

1 **BEFORE THE ARIZONA STATE**
2 **BOARD OF TECHNICAL REGISTRATION**

3 **In the Matter of:**

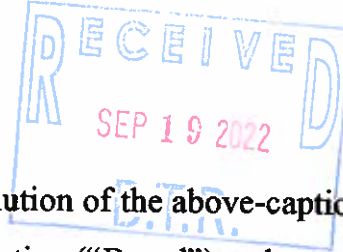
4 **Nathan Owens**
5 **Certified Home Inspector**
6 **Registration No. 66634**

7 **J & R Home Inspection Service**
8 **Firm Registration No. 12234**

9 Respondents

Case No.: HI22-023

CONSENT AGREEMENT
and
ORDER OF DISCIPLINE



10 In the interest of a prompt and judicious resolution of the above-captioned matter
11 before the Arizona State Board of Technical Registration ("Board") and consistent with
12 the public interest, statutory requirements, and the responsibilities of the Board, and
13 pursuant to A.R.S. § 32-101 et seq., and A.A.C. R4-30-120(G), the undersigned party,
14 Nathan Owens ("Respondent"), holder of Registration No. 66634, and J & R Home
15 Inspections ("Respondent Firm"), holder of Registration No. 12234 and the Board enter
16 into the following Recitals, Findings of Fact, Conclusions of Law and Order ("Consent
17 Agreement") as a final disposition of this matter.

18 **RECITALS**

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

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

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

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

9 6. Respondent understands this Consent Agreement deals with Board case
10 number HI22-023 involving allegations that Respondent engaged in conduct that would
11 subject him to discipline under the Board's statutes and rules. The investigation into
12 these allegations against Respondent shall be concluded upon the Board's adoption of
13 this Consent Agreement.

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

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

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

FINDINGS OF FACT

18
19 1. The Board is the duly constituted authority for the regulation and control of
20 the practice of Home Inspections in the State of Arizona.

21 2. Respondent is the holder of Certified Home Inspector Registration No.
22 66634.

23 3. Respondent Firm is the holder of Registration No. 12234.

24 4. On September 17, 2021, Respondent conducted a home inspection of a
25 residence in Mohave County, Arizona on behalf of Alleger.

26 5. On February 1, 2022, the Board received a complaint from Alleger, which
27 included an allegation that Respondent and Respondent Firm engaged in the practice of
28 home inspection without the required Respondent Firm Board registration and the

1 practice of home inspection without the required financial assurance.

2 6. Between September 14, 2021 through May 11, 2022, Respondent Firm's
3 Board registration was in an expired status, which included the date of home inspection
4 on September 17, 2021.

5 7. Respondent Firm Certificates of Liability Insurance established that during
6 the September 17, 2021 home inspection, Respondent Firm did not have the required
7 errors and omissions insurance coverage.

8 8. On or about May 12, 2022, Respondent Firm Board registration was
9 renewed.

10 9. On May 25, 2022, Respondent Firm's Certificate of Liability Insurance was
11 updated to include the required Errors and Omissions coverage.

12 **CONCLUSIONS OF LAW**

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

14 2. The conduct alleged in the Findings of Fact constitutes grounds for discipline
15 pursuant to A.R.S. § 32-121, A.R.S. 32-141 and A.R.S. § 32-128(C)(4) as it relates to
16 A.A.C. R4-30-301(4), in that Respondent Firm practiced a Board regulated profession
17 without firm registration.

18 3. The conduct alleged in the Findings of Fact constitutes grounds for discipline
19 pursuant to A.R.S. § 32- 128(C)(4) as it relates to A.R.S. 32-122.02, in that Respondent
20 and Respondent Firm engaged in the practice of home inspection without required
21 financial assurance.

22 **ORDER**

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

25 1. LETTER OF REPRIMAND. Respondent is hereby issued a Letter of
26 Reprimand.

27 2. ADMINISTRATIVE PENALTY. Within sixty (60) days from the
28 effective date of this Consent Agreement, Respondent shall pay an administrative penalty

1 of Five Hundred Dollars (\$500.00) by certified check or money order made payable to
2 the State of Arizona Board of Technical Registration.

3 3. COST OF INVESTIGATION. Within thirty (30) days from the effective
4 date of this Consent Agreement, Respondent shall pay the cost of investigation of this
5 case to the Board in the amount of Five Hundred Ten Dollars (\$510.00) by certified
6 check or money order made payable to the State of Arizona Board of Technical
7 Registration, according to the provisions of A.R.S. § 32-128(H).

8 4. OBEY ALL LAWS. Respondent shall obey all federal, state and local
9 laws, as well as, all rules governing the practice of Home Inspections in the State of
10 Arizona. The Board shall consider any violation of this paragraph to be a separate
11 violation of the rules and statues governing the Arizona Board of Technical Registration.
12 The Board may also consider Respondent's non-compliance with this Order as a separate
13 violation of A.R.S. § 32-150.

14 5. RENEWAL OF REGISTRATION. Respondent and Respondent Firm shall
15 timely renew their Arizona registration as an Home Inspector and a Home Inspection
16 Firm, and timely pay all required registration fees.

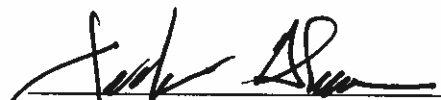
17 6. EFFECTIVE DATE. The effective date of this Consent Agreement is the
18 date the Respondent and Board sign the Consent Agreement. If the dates are different, the
19 effective date is the later of the two dates.

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


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

27 ACCEPTED and ORDERED this ²⁷/₁₅ day of September, 2022.
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Jack Gilmore, L.A., Chairman
Arizona State Board of
Technical Registration

Consent Agreement and Order, No. HI22-023 accepted this 15 day of
September, 2022.



Nathan Owens, on behalf of himself and
J & R Home Inspection Service,
Respondents

ORIGINAL filed this 28 day of
September 2022, with:

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

COPY of the foregoing mailed via Certified Mail
No. 9214 8901 9434 4600 0893 17 and
First Class mail this 28 day of September, 2022, to:

Nathan Owens
J and R Home Inspection
1731 Rio Vista Bay
Bullhead City, AZ. 86442

By: 
GM Doehly, BTR Investigator