



State of Arizona
BOARD OF TECHNICAL REGISTRATION

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- Jack Gilmore, Board Chair, Landscape Architect • Michael Kolejka, Board Vice Chair, Architect
- Dana Klett, Land Surveyor • Scott Sayles, Board Secretary, Civil Engineer
- Bill Nesgood, Geologist
- Dr. Clinton Campbell, Public Member • Jennifer Hobik, Esq, Public Member
- Kileen Lindgren, Public Member • Stacy Skankey, Esq, Public Member

MINUTES FOR REGULAR SESSION MEETING

1110 W. Washington Street, Board Room 245, Phoenix, Arizona 85007

Tuesday, January 24, 2023 –9:00am

1. **CALL TO ORDER** – The Board meeting convened at 9:01 am, adjourned for a break at 10:52 am, reconvened at 11:03 am and adjourned at 12:20 pm.

2. **ROLL CALL**

PRESENT

Jack Gilmore
Michael Kolejka
Scott Sayles
Jennifer Hobik, Esq.
Stacey Skankey, Esq.
Dana Klett
William “Bill” Nesgood
Hayley Bohall
Lucas “Kent” Wilson

VIRTUAL

Dr. Clinton Campbell
Kileen Lindgren – joined at 10:02 am

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, January 5, 2023 Board meeting minutes.

Mr. Kolejka moved and Mr. Nesgood seconded to approve the regular session minutes as written; motion carried 10-0.

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
Nothing to consider
 - b) Certificate(s) of Experience from non-Professionals
 - 1) Elliott, Jason – Application for Registration as a Geologist #226607
 - 2) Cutcliffe, Hattie – Application for Registration as a Mechanical Engineer #226496
 - c) Council Records – experience under non-Professionals
 - 1) Bridge, Steven – Application for Registration as a Chemical Engineer #226526
 - 2) Donovan, Michael – Application for Registration as an Electrical Engineer #226515
 - d) Background Review
 - 1) Bundy, David – Universal Application for Home Inspector Certification #226330
 - 2) Brenner, Clayton – Application for Certification as a Home Inspector #225912
 - 3) Lawler, Meri – Application for Registration as an Architect #226267
 - 4) McGregor, Derek – Application for Registration as a Civil Engineer #225839
 - 5) Mester, Matthew – Application for Registration as a Structural Engineer #226626
 - 6) El Gohary, Mohamed – Application for Registration as a Civil Engineer #225107
 - 7) Hoffman Jr., Rick – Application for Certification as a Home Inspector #224653
 - 8) Barber, Christopher – Application for Registration as a Civil Engineer #236720
 - 9) Amaya-Rosales, Jose – Application for Registration as an Architect #226239
 - 10) Conner, Kevin – Application for Registration as an Architect #226238
 - 11) Meza, Victor – Application for Registration as a Mechanical Engineer #226585
 - e) Disciplinary Action Review
 - 1) Willson, Travis – Application for Registration as an Architect #226491
 - f) Multiple Considerations
 - 1) Goel, Ram – Application for Registration as a Civil Engineer #225989
 - i. Background Review
 - ii. Disciplinary Action Review
 - iii. PE exam unknown
3. Grant Universal Applications for Professional Registration/Certification
 - a) McClean, William – Application for Registration as a Mechanical Engineer #226545
4. Grant Renewal Registration Application(s)

- a) Background Review
 - 1) Douglas, Timothy – Renewal Application for Civil Engineer Registration #43714
- b) Disciplinary Action Review
 - 1) Price, Kenneth – Renewal Application for Landscape Architect Registration #62823
- 5. Approve Application(s) for Exam Waivers
 - a) Application to waive Fundamental Exam
Nothing to consider
 - b) Application to waive Professional Exam
Nothing to consider
- 6. Approve Application(s) for Exam Authorization
 - a) Certificate(s) of Experience from non-Professionals
 - 1) Hosseinpour, Mehdi – Application for PE Civil exam authorization #226692
 - b) Council Records – experience under non-Professionals
Nothing to consider
- 7. Approve Application(s) for In-Training Designation
 - a) Certificate(s) of Experience from non-Professionals
Nothing to consider
- 8. Approve Extension Requests
 - a) Scott, Brent – Application for FE exam authorization #213042

Mr. Sayles moved and Mr. Wilson seconded to approve all items under agenda item 5(A); motion carried 10-0.

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).

Nothing to Consider

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-E).

A. Complaints Proposed for Resolution by Dismissal:

- 1. HI23-009, Chad Brazel, C.H.I. #69838

Mr. Sayles moved and Mr. Nesgood seconded to dismiss cases #HI23-009 and #AL23-008; motion carried 10-0.

The Board re-opened the agenda item for discussion at 9:45 am. Alleger Jonathan Gray appeared virtually and made a statement before the Board. The Board's previous decision did not change.

2. AL23-007, Katherine Turner, C.P. #76826 and Cox Advanced Services, #18141

George Millet and Carson Coffman of Cox Advanced Services appeared on behalf of Respondent and made a statement before the Board. Investigator Brandon Eaden was present and made a statement before the Board.

Mr. Kolejka moved and Dr. Campbell seconded to dismiss case #AL23-007; motion carried 10-0.

3. AL23-008, Leslie Linhart, A.A. #55290 and ADT Commercial, LLC dba ADT Security Systems #20423

See 7(A)(1).

B. Complaints Proposed for Resolution with Signed Consent Agreements:

1. HI22-038, Erich Zumach, C.H.I. #62785

Alleger, Monique Verger-Perrault, was present and made a statement before the Board. Investigator Daniel Carthel was present and made a statement before the Board. AAG Scott Donald was present to provide legal advice. The Board deliberated.

Mr. Kolejka moved and Dr. Campbell seconded to accept Respondent's signed Consent Agreement; motion carried 9-1. Mr. Wilson voted nay.

2. P23-003, Christopher Stevens, P.E. (Civil) #15615

Investigator Daniel Carthel was present, made a statement and answered Board member questions.

Mr. Wilson moved and Dr. Campbell seconded to accept Respondent's signed Consent Agreement; motion carried 10-0.

3. AL23-003, Wahbeh "Adam" Mustafa, C.P. #66816 and Phoenix Surveillance, LLC #18574

Investigator Brandon Eaden was present and made a statement before the Board.

Mr. Sayles moved and Dr. Campbell seconded to accept Respondent's signed Consent Agreement; motion carried 10-0.

4. HI23-005, Benjamin Schern, C.H.I. #50397

Mr. Sayles moved and Mr. Kolejka seconded to accept each Respondent's signed Consent Agreement for cases #HI23-005, #P22-073 and #HI23-008; motion carried 11-0.

5. P22-073, Marc Fleetwood, P.E. (Civil) #30500

See 7(B)(4).

6. HI23-008, David Sturgeon, C.H.I. #40109

See 7(B)(4).

C. Complaints Proposed to Offer Consent Agreement:

1. P22-055, Nathan Layton P.E. (Environmental) #45690

Respondent was present, made a statement and answered Board member questions. Respondent's counsel, Ms. Erika Johnson, was present, made a statement and answered Board member questions. Investigator Daniel Carthel was present and made a statement before the Board. AAG Scott Donald was present to provide legal advice. The Board deliberated.

Mr. Wilson moved and Mr. Sayles seconded to modify Respondent's proposed Consent Agreement with the deletion of line #3 of the order and offer the modified Consent Agreement to Respondent; motion carried 9-1. Mr. Gilmore voted nay.

Ms. Lindgren joined the meeting.

Mr. Sayles moved and Mr. Wilson seconded to add a 30-day time frame for Respondent to sign the offered Consent Agreement; motion carried 11-0.

2. HI22-026, Jose Ricardo Flores, C.H.I. #68792

Respondent was present, made a statement and answered Board member questions. Investigator Daniel Carthel was present, made a statement and answered Board member questions. AAG Scott Donald was present to provide legal advice. The Board deliberated.

Mr. Wilson moved and Ms. Skankey seconded to dismiss case #HI22-026; motion carried 11-0.

D. Signed Consent Agreement for Board Consideration:

1. P22-049, Monica Acuna Arizmendi, Non-Registrant

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

Mr. Kolejka moved and Mr. Sayles seconded to accept Respondent's signed Consent Agreement; motion carried 11-0.

E. Complaints Proposed for Administrative Closure without Prejudice:

1. P23-029, Carlos Padilla, Non-Registrant

Investigator Gregory Roehm was present and made a statement before the Board. AAG Scott Donald was present to provide legal advice.

Mr. Kolejka moved and Mr. Sayles seconded to administratively close cases #P23-029, #P23-037, #P23-032, #P23-019 and #P23-20 without prejudice and refer them for prosecutor review for potential criminal prosecution; motion carried 11-0.

2. P23-037, Carlos Padilla, Non-Registrant

See 7(E)(1).

3. P23-032, Ivonek Badilla, Non-Registrant and Evo Design 12th Street Studio, LLC, Non-Registrant Firm

See 7(E)(1).

4. P23-019, Ivonek Badilla, Non-Registrant and Evo Design 12th Street Studio, LLC, Non-Registrant Firm

See 7(E)(1).

5. P23-020, Ivonek Badilla, Non-Registrant and Evo Design 12th Street Studio, LLC, Non-Registrant Firm

See 7(E)(1).

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 9(A-C). 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-E).

A. Review and Consideration for open HIRSC position.

- i) Smith, Keith, #38977
- ii) Fipps, Zachary, #77328
- iii) Wiederhold, Richard, #61674

Home Inspector, Keith Smith was present, made a statement and answered Board member questions. Home Inspector, Richard Weiderhold appeared virtually and made a statement before the Board. Home Inspector, Zachary Fipps appeared virtually, made a statement and answered Board member questions.

Mr. Kolejka moved and Mr. Wilson seconded to appoint Keith Smith to the vacant Home Inspector Rules and Standards Committee position; motion carried 11-0.

B. 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

Ms. Stapley read a memo from Lewis Roca Rothgerber Christie legal counsel notifying board members that Greg Harris has retired. Additionally, they plan to be present at the next scheduled meeting to provide an update.

C. Legislative Regular Rulemaking Process

Ms. Stapley and Mr. Winter reported on updates to the legislative rules package submitted to the Secretary of State.

D. Possible rule revisions regarding auto approval to take fundamentals examinations

Ms. Stapley and Mr. Winter reported on the legislative rules package the L&R committee was working on and answered Board member questions.

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 Applicants

Ms. Stapley reported on the Board's budget, the Board's online transition, the appointment of the Board's new Public Member, Hayley Bohall and licensing and enforcement numbers.

10. BOARD CHAIR'S REPORT

Nothing discussed.

11. ASSISTANT ATTORNEY GENERAL'S REPORT

Nothing discussed.

12. STANDING COMMITTEE REPORTS

- A. Legislation and Rules Committee

Mr. Winter reported on updates to the Committee's review of prior Board substantive policy statements.

- B. Home Inspector Rules and Standards Committee – Next meeting February 8, 2023

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

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

Ms. Stapley reported on the Computer Based Fundamentals of Geology examination.

- B. Council of Landscape Architectural Registration Boards (CLARB)
- C. National Council of Architectural Registration Boards (NCARB)

Ms. Stapley reported on the passing rate of ARE exams post Computer-Based Format transition.

Mr. Kolejka reported on NCARB's Board of Directors structure changes and the Regional Committee Summit that will take place in March in Honolulu that he will attend.

D. Member Board Administrator's Meeting

Ms. Stapley reported on the Member Board Administrator's Meeting she attended earlier this month in Greenville, the production of graduation chords for individuals passing the fundamentals exam prior to graduation, the new FE Ambassador Program currently being piloted, the online transition and other changes to the PE structural exam and the NCEES Interim Zone Meeting that will take place in March in Houston that she, Mr. Sayles and Ms. Klett will attend.

14. FUTURE BOARD MEETINGS – February 28, 2023

15. SUGGESTED TOPICS FOR FUTURE MEETING AGENDAS.

The Board requested a discussion incidental overlap.

16. MEETING ADJOURNMENT

Signed this 29 day of February, 2023





Jack Gilmore, Chairperson



Judith Stapley, Executive Director