



State of Arizona
BOARD OF TECHNICAL REGISTRATION

1110 W. Washington Street, Suite 240, Phoenix, Arizona 85007
(602) 364-4930 FAX: (602) 364-4931 <https://btr.az.gov/>

- Jack Gilmore, Board Chair, Landscape Architect • Michael Kolejka, Board Vice Chair, Architect
- Helmuth Hack, Land Surveyor • Scott Sayles, Civil Engineer • Stephen Noel, Geologist
- Dr. Clinton Campbell, Public Member • Jennifer Hobik, Esq, Public Member
 - Kileen Lindgren, Public Member • Stacy Skankey, Esq, Public Member
 - Kent Wilson, Board Secretary, Public Member • Vacant, Public Member

MINUTES FOR REGULAR SESSION MEETING
1110 W. Washington Street, Suite 240 Phoenix, Arizona 85007
Tuesday, March 22, 2022 –9:00am

1. **CALL TO ORDER** - 9:01am

2. **ROLL CALL**

PRESENT

Jack Gilmore
Helmuth Hack
Michael Kolejka
Stephen Noel
Scott Sayles
Kent Wilson
Stacy Skankey, Esq. - left at 1:30 pm

TELEPHONIC

Kileen Lindgren - left at 11:09 am
Jennifer Hobik, Esq. - appeared at 10:25 am; left at 12:00 pm
Dr. Clinton Campbell - appeared at 9:13 am

One Vacancy

BOARD STAFF

Judith Stapley
Kurt Winter
Julie Pham
Douglas Parlin

ASSISTANT ATTORNEY GENERALS

Scott Donald, Esq.
Deanie Reh, Esq.
Seth Hargraves, Esq.

3. ADOPTION OF MINUTES

Review, Consideration, and Possible Action on the following:

- A. Approve, modify and/or reject, Board meeting Regular Session minutes.
 - 1. February 22, 2022 minutes

Mr. Kolejka moved and Mr. Hack seconded to accept the minutes as written; motion carried 8-0.

4. CALL TO THE PUBLIC

There were no requests to speak before the Board.

5. CONSIDERATION OF CASES REFERRED FOR FORMAL HEARING

The Board may vote to enter executive session pursuant to A.R.S. § 38-431.03(A)(2) (to discuss confidential information), A.R.S. § 38-431.03(A)(3) (to receive legal advice) on agenda item 5(A).

- A. Review, Consideration and Possible action on Administrative Law Judges Decision for:
 - 1. P21-076, Smith, James and James D. Smith Architects

Respondent and Respondent's counsel, Brett Shaw, appeared telephonically. AAG Seth Hargraves appeared telephonically to offer the Board legal advice. AAG Deanie Reh appeared telephonically representing the state.

Ms. Reh made her oral arguments and requested the Board modify the ALJ's decision. Mr. Shaw made his oral argument. Ms. Reh did not give a rebuttal.

Mr. Kolejka moved and Mr. Wilson seconded to accept the ALJ's Findings of Fact and adopt the State's proposed modifications; motion carried 9-0.

Mr. Kolejka moved and Dr. Campbell seconded to accept the ALJ's Conclusions of Law and adopt the State's proposed modifications; motion carried 9-0.

Mr. Hack moved and Mr. Kolejka seconded to accept the ALJ's Administrative Order and adopt the State's proposed modifications; motion carried 9-0.

6. ENFORCEMENT MATTERS

Review, Consideration and Possible Action on the following:

The Board may vote to enter executive session pursuant to A.R.S. § 38-431.03(A)(2) (to discuss confidential information), A.R.S. § 38-431.03(A)(3) (to receive legal advice) on agenda items 6(A)-(E).

A. Complaints Proposed for Resolution by Dismissal or Closure:

1. P22-025, Michael Underwood, P.E. (Structural) #21843 and TLCP Structural, Inc., Firm #13561
(*Related to P22-024, P21-043, P21-044*)

Respondent's counsel, Barret Lindsay, was present, made a statement and answered questions from the Board. Allegers Kenneth Allen, Ed Hermes and Rick Erickson were present, made statements and answered questions from the Board. Investigator Orlene Loera was present and answered questions from the Board. The Board deliberated.

Mr. Hack moved and Mr. Kolejka seconded to dismiss cases P22-025 and P22-024; motion carried 9-0.

2. P22-024, Scott Larson, P.E. (Structural) #21832 and TLCP Structural, Inc., Firm #13561
(*Related to P22-025, P21-043, P21-044*)

See 6A1.

3. HI22-012, Thomas Teeters, C.H.I. #40413

Respondent appeared telephonically, made a statement and answered questions from the Board. Mr. Hack moved and Ms. Skankey seconded to dismiss case HI22-012; motion carried 8-0.

B. Complaints Proposed for Resolution by Letters of Concern:

1. P21-065, Gary Hokanson, R.A. #51987

Mr. Hack moved and Mr. Kolejka seconded to issue a Letter of Concern to Respondents for cases P21-065, HI21-034, HI22-008, AL22-004 and AL22-005; motion carried 8-0.

2. HI21-034, Steven Anderson, C.H.I. #51896

See B1.

3. HI22-008, Michael Merucci, C.H.I. #64252

See B1.

4. AL22-004, Nicholas Bell, A.A. #75477 (*Related to AL22-005*)

See B1.

5. AL22-005, Joseph Menke, C.P. #65291 and Electronic Security Concepts, LLC, Alarm Business #18224 (*Related to AL22-004*)

See B1.

C. Complaints Proposed for Resolution with Signed Consent Agreements:

1. P22-033, Brad Gruver, P.E. (Civil) #22869 and G2 Consulting Engineers, Inc., Firm #13577 (*Closed*) and Firm #23656 (*Active*)

Mr. Kolejka moved and Mr. Hack seconded to accept the signed Consent Agreements for cases P22-033 and P22-043; motion carried 8-0.

2. P21-044, Mark Philp, R.A. #14369 and Allen + Philp Architects, PC, Firm #22911 (*Not registered at time of project*) (*Related to P22-024, P21-043, P21-025*)

Respondent's counsel, Barret Lindsay, was present, made a statement and answered questions from the Board. Allegers Kenneth Allen, Ed Hermes and Rick Erickson were present, made a statement and answered questions from the Board. Allison Preston appeared telephonically and made a statement before the Board. Investigator Orlene Loera was present and answered questions from the Board. The Board deliberated.

Mr. Kolejka moved and Mr. Hack seconded to accept the signed Consent Agreements for P21-044 and P21-043; motion carried 8-1.

3. P21-043, Kenneth Allen, R.A. #14330 and Allen + Philp Architects, PC, Firm #22911 (*Not registered at time of project*) (*Related to P22-024, P21-044, P21-025*)

See C2.

4. P21-073, Bruce Ensor, P.E (Structural) #58959 and BE Structural, PC, Firm #23278 (*Not registered at time of project*)

Respondent was not present. Respondent's counsel, James Hansen, appeared before the Board.

Mr. Kolejka moved and Mr. Sayles seconded to accept the signed Consent Agreement for case P21-073; motion carried 9-1.

5. P22-043, Donald Godbehere, Non-Registrant

See C1.

D. Complaints Proposed to Offer Consent Agreements:

1. P22-019, Gerardo Reyes, Non-Registrant and ALC Designers, LLC, Non-Registrant Firm

Respondent was present, made a statement and answered questions for the Board. Investigator Greg Roehm was present and answered questions from the Board. The Board deliberated.

Mr. Kolejka moved and Mr. Hack seconded to accept the Consent Agreement, but reduce the civil penalty to \$2500, to be paid in 6 months, and if not signed within 30 days, move to hearing; motion carried 8-0.

Mr. Gilmore moved and Mr. Kolejka seconded to open an investigation against Mr. DiMateo for potentially aiding and abetting non-registrant practice; motion carried 7-1 with Mr. Hack voting nay.

2. P21-018, William Bixler, P.E. (Structural) #46644

Respondent was present, made a statement and answered questions from the board. John Condry, counsel for respondent, was present, made statements and answered questions from the Board. Alleger Jack Gordon was present, made a statement and answered questions from the Board. The Board deliberated.

Mr. Hack moved to dismiss the case, but the motion was not seconded and failed.

Mr. Kolejka moved and Ms. Skankey seconded to offer Proposed Consent Agreement, and if not signed within 30 days, move to hearing; motion carried 9-1 with Mr. Hack voting nay.

3. P22-004, Dustin Jean, R.L.S. #54890

Ms. Skankey recused herself.

Respondent was present, made a statement and answered questions from the Board. Respondent's counsel, Stephen Gonzales, appeared telephonically, made a statement and answered questions from the Board. Alleger Kadell Harrison was present, made a statement and answered questions from the board. Investigator Daniel Carthel was present and answered questions from the Board. The Board deliberated.

Mr. Hack moved and Mr. Wilson seconded to dismiss case P22-004; motion carried 4-3 with Mr. Gilmore, Mr. Kolejka and Mr. Sayles voting nay.

E. Complaints Requiring Board Guidance:

1. P22-023, Jacob Jacobson, R.L.A. #37041

Mr. Jacobson appeared before the Board, made a statement and answered questions from the Board.

Mr. Hack moved and Ms. Skankey seconded to dismiss case P22-023; motion carried 8-0.

7. ENFORCEMENT CONSENT AGENDA

Nothing to Consider

8. LICENSING MATTERS

Discussion, Consideration and Action on the following:

The Board may vote to enter executive session pursuant to A.R.S. § 38-431.03(A)(2) (to discuss confidential information), A.R.S. § 38-431.03(A)(3) (to receive legal advice) on agenda items 8(A)-(I).

A. Application for Registration – professional exam discipline unknown

Mr. Kolejka moved and Mr. Hack seconded to grant registration for applications #223469, #212877, #212356, #223525, #213094, #223670; motion carried 8-0.

1. Benipal, Daljit – Application for Registration as a Civil Engineer #223469
2. Durden Jr., Harry – Application for Registration as a Civil Engineer #212877
3. Meagher, Charles – Application for Registration as a Mechanical Engineer #212356
4. Swafford, Clifton – Application for Registration as a Civil Engineer #223525
5. Tracy, James – Application for Registration as an Electrical Engineer #213094
6. Bozzo, Eric – Application for Registration as a Civil Engineer #223670

B. Exam Waivers

Mr. Kolejka moved and Mr. Hack seconded to approve exam waivers for applications #223392, #212546, #212497, #223417, #223458, #223457; motion carried 8-0.

1. Dodge, Judy – Application to waive SE exam #223392
2. Dean, Peter – Application to waive SE II exam #212546
3. Hink, Nathaniel – Application to waive FE exam #212497
4. Mathers, William – Application to waive SE II exam #223417
- 5a. Lee, Kyoung Sik – Application to waive FE exam #223458
- 5b. Lee, Kyoung Sik – Application to waive PE Mining exam #223457

C. Certificates of Experience

Mr. Kolejka moved and Mr. Hack seconded to accept the Certificates of Experience for applications #213157, #212672, #213109, #223442, #223319, #212404, #223343 and #223294; motion carried 8-0.

1. Ashworth, Thomas – Application for Registration as an Electrical Engineer #213157
2. Baliga, Sunil – Application for Registration as an Electrical Engineer #212672
3. Engelby, Alissa – Application for Registration as a Structural Engineer #213109
4. Garber, Samuel – Application for Registration as a Civil Engineer #223442
5. Moncrieff, Joshua – Application for PE Environmental Exam Authorization #223319
6. Wai, Che – Application for Registration as a Mechanical Engineer #212404
7. Hinkley, Marlana – Application for Registration as a Civil Engineer #223343
8. Rashidi, Mohammad – Application for Registration as a Civil Engineer #223294

D. Council Record

Mr. Kolejka moved and Mr. Hack seconded to accept applicant's council record and grant registration for applications #212818, #212850, #212539 and #212723; motion carried 8-0.

1. Ezekwe, Obinwanne – Application for Registration as a Mechanical Engineer #212818
2. Medrano, Larry – Application for AZ State Specific Land Surveyor Exam Authorization #212850
3. Mudd, Evan – Application for Registration as a Mining Engineer #212539
4. Jafarpour, Jay – Application for Registration as a Mechanical Engineer #212723

E. Application to waive FE exam #213179

Mr. Kolejka moved and Mr. Hack seconded to accept applicant's council record approve applicant's exam waiver; motion carried 8-0.

- 1a. Lopez, Shayne - Certificates of Experience
- 1b. Lopez, Shayne – Exam Waiver

F. Application to waive SE exam #213160

Mr. Kolejka moved and Mr. Hack seconded to grant applicant’s exam waiver; motion carried 8-0.

- 1a. Paul, Michael – Disciplinary Action
- 1b. Paul, Michael – Exam Waiver

G. Application for Registration as a Mechanical Engineer #223473

Mr. Kolejka moved and Mr. Hack seconded to grant registration for applications #223473 and #223409; motion carried 8-0.

- 1a. Wolfe, Michael – Background Review
- 1b. Wolfe, Michael - Council Record

H. Application for Registration as a Mechanical Engineer #223409

See G1.

- 1a. Uribe, Marc – Background Review
- 1b. Uribe, Marc – Disciplinary Action

I. Application for Registration as an Architect #223829

Mr. Kolejka moved and Mr. Hack seconded to grant registration; motion carried 8-0.

- 1a. Mitchell, William – Background Review
- 1b. Mitchell, William – Disciplinary Action

9. LICENSING CONSENT AGENDA

Any item under consent may be removed by a Board member for independent discussion and action.

Review, Consideration, and Action on Staff Recommendations for the following:

The Board may vote to enter executive session pursuant to A.R.S. § 38-431.03(A)(2) (to discuss confidential information), A.R.S. § 38-431.03(A)(3) (to receive legal advice) on agenda items 9(A)-(F).

Ms. Skankey moved and Mr. Hack seconded to consent items 9A-F; motion carried 8-0.

- A. Cancellation of registrations and certifications that have been expired for one full renewal period.
See Addendum #1 for list of names

- B. Review of the List of registrations and certifications granted by the Executive Director pursuant to A.R.S. § § 32-122.05, 32-122.06, and A.R.S. § 32-123.
See Addendum #2 for list of names
- C. Universal Applications for professional registration or certification
 - 1. Smith, Mark – Application for Registration as a Geologist #212016
 - 2. Smith, Tracy – Application for Registration as a Landscape Architect #223580
 - 3. Soto, Ivan – Application for Registration as a Civil Engineer #223726
- D. Extension Requests
 - 1. Martin, Emily – Application for FG exam authorization #211695
 - 2. Sever, Veysel – Application for Registration as a Civil Engineer #212639
 - 3. Tourgoutian, Jay – Application for FE Exam Waiver #212240
- E. Applications for registration/in-training for background review
 - 1. Brinson, Gryfen – Application for Land Surveyor In-Training Designation #213132
 - 2. Hering, Richard – Application for Registration as an Architect #223311
 - 3. Hewitt, Christopher – Application for Registration as a Structural Engineer #223356
 - 4. Hockman, Brian – Application for Registration as a Mechanical Engineer #223285
 - 5. Polvorosa, Troy – Application for Engineer In-Training Designation #213225
 - 6. Scott, Stuart – Application for Registration as a Structural Engineer #223720
 - 7. Wiegand, Peter – Application for Registration as a Mechanical Engineer #223250
 - 8. Darling, Dennis – Application for Registration as an Electrical Engineer #223705
 - 9. Orosco, Arturo – Application for Certification as a Home Inspector #212988
- F. Renewal Applications for disciplinary review
 - 1. Erickson, Chad – Renewal Application for Land Surveyor Registration #40590
 - 2. Kamus, John – Renewal Application for Architect Registration #32248
 - 3. Kath, Joel – Renewal Application for Electrical Engineer Registration #32187
 - 4. King, Clyde – Renewal Application for Land Surveyor Registration #28728
 - 5. Mazur, Gregory – Renewal Application for Civil Engineer Registration #40400
 - 6. Morgan, Cortland – Renewal Application for Architect Registration #28755

10. POLICY MATTERS

Review, Consideration, and Possible Action on the following:

The Board may vote to enter executive session pursuant to A.R.S. § 38-431.03(A)(2) (to discuss confidential information), A.R.S. § 38-431.03(A)(3) (to receive legal advice) on agenda item 10(A-D). Additionally, the Board may vote to enter executive session pursuant to A.R.S. § 38-431.03(A)(4) (discussion or consultation with the attorneys of the public body in order to consider its position and instruct its attorneys regarding the public body's position regarding contracts that are the subject of negotiations, in pending or contemplated litigation or in settlement discussions conducted in order to avoid or resolve litigation) on agenda item 10(A).

- A. Arizona Supreme Court Docket No. CV-21-0203-PR, 1 CA-CV 20-0510 & CV 2019-013509 – Mills v. Arizona State Board of Technical Registration

Mr. Wilson moved and Mr. Sayles seconded to enter Executive Session at 11:15 am to receive legal advice per A.R.S. § 38-431.03(A)(4); motion carried 9-0.

The Board came back into open session at 12:02pm.

- B. Letter to NCEES regarding adding a Professional Engineer Plumbing Examination

After review, the Board directed staff to send the letter to NCEES.

- C. ADOA/Google Presentation: Security of Board's Google Drive

Mr. Robles was present telephonically on behalf of Google Cloud Services, made a presentation and answered questions from the Board.

- D. Possibly update the order of Agenda items and determine which Agenda items should be placed under the Consent Agenda

After discussion, the Board directed staff to pursue changes to future Board agendas.

11. DIRECTOR'S REPORT

- E. Budget
- F. Digitization of Board's Physical Documents
- G. Online Transition
- H. Board Staff Update
- I. Board Composition and Member Update
- J. Licensing Numbers
- K. Enforcement Numbers

Ms. Stapley reported on the Board's budget, digitalization of the Board's physical documents, updates on the Board's online transition, Board staff updates, Board composition and member updates, licensing numbers and enforcement numbers.

12. ASSISTANT ATTORNEY GENERAL'S REPORT

Mr. Donald made a presentation regarding open meeting law.

13. STANDING COMMITTEE REPORTS

- L. Home Inspector Rules and Standards Committee – Next meeting April 12, 2022
- M. Legislation and Rules Committee – No new meeting date

Nothing discussed.

14. BOARD MEMBER REPORTS/DISCUSSION ON OUTSIDE NATIONAL COUNCIL ACTIVITIES, NEWS AND MEETINGS

- N. National Association of State Board of Geology (ASBOG)
- O. Council of Landscape Architectural Registration Boards (CLARB)
- P. National Council of Architectural Registration Boards (NCARB)
- Q. National Council of Examiners for Engineering and Surveying (NCEES)

Ms. Stapley reported on outside National Council’s efforts to help improve legislation, create consistency between jurisdictions and provide pathways to licensing through experience.

15. SUGGESTED TOPICS FOR FUTURE MEETING AGENDAS.

State specific Land Surveyor exam, clarification of home inspection policy and oaths for assessors.

16. FUTURE BOARD MEETINGS – April 26, 2022

17. MEETING ADJOURNMENT - 2:01 pm

Google Chat

Shayne Lopez 12:53 PM

Hello -- to confirm all of Item #8 was voted to approve?

You 12:54 PM

that was the motion. we are still discussing and clarifying

Shayne Lopez 12:54 PM

Thank you, I will stay on until the Board moves forward to item #9.

You 12:55 PM

ok. now 8 was voted to approve

Michael Paul 12:56 PM

I have a similar concern/question as Mr. Lopez. In addition, I would like to know what item 8.F.1a is? What disciplinary action?

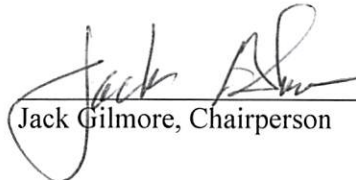
Michael Paul 12:58 PM

Don't mean to sidetrack your meeting.


Michael Paul 12:59 PM

Thank you, board.

Signed this 25 day, April 2022,



Jack Gilmore, Chairperson



Judith Stapley, Executive Director