



State of Arizona
BOARD OF TECHNICAL REGISTRATION

1110 W. Washington Street, Suite 240, Phoenix, Arizona 85007
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- Jack Gilmore, Board Chair, Landscape Architect • Michael Kolejka, Board Vice Chair, Architect
- Vacant, Land Surveyor • Scott Sayles, Civil Engineer • Bill Nesgood, 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, Conference Room 3175, Phoenix, Arizona 85007
Tuesday, July 26, 2022 –9:00am

1. **CALL TO ORDER** – The Board meeting convened at 9:00 am, adjourned for a break at 10:02 am, reconvened at 10:08 am, and adjourned at 11:42 am.

2. **ROLL CALL**

PRESENT

Jack Gilmore
William “Bill” Nesgood – left at 10:47 am and returned at 10:48 am
Scott Sayles
Stacey Skankey, Esq.
Lucas “Kent” Wilson

TELEPHONIC

Dr. Clinton Campbell

ABSENT

Jennifer Hobik, Esq.
Michael Kolejka
Kileen Lindgren

BOARD STAFF

Judith Stapley
Kurt Winter
Julie Pham
Orlene Loera
Hayden Weber

ASSISTANT ATTORNEY GENERALS

Scott Donald, Esq.
Deanie Reh, Esq.
Seth Hargraves, Esq. (telephonic)

3. CALL TO THE PUBLIC

Members of the public may address the Board during this Call to the Public for no more than **3 minutes**. Pursuant to A.R.S. § 38-431.01(H), the Board members are not allowed to discuss or take legal action on matters raised during an open call to the public unless the matters are properly noticed for discussion and legal action. However, members may ask staff to review a matter or may ask that a matter be placed on a future agenda.

No one appeared before the Board.

4. ADOPTION OF MINUTES

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 4(A).

A. Approve, modify and/or reject, June 28, 2022 Board meeting minutes.

Mr. Wilson moved and Mr. Sayles seconded to approve minutes as written; motion carried 6-0.

5. CONSENT AGENDA

Items listed on the Consent Agenda will be considered by the Board as a single action item unless a Board Member wishes to remove a specific item for review, discussion, and action separately from the other Consent Agenda items.

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 5(A).

A. LICENSING MATTERS

Review, Consideration and Possible Action on the following:

1. Cancel Registrations and Certifications that have been Expired for one Full Renewal Period

2. Grant Applications for Registration/Certification

a) Professional Exam unknown

- 1) Blackler, Gerald – Application for Registration as a Civil Engineer #224871
- 2) Connelly, John – Application for Registration as a Civil Engineer #224702
- 3) Jackson, Samuel – Application for Registration as an Electrical Engineer #224527
- 4) Sommer, James – Application for Registration as an Electrical Engineer #224821
- 5) King, Brian – Application for Registration as a Mechanical Engineer #224687
- 6) Cook, Michael – Application for Registration as a Civil Engineer #224743

b) Certificate(s) of Experience from non-Professionals

- 1) Beneduce, Ryan – Application for Registration as a Civil Engineer #224457
- 2) England, Hunter – Application for Registration as a Geologist #223244
- 3) Gamez Garcia, Jose – Application for Registration as a Civil Engineer #211579
- 4) Tomas, Michael – Application for Registration as an Electrical Engineer #224757
- 5) Hansen, Jacob – Application for Registration as a Mechanical Engineer #224373

c) Council Records – experience under non-Professionals

- 1) Aleckson, Luke – Application for Registration as a Mechanical Engineer #224733
- 2) Baghaei, Davood – Application for Registration as a Civil Engineer #224827
- 3) Frusti, Eric – Application for Registration as an Electrical Engineer #224776
- 4) Gookin, Mark – Application for Registration as a Civil Engineer #224889
- 5) Haddad, Rami – Application for Registration as a Chemical Engineer #224816

- 6) Krahn, David – Application for Registration as a Civil Engineer #224501
- 7) Smith, Zachary – Application for Registration as a Civil Engineer #224121
- 8) Warcup, Timothy – Application for Registration as a Mechanical Engineer #224873
- 9) Woodard, Andrew – Application for Registration as a Civil Engineer #224550
- 10) Dahle, Taylor – Application for Registration as a Civil Engineer #224966
- 11) Yu, Cheng – Application for Registration as a Civil Engineer #224939
- d) Background Review
 - 1) Cocco, Elyse – Application for Registration as a Mechanical Engineer #223657
 - 2) Davis, Seth – Application for Registration as a Civil Engineer #224584
 - 3) Ditgen Jr., Jeffrey – Application for Registration as a Civil Engineer #224559
 - 4) Dobbins, Kyle – Application for Registration as a Civil Engineer #224553
 - 5) Hudson, Carl – Application for Certification as a Home Inspector #224191
 - 6) Isaac, Ronnie – Application for Registration as a Mechanical Engineer #224560
 - 7) Jones, Timothy – Application for Registration as an Architect #211253
 - 8) Pauley, Kyle – Application for Registration as a Civil Engineer #224280
 - 9) Rice, Caleb – Application for Certification as a Home Inspector #224409
 - 10) Tinney, Trent – Application for Registration as a Civil Engineer #224456
 - 11) Wiener, Thomas – Application for Registration as a Civil Engineer #224214
 - 12) Croft, George – Application for Certification as a Home Inspector #224152
- e) Disciplinary Action Review
 - 1) *Nothing to discuss*
- 3. Grant Universal Applications for Professional Registration/Certification
 - a) Travis, Nathan – Application for Registration as a Mechanical Engineer #224886
- 4. Grant Renewal Registration Application(s)
 - a) Background Review
 - 1) Aceves Manrique, Miguel – Renewal Application for Civil Engineer Registration #40952
 - 2) Stocker, Gary – Renewal Application for Civil Engineer Registration #14400
 - 3) Stocker, Gary – Renewal Application for Land Surveyor Registration #17516
 - b) Disciplinary Action Review
 - 1) *Nothing to discuss*
- 5. Approve Application(s) for Exam Waivers
 - a) Application(s) to waive Fundamental Exam
 - 1) *Nothing to discuss*
 - b) Application(s) to waive Professional Exam
 - 1) Tracey, Michael – Application to waive the SE II exam #224635
 - 2) Wilkerson, Steven – Application to waive SE II exam #224694
 - 3) Naves Esquer, Manuel – Application to waive SE exam #224862
- 6. Approve Application(s) for Exam Authorization
 - a) Certificate(s) of Experience from non-Professionals
 - 1) Begay, Miles – Application for PE Civil exam authorization #224295
 - 2) Gonzalez, Joan – Application for FE exam authorization #223721
 - 3) Lopez, Shayne – Application for PE Civil exam authorization #224544
- 7. Approve Extension Requests
 - a) Maywood, Jovanae – Application for Certification as a Home Inspector #223778

Mr. Wilson moved and Ms. Skankey seconded to approve all items under agenda item 5(A); motion carried 6-0.

6. 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 6(A-B). In the event the Board moves to accept a consent agreement or administratively close a file, it will additionally consider whether to vacate any pending court dates.

a. Consideration of State's Motion to Deem Allegations Admitted

1. P21-067, Adams, Tammy, non-registrant

AAG Deanie Reh was present to make a statement and answer Board member questions. Independent Advisor AAG Seth Hargraves appeared telephonically to answer Board member questions. The Board deliberated.

Mr. Wilson moved and Mr. Sayles seconded to grant the State's motion to deem allegations admitted; motion carried 6-0.

Ms. Skankey moved and Mr. Sayles seconded to adopt the allegations from the Complaint and Notice of Hearing as findings of fact and conclusion of law; motion carried 6-0.

Mr. Sayles moved and Mr. Nesgood seconded to vacate the hearing and issue respondent the cost of the investigation and \$6,000 in penalty fees to be paid within 60 days from the date of the order; motion carried 6-0.

b. Complaints proposed to Rescind the Board's order to send to administrative hearing and refer to the Attorney General's Office for possible criminal prosecution

1. P22-010, Padilla, Carlos, non-registrant land surveyor

AAG Deanie Reh was present and made a statement before the Board. Independent Advisor AAG Seth Hargraves appeared telephonically to answer Board member questions.

Mr. Wilson moved and Mr. Skankey seconded to rescind the Board's order to send to administrative hearing, refer the case to the appropriate prosecutorial agency for prosecution and leave the case administratively open; motion carried 6-0.

7. 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 7(A-F).

A. Complaints Proposed for Resolution by Dismissal or Administrative Closure:

1. P22-077, Scott Schmidgall, P.E. (Civil) #31143

Mr. Sayles moved and Ms. Skankey seconded to dismiss cases #P22-077, #HI22-040, #P22-079 and #P22-067; motion carried 6-0.

2. HI22-040, Dennis Letner, C.H.I. #54405 (*cancelled*)

See 7A1.

3. HI22-037, Nicholas Marksberry, Non-Registrant and Always Faithful Home Inspection, LLC, Non-Registrant Firm

Investigator Daniel Carthel was present and made a statement before the Board.

Ms. Skankey moved and Mr. Nesgood seconded to dismiss case #HI22-037; motion carried 6-0.

4. P22-079, Dustin Curtis, R.A. #23470

See 7A1.

5. P22-067, Blair Saville, R.A. #28526 and Saville Architecture & Design, Inc #13862

See 7A1.

6. P22-047, Gary Hancock, P.E. (Structural) #26025

Alleger, Ms. Trinidee Shelton, appeared telephonically, made a statement and answered Board member question. Investigator Gregory Roehm was present and made a statement before the Board.

Ms. Skankey moved and Mr. Sayles seconded to dismiss case #P22-047; motion carried 6-0.

B. Complaints Proposed for Resolution by Letters of Concern:

1. HI22-034, Michael Merucci, C.H.I. #64252

Investigator Kaitlyn Crawford was present before the Board.

Ms. Skankey moved and Mr. Sayles seconded to issue respondent a Letter of Concern; motion carried 6-0.

C. Complaints Proposed to Offer Consent Agreement:

1. P22-044, Luke Sefton, P.E. (Civil) #37322

Alleger, Edward Browne, was present and made a statement before the Board. Investigator Gregory Roehm was present before the Board.

Mr. Sayles moved and Mr. Nesgood seconded to accept Respondent's signed Consent Agreement; motion carried 6-0.

D. Complaints Requiring Board Guidance:

1. P22-056, Joseph Zeimet, R.L.S. #45086 and East Valley Surveying and Mapping, LLC, #16100

Respondent appeared telephonically and answered Board member questions. Investigator Daniel Carthel was present before the Board. AAG Scott Donald was present to provide legal advice.

Ms. Skankey moved and Mr. Nesgood seconded to extend the period of time for timely payment to twelve months from today's date to repay the outstanding balance listed in Respondent's signed Consent Agreement (P21-055); motion carried 6-0.

2. P22-053, Kathryn Mills, P.E. (Civil) #31118

Respondent appeared telephonically before the Board.

Mr. Gilmore recused himself from the vote. The Board lost a quorum after Mr. Gilmore's recusal and requested that this matter be placed on a future agenda item.

E. Complaints proposed to be referred to the Attorney General's Office for possible criminal prosecution

1. P23-002, Padilla, Carlos, non-registrant land surveyor

AAG Deanie Reh was present and made a statement before the Board. Independent Advisor AAG Seth Hargraves appeared telephonically and answered questions from the Board.

Mr. Wilson moved and Ms. Skankey seconded to approve an investigation of case #P23-002 to be submitted to the appropriate prosecutorial agency for criminal prosecution and to leave the case administratively open to allow the Board and Board staff to take any other necessary actions; motion carried 6-0.

Approve investigation of case to be

F. Administratively closed complaints proposed to be reopened for investigation

1. P20-016, Padilla, Carlos, non-registrant land surveyor

AAG Deanie Reh was present and made a statement before the Board. Independent Advisor Seth Hargraves appeared telephonically and answered Board member questions.

Mr. Wilson moved and Ms. Skankey seconded to re-open case #P20-016 for the purpose of conducting an updated investigation, resubmission to the appropriate prosecutorial agency for criminal prosecution and to leave the case administratively open to allow the Board and Board staff to take any other necessary actions; motion carried 6-0.

8. 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 8(A). 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 8(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

The Board's counsel, Mr. Greg Harris, reported on oral arguments that took place on June 30th and answered questions from the Board.

Mr. Sayles moved and Ms. Skankey seconded to enter executive session; motion carried 6-0.

The Board entered Executive Session at 9:16 am. The Board returned to Open Session at 10:02 am.

9. DIRECTOR'S REPORT

- A. Budget Update
- B. Previous Meeting Follow-Up
 - a. Online Transition
 - b. Board Staff Updates
 - c. Board Composition
- C. Licensing Numbers
- D. Enforcement Numbers
- E. List of Newly Granted

Ms. Stapley reported on the Board's budget, new Board staff and the two Board member vacancies.

10. BOARD CHAIR'S REPORT

- A. Presentation of service plaque for Stephen Noel.

Former Geologist Board member Stephen Noel was present to accept a plaque of service for his time served with the Board.

11. ASSISTANT ATTORNEY GENERAL'S REPORT

Nothing was discussed.

12. STANDING COMMITTEE REPORTS

- A. Legislation and Rules Committee – No new meeting date

Ms. Stapley requested that the Board have a discussion at next month's meeting regarding scheduling a future Legislation and Rules Committee meeting.

B. Home Inspector Rules and Standards Committee –Next meeting September 7, 2022

Nothing was discussed.

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

A. National Association of State Boards of Geology (ASBOG)

Ms. Stapley reported on ASBOG's upcoming annual meeting in North Carolina in October that she and Mr. Nesgood may attend.

B. Council of Landscape Architectural Registration Boards (CLARB)

Ms. Stapley reported on CLARB's upcoming regional meeting that will take place on August 10th.

C. National Council of Architectural Registration Boards (NCARB)

Ms. Stapley reported on NCARB's updates on the state specific survey and expedited timeframe for survey data and results.

D. National Council of Examiners for Engineering and Surveying (NCEES)

Ms. Stapley reported on NCEES's annual meeting that will take place in August in Carlsbad that she and Mr. Sayles will both attend.

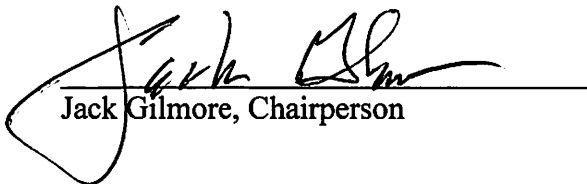
14. FUTURE BOARD MEETINGS – August 22, 2022

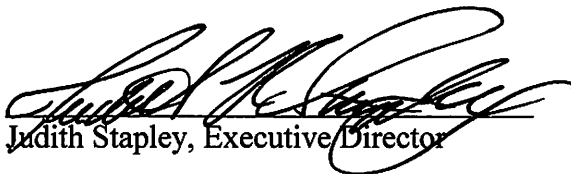
15. SUGGESTED TOPICS FOR FUTURE MEETING AGENDAS.

Presentation on construction staking and a presentation from the Council for Interior Design Qualification. Discussion on scheduling a Legislation and Rules Committee meeting.

16. MEETING ADJOURNMENT

Signed this 22 day, August 2022,


Jack Gilmore, Chairperson


Judith Stapley, Executive Director