

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 HI23-032 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.
28

1 alleging that Respondent conducted a home inspection at 5329 West Ian Drive in
2 Phoenix, Arizona on March 13, 2023, while Respondent's home inspection certification
3 was in delinquent status. Board records show that Respondent's home inspector
4 certification expired on February 19, 2023 and was not renewed until on or about March
5 24, 2023. The complaint also alleged that Respondent, Principal of Respondent Firm, and
6 Respondent Firm engaged in the practice of Home inspections at a time when
7 Respondent Firm was expired and closed. Board records show that Respondent Firm
8 expired on March 8, 2020 and closed on October 7, 2021. Respondent Firm has not been
9 renewed.

10 6. On or about April 25, 2023, Respondent provided a written response
11 indicating that he had been unaware that both his home inspector certification and
12 Respondent Firm's registration had lapsed. Per Board records, Respondent renewed his
13 home inspection certification on March 24, 2023. Respondent Firm is no longer in
14 operation and Respondent is working under another Home Inspection Firm, which is
15 registered with the Board.

16 **CONCLUSIONS OF LAW**

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

18 2. The conduct alleged in the Findings of Fact constitutes grounds for discipline
19 pursuant to A.R.S. § 32-127 (D) and A.R.S. § 32-145(1) in that Respondent may have
20 engaged in the practice of a Board regulated profession while his registration was expired
21 and in delinquent status.

22 3. The conduct alleged in the Findings of Fact constitutes grounds for discipline
23 pursuant to A.R.S. § 32-121, A.R.S. § 32-141 and A.R.S. § 32-128(C)(4) as it relates to
24 A.A.C. R4-30-301(4), in that Respondent and Respondent Firm may have practiced a
25 Board regulated profession without firm registration.

26 **ORDER**

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

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

3 2. ADMINISTRATIVE PENALTY. Within sixty (60) days from the
4 effective date of this Consent Agreement, Respondent shall pay an administrative penalty
5 of Six Hundred and Fifty Dollars (\$650.00) by certified check or money order made
6 payable to the State of Arizona Board of Technical Registration.

7 3. COST OF INVESTIGATION. Within thirty (30) days from the effective
8 date of this Consent Agreement, Respondent shall pay the cost of investigation of this
9 case to the Board in the amount of Two Hundred and Forty Dollars (\$240.00) by certified
10 check or money order made payable to the State of Arizona Board of Technical
11 Registration, according to the provisions of A.R.S. § 32-128(H).

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

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


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

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


26 8. NONCOMPLIANCE. If Respondent violates this Order in any way or fails
27 to fulfill the requirements of this Order, the Board, after giving notice and the opportunity
28 to be heard, may revoke, suspend or take other disciplinary actions against the

1 registration. The issue at such a hearing will be limited solely to whether this Order has
2 been violated.

3 ACCEPTED and ORDERED this 22 day of August, 2023.

4
5 
6 Jack Gilmore, L.A., Chairman
7 Arizona State Board of
8 Technical Registration

9 Consent Agreement and Order, No. HI23-032 accepted this 1st day of
10 August, 2023.

11 
12 James Petko, on behalf of himself and on
13 behalf of Infinity Home Inspections,
14 Respondents

15 ORIGINAL filed this 23rd day of
16 August, 2023, with:

17 Arizona State Board of Technical Registration
18 1110 W. Washington, Suite 240
19 Phoenix, AZ 85007

20 COPY of the foregoing mailed via Certified Mail
21 No. 9214 8901 9434 4600 0937 03 and
22 First Class mail this 23rd day of August, 2023, to:

23 James Petko
24 8433 North Black Canyon Highway, #100
25 Phoenix, AZ 85021

26 By: Kaitlyn Crawford
27
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