45 pm.

Mr. Brady left the meeting at 1:56 pm.

12. STANDING COMMITTEE REPORTS

- A. Legislation and Rules Committee – Nothing to report
- B. Home Inspector Rules and Standards Committee – Nothing to report
- C. Environmental Remediation Rules and Standards Committee – Nothing to report

13. BOARD MEMBER REPORTS ON OUTSIDE ACTIVITIES

- A. National Council of Examiners for Engineering and Surveying (“NCEES”)
-Nothing additional to report
- B. National Council of Architectural Registration Boards (“NCARB”)

Ms. Cornelius reported that NCARB volunteered her to be on their ethics committee.
- C. Council of Landscape Architectural Registration Boards (“CLARB”) – Nothing to report
- D. National Association of State Boards of Geology (“ASBOG”) – Nothing to report
- E. Public Member News/Information – Nothing to report

14. FUTURE BOARD MEETINGS – Tuesday, June 23, 2015 at 9:00 a.m.

15. SUGGESTED TOPICS FOR FUTURE MEETING AGENDAS

Newsletter draft for Board review

List of what complete applications that the Board will delegate to the Executive Director for approval and closure.

Update on RFP vendor selection

Mr. Parlin will do a presentation on how Enforcement staff comes up with proposed penalties

Review the new proposed Board member manual

16. MEETING ADJOURNMENT

Mr. Lane moved to adjourn. The motion was seconded by Dr. Angel. The motion carried. Meeting adjourned at 2:10 pm.