MINUTES OF THE
ARIZONA STATE BOARD OF TECHNICAL REGISTRATION
Tuesday, January 22, 2013
Meeting
9:30 a.m.
OPEN SESSION

1. **CALL TO ORDER** – Chairman Erick F. Weiland called the meeting of the Board of Technical Registration to order at 9:30 a.m.

2. **ROLL CALL** – Board Members in Attendance: Erick F. Weiland, LeRoy Brady, Douglas T. Whitneybell, Jason K. Madison, Stuart R. Lane, Robert Stanley, Edward T. Marley, Alejandro Angel, Ph.D., and Douglas Folk (attended telephonically). Staff: Ronald Dalrymple, Melissa Cornelius, Kathryn Fuller, Manuel Maltos, Lisa Vardian, and Gina Latour. Assistant Attorney General: Elizabeth Campbell.

3. **CALL TO THE PUBLIC** – Dan Muth addressed the Board with concerns that Land Surveying complaints are not being fully processed and requested a discussion for clarification and review on the Enforcement Advisory process. Mr. Weiland advised it will be reviewed to determine if it is an appropriate matter to be placed on a future agenda.

4. **ADOPTION OF MINUTES** – Mr. Marley moved to approve the December 18, 2012 minutes as submitted. Mr. Brady seconded. After discussion, motion carried.

5. **ENFORCEMENT MATTERS**
   Review, Consideration, and Possible Action on the following:
   A. Proposed Dismissal
      1. M12-028, Philip Wayne Rosendahl, Land Surveyor #24532 – Mr. Lane moved that the matter be referred back to Staff to negotiate a Consent Agreement for a Letter of Reprimand and to have Respondent prepare and record a Record of Survey for his failure to conduct a boundary survey in accordance with the Arizona Boundary Survey Minimum Standards, in violation of A.R.S. § 32-128(C)(4) and A.A.C. R4-30-301(13). Mr. Folk seconded. After discussion, motion carried.

   B. Proposed Letters of Concern
      1. M12-018, Paul R. Murray, P.E. (Civil) #52403 – Mr. Madison moved to issue a Letter of Concern to Respondent for not clearly defining the scope of service and that the Respondent should not include specific details or advice in a preliminary report unless the details or advice is supported by calculations. Dr. Angel seconded. After discussion, motion carried.

      2. M12-065, Raymond L. Jones, Land Surveyor #05713 – Mr. Lane moved to issue a Letter of Concern to Respondent for failure to provide a scope of services or definition of the agreed boundary line as what the survey was to accomplish. Mr. Marley seconded. After discussion, motion carried.

C. Proposed Consent Agreements
   1. M11-016, Donald R. Norman, Land Surveyor #22772 – Mr. Lane moved to accept Respondent's signed Consent Agreement and Order encompassing the following: Letter of Reprimand; pay restitution to Ms. Cynthia Peck in the amount of $1500.00; and pay cost of investigation in the amount of $150.00. Mr. Brady seconded. After discussion, motioned carried.

D. Discussion and Consideration of Administrative Law Judge Decision and Order
   1. 13F-M12-049-BTR, David M. Buot, Architect #40419 – Solicitor General, Christopher Munns, appeared and provided guidance to the Board. Assistant Attorney General, Elizabeth Campbell, presented the State's position and requested that the Board adopt the Administrative Law Judge's (ALJ) Recommended Decision.

      Mr. Marley moved to adopt the Findings of Fact of the ALJ's Recommended Decision. Mr. Lane seconded. After discussion, motioned carried.

      Mr. Marley moved to adopt the Conclusion of Law of the ALJ's Recommended Decision. Mr. Lane seconded. After discussion, motioned carried.

      Mr. Marley moved to issue the following order: Revocation of Respondent's Architect Registration #40419. Mr. Lane seconded. After discussion, motioned carried.

6. **LICENSING MATTERS**
   Review, Consideration, and Possible Action on the following:
   None this month

7. **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 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).

   Mr. Stanley moved that the applicants listed in 7(1) be granted professional registration, certification, or in-training designation; that the applicants listed in 7(2) be approved to sit for the professional or in-training examinations; that the applicants in 7(3) be granted professional registration; that the applicants in 7(4) be granted professional registrations, certifications, or in-training designations or authorizations to test for those applicants who disclosed minor criminal history that does not reasonably relate to the applicant's proposed area of practice or who disclosed disciplinary action taken against their registrations in other jurisdictions; and the applicants listed in 7(5) be administratively closed. Mr. Marley seconded. After discussion, motion carried.

8. **POLICY MATTERS**

   Review, Consideration, and Possible Action on the following:

   1. Discuss whether there is or should be professional registrant oversight on public work projects.

      Jeffrey Engelmann, registered Landscape Architect, addressed the Board. Dirk DeWitt, registered Landscape Architect, also addressed the Board. Mr. Folk moved to have the Legislation and Rules Committee ("L&R") review and discuss whether there is or should be professional registrant oversight on public works projects. Mr. Lane seconded. After discussion, motioned carried.

9. **REVIEW, CONSIDERATON, AND ACTION ON THE FOLLOWING:**

   1. Registrations that have been expired for three years and recommended to be cancelled: None this month

   2. Certifications that have been expired for one year and recommended to be cancelled: (List available at the Board's office).

      Mr. Stanley moved to cancel certifications which have been expired for one year. Mr. Marley seconded. After discussion, motioned carried.

10. **DIRECTOR'S REPORT** –Director Dalrymple reported A.A.C. R4-30-305 was retracted from the rule package and is being reviewed by the Environmental Remediation Rules and Standard Committee. The rest of the package went forward and has been approved the Governor's Regulatory Review Counsel (GRRC) and is scheduled to be published in March 2013. Director Dalrymple also reported there has been 5000 Continuing Education surveys completed thus far.

11. **BOARD CHAIR'S REPORT** – Mr. Weiland had nothing to report.

12. **STANDING COMMITTEE REPORTS**

    1. Legislation and Rules Committee ("L&R") – The next meeting will be February 7, 2013.

2. Budget Committee –Director Dalrymple provided a written cash flow report and announced that it is within our budget for facility changes and is working with Arizona Department of Administration ("ADOA") to fill six (6) newly re-authorized positions.

3. Home Inspector Rules and Standards Committee ("HIRS") – The next meeting will be February 5, 2013.

4. Environmental Remediation Rules and Standards Committee ("ERRSC") – Dr. Angel reported the Committee met on January 8, 2013 and reviewed and discussed the GRRC's comments, questions, and revisions of the proposed rule changes to A.A.C. R4-30-103 and R4-30-305 and provided Staff the guidance for editing the rules. Ms. Cornelius will re-submit the rule package to GRRC by the May 18, 2013 deadline.

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

1. National Council of Examiners for Engineering and Surveying ("NCEES") – Mr. Stanley reported that he and Ms. Cornelius will be attending their next meeting in Atlanta on February 8, 2013.

2. National Council of Architectural Registration Boards ("NCARB") – No report was given.

3. Council of Landscape Architectural Registration Boards ("CLARB") – Mr. Brady reported that the next meeting would be on March 1, 2013.

4. National Association of State Boards of Geology ("ASBOG") – Mr. Weiland reported there is a Certificate of Experience ("COE") meeting in April 2013.

5. Public Member News/Information – No report was given.

14. **FUTURE BOARD MEETINGS**

A. Tuesday, February 26, 2013 at 9:30 a.m.

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

- Discuss and possible action on the continuing education survey results.
- Presentation by NCEES.

16. **ADJOURNMENT** – Meeting adjourned at 10:42 a.m.

Erick Fred Weiland, Chairman

Ronald W. Dalrymple

Ronald W. Dalrymple, Executive Director

MINUTES OF THE
ARIZONA STATE BOARD OF TECHNICAL REGISTRATION
Tuesday, February 26, 2013
Meeting
9:30 a.m.
OPEN SESSION

1. **CALL TO ORDER** – Chairman Erick F. Weiland called the meeting of the Board of Technical Registration to order at 9:30 a.m.

2. **ROLL CALL** – Board Members in attendance: Erick F. Weiland, LeRoy Brady, Douglas T. Whitneybell, Jason K. Madison, Stuart R. Lane, Robert Stanley, Edward T. Marley, Alejandro Angel, Ph.D., and Douglas Folk. Staff: Ronald Dalrymple, Melissa Cornelius, Kathryn Fuller, Manuel Maltos, Lisa Vardian, and Gina Latour. Assistant Attorney General: Elizabeth Campbell.

3. **CALL TO THE PUBLIC** – No members of the public addressed the Board.

4. **ADOPTION OF MINUTES** – Mr. Marley moved to approve the January 22, 2013 minutes as submitted. Mr. Whitneybell seconded. After discussion, motion carried.

5. **ENFORCEMENT MATTERS**
Review, Consideration, and Possible Action on the following:
   A. Proposed Dismissal
      1. M12-029, Phillip Wayne Rosendahl, P.E. (Civil) #24718 – Mr. Stanley moved that the matter be referred back to Staff for additional information from the Enforcement Advisory Committee (EAC). Mr. Marley seconded. After discussion, motion carried.

   B. Proposed Consent Agreements
      1. M10-093, Nesbitt Contracting Company, Inc. – Mr. Lane moved to approve Respondent Firm's signed Consent Agreement and Order encompassing the following: Assurance of Discontinuance; pay a civil penalty in the amount of $2,000.00; and pay cost of investigation in the amount of $275.00. Mr. Folk seconded. After discussion, motion carried.

         Mr. Folk moved to have Staff send a letter to the City of Scottsdale to advise them that as a result of this case the Board found that monuments were not properly set. Mr. Lane seconded. After discussion, motion carried.

   C. Proposed Peer Review Candidates
      1. M11-069, Adam P. Bronnenkant, P.E. (Civil) #50573 – Mr. Madison moved to approve Respondent's three (3) peer review candidates to review Respondent's next three (3) structural engineering projects. Mr. Stanley seconded. After discussion, motion carried.

      2. M12-033, Mohammad Mahpar, P.E. (Civil) #31926 – Mr. Stanley moved to approve Respondent's two (2) peer review candidates to review Respondent's next three (3) engineering projects involving retaining walls and to amend the Consent Order to

allow two (2) peer review candidates instead of three (3). Mr. Madison seconded. After discussion, motion carried.

3. M12-034, Ibrahim M. Osman, P.E. (Civil) #39840 – Mr. Madison moved to approve Respondent's two (2) peer review candidates to review Respondent's next three (3) structural engineering projects and to amend the Consent Order to allow two (2) peer review candidates instead of three (3). Mr. Stanley seconded. After discussion, motion carried.

D. Discussion, Consideration and Possible Action on Venue for Formal Hearing
   1. M05-344, Brian Von Allworden, P.E. (Civil) #30329 – Mr. Folk recused himself, citing a conflict of interest. Mr. Lane moved to have the formal hearing held before the Board. Mr. Brady seconded. After discussion, motion carried.

6. **LICENSING MATTERS**

Review, Consideration, and Possible Action on the following:

A. Alabado, Gilbert, Architect Application #041262 – Mr. Alabado addressed the Board. Mr. Lane moved to grant Applicant an extension until April 9, 2015 to take and pass the Architectural Registration Examination (ARE). Mr. Marley seconded. After discussion, motion carried.

B. Borrell, Dieter, Architect Application #070700 – Dr. Angel moved to grant Applicant a six (6) month extension to take and pass the ARE. Mr. Marley seconded. After discussion, motion carried.

C. Fitzgerald, Ryan, Architect Application #071563 – Mr. Marley moved to grant Applicant an extension until April 4, 2014, to take and pass the ARE. Mr. Whitneybell seconded. After discussion, motion carried.

D. Li, Jun, Architect Application #070842 – Mr. Marley moved to grant the Applicant a two (2) year extension to take and pass the ARE. Mr. Lane seconded. After discussion and a roll call of six (6) Ayes and three (3) Nays, motion carried.

E. Slater, Anthony, Land Surveyor Application #120699 – Mr. Lane moved to approve Applicant to take and pass Principles of Land Surveying examination and upon successful completion, Applicant be approved to take and pass the Arizona State Specific examination. Mr. Brady seconded. After discussion, motion carried.

7. **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 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).

Mr. Stanley moved that the applicants listed in 7A(1) be granted professional registration, certification, or in-training designation; that the applicants listed in 7A(2) be approved to sit for the professional or in-training examinations; that the applicants in 7A(3) be granted professional registration; that the applicants in 7A(4) be granted professional registrations, certifications, or in-training designations or authorizations to test for those applicants who disclosed minor criminal history that does not reasonably relate to the applicant's proposed area of practice or who disclosed disciplinary action taken against their registrations in other jurisdictions; and the applicants listed in 7A(5) be administratively closed. Mr. Marley seconded. After discussion, motion carried.

8. **POLICY MATTERS**

Review, Consideration, and Possible Action on the following:

A. Review, discussion and possible action on the Continuing Education Survey Results.

The Board requested that Staff post the survey results on the Board's website, along with a statement that the Board is reviewing the results and has not yet taken a position. The survey results are public record and will be available to the public upon request. The Board also discussed whether communication with other State Boards, who require Continuing Education, would yield knowledge regarding the long term value of Continuing Education. Mr. Weiland requested this issue be placed on future agenda for further review. No action was taken by the Board.

9. **REVIEW, CONSIDERATON, AND ACTION ON THE FOLLOWING:**

1. Registrations that have been expired for three years and recommended to be cancelled: (List available at the Board's office).

Dr. Angel moved to cancel registrations which have been expired for three (3) years. Mr. Marley seconded. After discussion, motioned carried.

2. Certifications that have been expired for one year and recommended to be cancelled: None this month

10. **DIRECTOR'S REPORT** – Director Dalrymple reported on bills being considered

this Legislative session that may impact the Board. House Bill (HB) 2185, alarm businesses and agents, is currently held in Committee in the House. This bill, if passed, would modify HB 2748 passed last session. If the bill does not move forward then the Board will regulate the alarm industry, effective May 1, 2013, with the requirements that are currently in the Statutes.

Director Dalrymple advised of the hiring of three (3) new investigators and an Administrative Services Officer, who will be introduced at next month's meeting.

11. **BOARD CHAIR'S REPORT** – Mr. Weiland had nothing to report.

12. **STANDING COMMITTEE REPORTS**
    1. Legislation and Rules Committee (L&R) – No report given.

    2. Budget Committee – Director Dalrymple provided a written cash flow report.

    3. Home Inspector Rules and Standards Committee (HIRSC) – Ms. Vardian reported that the Committee met on February 5, 2013 and discussed the different ways of training newly appointed Enforcement Advisory Committee (EAC) members.

    4. Environmental Remediation Rules and Standards Committee (ERRSC) – No report given.

13. **BOARD MEMBER REPORTS ON OUTSIDE ACTIVITIES**
    1. National Council of Examiners for Engineering and Surveying (NCEES) – Mr. Stanley reported that he and Ms. Cornelius attended their meeting in Atlanta on February 8, 2013 and stated that the computer base testing is set to go live in January of 2014.

    2. National Council of Architectural Registration Boards (NCARB) –Mr. Marley reported that the next meeting will be on March 14th-16th in Providence, RI.

    3. Council of Landscape Architectural Registration Boards (CLARB) – Mr. Brady reported that the next meeting would be on March 1, 2013 in Scottsdale, AZ.

    4. National Association of State Boards of Geology (ASBOG) – Mr. Weiland reported there is a Certificate of Experience (COE) meeting in April 2013 and he will be unable to attend.

    5. Public Member News/Information – Mr. Folk reported that NCEES has published a new exam for testing on Principals of Software Engineering and will be offered for the first time in April 2013. Mr. Folk also encourages that the Board considers utilizing social media in the near future.

14. **FUTURE BOARD MEETINGS**
    A. Tuesday, March 26, 2013 at 9:30 a.m.

15. **SUGGESTED TOPICS FOR FUTURE MEETING AGENDAS**
    - Discuss and possible action on continuing education.
    - Discuss and possible action on the EAC guidelines and training.
    - Discuss and possible action on NCEES software engineering exam.

16. **ADJOURNMENT** – Meeting adjourned at 11:35 a.m.

Erick Fred Weiland, Chairman

Ronald W. Dalrymple, Executive Director

***1. Please indicate in which profession you are registered (Choose all that apply):**

- [ ] Land Surveyor
- [ ] Architect
- [ ] Home Inspector
- [ ] Engineer
- [ ] Landscape Architect
- [ ] Geologist
- [ ] Assayer
- [ ] Drug Lab Cleanup Personnel

***2. Are you currently required to obtain Continuing Education to maintain registration in any other jurisdiction?**

- ◯ Yes
- ◯ No

3. If you are required to obtain Continuing Education in another jurisdiction, how many hours are you required to fulfill within a renewal period?

- ◯ 5 hours
- ◯ 8 hours
- ◯ 10 hours
- ◯ 12 hours
- ◯ 15 hours
- ◯ 30 hours
- ◯ More than 30 hours

4. What was the renewal period upon which you based your previous answer?

- ◯ 12 months
- ◯ 24 months
- ◯ 36 months
- ◯ Other (please specify)

5. If you are required to obtain Continuing Education in another jurisdiction, are you required to successfully pass a test or other evaluation to receive credit?

- ◯ Yes
- ◯ No

***6. Do you favor mandatory continuing education as a requirement for registration renewal in Arizona?**

- ◯ Yes
- ◯ No
- ◯ No opinion

7. Comments (Optional):

Question 1

Discipline	Count
Land Surveyor	442
Architects	995
Home Inspectors	207
Engineers	3197
Landscape Architects	133
Geologists	196
Assayers	4
Drug Labs	3
Total	5177

Question 2

Discipline	Yes	No
Land Surveyor	204	232
Architects	643	344
Home Inspectors	32	175
Engineers	1838	1338
Landscape Architects	46	85
Geologists	32	161
Assayers	0	4
Drug Labs	1	2
Total	2796	2341

Question 3

Discipline	5 Hours	8 Hours	10 Hours	12 Hours	15 Hours	30 Hours	More Than 30 Hours
Land Surveyor	5	9	1	21	24	135	8
Architects	85	83	22	255	12	49	25
Home Inspectors	1	6	1	4	6	6	4
Engineers	13	105	30	104	576	929	61
Landscape Architects	2	6	5	13	12	4	3
Geologists	1	2	1	2	12	9	2
Assayers	0	0	0	0	0	0	0
Drug Labs	0	0	0	0	0	0	1
Total	107	211	60	399	642	1132	104

Question 4

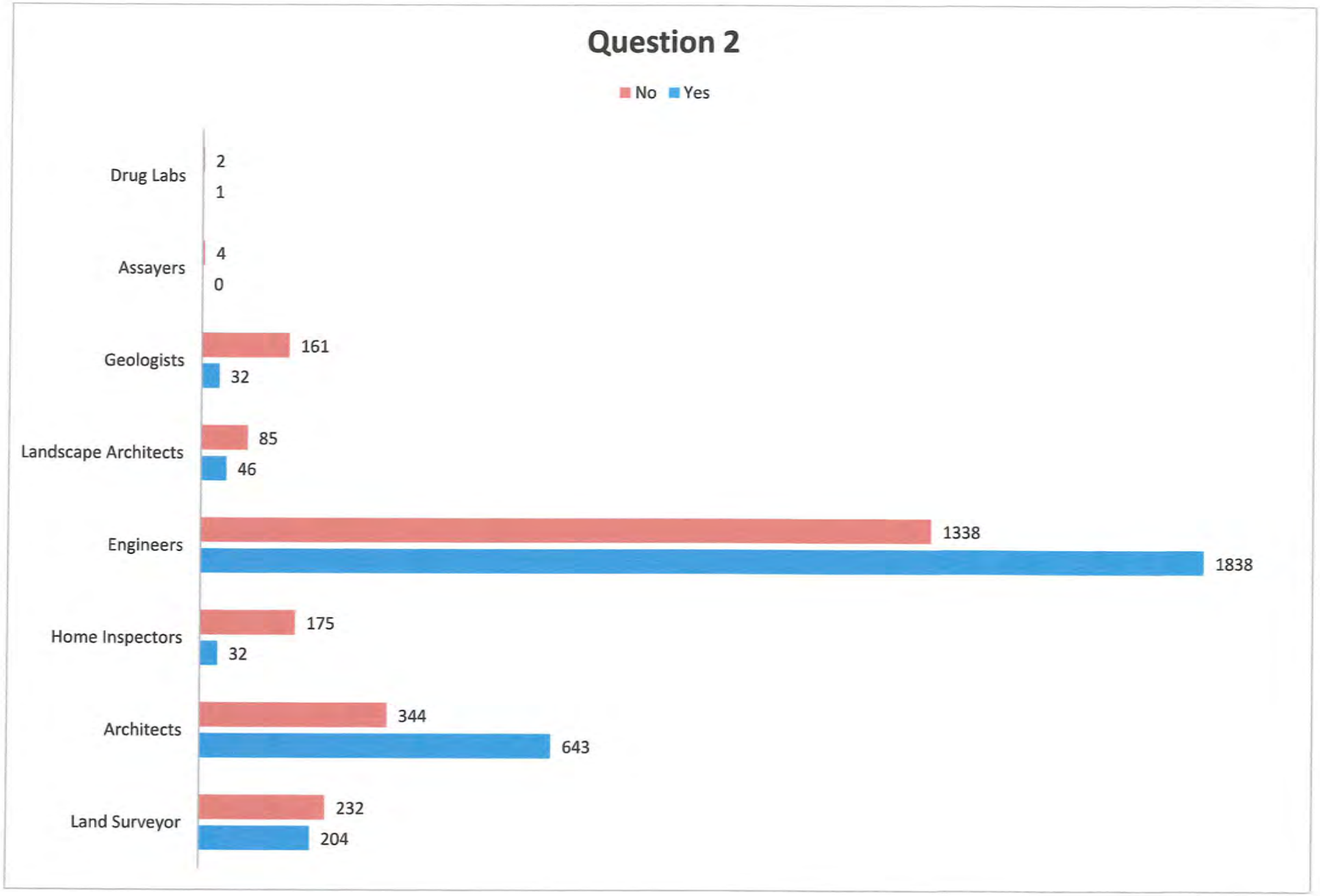
Discipline	12 Months	24 Months	36 Months	Other
Land Surveyor	34	161	6	1
Architects	352	243	28	12
Home Inspectors	25	4	0	1
Engineers	587	1126	93	12
Landscape Architects	24	18	3	0
Geologists	18	8	2	2
Assayers	0	0	0	0
Drug Labs	0	0	1	0
Total	1040	1560	133	28

Question 5

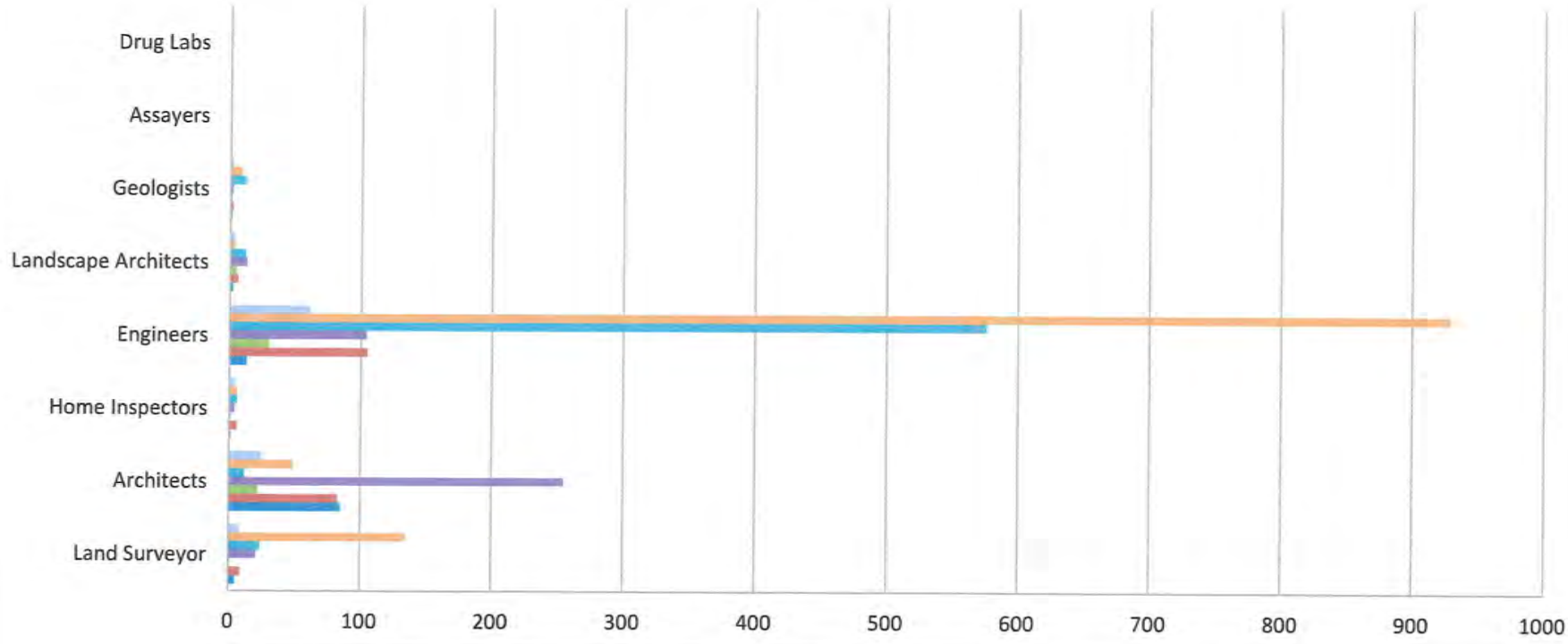
Discipline	Yes	No
Land Surveyor	39	164
Architects	221	413
Home Inspectors	17	13
Engineers	301	1515
Landscape Architects	6	39
Geologists	1	30
Assayers	0	0
Drug Labs	0	1
Total	585	2175

Question 6

Discipline	Yes	No	No Opinion
Land Surveyor	187	210	38
Architects	351	485	142
Home Inspectors	63	122	20
Engineers	1058	1662	436
Landscape Architects	39	78	13
Geologists	43	127	22
Assayers	0	3	1
Drug Labs	2	1	0
Total	1743	2688	672

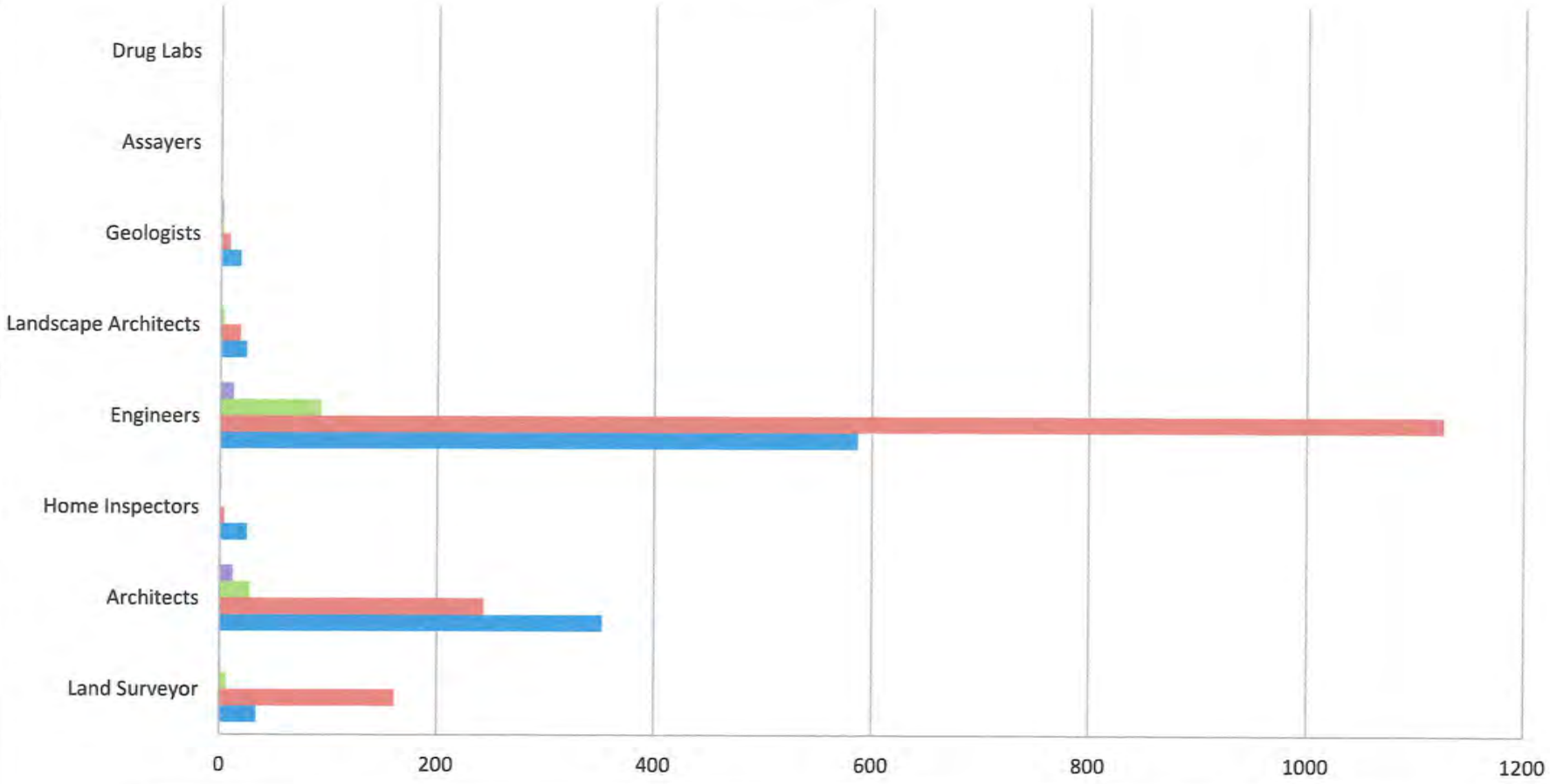

Question 2
No
Yes
Drug Labs
2
1
Assayers
4
0
Geologists
161
32
Landscape Architects
85
46
Engineers
1338
1838
Home Inspectors
175
32
Architects
344
643
Land Surveyor
232
204

Question 3



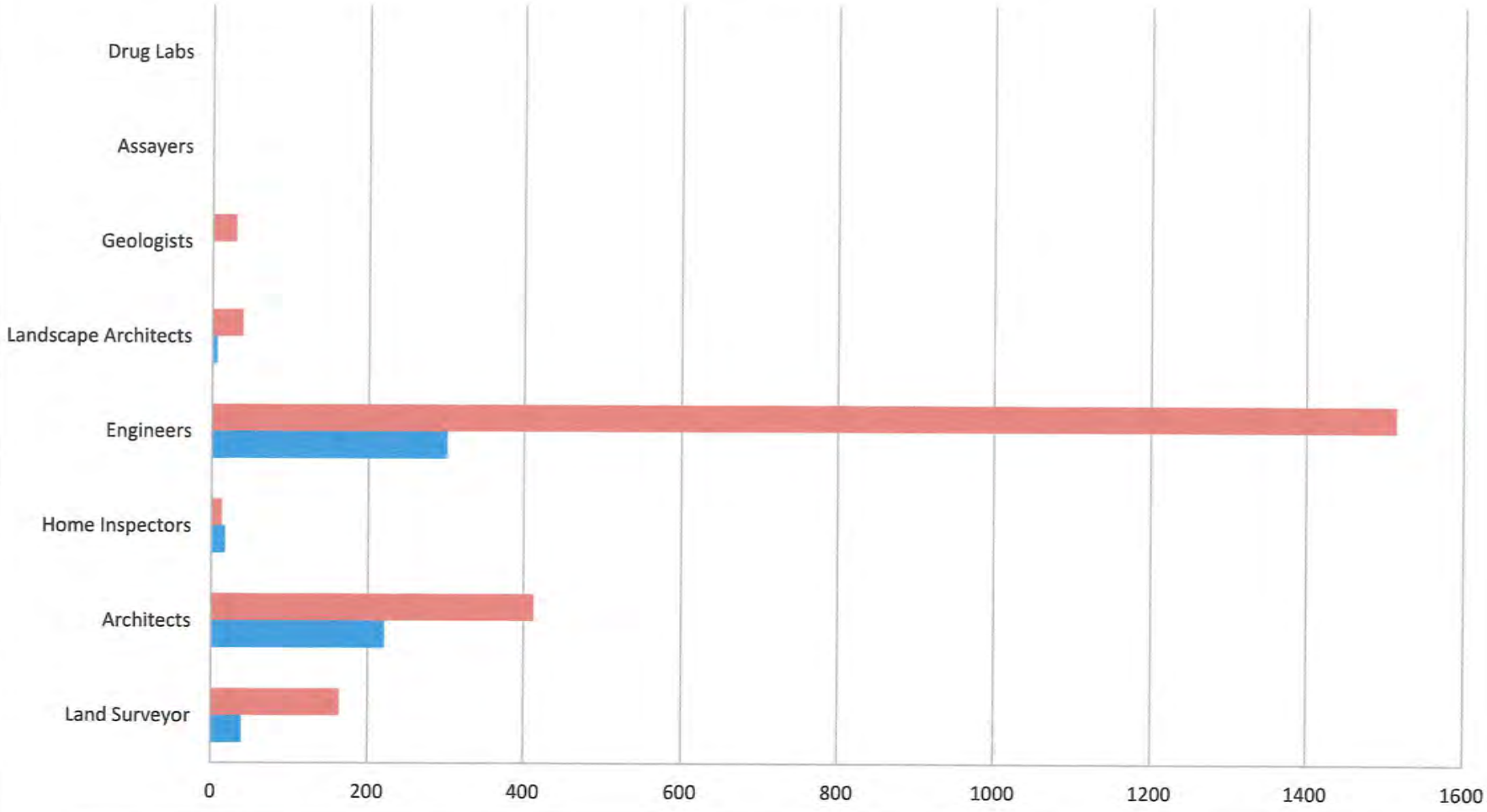
	Land Surveyor	Architects	Home Inspectors	Engineers	Landscape Architects	Geologists	Assayers	Drug Labs
More Than 30 Hours	8	25	4	61	3	2	0	1
30 Hours	135	49	6	929	4	9	0	0
15 Hours	24	12	6	576	12	12	0	0
12 Hours	21	255	4	104	13	2	0	0
10 Hours	1	22	1	30	5	1	0	0
8 Hours	9	83	6	105	6	2	0	0
5 Hours	5	85	1	13	2	1	0	0

Question 4

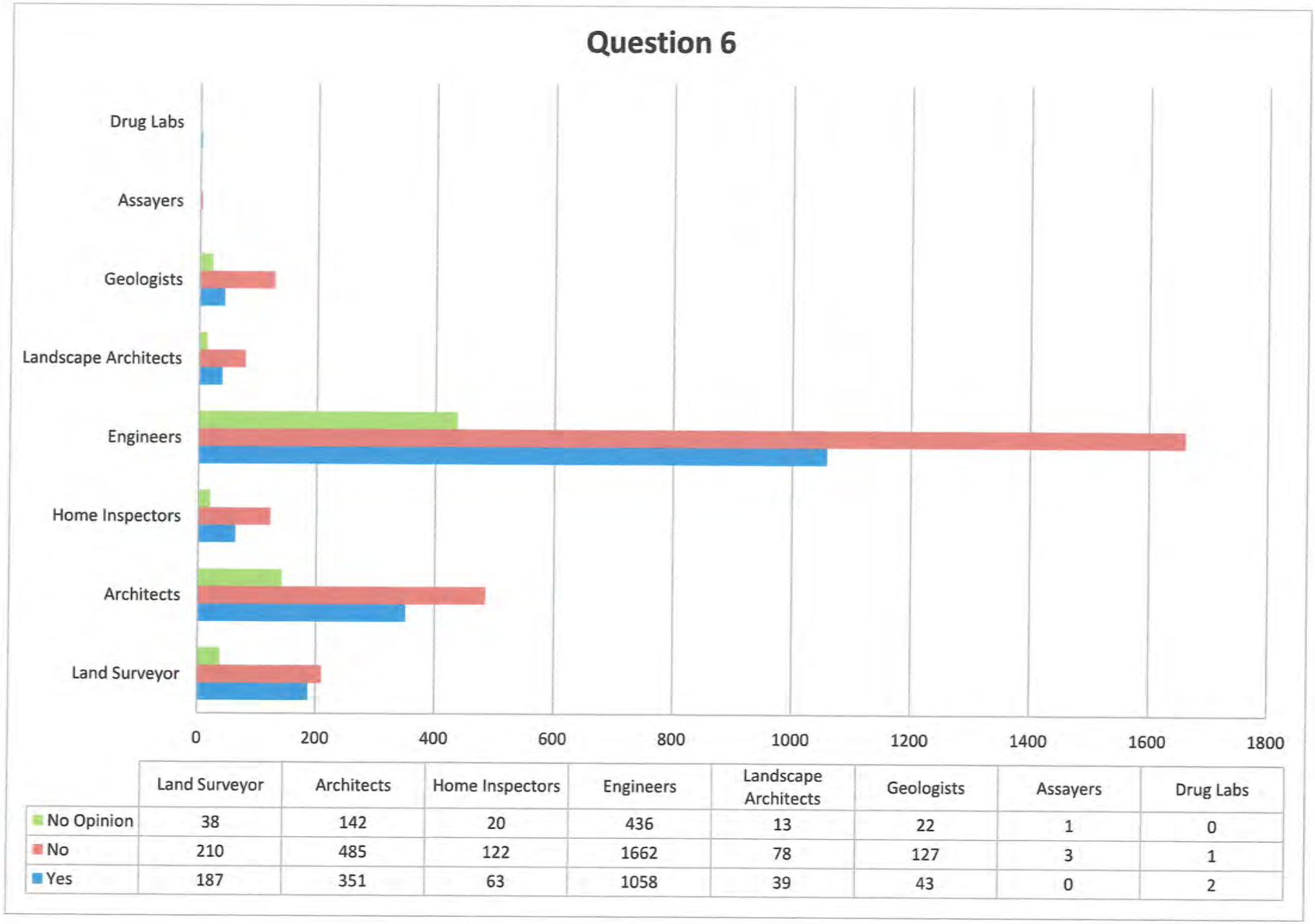


	Land Surveyor	Architects	Home Inspectors	Engineers	Landscape Architects	Geologists	Assayers	Drug Labs
Other	1	12	1	12	0	2	0	0
36 Months	6	28	0	93	3	2	0	1
24 Months	161	243	4	1126	18	8	0	0
12 Months	34	352	25	587	24	18	0	0

Question 5



	Land Surveyor	Architects	Home Inspectors	Engineers	Landscape Architects	Geologists	Assayers	Drug Labs
No	164	413	13	1515	39	30	0	1
Yes	39	221	17	301	6	1	0	0



	Land Surveyor	Architects	Home Inspectors	Engineers	Landscape Architects	Geologists	Assayers	Drug Labs
No Opinion	38	142	20	436	13	22	1	0
No	210	485	122	1662	78	127	3	1
Yes	187	351	63	1058	39	43	0	2

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1. **CALL TO ORDER** – Chairman Erick F. Weiland called the meeting of the Board of Technical Registration to order at 9:30 a.m.

2. **ROLL CALL** – Board Members in attendance: Erick F. Weiland, LeRoy Brady, Douglas T. Whitneybell, Stuart R. Lane, Robert Stanley, Edward T. Marley, Alejandro Angel, Ph.D., and Douglas Folk. Absent: Jason K. Madison. Staff: Ronald Dalrymple, Melissa Cornelius, Kathryn Fuller, Manuel Maltos, Lisa Vardian, and Gina Latour. Assistant Attorney General: Elizabeth Campbell.

3. **CALL TO THE PUBLIC** – No members of the public addressed the Board.

4. **ADOPTION OF MINUTES** – Mr. Marley moved to approve the February 26, 2013 minutes with one (1) minor modification. Mr. Stanley seconded. After discussion, motion carried.

5. **ENFORCEMENT MATTERS**
Review, Consideration, and Possible Action on the following:
   A. Proposed Dismissal
      1. M12-067, Jimmie Joe Fry, P.E. (Civil) #50580 – Mr. Whitneybell moved to dismiss the case. Mr. Folk seconded. After discussion, motion carried.

      2. M13-023, Forrest L. Switzer, P.E. (Civil) #31879 – Alleger, Julius Zezima, addressed the Board. Dr. Angel moved to dismiss the case. Mr. Marley seconded. After discussion, motion carried.

   B. Proposed Letter of Concern
      1. M12-014, Allen F. Sadberry, Land Surveyor #50620 – Mr. Lane moved to issue a Letter of Concern to Respondent for failure to conduct the survey in accordance with the Arizona Boundary Survey Minimum Standards, in violation of A.R.S. § 32-128(C)(4) and A.A.C. R4-30-301(13). Mr. Marley seconded. After discussion, motion carried with Mr. Folk casting the only Nay vote.

      2. M13-011, Brian J. Benedict, Land Surveyor #32222 – Mr. Lane moved to issue a Letter of Concern to Respondent for failure to conduct the survey in accordance with the Arizona Boundary Survey Minimum Standards, in violation of A.R.S. § 32-128(C)(4) and A.A.C. R4-30-301(13). Mr. Marley seconded. After discussion, motion carried.

      3. M13-020, Tony P. Elley, Land Surveyor #43994 – Mr. Folk recused himself, citing a conflict of interest. Mr. Lane moved to issue a Letter of Concern to Respondent for failure to conduct the survey in accordance with the Arizona Boundary Survey

Minimum Standards, in violation of A.R.S. § 32-128(C)(4) and A.A.C. R4-30-301(13). Mr. Marley seconded. After discussion, motion carried.

4. M13-013, Collin D. Harvey, Land Surveyor #42017 – Mr. Lane moved to issue a Letter of Concern to Respondent for failure to conduct the survey in accordance with the Arizona Boundary Survey Minimum Standards, in violation of A.R.S. § 32-128(C)(4) and A.A.C. R4-30-301(13). Dr. Angel seconded. After discussion, motioned carried.

5. HI12-015, Gary M. Howell, Home Inspector #45187 – Mr. Folk moved to issue a Letter of Concern to Respondent for failure to meet the Arizona Standards of Professional Practice for Home Inspectors, in violation of A.A.C. R4-30-301.01(A). Mr. Marley seconded. After discussion, motion carried.

C. Proposed Consent Agreements

Mr. Lane moved to place agenda items 5.C.1, 5.C.2, 5.C.4, and 5.C.5 on consent agenda and to accept Staff's recommendations. Mr. Brady seconded. After discussion, motion carried. Mr. Folk recused himself from these agenda items, citing conflict of interest.

CONSENT AGENDA

1. (5.C.1) M13-003, DMS Survey, LLC – on consent agenda, the Board accepted Respondent Firm's signed Consent Agreement encompassing the following Order: Pay an administrative penalty in the amount of $500.00 and pay the cost of investigation in the amount of $75.00.

2. (5.C.2) M12-046, Michael M. Dollin, Landscape Architect #18470 and Urban Earth Design, LLC – on consent agenda, the Board accepted Respondent's signed Consent Agreement encompassing the following Order: Pay an administrative penalty in the amount of $1,500.00 and pay the cost of investigation in the amount of $75.00.

3. (5.C.4) M08-119, Donald P. Miller, Land Surveyor #15336 – on consent agenda, the Board accepted Respondent's signed Consent Agreement encompassing the following requirements: Respondent shall prepare a second amended survey for approval before recording the survey in the Maricopa County Recorder's Office and pay the cost of investigation in the amount of $450.00.

4. (5.C.5) HI12-014, Dana G. Lebere, Home Inspector #39765 – on consent agenda, the Board accepted Respondent's signed Consent Agreement encompassing the following Order: Letter of Reprimand, pay an administrative penalty in the amount of $1,000.00, probation until restitution paid to Veronica Mitchell in the amount of $270.00, take and successfully complete an open book test on the Board's Statutes and Rules within thirty (30) days passing with a 100% score, and pay the cost of investigation in the amount of $315.00.

REMOVED FROM CONSENT AGENDA
Handled Separately

5. (5.C.3a) M11-052, Jeffrey S. Will, Architect #11038 and Will Architects, PLC, #16413

6. (5.C.3b) M11-076, Jeffrey S. Will, Architect #11038 and Will Architects, PLC, #16413

7. (5.C.3c) M11-080, Jeffrey S. Will, Architect #11038 and Will Architects, PLC, #16413

Solicitor General, Diane Rasner, appeared and provided guidance to the Board. Dr. Angel moved to accept Respondent's signed Consent Agreement and Order encompassing the following: Letter of Reprimand, pay administrative penalty in the amount of $500.00 within thirty (30) days, pay cost of investigation in the amount of $1,000.00 within thirty (30) days, and Respondent shall be on probation until the following requirements are met: Within ninety (90) days payment in the amount of $3,700.00 to collaborating professionals identified in findings of facts and within ten (10) days of payments, provide written proof that payments have been made in full. Mr. Lane seconded. After discussion, motion carried.

D. Forward to Formal Hearing
1. M08-064, Roger A. Delp, P.E. (Civil) #09986 – Mr. Delp addressed the Board. Mr. Folk moved to convene an Executive Session. Mr. Marley seconded. After discussion, motion carried.

Executive Session convened at 10:47 a.m. and adjourned at 11:15 a.m.

Mr. Folk moved to close the file and dismiss the case. Mr. Whitneybell seconded. After discussion and roll call of three (3) Ayes and five (5) Nays, motion was not carried.

Dr. Angel moved to issue a Letter of Concern to Respondent for sealing and submitting an incomplete soils investigation report to Maricopa County. Mr. Marley seconded. After discussion, motion carried with Mr. Folk and Mr. Whitneybell casting Nay votes.

E. Review Petition for Rehearing
1. 13F-M12049-BTR, David M. Buot, Architect #40419 – Solicitor General, Diana Rasner, appeared and provided guidance to the Board. Mr. Buot addressed the Board telephonically. Mr. Lane moved to deny Respondent's request for a rehearing and to revoke the Respondent's registration. Mr. Folk seconded. After discussion, motion carried.

F. Proposed Enforcement Advisory Candidates
Mr. Brady moved to place agenda items 5.F.1, 5.F.2, 5.F.3 on consent agenda and to appoint the candidates to the Enforcement Advisory Committee. Mr. Marley seconded. After discussion, motion carried.

CONSENT AGENDA

1. (5.F.1) Jason E. Foose, Land Surveyor #43185 – on consent agenda, the Board appointed candidate as an Enforcement Advisory Committee Member.

2. (5.F.2) George R. Stevenson Jr., P.E. (Structural) #21839 – on consent agenda, the Board appointed candidate as an Enforcement Advisory Committee Member.

3. (5.F.3) Nicolas J. Cornelius, Public Member – on consent agenda, the Board appointed candidate as an Enforcement Advisory Committee Member.

G. Discussion and Consideration and Possible Action

1. M12-028, Phillip Wayne Rosendahl, Land Surveyor #24532 – Mr. Rosendahl addressed the Board. Mr. Lane moved that if Staff was unable to obtain a signed consent then forward the case to a formal hearing. Mr. Folk seconded. After discussion, motion carried with Mr. Weiland casting the only Nay vote.

2. M12-029, Phillip Wayne Rosendahl, P.E. (Civil) #24718 – Mr. Rosendahl addressed the Board. Dr. Angel moved to dismiss the case. Mr. Whitneybell seconded. After discussion, motion carried with Mr. Folk casting the only Nay vote.

CONSENT AGENDA

Mr. Marley moved to place agenda items 5.G.3a and 5.G.3b on consent agenda and to dismiss the case due to dissolution of the firm. Mr. Brady seconded. After discussion, motion carried.

1. M10-059, T2 Architecture Group LLC- on consent agenda, the Board voted to dismiss the case.

2. M10-061, T2 Architecture Group LLC – on consent agenda, the Board voted to dismiss the case.

Mr. Folk moved to open a case with Brian Moore, Architect #30786. Mr. Marley seconded. After discussion, motion carried.

6. **LICENSING MATTERS**

Review, Consideration, and Possible Action on the following:

A. Combs, Russell, Architect Application #071777 – Mr. Combs was present to answer any questions from the Board. Dr. Angel moved to deny Applicants request for an extension. Applicant will have to reapply, pass the Architect Registration Examination (ARE) and complete the Intern Development Program (IDP), to qualify for registration. Mr. Lane seconded. After discussion, motion carried.

Mr. Marley moved to close the application. Mr. Lane seconded. After discussion, motion carried.

B. Dyche, Bethany, Architect Application #080641 – Ms. Dyche addressed the Board telephonically. Mr. Stanley moved to grant Applicant a twelve (12) month extension from today's date, to take and pass the four (4) remaining sections of the ARE. Mr. Marley seconded. After discussion, motion carried.

C. McMullin, David, Architect Application #070706 – Dr. Angel moved to deny Applicants request for an extension. Applicant will have to reapply, take and pass the ARE and complete IDP. Mr. Whitneybell seconded. After discussion, motion carried.

D. Patterson, Jason, Architect Application #080672 – Mr. Patterson addressed the Board telephonically. Mr. Marley moved to grant Applicant an eighteen (18) month extension from today's date, to take and pass the remaining sections of the ARE. Mr. Whitneybell seconded. After discussion, motion carried.

E. Quintero, Ramon, Architect Application #080636 – Mr. Quintero addressed the Board. Mr. Whitneybell moved to grant the Applicant a three (3) year extension from today's date, to take and pass the remaining sections of the ARE. Mr. Marley seconded. After discussion, motion carried with Dr. Angel and Mr. Stanley casting Nay votes.

F. Sanchez, Mario, Architect Application #051119 – Mr. Folk moved to grant the Applicant a three (3) year extension from today's date, to take and pass the remaining sections of the ARE. Mr. Marley seconded. After discussion, motion carried.

G. Stewart, Courtney, Architect Application #062066 – Ms. Stewart addressed the Board. Mr. Marley moved to grant the Applicant a three (3) year extension from today's date, to take and pass the ARE. Dr. Angel seconded. After discussion, motion carried.

7. **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 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).

   Mr. Stanley moved that the applicants listed in 7A(1) be granted professional registration, certification, or in-training designation; that the applicants listed in 7A(2) be approved to sit for the professional or in-training examinations; that the applicants in 7A(3) be granted professional registration; that the applicants in 7A(4) be granted professional registrations, certifications, or in-training designations or authorizations to test for those applicants who disclosed minor criminal history that does not reasonably relate to the applicant's proposed area of practice or who disclosed disciplinary action taken against their registrations in other jurisdictions; and the applicants listed in 7A(5) be administratively closed. Mr. Marley seconded. After discussion, motion carried.

8. **POLICY MATTERS**
   Review, Consideration, and Possible Action on the following:
   A. Review, discussion and possible action on the Continuing Education Survey Results.

      The Board requested Staff to evaluate all the comments received from the survey results, as they are of value.

      Mr. Whitneybell moved to schedule a special Board meeting that would be open to the public for further discussion, consideration and action on Continuing Education. Mr. Folk seconded. After discussion and roll call vote of five (5) Ayes and three (3) Nays, motion carried.

   B. Review, discussion and possible action to change the wording on the seal to state "registered professional" for all professions that use a seal, under A.A.C. R4-30-303(A).

      Mr. Stanley moved to add this change to the next rule package. Mr. Brady seconded. After discussion and roll call vote of five (5) Ayes and three (3) Nays, motion carried.

9. **REVIEW, CONSIDERATON, AND ACTION ON THE FOLLOWING:**
   A. Registrations that have been expired for three (3) years and recommended to be cancelled:
      None this month

   B. Certifications that have been expired for one (1) year and recommended to be cancelled: (List available at the Board's office)

      Mr. Marley moved to cancel Certifications which have been expired for one (1) year. Mr. Lane seconded. After discussion, motion carried.

10. **DIRECTOR'S REPORT** – Director Dalrymple provided an update on House Bill (HB) 2185 (alarm business and agents) and the computer software purchased for generating the identification cards for the alarm industry certificate holders.

Deputy Director, Ms. Cornelius introduced the new Licensing Manager, Lorraine Brown, the four (4) new investigators and the new administrative services officer to the Board.

11. **BOARD CHAIR'S REPORT** – Mr. Weiland presented a written report on his thoughts and opinion regarding Continuing Education.

12. **STANDING COMMITTEE REPORTS**
    1. Legislation and Rules Committee (L&R) – Mr. Folk reported briefly on all items that were discussed at the last L&R meeting that took place on March 7, 2013.

    2. Budget Committee – Director Dalrymple provided a written cash flow report.

    3. Home Inspector Rules and Standards Committee (HIRSC) – Ms. Vardian reported the next meeting will be April 16, 2013.

    4. Environmental Remediation Rules and Standards Committee (ERRSC) – No report given.

13. **BOARD MEMBER REPORTS ON OUTSIDE ACTIVITIES**
    1. National Council of Examiners for Engineering and Surveying (NCEES) – Mr. Stanley reported that Ms. Cornelius and Dr. Angel will be attending the Western Regional Conference next month.

    2. National Council of Architectural Registration Boards (NCARB) –Mr. Marley reported that he and Ms. Cornelius attended the Western Council of Architectural Registration Board (WCARB) Regional Conference on March 15-16, 2013 and provided a written report to The Board. He also reported the next meeting would be on June 19-23, 2013, in San Diego, CA.

    3. Council of Landscape Architectural Registration Boards (CLARB) – Mr. Brady reported that he and Ms. Cornelius attended a meeting in Scottsdale, AZ that concentrated on the computer-based examination that was given in December. Mr. Brady also reported that their annual meeting will be in September or October in Minnesota.

    4. National Association of State Boards of Geology (ASBOG) – Mr. Weiland reported there is a Certificate of Experience (COE) meeting in April 2013 and he will be unable to attend. Mr. Weiland also reported there is an Administrators Session at the National Meeting in November 2013.

    5. Public Member News/Information – No report given.

14. **FUTURE BOARD MEETINGS**
    A. Tuesday, April 23, 2013 at 9:30 a.m.

15. **SUGGESTED TOPICS FOR FUTURE MEETING AGENDAS**
None

16. **ADJOURNMENT** – Meeting adjourned 2:00 p.m.

Erick Fred Weiland, Chairman

Ronald W. Dalrymple, Executive Director

MINUTES OF THE
ARIZONA STATE BOARD OF TECHNICAL REGISTRATION
Tuesday, April 23, 2013
Meeting
9:30 a.m.
OPEN SESSION

1. **CALL TO ORDER** – Chairman Erick F. Weiland called the meeting of the Board of Technical Registration to order at 9:30 a.m.

2. **ROLL CALL** – Board Members in attendance: Erick F. Weiland, LeRoy Brady, Douglas T. Whitneybell, Stuart R. Lane, Robert Stanley, Edward T. Marley, Alejandro Angel, Ph.D., and Jason K. Madison. Absent: Douglas Folk. Staff: Ronald Dalrymple, Melissa Cornelius, Lorraine Brown, Kathryn Fuller, Manuel Maltos, Lisa Vardian, and Gina Latour. Assistant Attorney General: Elizabeth Campbell.

3. **CALL TO THE PUBLIC** – No members of the public addressed the Board.

4. **ADOPTION OF MINUTES** – Mr. Marley moved to approve the March 26, 2013 minutes. Mr. Lane seconded. After discussion, motion carried.

5. **ENFORCEMENT MATTERS**
Formal Administrative Hearing:
M05-344 Brian K. Von Allworden, P.E. (Civil) #30329 – Mr. Marley, Mr. Madison and Mr. Stanley recused themselves, citing a conflict of interest. A quorum was achieved by the remaining five (5) members in attendance. The Board held a formal administrative hearing in the matter of Case #M05-344, Brian K. Van Allworden. The State and Respondent gave opening statements, presented evidence, including witness testimony, and made closing arguments. The Board determined that Respondent's actions violated the practice act when he stamped and sealed documents that he did not prepare or were not prepared by his bona fide employee. It made Findings of Fact, Conclusions of Law and ordered that Respondent's Professional Engineer Registration #30329 be issued a Letter of Reprimand; that he take Professional Education in Ethics and pay Costs of Investigation in the amount of $575.

Review, Consideration, and Possible Action on the following:

A. Proposed Dismissal
   1. M13-014, Lourdes E. Foster, P.E. (Structural) #26211 – Mr. Stanley moved to dismiss the case. Mr. Marley seconded. After discussion, motion carried.

B. Proposed Letter of Concern
   Mr. Lane moved to place agenda items 5.B.1, 5.B.3, 5.B.5, 5.B.6, and 5.B.8 on consent agenda and to accept Staff's recommendations. Mr. Marley seconded. After discussion, motion carried.

CONSENT AGENDA

1. (5.B.1) HI13-001, Mark L. Jensen, Certified Home Inspector #42668 – on consent agenda, the Board moved to issue a Letter of Concern to Respondent for failure to meet

the Arizona Standards of Professional Practice for Home Inspectors , in violation of A.R.S. § 32-128(C)(4); A.A.C. R4-30-301.01(A).

2. (5.B.3) M13-029, Howard M. Brown, Land Surveyor #23942 – on consent agenda, the Board moved to issue a Letter of Concern to Respondent for failure to apply the technical knowledge and skill which would be applied by other qualified registrants who practice the same profession in the same area and at the same time, in violation of A.R.S. § 32-128(C)(4); A.A.C. R4-30-301(6).

3. (5.B.5) M13-009, William H. Standage, Land Surveyor #25403 – on consent agenda, the Board moved to issue a Letter of Concern to Respondent for failure to conduct the survey in accordance with the Arizona Boundary Survey Minimum Standards, in violation of A.R.S. § 32-128(C)(4); A.A.C. R4-30-301(13).

4. (5.B.6) M13-031, Reece A. Ubben, Land Surveyor #42840 – on consent agenda, the Board moved to issue a Letter of Concern to Respondent for failure to conduct the survey in accordance with the Arizona Boundary Survey Minimum Standards, in violation of A.R.S. § 32-128(C)(4); A.A.C. R4-30-301(13).

5. (5.B.8) M12-063, Don W. Jolley, Architect #30779 – on consent agenda, the Board moved to issue a Letter of Concern to Respondent for failure to apply the technical knowledge and skill which would be applied by other qualified registrants who practice the same profession in the same area and at the same time, in violation of A.R.S. § 32-128(C)(4); A.A.C. R4-30-301(6).

REMOVED FROM CONSENT AGENDA
Handled Separately

6. (5.B.2) M13-036, Gregory B. Junkar, Land Surveyor #39130 – Mr. Lane moved to issue a Letter of Concern to Respondent for failure to conduct the survey in accordance with the Arizona Boundary Survey Minimum Standards, in violation of A.R.S. § 32-128(C)(4); A.A.C. R4-30-301(13). Mr. Whitneybell seconded. After discussion, motion carried.

7. (5.B.4) M13-019, Gary Stocker, Land Surveyor #17516 – Mr. Stocker addressed the Board. Mr. Lane moved to issue Consent Agreement. Dr. Angel seconded. After discussion, motion failed.

   Mr. Whitneybell moved to issue Letter of Concern. Mr. Marley seconded. After discussion, motion failed.

   Mr. Lane moved to table this issue until next month's Board Meeting, to give Respondent an opportunity to provide evidence of a recorded survey. Mr. Whitneybell seconded. After discussion, motion carried.

8. (5.B.7) M10-083, Robert J. Ghan, P.E. (Mechanical) #11873 – Mr. Madison recused himself, citing a conflict of interest. Dr. Angel moved to issue a Consent Agreement with a Letter of Reprimand, if not accepted case will be forwarded to a formal hearing

for failure to apply the technical knowledge and skill which would be applied by other qualified registrants who practice the same profession in the same area and at the same time, in violation of A.R.S. § 32-128(C)(4); A.A.C. R4-30-301(6). Mr. Lane seconded. After discussion, motion carried.

9. (5.B.9) M11-007, James D. Rush, Architect #18733 – Dr. Angel moved to dismiss the case. Mr. Marley seconded. After discussion, motioned carried.

10. (5.B.10) M10-026, Robert Burns Architects, Inc. / Robert W. Burns, Architect #14350 – Dr. Angel moved to issue a Consent Agreement with a Letter of Reprimand and pay investigation costs, if not accepted case will be forwarded to a formal hearing for failure to pay Wilson Engineering $15,800.00 for their June 2009 engineering services within the required time, in violation of A.R.S. § 32-128(C)(5). Mr. Marley seconded. After discussion, motion carried.

C. Proposed Consent Agreements
Mr. Lane moved to place agenda items 5.C.1 – 5.C.9 on consent agenda and to accept Staff's recommendations. Mr. Marley seconded. After discussion, motion carried.

CONSENT AGENDA

1. (5.C.1) HI13-002, David D. Sturgeon, Certified Home Inspector #40109 – on consent agenda, the Board accepted Respondent's signed Consent Agreement encompassing the following Order: Letter of Reprimand, pay an administrative penalty in the amount of $1,000.00, take and successfully complete an open book test on the Board's Statutes and Rules within thirty (30) days passing with a 100% score and pay cost of investigation in the amount of $222.00.

2. (5.C.2) HI13-007, Ronald C. Fillet, Certified Home Inspector #38567 – on consent agenda, the Board accepted Respondent's signed Consent Agreement encompassing the following Order: Letter of Reprimand, pay and administrative penalty in the amount of $600.00, take and successfully complete an open book test on the Board's Statutes and Rules within thirty (30) days passing with a 100% score and pay costs of investigation in the amount of $165.00.

3. (5.C.3) M13-045, Merestone Land Surveying, LLC – on consent agenda, the Board accepted Respondent Firm's signed Consent Agreement encompassing the following Order: Pay an administrative penalty in the amount of $500.00 and pay cost of investigation in the amount of $75.00.

4. (5.C.4) M13-032, Claudia Morea P.E., L.S. (Firm) – on consent agenda, the Board accepted Respondent Firm's signed Consent Agreement encompassing the following Order: Pay an administrative penalty in the amount of $500.00 and pay cost of investigation in the amount of $75.00.

5. (5.C.5) M13-048, Scott T. Burden Land Surveyor (Firm) – on consent agenda, the Board accepted Respondent Firm's signed Consent Agreement encompassing the following Order: Pay an administrative penalty in the amount of $500.00 and pay cost

of investigation in the amount of $75.00.

6. (5.C.6) M13-007, Richard T. Mead Land Surveyor (Firm) – on consent agenda, the Board accepted Respondent Firm's signed Consent Agreement encompassing the following Order: Pay an administrative penalty in the amount of $850.00 and pay cost of investigation in the amount of $75.00.

7. (5.C.7) M13-035, Surface Engineering Company – on consent agenda, the Board accepted Respondent Firm's signed Consent Agreement encompassing the following Order: Pay an administrative penalty in the amount of $500.00 and pay cost of investigation in the amount of $75.00.

8. (5.C.8) M13-049, Jim's Land Surveying & Consulting – on consent agenda, the Board accepted Respondent Firm's signed Consent Agreement encompassing the following Order: Pay an administrative penalty in the amount of $500.00 and pay cost of investigation in the amount of $75.00.

9. (5.C.9) HI13-003, Kevin M. Howard, Certified Home Inspector #39408 – on consent agenda, the Board accepted Respondent's signed Consent Agreement encompassing the following Order: Letter of Reprimand, pay an administrative penalty in the amount of $600.00, take and successfully complete an open book test on the Board's Statutes and Rules within thirty (30) days passing with a 100% score and pay cost of investigation in the amount of $193.00.

D. Discussion and Consideration and Possible Action

1. M05-055, Mojtaba Mir Mosallai – Mr. Marley recused himself, citing a conflict of interest. Mr. Mosallai addressed the Board. Mr. Lane moved to forward to the Attorney General's Office for collections on cost of investigations and hearing cost. Dr. Angel seconded. After discussion, motion carried.

2. M13-053, Kenneth M. Tarr, P.E. (Civil) #31317 – Mr. Tarr addressed the Board and provided a treatment letter from the Veteran's Administration (VA). Mr. Brady moved to convene an Executive Session. Mr. Marley seconded. After discussion, motion carried.

   Executive Session convened at 10:41 a.m. and adjourned at 10:55 a.m.

   Dr. Angel moved to issue a Consent Agreement encompassing the following Order: Probation until his court ordered probation is completed, provide a letter of treatment program completion from the VA and to not incur another Driving under the Influence charge. Mr. Marley seconded. After discussion, motion carried.

3. M11-071, Michael P. Wier, Land Surveyor #07247 – Mr. Wier addressed the Board. Mr. Lane moved that if Staff was unable to obtain a signed consent agreement encompassing a Letter of Reprimand within thirty (30) days then forward the case to a formal hearing. Dr. Angel seconded. After discussion, motion carried.

4. M06-126, Kevin R. Ashby, P.E. (Civil) #35873 – Assistant Attorney General, Christopher Munns, of the Solicitor General's Office appeared and provided guidance

to the Board. Dr. Angel moved to issue a Letter of Concern to Respondent for failure to apply the technical knowledge and skill which would be applied by other qualified registrants who practice the same profession in the same area and at the same time, in violation of A.R.S. § 32-128(C)(4); A.A.C. R4-30-301(6). Mr. Lane seconded. After discussion, motion carried with Mr. Whitneybell casting the only Nay vote.

5. M06-127, Kevin R. Ashby, P.E. (Civil) #35873 – Solicitor General, Mr. Munns, appeared and provided guidance to the Board. Dr. Angel moved to issue a Letter of Concern to Respondent for failure to apply the technical knowledge and skill which would be applied by other qualified registrants who practice the same profession in the same area and at the same time, in violation of A.R.S. § 32-128(C)(4); A.A.C. R4-30-301(6). Mr. Lane seconded. After discussion, motion carried with Mr. Whitneybell casting the only Nay vote.

E. Forward to Formal Hearing
1. M06-302, Kevin R. Ashby, P.E. (Civil) #35873 – Dr. Angel moved to forward to Formal Hearing. Mr. Lane seconded. After discussion, motion carried with Mr. Whitneybell casting the only Nay vote.

F. Proposed Peer Review Candidates
1. M09-133, Ronald D. Montgomery, Architect #41680 – Mr. Stanley moved to approve Respondent's three (3) peer review candidates to review Respondent's next two (2) projects involving structural engineering. Mr. Lane seconded. After discussion, motion carried.

6. **LICENSING MATTERS**

Review, Consideration, and Possible Action on the following:

A. Gupta, Shuchi, Architect Application #051340 – Ms. Gupta addressed the Board telephonically. Mr. Marley moved to grant Applicant a three (3) year extension from today's date, to take and pass the Architect Registration Examination (ARE). Mr. Lane seconded. After discussion, motion carried with Dr. Angel casting the only Nay vote.

B. Hellner, Andrew, Architect In-Training Application #070375 – Mr. Hellner addressed the Board. Mr. Marley moved to close the application. Applicant will have to reapply for Professional registration, pass the ARE and complete the Intern Development Program (IDP). Mr. Whitneybell seconded. After discussion, motion carried.

C. Pouland, Kimberly, Architect In-Training Application #080102 – Mr. Stanley moved to deny Applicant's request for extension. Applicant will have to reapply for Professional registration and complete IDP. Mr. Marley seconded. After discussion, motion carried.

D. Brookes, Michael, Electrical Engineer Application #121229 – Mr. Lane moved to deny Applicant's registration based upon Applicant's lack of good moral character. Mr. Brady seconded. After discussion, motion carried.

E. Kennelly, James, Mechanical Engineer Application #130119 – Mr. Kennelly addressed the Board. The Board requested that applicant to attend and make his request to appeal the evaluator's decision at the August 27, 2013 Board Meeting. The Board tabled this case

until August 27, 2013. No motion taken by the Board.

7. LICENSING CONSENT AGENDA

Mr. Stanley moved that the applicants listed in 7A(1) be granted professional registration, certification, or in-training designation; that the applicants listed in 7A(2) be approved to sit for the professional or in-training examinations; that the applicants in 7A(3) be granted professional registration; that the applicants in 7A(4) be granted professional registrations, certifications, or in-training designations or authorizations to test for those applicants who disclosed minor criminal history that does not reasonably relate to the applicant's proposed area of practice or who disclosed disciplinary action taken against their registrations in other jurisdictions; and the applicants listed in 7A(5) be administratively closed. Mr. Lane seconded. After discussion, motion carried.

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 and § 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 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).

REMOVED FROM CONSENT AGENDA
Handled separately

A. (7.A.4) Bell, Bruce D., Civil Engineer Application #110859 – Mr. Stanley moved to request to Mr. Bell to attend next month's Board meeting for better clarification on Felony charge. Mr. Lane seconded. After discussion, motion carried.

B. (7.A.4) Bryson, Ryan, Land Surveyor Application #120833 – Mr. Stanley moved to request to Mr. Bryson to attend next month's Board meeting for better clarification on Misdemeanor charge. Mr. Lane seconded. After discussion, motion carried.

8. **POLICY MATTERS**

Review, Consideration, and Possible Action on the following:

A. Review, discussion and possible action on application and renewal fees for alarm businesses and personnel.

Ben Wilson from the Arizona Alarm Association was present to answer any questions regarding the alarm industry. Mr. Lane moved to approve the following fees: Alarm Firm Application $20.00, Alarm Firm Certificate $40.00 every two (2) years, Controlling Person $65.00 every year and Alarm Agent $130.00 every 2 years. Mr. Stanley seconded. After discussion, motion carried.

B. Review, discussion and possible action to authorize the Executive Director to issue a certificate or renewal certificate to each alarm business, controlling person and alarm agent that meet the certificate requirements (A.R.S. § 32-106.J).

Mr. Brady moved to authorize the Executive Director to issue certificates to each alarm business, controlling person and alarm agent that meet the certificate requirements. Mr. Madison seconded. After discussion, motion carried.

C. Review, discussion and possible action to approve National Council of Examiners for Engineering and Surveying (NCEES) testing contract by letter.

Dr. Angel moved to approve the contract by letter with modifications and requested that Staff bring the final letter back to the Board for review and comment. Mr. Lane seconded. After discussion, motion carried.

9. **REVIEW, CONSIDERATON, AND ACTION ON THE FOLLOWING:**

A. Registrations that have been expired for three (3) years and recommended to be cancelled:
(List available at the Board's office)

Mr. Stanley moved to cancel Registrations which have been expired for three (3) years. Mr. Marley seconded. After discussion, motion carried.

B. Certifications that have been expired for one (1) year and recommended to be cancelled:
(List available at the Board's office)

Mr. Stanley moved to cancel Certification which have been expired for one (1) year. Mr. Lane seconded. After discussion, motion carried.

10. **DIRECTOR'S REPORT** – Director Dalrymple provided a written report and gave an update on receiving the computer software that will generate identification cards for the alarm industry certificate holders and informed the Board that the office will soon be renovated.

10. **BOARD CHAIR'S REPORT** – No report given.

12. **STANDING COMMITTEE REPORTS**
    1. Legislation and Rules Committee (L&R) – Ms. Vardian reported the next meeting will be July 18, 2013.

    2. Budget Committee – Director Dalrymple provided a written cash flow report.

    3. Home Inspector Rules and Standards Committee (HIRSC) – Mr. Whitneybell reported the Committee met on April 16, 2013. The Pool and Spa rule package was approved by the Governor's Regulatory Review Counsel (GRRC) on April 2, 2013. They reviewed educational courses available for disciplinary purposes and discussed options for Enforcement Advisory Committee (EAC) member training.

    4. Environmental Remediation Rules and Standards Committee (ERRSC) – No report given.

13. **BOARD MEMBER REPORTS ON OUTSIDE ACTIVITIES**
    1. National Council of Examiners for Engineering and Surveying (NCEES) – Mr. Stanley reported that Ms. Cornelius, Dr. Angel and himself attended the meeting in San Francisco. Ms. Cornelius reported that Arizona is hosting a zone meeting in 2015.

    2. National Council of Architectural Registration Boards (NCARB) – Mr. Marley reported an annual meeting will be between June 19th through 22nd in San Diego.

    3. Council of Landscape Architectural Registration Boards (CLARB) – No report given.

    4. National Association of State Boards of Geology (ASBOG) – Mr. Weiland reported there is an Administrator's Session at the National Meeting in November 2013.

    5. Public Member News/Information – No report given.

14. **FUTURE BOARD MEETINGS**
    A. Tuesday, May 28, 2013 at 9:30 a.m.

15. **SUGGESTED TOPICS FOR FUTURE MEETING AGENDAS**
    - Review, discuss and possible action on new architect application.

16. **ADJOURNMENT** – Meeting adjourned 2:15 p.m.

Erick Fred Weiland, Chairman

Ronald W. Dalrymple, Executive Director

MINUTES OF THE
ARIZONA STATE BOARD OF TECHNICAL REGISTRATION
Tuesday, May 28, 2013
Meeting
9:30 a.m.
OPEN SESSION

1. **CALL TO ORDER** – Chairman Erick F. Weiland called the meeting of the Board of Technical Registration to order at 9:30 a.m.

2. **ROLL CALL** – Board Members in attendance: Erick F. Weiland, LeRoy Brady, Douglas T. Whitneybell, Stuart R. Lane, Edward T. Marley, Alejandro Angel, Ph.D., Jason K. Madison and Douglas Folk. Absent: Robert Stanley. Staff: Ronald Dalrymple, Melissa Cornelius, Lorraine Brown, Manuel Maltos, Lisa Vardian and Gina Latour. Assistant Attorney General: Elizabeth Campbell.

3. **CALL TO THE PUBLIC** – No members of the public addressed the Board.

4. **ADOPTION OF MINUTES** – Mr. Marley moved to approve the April 23, 2013 minutes with two (2) modifications. Mr. Lane seconded. After discussion, motion carried.

5. **ENFORCEMENT MATTERS**
Review, Consideration, and Possible Action on the following:
   A. Proposed Consent Agreements
      1. M12-028, Phillip Wayne Rosendahl, Land Surveyor #24532 – Mr. Lane moved to reject Respondent's signed Consent and for Staff to offer a new Consent Agreement to Respondent to include a sixty (60) day probation period until the survey is recorded and pay the cost of investigation in the amount of $180.00. If a signed Consent is not obtained within thirty (30) days then forward to a formal hearing for failure to conduct a survey in accordance with the Arizona Boundary Survey Minimum Standards, in violation of A.R.S. § 32-128(C)(4); A.A.C. R4-30-301(13). Mr. Brady seconded. After discussion, motion carried.

      2. HI12-017, Robert J. Jeglum, Certified Home Inspector #42690 – Mr. Lane moved to accept Respondent's signed Consent Agreement encompassing the following Order: Letter of Reprimand, pay an administrative penalty in the amount of $5500.00, take and successfully complete an open book test on the Board's Statutes and Rules within thirty (30) days passing with a 100% score and pay costs of investigation in the amount of $575.00. Mr. Marley seconded. After discussion, motion carried.

   B. Forward to Formal Hearing
      1. M11-063, Teodorico L. Gutierrez, P.E. (Civil) #17984 – Mr. Folk recused himself, citing a conflict of interest. Mr. Madison moved to forward to Formal Hearing. Mr. Lane seconded. After discussion, motion carried.

C. Proposed Enforcement Advisory Candidates
   1. Marc C. Nelson, P.E. (Civil) #40723 – Dr. Angel moved to appoint candidate as an Enforcement Advisory Committee Member. Mr. Madison seconded. After discussion, motion carried.

D. Proposed Peer Review Candidate
   1. M05-174 and M06-293, Raad M. Salih, P.E. (Civil) #34016 – Mr. Folk moved to table this issue until next month's Board Meeting, to get clarification from Investigations Manager, Kathryn Fuller. Mr. Lane seconded. After discussion, motion carried.

6. **LICENSING MATTERS**

Review, Consideration, and Possible Action on the following:

A. Bell, Bruce, Civil Engineer Application #110859 – Mr. Bell addressed the Board. Dr. Angel moved to grant Applicant Professional Registration. Mr. Lane seconded. After discussion, motion carried.

B. Bryson, Ryan, Land Surveyor Application #120833 – Mr. Bryson addressed the Board telephonically. Mr. Lane moved to grant Applicant registration on completion of successfully passing the Professional and State examinations and paying applicable fees. Dr. Angel seconded. After discussion, motion carried.

C. Diaz Rivera, Margarita, Architect Application #091371 – Mr. Whitneybell moved to grant Applicant a two (2) year extension to take and pass the Architect Registration Examinations (ARE). Mr. Marley seconded. After discussion, motion carried.

D. Urada, Angela, Architect Application #071217 – Mr. Marley moved to deny Applicant's request for an extension. Applicant will have to reapply for Professional registration and must complete the Intern Development Program (IDP). Mr. Whitneybell seconded. After discussion, motion carried.

E. Chiasson, David, Engineer In-Training (EIT) Application #130241 – Mr. Folk recused himself, citing a conflict of interest. Mr. Lane moved to rescind Board's vote of April 23, 2013, to grant Applicant the approval to take the Fundamental Exam (FE). Mr. Marley seconded. After discussion, motion carried.

Mr. Lane moved to deny the application. Mr. Marley seconded. After discussion, motion carried.

Staff was directed to advise the State of Washington of the Board's actions.

7. **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 and § 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 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).

Mr. Brady moved that the applicants listed in 7A(1) be granted professional registration, certification, or in-training designation; that the applicants listed in 7A(2) be approved to sit for the professional or in-training examinations; that the applicants in 7A(3) be granted professional registration; that the applicants in 7A(4) be granted professional registrations, certifications, or in-training designations or authorizations to test for those applicants who disclosed minor criminal history that does not reasonably relate to the applicant's proposed area of practice or who disclosed disciplinary action taken against their registrations in other jurisdictions; and the applicants listed in 7A(5) be administratively closed. Mr. Lane seconded. After discussion, motion carried.

8. **POLICY MATTERS**

Review, Consideration, and Possible Action on the following:

A. Approval of Proposed Changes to National Council of Architectural Registration Boards (NCARB) IDP.

Mr. Marley moved to direct Staff to issue a letter to NCARB in support of the proposed changes. Mr. Whitneybell seconded. After discussion, motion carried.

B. Ronald W. Dalrymple's Notice of Retirement as Executive Director.

Mr. Dalrymple announced his retirement to the members of the Board. No action was taken by the Board.

C. Decision and action regarding hiring Deputy Director as Executive Director.

Mr. Marley moved convene an Executive Session. Dr. Angel seconded. After discussion, motion carried.

Executive Session convened at 10:54 a.m. and adjourned at 11:06 a.m.

Mr. Lane moved to hire Deputy Director, Ms. Cornelius as Executive Director of the Arizona Board of Technical Registration, upon retirement of Mr. Dalrymple. Mr. Marley seconded. After discussion, motion carried.

D. Review and approval of National Council of Examiners for Engineering and Surveying (NCEES) letter regarding automatic testing approval.

This item was tabled. The Board directed Ms. Cornelius and Ms. Campbell to draft amended language for a counter proposal to NCEES. No action was taken by the Board.

9. **REVIEW, CONSIDERATON, AND ACTION ON THE FOLLOWING:**
   A. Registrations that have been expired for three (3) years and recommended to be cancelled:
   (None this month)

   B. Certifications that have been expired for one (1) year and recommended to be cancelled:
   (List available at the Board's office)

   Mr. Folk moved to cancel the certifications which have been expired for one (1) year. Mr. Brady seconded. After discussion, motion carried.

10. **DIRECTOR'S REPORT** – Director Dalrymple provided a written report and gave an update on House Bill (HB) 2748 and that the Board started accepting alarm businesses, controlling person and alarm agent application on May 1, 2013. He advised the office remodel is approximately two thirds (2/3) completed and the estimated completion date is June 4, 2013. Director Dalrymple also reported that Assistant Director, Ms. Vardian, successfully completed the State of Arizona / Arizona State University Certified Public Manager Program on May 24, 2013.

11. **BOARD CHAIR'S REPORT** – Mr. Weiland expressed appreciation to Director Dalrymple for all of his years of service to the Board and the State of Arizona.

12. **STANDING COMMITTEE REPORTS**
   1. Legislation and Rules Committee (L&R) – No report given.

   2. Budget Committee – Director Dalrymple provided a written cash flow report.

   3. Home Inspector Rules and Standards Committee (HIRSC) – No report given.

   4. Environmental Remediation Rules and Standards Committee (ERRSC) – No report given.

13. **BOARD MEMBER REPORTS ON OUTSIDE ACTIVITIES**
   1. National Council of Examiners for Engineering and Surveying (NCEES) – Ms. Cornelius reported that she, Mr. Madison, Mr. Lane and Dr. Angel will be attending the annual meeting at the end of August in San Antonio.

2. National Council of Architectural Registration Boards (NCARB) – Mr. Marley reported an annual meeting will be between June 19th through 22nd in San Diego.

3. Council of Landscape Architectural Registration Boards (CLARB) – Mr. Brady reported there is a meeting in September in Minneapolis.

4. National Association of State Boards of Geology (ASBOG) – Mr. Weiland reported that he and Ms. Cornelius will be attending a meeting at the end of October.

5. Public Member News/Information – No report given.

14. **FUTURE BOARD MEETINGS**
A. Tuesday, June 11, 2013 at 9:30 a.m.
Tuesday, June 25, 2013 at 9:30 a.m.

15. **SUGGESTED TOPICS FOR FUTURE MEETING AGENDAS**
None

16. **ADJOURNMENT** – Meeting adjourned 11:30 a.m.

Erick Fred Weiland, Chairman

Ronald W. Dalrymple, Executive Director

MINUTES OF THE
ARIZONA STATE BOARD OF TECHNICAL REGISTRATION
Tuesday, June 11, 2013
Meeting
9:30 a.m.
OPEN SESSION

1. **CALL TO ORDER** – Chairman Erick F. Weiland called the meeting of the Board of Technical Registration to order at 9:30 a.m.

2. **ROLL CALL** – Board Members in attendance: Erick F. Weiland, LeRoy Brady, Douglas T. Whitneybell, Stuart R. Lane, Edward T. Marley, Alejandro Angel, Ph.D., Jason K. Madison, Douglas Folk and Robert Stanley. Staff: Ronald Dalrymple, Melissa Cornelius, Lorraine Brown, Manuel Maltos, Lisa Vardian and Gina Latour. Assistant Attorney General: Elizabeth Campbell.

3. **CALL TO THE PUBLIC** – No members of the public addressed the Board.

4. **REVIEW AND DISCUSS MEETING OBJECTIVES** – Mr. Weiland opened the meeting and explained that its purpose was to decide whether to mandate continuing education for one (1) or more of the professions that the Board regulates or to postpone making the decision.

5. **REVIEW AND DISCUSS INITIAL BOARD MOTION** – Mr. Folk provided the Board with a brief history of the continuing education issue after it was first considered in February 2011 and subsequently considered by the Legislation and Rules Committee.

6. **REVIEW AND DISCUSS OUTLINE OF ACTIONS TAKEN SINCE THE BOARD MOTION**
   A. The Board reviewed and discussed the Legislation and Rules Committee minutes dated February 3, 2011, April 21, 2011, June 14, 2011, September 15, 2011, August 2, 2012 and November 8, 2012 regarding the continuing education issue.

   B. The Board reviewed and discussed the Board minutes dated April 26, 2011, June 28, 2011, November 20, 2012, December 18, 2012, February 26, 2013 and March 26, 2013 regarding the continuing education issue.

7. **FORMAL PRESENTATION OF CONTINUING EDUCATION SURVEY** – Dr. Angel presented the Board with his analysis of the Continuing Education survey results. He noted that the Board received approximately five thousand (5,000) responses, a majority of which came from engineers. Dr. Angel advised that out of the approximately 5,000 responses, thirty-four percent (34%) favored and fifty-three percent (53%) opposed making continuing education mandatory.

8. **REVIEW AND DISCUSS THE CONTINUING EDUCATION SURVEY RESULTS** – The Board members reviewed and discussed the continuing education survey results.

9. **STAKEHOLDERS AND PUBLIC DISCUSSION OF CONTINUING EDUCATION –** Mr. Michael Fondren, registered Land Surveyor, addressed the Board in favor of continuing education for Land Surveyors.

Mr. Dan Muth, registered Land Surveyor and Chairman of Arizona Professional Land Surveyors (APLS), addressed the Board in favor of continuing education for Land Surveyors. APLS strongly recommended that continuing education be mandatory for all Land Surveyors.

Mr. Dan Demland, registered Architect, addressed the Board in favor of continuing education for Architects. He feels continuing education will protect the public's health, safety and general welfare. He stated American Institute of Architects (AIA), National Council of Architectural Registration Boards (NCARB), and most states require continuing education and the cost is minimal.

Mr. Rick Bright, registered Architect and Chairman of AIA in Arizona, addressed the Board in favor of continuing education for Architects. He provided a report from NCARB and advised the Board of the AIA requirements of continuing education.

Mr. Craig Randock, President of AIA of Arizona, addressed the Board in favor of continuing education. He advised that the cost of continuing education is minimal and AIA would willingly assist the Board.

Mr. Mel Slaysman, registered Engineer and Land Surveyor, addressed the Board in favor of continuing education.

Mr. Eddie Jones, registered Architect and member of AIA, addressed the Board opposing continuing education. He asserted that no data exists to support its effectiveness.

Mr. Andrew Smigielski, registered Engineer, addressed the Board opposing continuing education. He recognized the need for continuing education for his business but urged the Board not to make it mandatory for registration renewals.

Ms. Janice Burnett, Executive Director of America Council of Engineering Companies (ACEC,) addressed the Board and stated that ACEC is not opposed to continuing education but it is opposed to making it mandatory. She stated ACEC does not want to see the Board Raise registration fees to implement continuing education.

Mr. Brian Dalager, registered Land Surveyor, addressed the Board in favor of continuing education. He stated he always learns something new through continuing education.

Mr. Ben Crellin, registered Engineer and President of Structural Engineers Association of Arizona (SEAoA,) addressed the Board in favor of continuing education.

10. **POLICY MATTERS**

A. Review, Discussion and Possible Action on Continuing Education – Mr. Lane moved to not require mandatory continuing education. Mr. Brady seconded. After discussion, motion carried with a vote of five (5) ayes and four (4) nays.

11. **PRESENTATION OF APPRECIATION TO EXECUTIVE DIRECTOR** – The members of the Board presented a gift to Mr. Dalrymple to show their appreciation for the 31 years of dedicated service to the Board. Former Board and committee members presented Mr. Dalrymple with a gift card and the AIA presented him with a certificate of appreciation for his service to the professions the Board regulates.

12. **FUTURE BOARD MEETINGS** – Tuesday, June 25, 2013 at 9:30 a.m.

13. **ADJOURNMENT** – 12:31 P.M.

Erick Fred Weiland, Chairman

Ronald W. Dalrymple

Ronald W. Dalrymple, Executive Director

MINUTES OF THE
ARIZONA STATE BOARD OF TECHNICAL REGISTRATION
Tuesday, June 25, 2013
Meeting
9:30 a.m.
OPEN SESSION

1. **CALL TO ORDER** – Chairman Erick F. Weiland called the meeting of the Board of Technical Registration to order at 9:30 a.m.

2. **ROLL CALL** – Board Members in attendance: Erick F. Weiland, LeRoy Brady, Douglas T. Whitneybell, Stuart R. Lane, Edward T. Marley, Robert Stanley, Jason K. Madison and Douglas Folk. Absent: Alejandro Angel, Ph.D. Staff: Melissa Cornelius, Lorraine Brown, Kathryn Fuller, Manuel Maltos, Lisa Vardian and Gina Latour. Assistant Attorney General: Elizabeth Campbell.

3. **CALL TO THE PUBLIC** – No members of the public addressed the Board.

4. **ADOPTION OF MINUTES**
Review, Consideration and Possible Action on the following:

   A. Mr. Marley moved to approve the May 28, 2013 minutes. Mr. Brady seconded. After discussion, motion carried.

   B. Mr. Lane moved to approve the June 11, 2013 minutes with one (1) minor modification. Mr. Stanley seconded. After discussion, motion carried.

5. **ENFORCEMENT MATTERS**
Review, Consideration, and Possible Action on the following:

   A. Proposed Dismissals
      1. M13-025, Mark E. Orr, P.E. (Civil) #45655 – Mr. Madison moved to dismiss the case. Mr. Lane seconded. After discussion, motion carried.

   B. Proposed Letters of Concern
      1. M13-040, Dennis F. Keogh, Land Surveyor #10846 – Mr. Lane moved to issue a Letter of Concern to Respondent for failure to apply the technical knowledge and skill which would be applied by other qualified registrants who practice the same profession in the same area and at the same time, in violation of A.R.S. § 32-128(C)(4); A.A.C. R4-30-301(6). Mr. Folk seconded. After discussion, motion carried.

      2. M13-037, Eric T. Morton, Land Surveyor #44422 – Mr. Lane moved to issue a Letter of Concern to Respondent for failure to conduct the survey in accordance with the Arizona Boundary Survey Minimum Standard, in violation of A.R.S. § 32-128(C)(4); A.A.C. R4-30-301(13). Mr. Marley seconded. After discussion, motion carried.

      3. M13-019, Gary Stocker, Land Surveyor #17516 –Mr. Lane moved is issue a Letter of Concern to Respondent for not recording a survey in the Maricopa County Recorder's

Office within the thirty (30) days allotted by the Board. Mr. Whitneybell seconded. After discussion, motion carried.

4. M12-066, Gary Bryan Gotzenberger, Land Surveyor #31020 – Mr. Lane moved to issue a Letter of Concern for failure to conduct the survey in accordance with the Arizona Boundary Survey Minimum Standards, in violation of A.R.S. § 32-128(C)(4); A.A.C. R4-30-301(13). Mr. Whitneybell seconded. After discussion, motion withdrawn.

   Mr. Folk moved to issue a Consent Agreement with a Letter of Reprimand, peer review on three (3) of Respondent's surveys and pay the cost of investigation, if not accepted case will be forwarded to a formal hearing for failure to conduct the survey in accordance with the Arizona Boundary Survey Minimum Standards, in violation of A.R.S. § 32-128(C)(4); A.A.C. R4-30-301(13). Mr. Lane seconded. After discussion, motion carried.

5. Mr. Lane moved to combine agenda items 5.B.5 and 5.B.6 and to issue a Consent Agreement. Mr. Folk seconded. After discussion, motion carried.

   (5.B.5) M12-037, David S. Klein, Land Surveyor #42137 – The Board moved to issue a Consent Agreement with a Letter of Reprimand, peer review on three (3) of Respondent's surveys and pay the cost of investigation, if not accepted case will be forwarded to a formal hearing for failure to conduct the survey in accordance with the Arizona Boundary Survey Minimum Standards, in violation of A.R.S. § 32-128(C)(4); A.A.C. R4-30-301(13).

6. (5.B.6) M11-046, David S. Klein, Land Surveyor #42137 – The Board moved to issue a Consent Agreement with a Letter of Reprimand, peer review on three (3) of Respondent's surveys and pay the cost of investigation, if not accepted case will be forwarded to a formal hearing for failure to conduct the survey in accordance with the Arizona Boundary Survey Minimum Standards, in violation of A.R.S. § 32-128(C)(4); A.A.C. R4-30-301(13).

7. M13-050, Donald J. Loose, Land Surveyor #23379 – Mr. Lane moved to dismiss the case. Mr. Madison seconded. After discussion, motion carried.

C. Proposed Consent Agreements
Mr. Lane moved to place agenda items 5.C.1 – 5.C.4 on consent agenda and to accept Staff's recommendations. Mr. Whitneybell seconded. After discussion, motion carried.

CONSENT AGENDA

1. (5.C.1) M13-001, Arizona Boundary Services – on consent agenda, the Board moved to accept Respondent Firm's signed Consent Agreement encompassing the following Order: Pay an administrative penalty in the amount of $500.00 and pay the cost of investigation in the amount of $75.00.

2. (5.C.2) M12-038, Jeremy R. Dalmacio, Land Surveyor #49864 – on consent agenda, the Board moved to accept Respondent's signed Consent Agreement encompassing the following Order: Respondent's Land Surveyor Registration be placed on probation

the following Order: Respondent's Land Surveyor Registration be placed on probation until an amended survey and recorded survey with Maricopa County Recorder's Office is completed and pay the cost of investigations in the amount of $225.00.

3. (5.C.3) M09-011 and M09-089, Raad M. Salih, P.E. (Civil) #34016 – on consent agenda, the Board moved to accept Respondent's signed Consent Agreement encompassing the following Order: Letter of Reprimand, take and successfully complete a professional course in the area of hydrology / hydraulics, pay an administrative penalty in the amount of $500.00 and pay the cost of investigation in the amount of $715.00.

4. (5.C.4) M10-069, Joshua L. Vukoder, Land Surveyor #41114 – on consent agenda, the Board moved to accept Respondent's signed Consent Agreement encompassing the following Order: Respondent's Land Surveyor Registration be placed on probation until an amended survey and recorded survey with Maricopa County Recorder's Office is completed and pay the cost of investigations in the amount of $245.00.

REMOVED FROM CONSENT AGENDA
Handled Separately

5. (5.C.5) M10-095, Sigmond Timothy Hopps, Land Surveyor #13011 – Mr. Lane moved to accept Respondent's signed Consent Agreement encompassing the following Order: Voluntary Surrender of Respondent's Land Surveyor Registration and pay the cost of investigation in the amount of $165.00. Mr. Marley seconded. After discussion, motion carried.

D. Proposed Peer Review Candidate
1. M05-174 and M06-293, Raad M. Salih, P.E. (Civil) #34016 – Mr. Madison moved to approve Respondent's peer review candidate to review Respondent's next two (2) grading and drainage projects. Mr. Lane seconded. After discussion, motion carried.

E. Discussion and Consideration and Possible Action
1. M11-071, Michael P. Wier, Land Surveyor #07247 – Mr. Folk moved to reject Respondent's counterproposal to pay costs of investigation of $240.00 and a Letter of Concern in lieu of formal disciplinary action and re-offer original Consent Agreement. If a signed Consent is not obtained within thirty (30) days then forward to formal hearing for failure to apply the technical knowledge and skill which would be applied by other qualified registrants who practice the same profession in the same area and at the same time, in violation of A.R.S. § 32-128(C)(4); A.A.C. R4-30-301(6). Mr. Stanley seconded. After discussion, motion carried.

2. M10-050, Michael D. Gregory, P.E. (Civil) #29675 – Respondent was not able to appear and requested case be tabled until next month in order for him to address the Board. No action taken by the Board.

6. **LICENSING MATTERS**
Review, Consideration, and Possible Action on the following:

A. Pozen, Brian, Architect Application #040392 – Mr. Pozen addressed the Board telephonically. Mr. Whitneybell moved to grant Applicant a two (2) year extension to take

and pass the Architect Registration Examinations (ARE). Mr. Marley seconded. After discussion, motion carried.

B. Axelrod, Jason, Architect Application #021760 – Mr. Marley moved to deny Applicant's request for an extension. Applicant will have to reapply for Professional registration and then he must complete the Intern Development Program (IDP). Mr. Folk seconded. After discussion, motion carried.

C. Merfeld, Richard, Architect Application #030628 – Mr. Merfeld addressed the Board. Mr. Marley moved to deny Applicant's request for an extension. Mr. Lane seconded. After discussion, Applicant withdrew his request and will re-apply.

The Board reopened agenda item. Mr. Merfeld addressed the Board.

Mr. Marley moved to grant Applicant a two (2) year extension to take and pass the ARE. Mr. Lane seconded. After discussion and roll call of five (5) Ayes and three (3) Nays, motion carried.

D. Ballantyne Jr., Thomas, Architect Application #130466 – Mr. Ballantyne addressed the Board. Mr. Marley moved to deny Applicant's request for a waiver of examinations requirements and not allow him to reactivate his previous registration. Mr. Folk seconded. After discussion, motion carried.

E. Langer, William, Geologist Application #130104 – Mr. Weiland moved to deny Applicant's request for a waiver of the Fundamentals of Engineering (FE) examination. Mr. Brady seconded. After discussion, motion withdrawn.

Mr. Weiland moved to grant Applicant a waiver of the FE and for Applicant to take and pass the Practice of Geology (PG). Mr. Brady seconded. After discussion, motion carried.

7. 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 and § 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 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).

Mr. Stanley moved that the applicants listed in 7A(1) be granted professional registration, certification, or in-training designation; that the applicants listed in 7A(2) be approved to sit for the professional or in-training examinations. Mr. Lane seconded. After discussion, motion carried.

Mr. Stanley moved that the applicants in 7A(3) be granted professional registration; that the applicants. Mr. Marley seconded. After discussion, motion carried.

Applicants, Mark Kilian, Paul Cummins, Steven Rust, James Clayton and Lydell Yazzie addressed the Board. Mr. Stanley moved that the applicants listed in 7A(4) be granted professional registrations, certifications, or in-training designations or authorizations to test for those applicants who disclosed minor criminal history that does not reasonably relate to the applicant's proposed area of practice or who disclosed disciplinary action taken against their registrations in other jurisdictions; and the applicants listed in 7A(5) be administratively closed. Mr. Madison seconded. After discussion, motion carried.

8. **POLICY MATTERS**

Review, Consideration, and Possible Action on the following:

A. Review, discussion and possible action on Canadian recognition for Arizona registered Geologists under N143-101.

Mr. Weiland provided background information to the Board on this matter. After discussion it was determined that Mr. Weiland would gather more information and documents from National Association of State Boards of Geology (ASBOG) and bring back to the Board. No action was taken by the Board.

B. Review and approval of National Council of Examiners for Engineering and Surveying (NCEES) Letter regarding automatic testing approval.

The Board discussed additional information will need to be added to the letter in order to comply with State contract requirements.

Mr. Folk moved to authorize Director Cornelius to propose the additional language to NCEES. Mr. Marley seconded. After discussion, motion carried.

C. Discussion and possible action on whether to issue a press release regarding the retirement of Ronald Dalrymple, the hiring of Ms. Cornelius as Executive Director and the hiring of new staff in key positions.

Mr. Marley moved to approve the press release with modifications to include other Staff retirements. Mr. Lane seconded. After discussion, motion carried.

9. **REVIEW, CONSIDERATON, AND ACTION ON THE FOLLOWING:**

   A. Registrations that have been expired for three (3) years and recommended to be cancelled:
   (None this month)

   B. Certifications that have been expired for one (1) year and recommended to be cancelled and applications that have been incomplete for one (1) year recommended to be closed:
   (List available at the Board's office)

   Mr. Stanley moved to cancel the certifications which have been expired for one (1) year and close the applications that have been incomplete for one (1) year. Mr. Marley seconded. After discussion, motion carried.

10. **DIRECTOR'S REPORT** – Director Cornelius provided a written report and advised that the budget passed by the Legislature did not have an appropriation for the needed computer upgrades. We are still awaiting the formal Attorney General opinion regarding the certification of Alarm Businesses and Agents. However, a Registrar of Contractors (ROC) bill was passed this session which exempted alarm agents to be registered with the ROC. The drug laboratory rule package was discussed at the Governor's Regulatory Review Counsel (GRRC) Study Session this morning and received a passing recommendation. The rule package will go before GRRC on July 9, 2013. In review of the number of open drug laboratory cases it would be more efficient to classify them as "monitoring" cases. Additionally, it may be beneficial to request advice from the Attorney General's office on the Board's authority to re-post properties under A.R.S. § 12-1000.

11. **BOARD CHAIR'S REPORT** – Mr. Weiland expressed appreciation to Director Cornelius for accepting the Executive Director position and to the retirees for their dedication to the Board.

12. **STANDING COMMITTEE REPORTS**

   1. Legislation and Rules Committee (L&R) – Next meeting is scheduled for July 18, 2013.

   2. Budget Committee – Director Cornelius provided a written cash flow report.

   3. Home Inspector Rules and Standards Committee (HIRSC) – No report given.

   4. Environmental Remediation Rules and Standards Committee (ERRSC) – No report given.

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

   1. National Council of Examiners for Engineering and Surveying (NCEES) – Director Cornelius reported the annual meeting will be at the end of August in San Antonio.

2. National Council of Architectural Registration Boards (NCARB) – Mr. Marley reported that he and Director Cornelius attended the annual meeting between June 19th through 22nd in San Diego and provided a written report.

3. Council of Landscape Architectural Registration Boards (CLARB) – Mr. Brady reported there is a meeting in September in Minneapolis.

4. National Association of State Boards of Geology (ASBOG) – Mr. Weiland reported that he and Director Cornelius will be attending a meeting in November.

5. Public Member News/Information – No report given.

14. **FUTURE BOARD MEETINGS**

A. Tuesday, July 23, 2013 at 9:30 a.m.

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

- Discuss and possible action on forming a Licensing Committee
- Discuss number of Land Surveyor complaints with repetitive problems

16. **ADJOURNMENT** – Meeting adjourned 1:10 p.m.

Erick Fred Weiland, Chairman

Melissa Cornelius, Executive Director

MINUTES OF THE
ARIZONA STATE BOARD OF TECHNICAL REGISTRATION
Tuesday, July 23, 2013
Meeting
9:30 a.m.
OPEN SESSION

1. **CALL TO ORDER** – Chairman Erick F. Weiland called the meeting of the Board of Technical Registration to order at 9:30 a.m.

2. **ROLL CALL** – Board Members in attendance: Erick F. Weiland, LeRoy Brady, Douglas T. Whitneybell, Stuart R. Lane, Robert Stanley, Jason K. Madison, Alejandro Angel, Ph.D. and Douglas Folk. Absent: Edward T. Marley. Staff: Melissa Cornelius, Lorraine Brown, Manuel Maltos, Alicia Guerra and Gina Latour. Assistant Attorney General: Elizabeth Campbell.

3. **CALL TO THE PUBLIC** – No members of the public addressed the Board.

4. **ADOPTION OF MINUTES**
Review, Consideration and Possible Action on the following:

   A. Mr. Folk moved to approve the June 25, 2013 minutes. Mr. Lane seconded. After discussion, motion carried.

5. **ENFORCEMENT MATTERS**
Review, Consideration, and Possible Action on the following:

   A. Proposed Dismissals
      1. A13-007, Melvin J, Slaysman, P.E. (Structural) #11110 – Home owner, Linda Nevasidas, and Mr. Slaysman addressed the Board. Mr. Madison moved to dismiss the case. Mr. Whitneybell seconded. After discussion, motion carried.

      2. A13-008, Phillip W. Rosendahl, Land Surveyor #24532 – Mr. Lane moved to dismiss the case. Dr. Angel seconded. After discussion, motion carried.

      3. M10-025, Timothy E. Shreeve, Shreeve GPS Services, LLC – Mr. Folk moved that the matter be referred back to Staff for further review from Ms. Campbell. Mr. Lane seconded. After discussion, motion carried.

   B. Proposed Letters of Concern
      1. HI13-010, Robert G. Frederick, Home Inspector #38570 – Home owner, Mary Davis addressed the Board telephonically and Mr. Frederick addressed the Board. Dr. Angel moved to issue a Letter of Concern for failure to meet the Standards of Practice in violation of A.R.S. § 32-128 (C)(4) and A.A.C. R4-30-301.01(A). Mr. Lane seconded. After discussion, motion carried.

      2. M12-031, George Michael Haywood, Land Surveyor #13941 – Mr. Lane moved to offer Respondent a Consent Agreement with a Letter of Reprimand, peer review on three (3) of Respondent's surveys and have him pay the cost of investigations; if not

accepted, forward the case to a formal hearing for failure to conduct the survey in accordance with the Arizona Boundary Survey Minimum Standards, in violation of A.R.S. § 32-128(C)(4) and A.A.C. R4-30-301(13). Mr. Stanley seconded. After discussion, motion carried.

3. M13-047, Ned E. Smith, Land Surveyor #43676 – Mr. Whitneybell recused himself, citing a conflict of interest. Mr. Lane moved to issue a Letter of Concern for failure to conduct the survey in accordance with the Arizona Boundary Survey Minimum Standards, in violation of A.R.S. § 32-128(C)(4) and A.A.C. R4-30-301(13). Mr. Brady seconded. After discussion, motion carried.

C. Proposed Consent Agreements

Mr. Lane moved to place agenda items 5.C.3 – 5.C.5 on consent agenda and to accept Staff's recommendations. Mr. Madison seconded. After discussion, motion carried.

CONSENT AGENDA

1. (5.C.3) HI13-006, Norman A. Peery, Home Inspector #38470 – on consent agenda, the Board moved to accept Respondent's signed Consent Agreement encompassing the following Order: Letter of Reprimand, pay an administrative fee of $2,500.00, take and successfully complete an open book test on the Board's Statutes and Rules within thirty (30) days passing with a 100% score, pay the cost of investigation in the amount of $484.00 and probation until restitution paid to Cynthia Perry in the amount of $275.00

2. (5.C.4) HI13-008, Steven V. Johnson, Home Inspector #52381 – on consent agenda, the Board moved to accept Respondent's signed Consent Agreement encompassing the following Order: Letter of Reprimand, Respondent voluntarily surrenders Arizona Home Inspectors certificate, pay restitution to Zyad and Jocelyn Abyad in the amount of $340.00 and pay the cost of investigation in the amount of $281.75.

3. (5.C.5) M12-062, Thomas H. Trimble, P.E. (Civil) #15620 – on consent agenda, the Board moved to accept Respondent's signed Consent Agreement encompassing the following Order: Assurance of Discontinuance, pay a civil penalty in the amount of $4,000.00 and pay cost of investigation in the amount of $346.00.

REMOVED FROM CONSENT AGENDA
Handled Separately

4. (5.C.1) A13-022, David P. Chiasson, E.I.T Application #130241 – Mr. Folk recused himself, citing a conflict of interest. Mr. Lane moved to accept Respondent's signed Consent Agreement encompassing the following Order: Assurance of Discontinuance from practicing, holding himself out as qualified to practice engineering, and assuming the title of Professional Engineer; pay a civil penalty in the amount of $2,000.00, and pay the cost of investigation in the amount of $210.00. Mr. Brady seconded. After discussion, motion carried.

5. (5.C.2) HI13-005, Daniel P. Smith, Home Inspector #38616 – Mr. Lane moved to table this matter pending receipt of a signed Consent Agreement as offered. If a signed Consent is not obtained within thirty (30) days then forward to formal hearing

for failure to meet the Arizona Standards of Professional Practice for Home Inspectors. Mr. Whitneybell seconded. After discussion, motion carried.

D. Discussion and Consideration and Possible Action

1. M10-050, Michael D. Gregory, P.E. (Civil) #29675 – Mr. Gregory addressed the Board telephonically. Mr. Stanley moved to accept Respondent's counterproposal for a Letter of Concern. Mr. Madison seconded. After discussion, motion carried.

2. M12-066, Gary Bryan Gotzenberger, Land Surveyor #31020 – Alleger, Jerry Webster addressed the Board. Mr. Lane moved for Staff to offer original Consent Agreement. Dr. Angel seconded. After discussion, motion carried.

3. M11-052, M11-076, M11-080, Will Architects, PLC #16413 and Jeffrey Will, Architect #11038 – Mr. Whitneybell moved to accept Respondent's proposed method of payment. Mr. Stanley seconded. After discussion, motion withdrawn.

   Dr. Angel moved to deny Respondent's proposed method of payment and open a complaint against him for non-compliance. Mr. Stanley seconded. After discussion, motion carried.

6. **LICENSING MATTERS**

Review, Consideration, and Possible Action on the following:

A. Welch, Kyle, Architect Application #070346 – Mr. Welch addressed the Board. Mr. Lane moved to deny Applicant's request for an extension. Applicant will have to re-apply for Professional registration and then he must complete the Intern Development Program (IDP). Mr. Brady seconded. After discussion, motion carried.

B. Transue Jr., Lawrence, Architect Applicant #062046 – Mr. Folk moved to deny Applicant's request for an extension. Applicant will have to re-apply for Professional registration and then he must complete IDP. Mr. Brady seconded. After discussion, motion carried.

7. **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 and § 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 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).

Mr. Stanley moved that the applicants listed in 7A(1) be granted professional registration, certification, or in-training designation; that the applicants listed in 7A(2) be approved to sit for the professional or in-training examinations; that the applicants in 7A(3) be granted professional registration; that the applicants in 7A(4) be granted professional registrations, certifications, or in-training designations or authorizations to test for those applicants who disclosed minor criminal history that does not reasonably relate to the applicant's proposed area of practice or who disclosed disciplinary action taken against their registrations in other jurisdictions; and the applicants listed in 7A(5) be administratively closed. Mr. Lane seconded. After discussion, motion carried.

8. **POLICY MATTERS**

Review, Consideration, and Possible Action on the following:

A. Review, discussion and possible action on forming a Licensing Committee to review applications.

Director Cornelius discussed forming a Licensing Committee. Mr. Weiland advised the matter to be discussed at a later date with further possibilities. No action was taken.

B. Review, discussion and possible action on the number of Land Surveying complaints and cases with repetitive violations and consideration of methods for addressing them.

Michael Fondren, an officer of the Arizona Professional Land Surveyors (APLS), addressed the Board. Mr. Weiland advised Staff to review the Land Surveyor complaints and summarize the issues in a letter for Board review. Once approved, the letter can be placed on the Board's website and e-mailed to those registrants who have provided their e-mail to the Board.

C. Review and Approval of NCEES' Letter regarding automatic testing approval.

Mr. Stanley moved to approve the National Council of Examiners for Engineering and Surveying (NCEES) Letter with one (1) modification. Dr. Angel seconded. After discussion, motion carried.

D. Review and possible action on the draft of the Enforcement Advisory Committee Member Manual.

The Board directed Director Cornelius to have Ms. Campbell review the draft prior to bringing it back to the Board. No action taken.

E. Review, discussion and possible action on proposed modifications to Substantive Policy Statement #10: "Requirements for recording results of survey drawing."

Mr. Lane moved to adopt the proposed modifications to the Substantive Policy Statement #10, inform Land Surveyors of the modification via email and post on the Board's website. Dr. Angel seconded. After discussion, motion carried.

9. **REVIEW, CONSIDERATON, AND ACTION ON THE FOLLOWING:**

A. Registrations that have been expired for three (3) years and recommended to be cancelled:
(List available at the Board's office)

Dr. Angel moved to cancel Registrations which have been expired for three (3) years. Mr. Lane seconded. After discussion, motion carried.

B. Certifications that have been expired for one (1) year and recommended to be cancelled and applications that have been incomplete for one (1) year recommended to be closed:
(List available at the Board's office)

Mr. Stanley moved to cancel the certifications which have been expired for one (1) year Mr. Lane seconded. After discussion, motion carried.

10. **DIRECTOR'S REPORT** – Director Cornelius provided a written report and advised that the Legislature will increase the Appropriation to pay Staff the 5% base salary increase that was included in the Governor's budget plan. The Governor's Regulatory Review Council (GRRC) met on July 9, 2013 and approved the two (2) remaining rules relating to the Drug Laboratory Remediation Program. GRRC will send the final draft to the Secretary of State for publication.

11. **BOARD CHAIR'S REPORT** – No report given.

12. **STANDING COMMITTEE REPORTS**

1. Legislation and Rules Committee (L&R) – Mr. Folk reported briefly on all items that were discussed at the last L&R meeting that took place on July 18, 2013.

2. Budget Committee – Director Cornelius provided a written cash flow report.

3. Home Inspector Rules and Standards Committee (HIRSC) – No report given.

4. Environmental Remediation Rules and Standards Committee (ERRSC) – No report given.

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

1. National Council of Examiners for Engineering and Surveying (NCEES) – Mr. Stanley reported the annual meeting will be at the end of August in San Antonio.

2. National Council of Architectural Registration Boards (NCARB) – No report given.

3. Council of Landscape Architectural Registration Boards (CLARB) – Mr. Brady reported there is a meeting in September in Minneapolis.

4. National Association of State Boards of Geology (ASBOG) – Mr. Weiland reported that he and Director Cornelius will be attending a meeting in November.

5. Public Member News/Information – No report given.

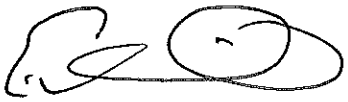
14. **FUTURE BOARD MEETINGS**

A. Tuesday, August 27, 2013 at 9:30 a.m.

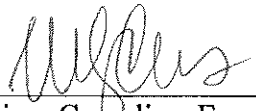
15. **SUGGESTED TOPICS FOR FUTURE MEETING AGENDAS**

- Discuss and possible action on proper use of disciplines
- Discuss and possible action on new format for examinations
- Discuss scheduled fees on investigations

16. **ADJOURNMENT** – Meeting adjourned 1:09 p.m.



Erick Fred Weiland, Chairman



Melissa Cornelius, Executive Director

MINUTES OF THE
ARIZONA STATE BOARD OF TECHNICAL REGISTRATION
Tuesday, August 27, 2013
Meeting
9:30 a.m.
OPEN SESSION

1. **CALL TO ORDER** – Chairman Erick F. Weiland called the meeting of the Board of Technical Registration to order at 9:30 a.m.

2. **ROLL CALL** – Board Members in attendance: Erick F. Weiland, LeRoy Brady, Douglas T. Whitneybell, Stuart R. Lane, Robert Stanley, Jason K. Madison, Alejandro Angel, Ph.D., Douglas Folk and Edward T. Marley. Staff: Melissa Cornelius, Lorraine Brown, Manuel Maltos, Gina Latour and Lisa Vardian. Assistant Attorney General: Elizabeth Campbell.

3. **CALL TO THE PUBLIC** – No members of the public addressed the Board.

4. **ADOPTION OF MINUTES**
Review, Consideration and Possible Action on the following:

   A. Mr. Brady moved to approve the July 23, 2013 minutes. Dr. Angel seconded. After discussion, motion failed. This matter was tabled until review of the July meeting recording is conducted and the minutes accurately reflect the discussion and actions by the Board.

5. **ENFORCEMENT MATTERS**
Review, Consideration, and Possible Action on the following:

   A. Proposed Dismissals
      1. A13-004, Jordan Engineering Group, L.L.C., #13248 – Mr. Folk moved to dismiss the case. Mr. Stanley seconded. After discussion, motion carried.

CONSENT AGENDA

Mr. Lane moved to place agenda items 5.A.2 and 5.A.4 on consent agenda. Mr. Folk recused himself citing a conflict of interest. Mr. Lane moved to administratively close the cases and if Respondent applies for certification in the future, then the cases would be re-opened. Mr. Madison seconded. After discussion, motion carried.

2. A13-009, Timothy S. Hopps, Land Surveyor #13011 – on consent agenda the Board moved to administratively close the case.

3. (5.A.4) A13-017, Timothy S. Hopps, Land Surveyor #13011 – on consent agenda the Board moved to administratively close the case.

REMOVED FROM CONSENT AGENDA
Handled Separately

4. (5.A.3) A13-012, Armando Collelmo, Nonregistrant – Mr. Lane moved to direct the

case back to staff to offer Mr. Collelmo a consent agreement for assurance of discontinuance of Land Surveying services, pay a civil penalty and pay costs of investigation. Mr. Folk seconded. After discussion, motion carried. Staff was further directed to open an investigation and evaluate the services performed by Mr. Benedict for any possible violations of Board statutes and Rules.

5. (5.A.5) Assorted cases (16): RMCAT Environmental Services, Inc. #12083 – Mr. Lane moved to close the cases and if Respondent applies for certification in the future, then the cases would be re-opened. Mr. Whitneybell seconded. After discussion, motion carried.

CONSENT AGENDA

Mr. Folk moved to place agenda items 5.A.6 – 5.A.10 on consent agenda and to accept Staff's recommendations. Mr. Stanley seconded. After discussion, motion carried

6. (5.A.6) DL07-001, Drug Lab location 15202 N. 37th Street, Phoenix, AZ – on consent agenda the Board moved to dismiss the case.

7. (5.A.7) DL07-002, Drug Lab location 4302 N. 103rd Avenue #13, Phoenix, AZ – on consent agenda the Board moved to dismiss the case.

8. (5.A.8) DL07-004, Drug Lab location 6944 E. Thunderbird Road, Scottsdale, AZ – on consent agenda the Board moved to dismiss the case.

9. (5.A.9) DL09-036, Drug Lab location 229 N. 88th Street, Mesa, AZ – on consent agenda the Board moved to dismiss the case.

10. (5.A.10) DL10-001, Drug Lab location 17757 Ladera Drive, Dolan Springs, AZ – on consent agenda the Board moved to dismiss the case.

B. Proposed Letters of Concern
   1. A13-013, Clint L. Mueller, P.E. (Civil) #36810 – Alleger, Mr. James Sharp, addressed the Board. Mr. Madison moved to issue Respondent a Letter of Concern for working on an expired firm registration. Mr. Marley seconded. After discussion, the motion was withdrawn. Mr. Madison moved to dismiss the case. Mr. Folk seconded. After discussion, motion carried.

   2. HI13-013, Kent L. Dean, Home Inspector #42668 – Mr. Folk moved to issue Respondent a Letter of Concern for failure to meet the Standards of Practice in accordance with A.R.S. § 32-128(C)(4) and A.A.C. R4-30-301.01(A). Dr. Angel seconded. After discussion, motion carried.

   3. M13-054, MSI Engineering, dba Merlin Services, Nonregistrant Firm – Dr. Angel moved to issue Respondent a Letter of Concern for advertising engineering services in Arizona in violation of A.R.S. § 32-141(A) and A.R.S. § 32-145(1) and (2). Mr. Folk seconded. After discussion, motion carried.

C. Proposed Consent Agreements
   1. A13-016 – A13-020, John Reddell Architects, Inc. #10590 and John B. Reddell,

Architect #17664 – Mr. Folk recused himself citing a conflict of interest. Mr. Marley moved to accept Respondent's signed Consent Agreement encompassing the following Order: Letter of Reprimand, pay an administrative penalty in the amount of $2,000.00 and pay costs of investigation in the amount of $286.00. Probation until the following is met: Payment in full to Collaborating Professionals: Alleger Tiglas in the amount of $5,450.00 and Alleger Wilda in the amount of $1,750.00. Mr. Lane seconded. After discussion, motion carried.

2. HI13-005, Dan P. Smith, Home Inspector #38616 – Mr. Smith addressed the Board. Dr. Angel moved to accept Respondent's signed Consent Agreement encompassing the following Order: Letter of Reprimand, pay an administrative penalty in amount of $1,600.00, take and successfully complete an open book test on the Board's Statutes and Rules within 30 days, passing with a 100% score, pay restitution of the home inspection fees in the amount of $426.00 and pay costs of investigation in the amount of $527.00. Mr. Lane seconded. After discussion, motion carried.

3. HI13-011, Irvin M. Johnson, Home Inspector #40623 – Mr. Stanley moved to accept Respondent's signed Consent Agreement encompassing the following Order: Letter of Reprimand, pay an administrative penalty in the amount of $1,000.00, take and successfully complete an open book test on the Board's Statutes and Rules within 30 days, passing with a 100% score, and pay costs of investigation in the amount of $565.00. Mr. Marley seconded. After discussion, motion carried.

4. HI13-014, Keith E. Wygal, Nonregistrant – Mr. Folk moved to accept Respondent's signed Consent Agreement encompassing the following Order: Assurance of discontinuance, pay a civil penalty in the amount of $2,000.00 and pay costs of investigation in the amount of $646.00. Mr. Marley seconded. After discussion, motion carried.

5. HI14-001, Curtis D. Loftis, Nonregistrant – Mr. Loftis addressed the Board. Mr. Stanley moved to accept Respondent's signed Consent Agreement encompassing the following Order: Assurance of discontinuance, pay a civil penalty in the amount of $500.00 and pay costs of investigation in the amount of $100.00. Mr. Marley seconded. After discussion, motion carried. Staff was directed to contact the International Association of Certified Home Inspectors (InterNACHI) relating to Home Inspectors required to be certified in Arizona pursuant to Board's Statutes and Rules.

6. M11-047, Melvin F. Bautista, Land Surveyor #13969 – Mr. Lane moved to accept Respondent's signed Consent Agreement encompassing the following Order: Letter of Reprimand, suspension of registration, pay an administrative penalty in the amount of $5,000.00 and pay costs of investigation in the amount of $1,282.00. Mr. Marley seconded. After discussion, motion carried.

7. M12-015, Daniel W. Thebeau, P.E. (Mining) #26522 – Mr. Whitneybell moved to accept Respondent's signed Consent Agreement encompassing the following Order: Letter of Reprimand and pay costs of investigation in the amount of $430.00. Mr. Marley seconded. After discussion, motion carried.

D. Discussion and Consideration and Possible Action

1. A13-006, Douglas W. Slover, Jr., Nonregistrant – Mr. Slover, Jr., Mr. Justin Ramsey and Mr. Martin Etchenberry addressed the Board. Mr. Lane moved to refer the case back to staff to offer Mr. Slover, Jr. a Consent Agreement encompassing the following Order: Assurance of discontinuance, pay an administrative penalty in the amount of $2,000.00 and pay costs of investigation in the amount of $474.00. If a signed Consent Agreement is not obtained then proceed to Formal Hearing. Dr. Angel seconded. After discussion, motion carried.

2. M11-046 / M12-037, David S. Klein, Land Surveyor #42137 – Mr. Klein addressed the Board. Mr. Lane moved to accept Respondent's signed consent agreement encompassing the following Order: Letter of Reprimand, peer review of Respondent's next three (3) surveys and pay costs of investigation in the amount of $515.00. Mr. Marley seconded. After discussion, motion carried.

3. M12-028, Phillip W. Rosendahl, Land Surveyor #24532 – Mr. Lane moved to affirm the previous motion made from the May 28, 2013 Board meeting to offer Respondent a Consent Agreement encompassing the following Order: a sixty (60) day probation period until the survey is recorded and pay the costs of investigation in the amount of $180.00. If Respondent fails to record the survey then forward to a formal hearing for failure to conduct a survey in accordance with the Arizona Boundary Survey Minimum Standards, in violation of A.R.S. § 32-128(C)(4) and A.A.C. R4-30-301(13). Mr. Folk seconded. After discussion, motion carried.

4. M12-031, George Michael Haywood, Land Surveyor #13941 – Mr. Haywood addressed the Board. This item was tabled to obtain additional information from a survey that was performed by Mr. Famas.

5. M12-066, Gary B. Gotzenberger, Land Surveyor #31020 – Mr. Lane moved to accept Respondent's signed consent agreement encompassing the following Order: Letter of Reprimand, peer review of Respondent's next three (3) surveys and pay costs of investigation in the amount of $195.00. Mr. Marley seconded. After discussion, motion carried.

6. **LICENSING MATTERS**

Review, Consideration, and Possible Action on the following:

A. Whether to adopt, modify, or reject the Administrative Law Judge's Recommended Decision and Order in Formal Hearing Case No. 013F-121229-BTR; Michael Brookes, Electrical Engineer Application #121229 – Solicitor General, Ms. Diane Razner, was present and available to the Board. Mr. Brookes and Assistant Attorney General, Ms. Campbell, addressed the Board. Dr. Angel moved to adopt the Administrative Law Judge's decision that the Applicant's application for registration, #121229, for the practice of electrical engineering be denied. Mr. Lane seconded. After discussion, motion carried.

B. Finchem, Amy, Architect Application #061494 – Mr. Marley moved to deny Applicant's request for an extension to complete the Architect Registration Examination (ARE). Applicant will need to re-apply to the Board for professional registration at which time she will have five (5) years to complete the ARE and the Intern Development Program (IDP). Mr. Brady seconded. After discussion, motion carried.

C. Fortunato, Timothy, Home Inspector Application #130585 – Mr. Fortunato addressed the Board. Dr. Angel moved to deny Applicant's registration as a Home Inspector due to his recent Voluntary Surrender of his Arizona Appraisal license and found that he failed to establish that he possesses good moral character and repute. Mr. Brady seconded. After discussion, motion carried with Mr. Madison casting a nay vote.

D. Alexander, Bruce, Civil Engineer Application #130828 – Dr. Angel moved to grant Applicant's registration as a Civil Engineer because he demonstrated good moral character by disclosing that he had been disciplined by the Board for Professional Engineers, Land Surveyors, and Geologists in California, in August 2012. Mr. Marley seconded. After discussion, motion carried.

E. Bryan, George, Civil Engineer Application #130487 – Dr. Angel moved to grant professional registration as a Civil Engineer license, finding that Applicant's misdemeanor convictions were in 1992 and he has since been registered in three (3) other states. Mr. Whitneybell seconded. After discussion, motion carried.

F. Livernois, Brian (Paul), Structural Engineer Application #130793 – Mr. Madison moved to approve Applicant's application and grant registration as a Structural Engineer. Mr. Marley seconded. After discussion, motion carried.

G. Kwan, Kelly, Civil Engineer Application #130360 – Mr. Kwan addressed the Board telephonically. Mr. Madison moved that the application was incomplete until the Applicant submits additional certificates of experience. Dr. Angel seconded. After discussion, motion carried.

H. Hamilton, Brian, Civil Engineer Application #130643 – Mr. Stanley moved to accept Applicant's qualifications for practice as a Civil Engineer and grant him registration. Mr. Madison seconded. After discussion, motion carried.

I. Cervantes, Eduardo, Alarm Controlling Person Registration #54894 – Mr. Madison moved to uphold Registrant's Alarm Controlling Person certification. Mr. Marley seconded. After discussion, motion carried.

7. 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 and § 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 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).

Mr. Brady moved that the applicants listed in 7A(1) be granted professional registration, certification, or in-training designation; that the applicants listed in 7A(2) be approved to sit for the professional or in-training examinations; that the applicants in 7A(3) be granted professional registration; that the applicants in 7A(4) be granted professional registrations, certifications, or in-training designations or authorizations to test for those applicants who disclosed minor criminal history that does not reasonably relate to the applicant's proposed area of practice or who disclosed disciplinary action taken against their registrations in other jurisdictions; and the applicants' files listed in 7A(5) be administratively closed. Mr. Marley seconded. After discussion, motion carried.

8. **POLICY MATTERS**

Review, Consideration, and Possible Action on the following:

A. Direction to staff regarding the Meth Lab program.

Mr. Jeff Kary, with Kary Environmental Services, addressed the Board and provided his concerns about the changes in the Rules, to become effective on September 6, 2013. The Board directed that the Environmental Remediation Rules and Standards Committee should conduct research on the current production methods of methamphetamine and re-evaluate the Best Standards of Practice. The Board directed Director Cornelius to provide an operational recommendation for the drug laboratory site remediation program for the Board's consideration.

B. Board Fees Charged to the Public for Various Services, Including Costs of Investigation, Fees for Fingerprinting, and License Verifications.

Discussion included the lack of statutory authority for the Board to charge a fee for fingerprinting or for license verifications. Costs of Investigation fees are now to include total staff time along with employee related expenses (ERE) and all indirect costs.

C. Review, Discussion and Approval of Revised Architect Application Form.

Mr. Marley described the changes made to the Architect application forms and moved to adopt the new application, reference and employment verification forms. Dr. Angel seconded. After discussion, motioned carried.

D. Discussion and Possible Action on the use of the generic terms "Architect," and "Engineer," and whether such use is a violation of the Board's Practice Act.

This matter was tabled until the next meeting.

E. Review, Discussion and Approval of FY 15 Budget.

The Board reviewed the FY 2015 budget, which is on file with the Office of Strategic Planning and Budgeting (OSPB).

F. Review, Discussion and Approval of the Board meeting dates for 2014.

Dr. Angel moved to approve the Board meeting dates for 2014. Mr. Marley seconded. After discussion, motion carried.

G. Review, Discussion and Possible Action on the Environmental Remediation Rules and Standards Committee resignations of Mr. Jeff Kary and Ms. Diane Eckles.

Mr. Kary addressed the Board and rescinded his resignation. Director Cornelius advised that the Arizona Department of Health Services Director has appointed Ms. Jennifer Botsford to the Committee, replacing Ms. Eckles.

9. **REVIEW, CONSIDERATON, AND ACTION ON THE FOLLOWING:**

A. Registrations that have been expired for three (3) years and recommended to be cancelled:

(None this month)

B. Certifications that have been expired for one (1) year and recommended for cancellation: (List available at the Board's office)

Mr. Brady moved to cancel the certifications which have been expired for one (1) year Mr. Marley seconded. After discussion, motion carried.

10. **DIRECTOR'S REPORT** – Director Cornelius provided a written report and advised staff is exploring other companies to provide computer services to the Board. A letter was sent to all the state's counties, cities and towns explaining the Board's concern regarding public works projects not being supervised by a registrant. A current organizational chart was provided showing the structure of Board staff.

11. **BOARD CHAIR'S REPORT** – Mr. Weiland provided a written report expressing appreciation to Enforcement Advisory Committee (EAC) members and the recommendations they provide to the Board with the enforcement of our Statutes and Rules. The written report will be available on the Board's website for public viewing.

12. **STANDING COMMITTEE REPORTS**

1. Legislation and Rules Committee (L&R) – The next meeting is scheduled for Thursday, October 17, 2013.

2. Home Inspector Rules and Standards Committee (HIRSC) – The next meeting is scheduled for Tuesday, October 8, 2013.

3. Environmental Remediation Rules and Standards Committee (ERRSC) – The next meeting is scheduled for Tuesday, September 17, 2013.

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

1. National Council of Examiners for Engineering and Surveying (NCEES) – Dr. Angel provided a synopsis of their meeting held last week in San Antonio and that a meeting is scheduled to be held in Arizona in 2014.

2. National Council of Architectural Registration Boards (NCARB) – Mr. Marley provided a synopsis of their last meeting and advised that exams will be offered again in September. The next meeting is scheduled for December.

3. Council of Landscape Architectural Registration Boards (CLARB) – Mr. Brady reported there is a meeting in September in Minneapolis.

4. National Association of State Boards of Geology (ASBOG) – Mr. Weiland reported that he and Director Cornelius will be attending a meeting in November.

5. Public Member News/Information – No report given.

14. **FUTURE BOARD MEETINGS**

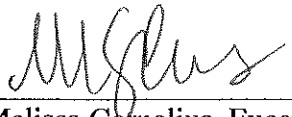
A. Tuesday, September 24, 2013 at 9:30 a.m.

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

- Discussion and possible action on the use of the generic terms "Architect," and "Engineer," and whether such use is a violation of the Board's Practice Act.
- Review and discuss the number of Land Surveyor complaints and categorize similar issues.
- Review and discuss providing notification to expired firm registrations.

16. **ADJOURNMENT** – Meeting adjourned 2:05 p.m.

Erick Fred Weiland, Chairman



Melissa Cornelius, Executive Director

MINUTES OF THE
ARIZONA STATE BOARD OF TECHNICAL REGISTRATION
Tuesday, September 24, 2013
Meeting
9:30 a.m.
OPEN SESSION

1. **CALL TO ORDER** – Chairman Erick F. Weiland called the meeting of the Board of Technical Registration to order at 9:30 a.m.

2. **ROLL CALL** – Board Members in attendance: Erick F. Weiland, LeRoy Brady, Douglas T. Whitneybell, Jason K. Madison, Alejandro Angel, Ph.D., Douglas Folk and Edward T. Marley. Absent: Stuart R. Lane and Robert Stanley. Staff: Melissa Cornelius, Lorraine Brown, Manuel Maltos and Lisa Vardian. Assistant Attorney General: Elizabeth Campbell.

3. **CALL TO THE PUBLIC** – No members of the public addressed the Board.

4. **ADOPTION OF MINUTES**
Review, Consideration and Possible Action on the following:

   A. Mr. Whitneybell moved to approve the July 23, 2013 minutes. Mr. Brady seconded. After discussion, motion carried.

   B. Mr. Marley moved to approve the August 27, 2013 minutes with one (1) minor modification. Mr. Brady seconded. After discussion, motion carried.

5. **ENFORCEMENT MATTERS**
Review, Consideration, and Possible Action on the following:

   A. Proposed Dismissals
      1. A13-019, Douglas L. Brimhall, P.E. (Civil), #36630 – Mr. Marley recused himself citing a conflict of interest. Mr. Brimhall addressed the Board. Dr. Angel moved to dismiss this case and to have Staff open an investigation on the technical competency and skill regarding the connection of the sewer lines. Mr. Folk seconded. After discussion, motion carried.

CONSENT AGENDA

Mr. Folk moved to place agenda items 5.A.2 through 5.A.9 on consent agenda and to administratively close and/or dismiss the cases. Mr. Madison seconded. After discussion, motion carried.

2. A13-021, Timothy R. Orr, P.E. (Civil) #13495 –, the Board voted to dismiss the case.

3. DL07-015, Drug Lab location 6018 N. 32nd Avenue, Phoenix, AZ –, the Board voted to dismiss the case.

4. DL07-021, Drug Lab location 7258 W. Pierson Street, Phoenix, AZ –, the Board voted to close the case.
5. DL07-023, Drug Lab location 3108 Green Leaf Drive, Lakeside, AZ –, the Board

voted to close the case.

6. DL09-017, Drug Lab location 719 E. Granada Road, Phoenix, AZ –, the Board voted to dismiss the case.

7. DL13-002, Criminal Investigation, Sale of Mobile Home, VIN# MP222084 –, the Board voted to dismiss the case.

8. P14-003, Jeffrey A. Stanley, P.E. (Civil), #19263 –, the Board voted to dismiss the case.

9. M05-236, Ray Arvizu, Drug Lab Remediation, Nonregistrant –, the Board voted to dismiss the case.

B. Proposed Letters of Concern

1. A13-011, American Geotechnical, Inc., #14746 – Mr. Folk recused himself citing a conflict of interest. Mr. Whitneybell moved to dismiss the case. Mr. Marley seconded. After discussion, the motion carried.

2. HI13-009, David A. Hill, Home Inspector, #43362 – Mr. Folk moved to issue Respondent a Letter of Concern for failure to meet the Standards of Practice in accordance with A.R.S. § 32-128(C)(4) and A.A.C. R4-30-301.01(A). Mr. Marley seconded. After discussion, motion carried.

3. HI13-016, Iain C. Findlay, Home Inspector, #43627 – Mr. Findlay addressed the Board. Mr. Folk moved to issue Respondent a Letter of Concern for failure to meet the Standards of Practice in accordance with A.R.S. § 32-128(C)(4) and A.A.C. R4-30-301.01(A). Mr. Marley seconded. After discussion, motion carried.

C. Proposed Consent Agreements

1. DL10-007 / DL11-001, Spray Systems Environmental Drug Laboratory Site Remediation Firm, #11693 – Mr. Folk recused himself citing a conflict of interest. Dr. Angel moved to accept Respondent's signed Consent Agreement encompassing the following Order: Pay an administrative penalty in the amount of $500.00 and pay costs of investigation in the amount of $695.00. Mr. Whitneybell seconded. After discussion, motion carried.

CONSENT AGENDA

Mr. Folk moved to place agenda items 5.C.2, 5.C.4, 5.C.6 and 5.C.7 on consent agenda and to accept Respondent's signed consent agreement. Mr. Marley seconded. After discussion, motion carried.

2. HI13-015, Kirk R. Nelson, Nonregistrant – the Board voted to accept Respondent's signed Consent Agreement encompassing the following Order: Assurance of Discontinuance, pay a civil penalty in amount of $500.00 and pay costs of investigation in the amount of $295.00.

3. (5.C.4) M11-071, Michael P Wier, Land Surveyor, #07247 – the Board voted to accept Respondent's signed Consent Agreement encompassing the following Order:

Letter of Reprimand and pay costs of investigation in the amount of $300.00.

4. (5.C.6) M13-043, Del Sol Group, Nonregistrant – the Board voted to accept Respondent's signed Consent Agreement encompassing the following Order: Assurance of discontinuance, pay a civil penalty in the amount of $1,000.00 and pay costs of investigation in the amount of $79.00.

5. (5.C.7) P14-002, Jerry D. Jeter, Nonregistrant – the Board voted to accept Respondent's signed Consent Agreement encompassing the following Order: Assurance of discontinuance, pay a civil penalty in the amount of $1,000.00 and pay costs of investigation in the amount of $265.00.

REMOVED FROM CONSENT AGENDA
Handled Separately

6. (5.C.3) M10-083, Robert J. Ghan, P.E. (Mechanical) #11873 – Mr. Folk and Mr. Madison recused themselves citing a conflict of interest. Mr. Ghan addressed the Board. Mr. Whitneybell moved to accept Respondent's signed Consent Agreement encompassing the following Order: Letter of Reprimand and pay costs of investigation in the amount of $355.00. Dr. Angel seconded. After discussion, motion carried.

7. (5.C.5) M12-071, Charles E. Wright, Pinal Design Group, LLC, Nonregistrant – Mr. Madison recused himself citing a conflict of interest. Mr. Folk moved to accept Respondent's signed Consent Agreement encompassing the following Order: Assurance of Discontinuance, pay a civil penalty in the amount of $4,000 and pay costs of investigation in the amount of $206.00. Mr. Marley seconded. After discussion, motion carried. Mr. Marley moved for Staff to open an investigation regarding concerns of aiding and abetting unauthorized practice by Mr. Overbee. Mr. Brady seconded. After discussion, motion carried.

D. Discussion and Consideration and Possible Action

1. M12-055, Christopher A. White, Nonregistrant – Mr. Madison recused himself citing a conflict of interest. Mr. Marley moved to forward the case to formal hearing and for criminal prosecution. Dr. Whitneybell seconded. After discussion, motion carried. Mr. Marley moved that Staff remind Mr. Moffitt that all seals need to bear and expiration date. Dr. Angel seconded. After discussion, motion carried.

2. P14-007, Will Architects, PLC, #16413 / Jeffrey S. Will, Architect # 11038 – Solicitor General, Christopher Munns, was present and available to the Board. Ms. Campbell addressed the Board. Mr. Will addressed the Board. Mr. Folk moved to cancel the non-compliance formal hearing scheduled in October due to respondent having made payments to his collaborating professionals. Mr. Marley seconded. After discussion, motion carried.

3. M07-079, Rick A. Joy, Architect #24588 – Mr. Folk recused himself citing a conflict of interest. Solicitor General, Christopher Munns, was present and available to the Board. Mr. Campbell addressed the Board. Alleger, Ms. Cecil Fallansbee, addressed the Board. Mr. Marley moved to forward the case to formal hearing. Dr. Angel seconded. After discussion, motion carried.

E. Proposed Peer Review Candidates
   1. M11-046 and M12-037, David S. Klein, Land Surveyor #42137 – Mr. Whitneybell moved to accept the three (3) Arizona registered land surveyors that respondent proposed as his peer reviewers. Mr. Brady seconded. After discussion, motion carried.

6. **LICENSING MATTERS**
   Review, Consideration, and Possible Action on the following:

   A. Hsu, Vivian, Architect Application #070520 – Mr. Marley moved to deny Applicant's request for an extension to complete the Architect Registration Examination (ARE). Mr. Whitneybell seconded. After discussion, motion was withdrawn. Mr. Marley moved to grant Applicant an extension to March 30, 2014, to take and pass the remaining portions of the ARE. Mr. Whitneybell seconded. After discussion, motion carried.

   B. Garrett, David, Alarm Controlling Person #54810 – Mr. Folk moved to grant the Alarm Controlling Person Certification. Mr. Whitneybell seconded. After discussion, motion carried.

7. **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 and § 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 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).

         Mr. Jon Morton, Architect Application #011077, was removed from the list for administrative closure in 7.A.5 Mr. Brady moved that the applicants listed in 7A(1) be granted professional registration, certification, or in-training designation; that the applicants listed in 7A(2) be approved to sit for the professional or in-training examinations; that the applicants in 7A(3) be

granted professional registration; that the applicants in 7A(4) be granted professional registrations, certifications, or in-training designations or authorizations to test for those applicants who disclosed minor criminal history that does not reasonably relate to the applicant's proposed area of practice or who disclosed disciplinary action taken against their registrations in other jurisdictions; and the applicants' files listed in 7A(5) be administratively closed. Mr. Folk seconded. After discussion, motion carried.

8. **POLICY MATTERS**
Review, Consideration, and Possible Action on the following:

A. Review, discussion and approval of the Enforcement Advisory Committee Training Manual.

Director Cornelius provided a proposed training manual that the Board reviewed. Dr. Angel moved to approve the manual with including a table of contents and redacting personal information from examples provided in it. Mr. Marley seconded. After discussion, motion carried.

B. Review, consideration and possible action on the use of generic terms such as "Architect" and "Engineer" and whether such use is a violation of the Board's Practice Act.

Mr. H. Maynard Blumer, Mr. Greg Randock, Mr. Steven Judge, Mr. Chris Ewald, Mr. Manuel Bejorano, Mr. Ron Peters, Mr. Herb Schneider, Ms. Margie Parisella, Ms. Savita Chandragiri addressed the Board. After discussion, it was determined that Staff will draft a letter to educate the public on generic use of the terms "Architect" and "Engineer." After the Board's review and approval of the letter it will be placed on the Board's website, and forwarded to appropriate professional associations and to the cities, towns, and counties.

C. Review, discussion and possible action to convene a Strategic Planning Board meeting.

The Board determined to schedule a Strategic Planning Board meeting for the first quarter of 2014 to discuss goals, priorities, legislative priority, philosophy and the mission statement. Staff will draft an agenda for Board review.

D. Review, discussion and possible action on the election of Board Officers.

Mr. Madison moved to nominate; Mr. Marley as Chair, Mr. Brady as Vice Chair and Mr. Whitneybell as Secretary. Dr. Angel seconded. After discussion, motion carried.

E. Review, discussion and possible action on the "Informal Quote for Psychometric Services" from Jack Warner, Ph.D., to update the Board's Geological Engineering and Arizona Specific Land Surveyor examinations.

Director Cornelius advised that the quote, if approved is within the budget. The Board discussed possibly raising the costs of the fees to take these exams once they are updated. Mr. Brady moved to accept the quote for the Psychometric Services from Jack Warner, Ph.D. and to move forward with review and updating of these exams. Mr. Marley

seconded. After discussion, motion carried.

F. Review, discussion and possible action on the proposed Action Plan regarding the Meth Lab Program.

Dr. Angel provided the Environmental Remediation Rules and Standards Committee's concerns with the drug laboratory site remediation program. The Board directed Director Cornelius to review the action plan and to include the cities, towns and counties applying to the Board's fund for the remediation monies. No action was taken.

9. **REVIEW, CONSIDERATON, AND ACTION ON THE FOLLOWING:**

A. Registrations that have been expired for three (3) years and recommended to be cancelled:

(None this month)

B. Certifications that have been expired for one (1) year and recommended for cancellation: (List available at the Board's office)

Mr. Brady moved to cancel the certifications which have been expired for one (1) year Mr. Marley seconded. After discussion, motion carried.

10. **DIRECTOR'S REPORT** – Director Cornelius provided a written report, introduced the new Deputy Director, Patty Pritzl and updated the Board on team building exercises that Staff has been participating in.

11. **BOARD CHAIR'S REPORT** – Mr. Weiland reported he would like to pay tribute to former Director Ronald Dalrymple at the December holiday luncheon.

12. **STANDING COMMITTEE REPORTS**

1. Legislation and Rules Committee (L&R) – The next meeting is scheduled for Thursday, October 17, 2013.

2. Home Inspector Rules and Standards Committee (HIRSC) – The next meeting is scheduled for Tuesday, October 8, 2013.

3. Environmental Remediation Rules and Standards Committee (ERRSC) – The Committee met on Tuesday, September 17, 2013 and discussed rule packages that were recently passed the Governor's Regulatory Review Council (GRRC) and determined that no new rules are needed at this time.

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

1. National Council of Examiners for Engineering and Surveying (NCEES) – Dr. Angel advised there is an EIT Career Fair in Tucson that he and Staff will be attending.

2. National Council of Architectural Registration Boards (NCARB) – Mr. Marley advised the next meeting will be held in San Antonio, Texas in March 2014.

3. Council of Landscape Architectural Registration Boards (CLARB) – Mr. Brady reported he and Director Cornelius will be leaving for the Annual Meeting in Minneapolis tomorrow.

4. National Association of State Boards of Geology (ASBOG) – Mr. Weiland reported that he and Director Cornelius will be attending a meeting in November in Tennessee.

5. Public Member News/Information – Mr. Folk reported that his law practice has joined Clark Hill in Scottsdale, Arizona.

14. **FUTURE BOARD MEETINGS**

A. Tuesday, October 22, 2013 at 9:30 a.m.

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

- Review and discuss the number of Land Surveyor complaints and categorize similar issues.
- Review and discuss the agreement between NCARB and the Canadian Architect Licensing Authority (CALA).

16. **ADJOURNMENT** – Meeting adjourned 1:51 p.m.

Erick Fred Weiland, Chairman

Melissa Cornelius, Executive Director

MINUTES OF THE
ARIZONA STATE BOARD OF TECHNICAL REGISTRATION
1110 West Washington, Conference Room #250
Phoenix, AZ 85007

Tuesday, October 22, 2013
9:30 a.m.
OPEN SESSION

1. **CALL TO ORDER**

2. **ROLL CALL** – Board Members in attendance: Edward T. Marley, LeRoy Brady, Jason K. Madison, Robert Stanley, Stuart R. Lane, Alejandro Angel, Ph.D., and Douglas Folk. Absent: Erick Weiland and Douglas T. Whitneybell. Staff: Melissa Cornelius, Lorraine Brown, Manuel Maltos, Patrice Pritzl and Eric Blake. Assistant Attorney General: Elizabeth Campbell.

3. **CALL TO THE PUBLIC** – No one addressed the Board.

4. **ADOPTION OF MINUTES**
Review, Consideration, and Possible Action on the following:

   A. Mr. Folk moved to approve the September 24, 2013 minutes with one (1) minor modification. Mr. Brady seconded. After discussion, motion carried.

5. **ENFORCEMENT MATTERS**
Review, Consideration and Possible Action on the following:

   A. Proposed Dismissals
   1. A13-002, Thorpe SEEOP Corp, Nonregistrant Firm – Dr. Angel moved to have staff further investigate this case. Mr. Folk seconded. No discussion, motion carried.
   2. A13-019, Douglas L. Brimhall, P.E. (Civil) #36630- Mr. Marley recused himself citing a conflict of interest. – Mr. Folk moved to return case to enforcement staff to obtain additional assessments to evaluate the registrant's technical skills and competence. Dr. Angel seconded. No discussion; motion carried.

CONSENT AGENDA

Dr. Angel moved to place agenda items 5.A.3 through 5.A.10 on the consent

agenda to administratively close and/or dismiss them. Mr. Lane seconded. After discussion, motion carried.

3. M10-032, Donald W. Foster Sr., Architect #139784.
4. M13-026, Basil R. Smith, Land Surveyor #25085
5. M13-041, John K. Klee, Nonregistrant
6. P14-011, Cannon Design Southwest, LLC. #15118
7. P14-013, Helios Systems, Nonregistrant Firm
8. P14-015, Matney-Frantz Engineering, LLC. Nonregistrant Firm
9. P14-016, Mechanical Products BAS, Nonregistrant Firm
10. P14-018, Monarch 360, Nonregistrant Firm

B. Proposed Consent Agreement

2. A13-012, Armando F. Collelmo, Nonregistrant – Mr. Stanley moved to offer Respondent a consent agreement, and if not accepted, move this case to formal hearing. Mr. Madison offered amendments to the proposed Consent Agreement. Mr. Marley seconded. No discussion; motion carried.

CONSENT AGENDA

Mr. Marley moved to place cases 5.B.1, 5.B.3 with corrections, 5.B.4 through 5.B.8 on the consent agenda. Mr. Stanley seconded. No discussion; motion carried. Dr. Angel motioned to approve Consent Agreements 5.B.1, 5.B.3 with corrections, 5.B.4-5.B.8. Mr. Madison seconded. Brief discussion, motion carried.

1. A13-001, Arvel R. Jones, Land Surveyor #13179
3. A13-024, John K. Klee, Klee Architects & Engineering, Nonregistrant Firm
4. HI14-002, Ronald J. Peters, Home Inspector #38160
5. M13-006, Manuel A. Inurriaga, P.E. (Civil) #31687
6. M13-021, Richard M. Schilke, Land Surveyor #28230
7. M13-044, Gene C. Harrison, Land Surveyor #22762
8. P14-012, Chelsea Group Ltd., Nonregistrant Firm

C. Discussion and Consideration and Possible Action

1. A13-003, Vertex Environmental Services, Inc., Nonregistrant Firm – Mr. Folk moved to reject the offered Consent Agreement and send the case back to Staff for further investigation of unauthorized practice of engineering and home inspection. Mr. Brady seconded. Discussion and motion carried.

2. HI13-017, Antone C. Goetz, Home Inspector #38572 – Mr. Folk moved to forward this case to Formal Hearing, because the Consent Agreement was refused. Mr. Madison seconded. No discussion; motion carried.

3. M07-079, Rick A. Joy, Land Surveyor #27488- Mr. Folk recused himself, citing a conflict of interest. Respondent, Mr. Joy, addressed the Board. Dr. Angel moved to issue a Letter of Concern to Respondent. Mr. Brady seconded. No discussion; motion carried.

4. M10-025, Timothy Z. Shreeve, Shreeve GPS Services #14871 – Mr. Lane moved to offer Respondent Consent Agreement, and if not accepted, forward the case to formal hearing. Brief discussion; motion carried.

Dr. Angel moved to forward the case for possible criminal prosecution to the appropriate authorities. Mr. Folk seconded. No discussion; motion carried.

5. M12-028, Phillip W. Rosendahl, Land Surveyor #24532 - Respondent addressed the Board. Mr. Lane moved to accept the Respondent's signed Consent Agreement encompassing the follow Order: Recordation of the survey met Consent Agreement and pay costs of investigation in the amount of $180.00. Mr. Stanley seconded. No discussion; motion carried.

6. M12-031, George M. Haywood, Land Surveyor #13941- Registrant addressed the Board. Mr. Lane moved to issue Respondent a Letter of Concern for failure to mark the survey in question "preliminary". Mr. Stanley seconded. No discussion; motion carried.

7. P14-001, William E. Nau, Nonregistrant – Mr. Lane moved to offer Respondent a Consent Agreement, and if not accepted, forward the case to Formal Hearing. Staff will forward case to the Attorney General for further investigation and possible criminal prosecution. Mr. Madison seconded. Discussion; motion carried.

6. LICENSING MATTERS

Review, Consideration, and Possible Action on the following:

Whether to Grant

A. Saulters, Rodney: Mechanical Engineer Application # 120232 - Applicant addressed the Board. Mr. Stanley moved to grant Application registration. Dr. Angel seconded. No discussion; motion carried.

B. Page, Michael: Alarm Agent Application # 131714 – Applicant addressed the Board. The Board discussed A.R.S. §§ 32-122.07 and the interpretation of the statute. Mr. Folk moved to go into an Executive Session for legal advice at 10:48am. Mr. Lane second. Motion carried. The Board returned to Open Meeting at 11:17 am. Mr. Folk moved to deny Applicant certification. Mr. Brady seconded. Discussion; motion carried with two votes opposed.

Mr. Folk moved to request formal legal opinion from Attorney General to advise the Board concerning the constitutionality of A.R.S. §§ 32-122.07; whether the statue is over broad or otherwise defective; failing to distinguish between felonies,

and misdemeanors, and failing to give a specific time limit. Mr. Lane seconded. No discussion; motion carried.

Request for Extension

C. Morton, Jon: Architect Application # 011077 – Mr. Marley moved to deny an applicant an extension to test. Applicant must reapply and enroll in IDP. Dr. Angel seconded. No discussion; motion carried.

D. Johnson, Rebecca: Architect Application # 071746 – Mr. Marley recused himself, citing conflict of interest. Mr. Stanley moved to administratively close this application and recommended that Applicant apply directly with NCARB. Mr. Lane seconded. Brief discussion; motion carried.

E. Anderson, Kert: Architect Application # 060718 – Mr. Lane moved to deny Applicant's request for an extension to test. Applicant will need to reapply for registration. Mr. Folk seconded. No discussion; motion carried.

7. **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. 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. Larry Janning, Alarm Agent Application #131325, David Henderson IV, Alarm Agent #131241, Anthony Badua Alarm Agent #131289 were removed from the consent agenda list and considered separately. Mr. Stanley moved that the applicants listed in 7.A.1 be granted professional registrations, certifications or in-training designations; that the applicants listed in 7A(2) be approved to sit for the professional or in-training examinations; that the applicants in listed in 7A(3) be granted professional registration; that the applicants in listed in 7A(4) be granted 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; and the applicants' files listed in 7A(5) be administratively closed. Mr. Folk seconded. No discussion; motion carried.

Mr. Stanley moved to deny the applications of Mr. Larry Janning, Alarm Agent Application #131325, David Henderson IV, Alarm Agent #131241, and Anthony Badua Alarm Agent #131289. Mr. Lane seconded. Brief discussion; motion carried.

8. **REVIEW, CONSIDERATION AND ACTION ON THE FOLLOWING:**

A. Registrations that have been expired for three years and recommended for cancellation:
(See Attached List)

Mr. Lane moved to cancel registrants who have been expired for three years. Stanley seconded. No discussion; motion carried.

B. Certifications that have been expired for one year and recommended for cancellation:
(See Attached List)

Mr. Lane moved to cancel certifications that have been expired one year. Stanley seconded. No discussion; motion carried.

9. **POLICY MATTERS**
Review, Consideration, and Possible Action on the following:

A. NCARB's "Letter of Undertaking in Respect of the Mutual Recognition Agreement between NCARB and CALA."

Mrs. Cornelius will write a letter to NCARB about concerns regarding the language in the MRA and ask for modifications. Board will review the matter on a future agenda.

B. The Proposed Action Plan regarding the Meth Lab Program.

Dr. Angel moved to approve the plan presented by Staff. Mr. Stanley seconded. No discussion; motion carried.

C. How to educate the Land Surveyor community about Boundary Minimum Standards.

Mr. Lane and Director Cornelius will collaborate and draft an article regarding Boundary Minimum Standards for the Land Surveyor community and public with the use of AZBTR website, emails, and mass mailings.

D. The Traditional Board Holiday Luncheon.

Director Cornelius discussed menu options, budget, and tentative appearance by former Director Ronald Dalrymple. The Board opted to have Staff chose the menu.

10. **DIRECTOR'S REPORT** – Director Cornelius reviewed her written report with the Board and highlighted follow-up work being performed on previous issues before the Board.

11. **BOARD CHAIR'S REPORT** – Edward Marley discussed that the Board and Staff need to be more active in the professional community to inform registrants about the Board and inform them of what is happening with Board regulations.

12. **STANDING COMMITTEE REPORTS**

A. Legislation and Rules Committee – The Committee met on Thursday 17, 2013 and discussed the definition of Land Surveyor and Land Surveying Practice in Arizona. Mr. Folk prepared a discussion paper on A.R.S. §§ 32-101(27) and (28). The NCEES Principles and Practice Examination for Software Engineering was discussed and whether to consider adding it to the branches of engineering currently recognized by the Board. Next meeting scheduled for Thursday, February 20, 2014, at 10:00 a.m.

B. Home Inspector Rules and Standards Committee –

The Committee discussed different ways to deal with referral programs and requested assistance from the Board. The Committee discussed several providers that will provide necessary education to satisfy disciplinary actions imposed on respondents. Mrs. Cornelius reported that the Board reviewed and approved an

EAC manual with a special section devoted to Home Inspector EACs, currently being assembled for distribution.

C. Environmental Remediation Rules and Standards Committee – The Committee has not met since Tuesday, September 17, 2013.

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

A. National Council of Examiners for Engineering and Surveying ("NCEES") – Mr. Stanley advised that NAU won a General Excellence Award for land field project.

B. National Council of Architectural Registration Boards ("NCARB") – Mr. Marley had nothing new to report on NCARB. No meetings until March 2014.

C. Council of Landscape Architectural Registration Boards ("CLARB") – Mr. Brady reported he attended the CLARB meeting in Minneapolis and the strategic planning session was very informative.

D. National Association of State Boards of Geology ("ASBOG") – Patrice Pritzl will be attending the ASBOG meeting Knoxville, Tennessee to represent the Board.

E. Public Member News/Information – Nothing to report.

14. **FUTURE BOARD MEETINGS** – Tuesday, November 19, 2013 at 9:00 a.m.

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

A. When do we ask for a new reference from applicants?

B. NCARB Mutual Recognition Agreement

16. **ADJOURNMENT** – Meeting adjourned 1:30 p.m.

Edward Marley, Chairman

Melissa Cornelius, Executive Director

MINUTES OF THE
ARIZONA STATE BOARD OF TECHNICAL REGISTRATION
1110 West Washington, Conference Room #250
Phoenix, AZ 85007

Tuesday, November 19, 2013
9:00 a.m.
OPEN SESSION

1. **CALL TO ORDER**

2. **ROLL CALL** – Board Members in attendance: Edward T. Marley, LeRoy Brady, Jason K. Madison, Douglas T. Whitneybell, Stuart R. Lane, Alejandro Angel, Ph.D., and Douglas Folk. Absent: Erick Weiland and Robert Stanley. Staff: Melissa Cornelius, Lorraine Brown, Manuel Maltos, Patrice Pritzl and Eric Blake. Assistant Attorney General: Elizabeth Campbell.

3. **CALL TO THE PUBLIC** – No one addressed the Board.

4. **ADOPTION OF MINUTES**
Review, Consideration, and Possible Action on the following:

   A. Dr. Angel moved to approve the October 22, 2013 minutes with minor modification. Mr. Brady seconded. After discussion; motion carried.

5. **ENFORCEMENT MATTERS**
Review, Consideration and Possible Action on the following:

   A. Proposed Dismissals
      1. PI4-023, Heidi M. Watton, P.E. (Civil) #45782 – Mr. Madison recused himself citing a conflict of interest. Mr. Lane moved to accept the assessors' and staff's recommendation to dismiss. Mr. Folk seconded. No discussion; motion carried.

   B. Proposed Consent Agreements:
      Mr. Marley moved to discuss individually cases 5.B.3 and 5.B.5. Mr. Folk seconded. Mr. Marley moved to place cases 5.B.1, 5.B.2, 5.B.4, and 5.B.6 on the consent agenda. Mr. Folk seconded. After brief discussion; motion carried.

      1. A13-003, Vertex Environmental Services, Inc., Nonregistrant Firm
      2. HI14-006, Roger A. Zimmerman, Home Inspector #54385
      4. M12-028, Phillip W. Rosendahl, Land Surveyor #24532
      6. P14-010, Creative Environments Design & Landscapes, Nonregistrant Firm

Removed from the Consent Agenda and discussed individually:

3. M11-040, RAL Consulting, Nonregistrant Firm - Dr. Angel moved to reject the signed consent and to ask staff to offer Respondent the original civil penalty of $1,000.00. If rejected, send the case to formal hearing. Mr. Folk seconded. After brief discussion; motion carried.

5. P14-006, Victor R. Campbell, Land Surveyor #39026 – Mr. Folk moved to approve staff's recommendation of consent agreement encompassing a letter of reprimand, administrative penalty in the amount of $500.00, and costs of investigation of $237.00. Mr. Lane seconded the motion. After discussion; motion carried.

C. Proposed Consent Agreement

1. M11-011, SLA Landscape Architects, Nonregistrant Firm –Mr. Brady moved to approve staff's recommendation with an addition: civil penalty of $1,000.00 with payments spread over two years, and the cost of investigation of $170.00. If Respondent declines then forward to formal hearing. Dr. Angel seconded. No discussion; motion carried.

D. Time Specific 9:30 a.m - Formal Administrative Hearing-
Or, in the alternative, ruling on Respondent's Motion to Continue.

1. M06-302, Kevin R. Ashby, P.E. (Civil) #35873 – Respondent addressed the Board telephonically. Respondent told the Board that he scheduled a settlement conference with Mr. Maltos for early December 2013. Mr. Madison moved to postpone the formal hearing until the January 28, 2014 Board Meeting. Mr. Lane seconded, motion carried. After discussion; motion carried.

6. **LICENSING MATTERS**
Review, Consideration, and Possible Action on the following:

Rescind Prior Board Vote and Grant Certification

A. Janning, Larry-Alarm Agent Application # 131250 – Mr. Brady moved rescind the Board's prior vote to deny and moved to grant certification. Mr. Folk seconded. After brief discussion; motion passed.

B. Henderson, David-Alarm Agent Application # 131241 - Mr. Brady moved to rescind the Board's prior vote to deny certification and moved to grant certification. Mr. Lane seconded. Brief discussion; motion passed.

Whether to Grant Registration

C. Woodbury, Brian-Electrical Engineer Application # 130689 – Applicant addressed the

Board. Mr. Madison moved to grant Applicant registration. Mr. Whitneybell seconded. After roll call vote; motion passed.

7. 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. Deny Certification to Alarm Controlling Persons and Alarm Agents pursuant to A.R.S. § 32-122.07;

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.

Mr. Lane moved to add Arroyane, Edwin, applicant #131097 and remove Brillhard, Ronald, alarm agent applicant #131524, Day Jr, Theodore alarm agent applicant #131471, Ellsworth, Jacob, alarm agent applicant #131736, Spiers, David alarm agent applicant #132284 from 7.A.4 and Livingson, James, alarm agent applicant #131609 be removed from 7.A.6 to be discussed separately. Mr. Marley seconded. Brief discussion; motion carried.

Mr. Lane moved to ratify certificates granted, on the date of the Executive Director's action for applicants listed on 7.A.7. Mr. Brady seconded. No discussion; motion carried.

Dr. Angel moved for staff to request more information from Brillhart, Ronald, alarm applicant #131524, to determine whether he has a criminal conviction. Mr. Folk seconded. No discussion; motion carried.

Mr. Folk moved to deny certification to Theodore Day Jr., alarm agent applicant #131471. Mr. Madison seconded. No discussion; motion carried.

Dr. Angel moved to deny certification to Jacob Ellsworth, alarm agent applicant #131736. Mr. Marley seconded. No discussion; motion carried.

Mr. Folk moved to deny certification to David Spiers, alarm agent applicant #132284. Dr. Angel seconded. No discussion; motion carried.

Mr. Lane moved that the applicants listed in 7.A.1 be granted professional registrations, certifications or in-training designations; that the applicants listed in 7.A.2 be approved to sit for the professional or in-training examinations; that the applicants listed in 7.A.3 are granted professional registrations; that the applicants listed in 7.A.4 are granted 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; and the applicants' files listed in 7.A.5 be administratively closed; and that applicants listed in 7.A.6 be denied certification as alarm controlling persons and alarm agents.

Mr. Folk moved at 10:17 am to go into Executive Session for legal advice. Mr. Brady seconded. Board returned from Executive Session at 10:25 am.

Mr. Folk moved to grant registration to Livingston, James, III., alarm agent #131609. Mr. Lane seconded. Brief discussion, Dr. Angel opposed, and motion carried.

8. REVIEW, CONSIDERATION AND ACTION ON THE FOLLOWING:

A. Registrations that have been expired for three years and recommended for cancellation: Mr Lane moved to cancel registrants on list 8.A. Mr. Whitneybell seconded. No discussion; motion carried.

B. Certifications that have been expired for one year and recommended for cancellation: Mr. Lane moved to cancel certifications listed in 8.B. Mr. Whitneybell seconded. No discussion; motion carried.

9. POLICY MATTERS

Review, Consideration, and Possible Action on the following:

A. Proposed Discussion Items for the Strategic Planning Meeting.

Director Cornelius presented ideas for the strategic planning meeting. Director Cornelius will draft a tentative agenda and will present it to the Board at December's meeting. The Strategic planning meeting is scheduled for February 11, 2014, at 8am.

B. Whether Unregistered Firms can "Sub" Work to Registered Firms.

Mr. Lane proposed that these cases be handle on a case by case basis because of their complexity. No action taken.

C. Appointing Subject Matter Experts to work with the Board and the Psychometrician on the updates to the Geological Engineering and Arizona State Specific Land Surveyors' Examinations.

Director Cornelius updated the Board about the meeting with Jack Warner from Test Inc, which is scheduled for January 24-25, 2014. Director Cornelius and the Board discussed who to appoint as subject matter experts to participate in the workshops in January.

D. Providing Direction to Staff regarding When to Ask Applicants for New/Updated References.

Mr. Marley proposed that applicants need to update references every 5 years. No action taken.

E. Clarification of fees for the Alarm program set in the April 2013 Board meeting.

Mr. Brady moved to adopt an application fee going forward of $65.00, $130.00 two year renewal fees, and $32.00 yearly fingerprint fee. Mr. Angel seconded. No discussion; motion passed. Staff will update the website to reflect changes. Topic will be brought back for December agenda to review any issues that arise.

10. **DIRECTOR'S REPORT** – Director Cornelius reviewed her written report with the Board and highlighted follow-up work being performed on previous issues before the Board. Staff chose Mexican food for the holiday board luncheon.

11. **BOARD CHAIR'S REPORT** – Mr. Marley reviewed his written report and highlighted some key points.

12. **STANDING COMMITTEE REPORTS**

A. Legislation and Rules Committee – Mr. Folk discussed that the next meeting is Thursday, February 20, 2014 at 10:00 am. There are two groups that are interested in the Software engineering examination and certification. The two groups will be attending the next meeting.

B. Home Inspector Rules and Standards Committee- no meeting

C. Environmental Remediation Rules and Standards Committee- no meeting

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

A. National Council of Examiners for Engineering and Surveying ("NCEES")-Meeting in January.
Dr. Angel has a committee meeting in early February to go over exam requirements.

B. National Council of Architectural Registration Boards ("NCARB")
Mr. Marley and Director Cornelius have meetings in December and January but nothing that will affect the Board.

C. Council of Landscape Architectural Registration Boards ("CLARB") - Mr. Brady had nothing to report.

D. National Association of State Boards of Geology ("ASBOG")-Mrs. Pritzl attended the annual ASBOG meeting. The main focus of the meeting was Canada's difference in language between boards and associations.

E. Public Member News/Information – Mr. Folk had nothing to report.

14. **FUTURE BOARD MEETINGS** – Tuesday, December 17, 2013 at 9:00 a.m.

15. **SUGGESTED TOPICS FOR FUTURE MEETING AGENDAS.**
A. Strategic Planning Meeting Agenda
B. NCARB verification of Canadian Architect licensing.
C. Non registrant and delinquent firm's enforcement action.
D. Change of address notification.

16. **ADJOURNMENT** – Meeting adjourned 12:01 p.m.

Edward Marley, Chairman

Melissa Cornelius, Executive Director

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

Tuesday, December 17, 2013
9:00 a.m.
OPEN SESSION

1. **CALL TO ORDER**

2. **ROLL CALL**- Board Members in attendance: Edward T. Marley, LeRoy Brady, Jason K. Madison, Douglas T. Whitneybell, Erick Weiland, Robert Stanley and Douglas Folk. Absent: Stuart R. Lane, Alejandro Angel, Ph.D. Staff: Melissa Cornelius, Lorraine Brown, Manuel Maltos, Patrice Pritzl and Eric Blake. Assistant Attorney General: Elizabeth Campbell.

3. **CALL TO PUBLIC**- Roger Score the President and registered Lobbyist for Arizona Alarm Dealer Association addressed the Board. Russell Roberts addressed the Board.

4. **ADOPTION OF MINUTES**
Review, Consideration, and Possible Action on the following:

A. Mr. Whitneybell moved to approve the November 19, 2013 minutes.Mr. Folk seconded. No discussion, motion carried. Mr. Weiland abstained.

B. Mr. Brady moved to approve the November 19, 2013 Executive Session minutes. Mr. Stanley seconded. No discussion, motion carried. Mr. Weiland abstained.

5. **ENFORCEMENT MATTERS**

Review, Consideration and Possible Vote on the following:
A. Proposed Dismissals:
Mr. Folk moved to discuss individually cases 5.A.1 and 5.A.3. Mr. Madison seconded. Mr. Folk moved to place cases 5.A.2 and 5.A.4 on the Consent Agenda and accept Staff recommendation. Mr. Madison seconded. After a brief discussion, motion carried.

2. A13-023, Sammy Lee Kuder, Land Surveyor #45753
4. P14-017, Midstate Energy, L.L.C., Nonregistrant Firm

Removed from the Consent Agenda and discussed individually:
1. A13-019, Douglas L. Brimhall, P.E. (Civil) #36630
Mr. Marley recused himself for conflict of interest. Mr. Folk expressed concerns that Mr. Brimhall was aware of the problem and may have failed to take

appropriate steps if his judgment was overridden. Mr. Weiland acknowledged the recommendations of the assessors in this matter and moved to dismiss. Mr. Stanley seconded. Following discussion three members voted aye, three nay, the motion failed. Mr. Folk moved to direct staff to send this matter on to an Enforcement Advisory Committee. The Board directed staff to assign two members with experience in sewer design and ADEQ permitting requirements. Mr. Madison seconded. No discussion, motion carried.

3 P14-014, Johnson Controls Inc., Nonregistrant Firm
Mr. Folk express his concern with a dismissal and stated that he doesn't feel Johnson Control has demonstrated the exemptions as claimed. Mr. Folk moved to return this matter to staff for further investigation. He directed staff to a request further information from the company concerning how it markets its services, what advertising they undertake, and how they coordinate with APS through the trade ally site. Mr. Folk also directed staff to draft a letter to APS informing it of the Boards restriction on advertising engineering services. Mr. Weiland seconded. No discussion, motion carried.

B. Proposed Consent Agreements:
Mr. Folk moved to discuss individually case 5.B.5. Mr. Marley moved to place cases 5.B.1. 5. B.2, 5.B.3, 5.B.4, 5.B.6, 5.B.7, and 5.B.8 on the Consent Agenda and accept Staff recommendation. Mr. Stanley seconded. After a brief discussion, motion carried.

1. HI13-012, Guy D. Minarsich, Home Inspector #42076
2. HI14-003, Ron M. Dye, Home Inspector #43638
3. HI14-011, Jose I. Martinez, Home Inspector #43204
4. M11-011, SLA Landscape Architects, Nonregistrant Firm
6. M13-051, Helton A. Bjoin, Nonregistrant
7. P14-020, Distinctive Homes, Inc., Nonregistrant Firm
8. P14-025, Dustin R. Hancock, Nonregistrant

Removed from the Consent Agenda and discussed individually:
5. M11-040, RAL Consulting, Nonregistrant Firm
Mr. Folk moved to return this matter to Staff for further investigation and to be reagendized, noting the matter actually involve the firm, the registrant, and the firm's CEO. Mr. Lane seconded. No discussion, motion carried.

C. Discussion, Consideration, and Possible Action on the following:
1. A13-005, Jesus G. Castro, Architect #20113
Mr. Whitneybell moved to have staff contact both parties to come up with an agreed upon payment plan and present the findings at next month's Board meeting. Mr. Stanley seconded. After discussion, motion failed.

Mr. Lane moved to obtain a sign Consent Agreement from Respondent with

probation for the next 12 months and a plan to pay off TLCP within that time frame. The Board further directed that if the Consent Agreement is not accepted by Mr. Castro, the matter will proceed to formal hearing. Mr. Brady seconded. After a brief discussion, motion carried.

6. LICENSING MATTERS

Review, Consideration, and Possible Action on the following:

Formal Hearing on Denial of Application

A. Fortunato, Timothy-Home Inspector Application # 130585
The Board held a Formal Administrative Hearing in the matter of the denial of certification of Anthony Fortunato, Applicant. Applicant was present and represented himself. Elizabeth Campbell, Assistant Attorney General, presented the State's position. Christopher Munns, Office of Solicitor General, provided independent legal counsel to the Board.

After consider of the evidence and testimony, Mr. Folk moved to enter a finding that Applicant had entered into a consent agreement for surrender of license with the Arizona Board of Appraiser's, and that the information contained in that consent agreement was set forth in the Board's denial letter. The consent was related to a 2006 case that did not contain any allegation of immoral conduct, but rather related to technical and skill related issues. Mr. Folk moved that the State had not demonstrated any issue related to moral character, and that the facts as presented did not support the State's position. Mr. Brady seconded. No discussion, motion carried.

Mr. Folk moved that Applicant has satisfied all requirements for registration. Mr. Brady seconded. No discussion, motion carried.

Mr. Folk moved to accept Applicant's appeal and rescind the Board's April 23, 2013 denial of application and grant registration upon payment of appropriate fees. Mr. Brady seconded. No discussion, motion carried.

Request for Extension To Test

B. Borrell, Dieter-Architect Application # 070700
Mr. Brady moved to approve Mr. Borrell's request for an extension to complete testing to April 2015. Mr. Stanley seconded. Following discussion, motion carried.

7. 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. Deny Certification to Alarm Controlling Persons and Alarm Agents pursuant to A.R.S. § 32-122.07;
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.

Mr. Whitneybell moved that the applicants listed in 7.A.1 be granted professional registrations, certifications or in-training designations; that the applicants listed in 7.A.2 be approved to sit for the professional or in-training examinations; that the applicants listed in 7.A.3 are granted professional registrations; that the applicants listed in 7.A.4 are granted 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; and the applicants' files listed in 7.A.5 be administratively closed; that the List of Alarm firms and Alarm Agents in 7.A.7 be Grant Certification. Mr. Stanley seconded. No discussion, motion carried.

7.A.6, Andrew Durant was pulled to discuss separately. Mr. Folk moved to deny certification to Jeffrey Drews #132881,Treman Gonzalez #132215, Eric Hallquist #131987, and William Kleinz II #131666. Mr. Weiland seconded. Following discussion, motion carried.

7.A.6 Andrew Durant - Mr. Folk moved to suspend the application progress and request more information about the arm robbery case to confirm if there was a conviction or was not a conviction. Mr. Durant was given 3 months to obtain the required documentation. Mr. Weiland seconded. No discussion, motion carried.

8. **REVIEW, CONSIDERATION AND ACTION ON THE FOLLOWING:**

A. Registrations that have been expired for three years and recommended for cancellation: None

B. Certifications that have been expired for one year and recommended for cancellation: None

9. **POLICY MATTERS**

Review, Consideration, and Possible Action on the following:

A. Whether to refund, credit, or take some other action, and establish a policy regarding activation/renewal fees charged prior to November Board meeting. *The Board may go into Executive Session pursuant to A.R.S. § 38-431.03(A)(3) to receive Legal Advice on this issue.*
The Board directed the Assistant Attorney General to look into the matter of refund versus credit. This item will be place on next month's agenda for review. The Board took no further action at this time.

B. Strategic Planning Meeting Agenda for the meeting scheduled on February 11, 2014.
Mr. Marley presented a draft of the agenda. The Board directed Director Cornelius to schedule this matter on next month's agenda for further review.

10. **DIRECTOR'S REPORT**-Director Cornelius reviewed her written report and highlighted follow up work on previous issues.

11. **BOARD CHAIR'S REPORT**-Mr. Marley reviewed his written report.

12. **STANDING COMMITTEE REPORTS**

A. Legislation and Rules Committee-No meeting.
B. Home Inspector Rules and Standards Committee-No meeting.
C. Environmental Remediation Rules and Standards Committee-No meeting.

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

A. National Council of Examiners for Engineering and Surveying ("NCEES")-

Director Cornelius will be attending a member executive Board meeting in January.

B. National Council of Architectural Registration Boards ("NCARB")-
Director Cornelius will be attending a meeting at the end of January.

C. Council of Landscape Architectural Registration Boards ("CLARB")-

Director Cornelius will be attending a member executive Board meeting in January.

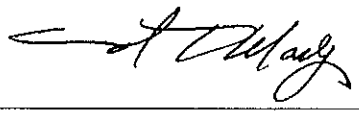
D. National Association of State Boards of Geology ("ASBOG")-Mr. Weiland had nothing to report. No meeting until April.

E. Public Member News/Information-Mr. Folk had nothing to report.

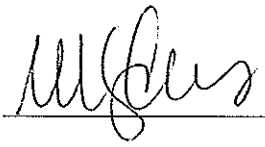
14. **FUTURE BOARD MEETINGS** – Tuesday, January 28, 2014 at 9:00 a.m.

15. **SUGGESTED TOPICS FOR FUTURE MEETING AGENDAS**
    A. Pricing structure for alarm agencies.
    B. Credit or refund of fees.

16. **ADJOURNMENT** – Meeting adjourned 1:01 p.m.



Edward Marley, Chairman



Melissa Cornelius, Executive Director