

BEFORE THE ARIZONA STATE
BOARD OF TECHNICAL REGISTRATION

In the Matter of:)
Patrick Holmes)
Certified Home Inspector)
Registration No. 68323)
Holmes Home Inspections)
Firm Registration No. 21642 (expired))
Current Registration No. 23964)
Respondents

Case No.: HI22-032

CONSENT AGREEMENT
and
ORDER OF DISCIPLINE

In the interest of a prompt and judicious resolution of the above-captioned matter before the Arizona State Board of Technical Registration ("Board") and consistent with the public interest, statutory requirements, and the responsibilities of the Board, and pursuant to A.R.S. § 32-101 et seq. and A.A.C. R4-30-120(G), the undersigned party, Patrick Holmes ("Respondent"), holder of Registration No. 68323, Holmes Home Inspections, holder of Registration No. 21642 (Expired), Current Firm Registration No. 23964, and the Board enter into the following Recitals, Findings of Fact, Conclusions of Law and Order ("Consent Agreement") as a final disposition of this matter.

RECITALS

1. Respondent has read and understands this Consent Agreement and has had the opportunity to discuss this Consent Agreement with an attorney, or has waived the opportunity to discuss this Consent Agreement with an attorney.
2. Respondent understands that he has a right to a public administrative hearing concerning this case. He further acknowledges that at such formal hearing he could present evidence and cross-examine witnesses. By entering into this Consent Agreement, Respondent knowingly, voluntarily, and irrevocably waives his right to such an administrative hearing, as well as rights of rehearing, review, reconsideration, appeal, judicial review or any other administrative and/or judicial action concerning the matters

1 set forth herein.

2 3. Respondent affirmatively agrees that this Consent Agreement shall be
3 irrevocable.

4 4. Respondent understands that this Consent Agreement or any part of the
5 agreement may be considered in any future disciplinary action by the Board against him.

6 5. The Consent Agreement, any record prepared in this matter, all investigative
7 materials prepared or received by the Board and all related exhibits and materials, are
8 public records upon acceptance by the Board of this Consent Agreement and may be
9 retained in the Board's files pertaining to this matter.

10 6. Respondent understands this Consent Agreement deals with Board case
11 number HI22-032 involving allegations that Respondent engaged in conduct that would
12 subject him to discipline under the Board's statutes and rules. The investigation into
13 these allegations against Respondent shall be concluded upon the Board's adoption of
14 this Consent Agreement.

15 7. Respondent understands that this Consent Agreement does not constitute a
16 dismissal or resolution of any other matters currently pending before the Board, if any,
17 and does not constitute any waiver, express or implied, of the Board's statutory authority
18 or jurisdiction regarding any other pending or future investigation, action or proceeding.

19 8. Respondent also understands that acceptance of this Consent Agreement does
20 not preclude any other agency, subdivision, or officer of this State from instituting any
21 other civil or criminal proceedings with respect to the conduct that is the subject of this
22 Consent Agreement.

23 9. Respondent acknowledges and agrees that, upon signing this Consent
24 Agreement and returning this document to the Board's Executive Director, he may not
25 revoke his acceptance of the Consent Agreement or make any modifications to the
26 document regardless of whether the Consent Agreement has been signed on behalf of the
27 Board. Any modification to this original document is ineffective and void unless
28 mutually agreed by the parties in writing.

1 10. This Consent Agreement is subject to the approval of the Board and is
 2 effective only when accepted by the Board and signed on behalf of the Board. If the
 3 Board does not accept this Consent Agreement, the Board retains its authority to hold a
 4 formal administrative hearing pursuant to A.R.S. § 32-128(E). In the event that the
 5 Board does not approve this Consent Agreement, it is withdrawn and shall be of no
 6 evidentiary value and shall not be relied upon nor introduced in any action by any party,
 7 except that the parties agree that should the Board reject this Consent Agreement and this
 8 case proceeds to hearing, Respondent shall assert no claim that the Board was prejudiced
 9 by its review and discussion of this document or any records relating thereto.

10 11. If a court of competent jurisdiction rules that any part of this Consent
 11 Agreement is void or otherwise unenforceable, the remainder of the Consent Agreement
 12 shall remain in full force and effect.

13 12. Respondent understands that any violation of this Consent Agreement may
 14 result in disciplinary action, including suspension or revocation of the registration under
 15 A.R.S. § 32-150.

16 13. Respondent agrees that the Board will adopt the following Findings of Fact,
 17 Conclusions of Law and Order.

18 **FINDINGS OF FACT**

19 1. The Board is the duly constituted authority for the regulation and control of
 20 the practice of Home Inspection in the State of Arizona.

21 2. Respondent is the holder of Arizona Certified Home Inspector Registration
 22 No. 68323.

23 3. Respondent Firm is the holder of Registration No. 21642, which expired on
 24 February 7, 2020.

25 4. Board records indicate that Respondent is the firm principal and is the
 26 responsible party for Respondent Firm.

27 5. On or about April 4, 2022, the Board opened a complaint alleging that
 28 Respondent, owner of Respondent Firm, and Respondent Firm advertised the practice of

1 home inspection on their website without firm registration with the Board. Board records
2 indicated that Respondent Firm's registration expired on February 7, 2020.

3 6. On or about April 25, 2022, Respondent Firm was registered with the Board
4 and issued Registration No. 23964.

5 **CONCLUSIONS OF LAW**

6 1. The Board has jurisdiction in this matter pursuant to A.R.S. § 32-101, et seq.

7 2. The conduct alleged in the Findings of Fact constitutes grounds for discipline
8 pursuant to A.R.S. 32-121 and A.R.S. 32-141, in that Respondent and Respondent Firm
9 advertised the practice of home inspections through Respondent Firm website without
10 Firm registration with the Board.

11 3. The conduct alleged in the Findings of Fact constitutes grounds for discipline
12 pursuant to and A.R.S. 32-128(C)(4) as it relates to A.A.C. R4-30-301(4), in that
13 Respondent failed to comply with state laws and regulations pertaining to his area of
14 practice.

15 **ORDER**

16 Based on the foregoing Findings of Fact and Conclusions of Law, the Board issues
17 the following Order:

18 1. **LETTER OF REPRIMAND.** Respondent is hereby issued a Letter of
19 Reprimand.

20 2. **ADMINISTRATIVE PENALTY.** Within thirty (30) days from the
21 effective date of this Consent Agreement, Respondent shall pay an administrative penalty
22 of Three Hundred and Fifty Dollars (\$350.00) by certified check or money order made
23 payable to the State of Arizona Board of Technical Registration.

24 3. **COST OF INVESTIGATION.** Within thirty (30) days from the effective
25 date of this Consent Agreement, Respondent shall pay the cost of investigation of this
26 case to the Board in the amount of Eighty Dollars (\$80.00) by certified check or money
27 order made payable to the State of Arizona Board of Technical Registration, according to
28 the provisions of A.R.S. § 32-128(H).

1 4. OBEY ALL LAWS. Respondent shall obey all federal, state and local
2 laws, as well as, all rules governing the practice of Home Inspection in the State of
3 Arizona. The Board shall consider any violation of this paragraph to be a separate
4 violation of the rules and statutes governing the Arizona Board of Technical Registration.
5 The Board may also consider Respondent's non-compliance with this Order as a separate
6 violation of A.R.S. § 32-150.

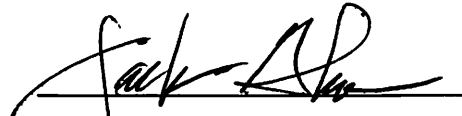
7 5. RENEWAL OF REGISTRATION. Respondent and Respondent Firm shall
8 timely renew their Arizona registration as a Home Inspector and a Home Inspection Firm,
9 and timely pay all required registration fees.

10 6. EFFECTIVE DATE. The effective date of this Consent Agreement is the
11 date the Respondent and Board sign the Consent Agreement. If the dates are different, the
12 effective date is the later of the two dates.


13 7. COSTS OF COMPLIANCE. Respondent shall pay all costs associated
14 with complying with this Consent Agreement.

15 8. NONCOMPLIANCE. If Respondent violates this Order in any way or fails
16 to fulfill the requirements of this Order, the Board, after giving notice and the opportunity
17 to be heard, may revoke, suspend or take other disciplinary actions against the
18 registration. The issue at such a hearing will be limited solely to whether this Order has
19 been violated.
20

21 ACCEPTED and ORDERED this 24 day of MAY, 2022.

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23 
24 Jack Gilmore, L.A., Chairman
25 Arizona State Board of
26 Technical Registration
27
28

1 Consent Agreement and Order, No. HI22-032 accepted this 2 day of
2 MAY, 2022.

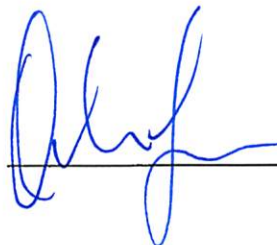
3 
4 Patrick Holmes, on behalf of himself and
5 on behalf of Holmes Home Inspections,
6 Respondents

7 **ORIGINAL** filed this 24 day of
8 May, 2022, with:

9 Arizona State Board of Technical Registration
10 1110 W. Washington, Suite 240
11 Phoenix, AZ 85007

12 **COPY** of the foregoing mailed via Certified Mail
13 No. 9214 89019434 4600 0877 95 and
14 First Class mail this 24 day of May, 2022, to:

15 Patrick Holmes
16 Holmes Home Inspections
17 8313 E Chaparral Road
18 Scottsdale, AZ 85250

19
20 By: 
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