

This substantive policy statement is advisory only. A substantive policy statement does not include internal procedural documents that only affect the internal procedures of the agency and does not impose additional requirements or penalties on regulated parties or include confidential information or rules made in accordance with the Arizona administrative procedure act. If you believe that this substantive policy statement does impose additional requirements or penalties on regulated parties you may petition the agency under Arizona Revised Statutes section 41-1033 for a review of the statement.

1. ALTERATION OF PLANS DURING PLAN CHECKS

Questions have also been brought forward relating to the altering of sealed plans by building officials during the plan review check process. After reviewing its statutes and rules, the Board developed this substantive policy statement. This substantive policy statement is offered as guidance to persons interpreting Board statutes and rules.

SUBSTANTIVE POLICY STATEMENT

Documents that are signed and sealed by registrants that represent the exercise of the registrant's professional discretion and judgement are professional documents. Arizona Revised Statute § 32-125 requires registrants to seal plans, specifications, plats or reports prepared by the registrant or his or her bona fide employee. Substitution of a registrant's professional judgement that results in a modification to the document constitutes the practice of the profession. If the modification is performed by a nonregistrant, the nonregistrant must be working under the direct supervision of a registrant. Additionally, the supervising registrant shall sign and seal the changes to the documents. No person may alter a registrant's sealed professional document except under the following circumstances:

1. Another registrant may, when employed to check the documents, modify the documents. However, the registrant modifying such documents shall clearly delineate all modifications, seal those changes, and be held fully responsible for the changes made and the impact of those changes on the original design. A.R.S. § 32-125(B).
2. Any person checking documents for compliance with any applicable statutes, codes, ordinances, rules or regulations such as building codes, fire codes or zoning ordinances may "redline" and/or list required changes to meet the codes, as this is not the practice of the profession. However, a nonregistrant may not require modification of a professional document submitted for review, unless that modification is supported by reference to an applicable code or standard. In other words, a nonregistrant shall not modify, in any manner, a document embodying the discretion or judgement of a registrant, unless the nonregistrant can cite a specific code or standard to support that modification.

Filed with the Arizona Secretary of State on May 30, 1997.

APPLICABLE LAWS

- Arizona Revised Statutes §§ 32-101(A), -121, -128(B), -130, and -145.
- Arizona Administrative Code R4-30-301(A)(3) and R4-30-304.

Profession, in this policy statement, means architecture, assaying, engineering, geology, landscape architecture, or land surveying.

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2. INTERPRETATION OF TERM "TOTAL COST OF SUCH CONSTRUCTION"

Questions have been brought forward relating to the term "total cost of such construction", as contained in A.R.S. § 32-144(A)(6), and what the Board of Technical Registration (Board) has interpreted this term to encompass. After reviewing its statutes, the Board developed this substantive policy statement. This substantive policy statement is offered as guidance to persons interpreting Board statutes and rules.

SUBSTANTIVE POLICY STATEMENT

A.R.S. § 32-144(A)(6) states that a non-registrant may design a water or wastewater treatment plant, or extensions, additions, modifications or revisions, or extensions to water distribution or collection systems, if the total cost of such construction does not exceed twelve thousand five hundred dollars. The term at issue has, in the past, been consistently interpreted by the Board to include the design and construction of the system. The term does not include any fees, such as for permits or registration, nor costs for maintenance. This term also has not been interpreted to include costs for purchase of lands. The term simply includes costs for services normally performed by a designer and a contractor.

Filed with the Arizona Secretary of State on April 26, 2001.

APPLICABLE LAW

- Arizona Revised Statutes §§ 32-101(A), -144(A)(6), and -145

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3. FIRE SPRINKLERS AND FIRE ALARM SYSTEMS

Questions have been brought forward relating to roles of registrants and non-registered persons in preparing design documents for fire sprinkler, fire alarm, and other code regulated alarm systems. This substantive policy statement is offered as guidance to persons interpreting Board statutes and rules.

SUBSTANTIVE POLICY STATEMENT

- A. A qualified registrant, or any other person, may develop installation drawings for fire sprinkler, fire alarm, and other regulated code alarm systems and submit those drawings to the authority having jurisdiction for review and/or permit as allowed by the authority having jurisdiction. All layouts prepared in accordance with the criteria specified by a professional registrant are not considered to be professional documents. Installation drawings for sprinkler systems may include selecting pipe sizes by performing hydraulic calculations in accordance with applicable codes and standards. Preparation of fire alarm installation drawings, include circuiting and voltage drop and battery calculations, in accordance with applicable codes and standards may be done by non-registrants as allowed by the authority having jurisdiction.
- B. For fire sprinkler systems, the following are considered to be professional registrant activities:
 1. Consider the range of hazards of the project;
 2. Prepare hazard analysis; identify the hazard classification of the intended occupancy, including any special hazards;
 3. Determine the applicable codes and standards and appropriate engineering practices;
 4. Ascertain the availability and adequacy of the water supply for the project;
 5. Determine the appropriate design density and area of operation for each hazard area.
- C. For fire alarm and other code regulated alarm systems, the following are considered to be professional registrant activities:
 1. Determine the system type;
 2. Determine the applicable codes and standards and appropriate engineering practices;
 3. Determine device types and locations;
 4. Prepare generalized riser diagram;
 5. Coordinate and interface with other systems;
 6. Develop system specifications.

Examples of work that may be done by a non-registrant are:

- Layout of automatic fire sprinkler systems and their related hydraulic calculations for

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installation or permit.

Filed with the Arizona Secretary of State on March 28, 2002.

APPLICABLE LAWS

- Arizona Revised Statutes § 32-101(B)(11).
- Arizona Administrative Code, Title 4, Chapter 30 R4-30-302 (B)(4)

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4. SEALING OF STANDARD DETAILS

Questions have been brought forward relating to the legality of a registrant signing and sealing standard details and specifications formally adopted by a political jurisdiction, to show they have been reviewed and accepted by the registrant. After reviewing Board statutes and rules, the Board has determined that placing a signature and seal on the document, along with a written disclaimer, is an acceptable practice. This substantive policy statement is offered as guidance to persons interpreting Board statutes and rules.

SUBSTANTIVE POLICY STATEMENT

A Registrant's duty to seal professional documents does not extend to standard details or specifications that have been officially adopted by the state, municipal or county agency that has jurisdiction over the project.

It is the responsibility of the registrant to clarify or disclaim those portions of a professional document that were not prepared by the registrant or their bona-fide employee.

This substantive policy statement does not negate the registrant's responsibility to protect the public health, safety or welfare as required in section R4-30-301 (12) of the rules of the Arizona State Board of Technical Registration.

Filed with the Arizona Secretary of State on June 17, 2002.

APPLICABLE LAW

- Arizona Revised Statutes § 32-125 (B), (D), and (E).

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5. USE OF ELECTRONIC SEALS AND SIGNATURES

Questions have been brought forward relating to the use of electronic seals and signatures on professional documents. After reviewing Board statutes and rules, including R4-30-304, as well as A.R.S. § 32-125 (E), A.R.S. § 41-132 and A.R.S. § 44-7001 through A.R.S. § 44-7043, the Board developed this substantive policy statement. This substantive policy statement is offered as guidance to persons interpreting Board statutes and rules.

SUBSTANTIVE POLICY STATEMENT

Electronic seals and signatures that meet the criteria of Arizona Revised Statutes (A.R.S.) Title 41 and Title 44 are acceptable for all professional documents. Security, verification and control of the signature are the responsibility of the registrant.

This policy statement does not change or limit any existing rule or method of sealing professional documents.

Filed with the Arizona Secretary of State on June 17, 2002.

APPLICABLE LAWS

- Arizona Revised Statutes § 32-125 (B) and (E).
- Arizona Administrative Code, Title 4, Chapter 30, R4-30-304.

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6. HOME INSPECTOR FINANCIAL ASSURANCE BOND LANGUAGE

Questions have been brought forward relating to language that will be acceptable to the Board, for use in issuing bonds as financial assurance for home inspectors as provided in A.R.S. § 32-122.02. The certification of home inspectors is currently being conducted under Emergency Rules approved by the Attorney General on August 14, 2002, and home inspectors are mandated to provide proof of financial assurance within 60 days of receipt of certification. Therefore, this substantive policy statement is offered as guidance until such time as the final rules relating to the certification of home inspectors are in place.

SUBSTANTIVE POLICY STATEMENT

The following language contained in a bond obtained by a home inspector as proof of financial assurance under the provisions of A.R.S. § 32-122.02 is acceptable to the Board:

KNOW ALL MEN BY THESE PRESENTS that we, _____ as Principal, and _____, a Corporation, qualified and authorized to do business in the State of Arizona as a Surety, are held and firmly bound unto the State of Arizona, Board of Technical Registration for use and benefit of any injured person as defined below, in the sum of TWENTY-FIVE THOUSAND AND NO/100 (\$25,000.00) lawful money of the United States of America, to be paid to any injured person for which payment well and truly be made, we bind ourselves, our heirs, executors, administrators, successors, and assigns, jointly and severally, firmly by these presents.

WHEREAS, the above named Principal has made application to the Board of Technical Registration, State of Arizona, for certification as a Home Inspector within the meaning of Title 32, Article 1, of the Arizona Revised Statutes and rules adopted pursuant thereto and is required by the provisions of such statutes and rules to furnish a bond in the sum named above.

NOW, THEREFORE, the condition of this obligation is such that if the Principal shall strictly, honestly and faithfully comply with the provisions of the statutes and rules adopted pursuant thereto and shall satisfy any final judgment in favor of an injured person arising out of any transaction governed by the provisions of such statutes and rules, then this obligation shall be void; otherwise to remain in full force and effect.

“Injured Person” as used herein means any person who contracts with a Certified Home Inspector to obtain a home inspection and who is damaged by the failure of the home inspector to perform the inspection or related services in accordance with the provisions of Title 32, Article 1, of the Arizona Revised Statutes and the rules adopted pursuant thereto.

This bond shall become effective on _____, and shall remain in force until the Surety is released from liability to the Board of Technical Registration, State of Arizona, or until this bond

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is cancelled by the Surety. The Surety may cancel this bond and be relieved of further liability hereunder by giving thirty days written notice to the Principal and to the Board of Technical Registration at its offices.

This bond shall be one continuing obligation, and the liability of the Surety for the aggregate of any and all claims which have been awarded by litigation and deemed uncollectible shall in no event exceed the amount of the penalty hereof.

In witness whereof, the signature of the Principal hereto is affixed, and the corporate seal and the name of the Surety hereto is affixed and attested by its duly authorized officers at Phoenix, Arizona, this ____ day of _____, 200__.

(Print name of principal officer)

BY: _____
(Signature of Principal)

NAME OF SURETY

BY: _____

Filed with the Arizona Secretary of State on August 20, 2002.

APPLICABLE LAW

- Arizona Revised Statutes § 32-122.02(B)(2).

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7. DATING AND SIGNING SEALS AND REVISIONS TO DRAWINGS

Questions have been received concerning to the dating of a registrant's seal on professional documents when original documents are sealed and when revisions are made to professional documents after they have been sealed and signed by the registrant. After reviewing Board statutes and rules, including R4-30-304, as well as A.R.S. § 32-125, the Board developed this substantive policy statement. This substantive policy statement is offered as guidance to persons interpreting Board statutes and rules.

SUBSTANTIVE POLICY STATEMENT

To comply with R4-30-304:

1. The appropriate date on the seal of an original document is the day that document is sealed and signed.
2. If a professional document is revised by the originating registrant after the date the seal is signed, that registrant may:
 - a. indicate the date, nature and scope of the revisions, or,
 - b. re-seal, re-sign, and re-date, with the current date.
3. If an electronic document is revised and re-plotted, it is considered a new professional document.
4. It is not acceptable to change the date on a seal.
5. When multiple sheets in a set of professional documents are individually sealed, only those revised sheets need to be re-sealed and signed. The cover sheet for the set does not need to be re-sealed unless the cover sheet has been revised.

Filed with the Arizona Secretary of State on January 26, 2004.

APPLICABLE LAWS

- Arizona Revised Statutes § 32-125 (B) and (E).
- Arizona Administrative Code, Title 4, Chapter 30, R4-30-304.

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9. MONUMENTING PUBLIC LAND SURVEY SYSTEM SECTION OR QUARTER SECTION CORNERS

The Board's rules provide that Land Surveyors must adhere to the Arizona Boundary Survey Minimum Standards and with state laws pertaining to the surveyor's area of practice. A.A.C. R4-30-301(4) and (13) (effective August 7, 2004). The Arizona Boundary Survey Minimum Standards at section 9 provides standards for establishing, replacing or setting boundary monuments. Sections 9(A) concerns setting monuments at Public Land Survey System Section or Quarter Section Corners by referring to "applicable state statutes" relative to monumenting those positions. Section 9(C) concerns setting monuments, in general. Questions have been raised regarding the Board's interpretation of what state statutes are applicable when applying Section 9(A) and regarding the interplay between Sections 9(A) and (C). This substantive policy statement is offered as guidance to persons interpreting those sections in complying with the Board's rules.

SUBSTANTIVE POLICY STATEMENT

The Board's rules provide that Land Surveyors must adhere to the Arizona Boundary Survey Minimum Standards and with state laws pertaining to the surveyor's area of practice. A.A.C. R4-30-301(4) and (13) (effective August 7, 2004). The Arizona Boundary Survey Minimum Standards at section 9 provides standards for establishing, replacing or setting boundary monuments. Sections 9(A) concerns setting monuments at Public Land Survey System Section or Quarter Section Corners by referring to "applicable state statutes" relative to monumenting those positions. Section 9(C) concerns setting monuments, in general.

The Board believes that the "applicable state statutes" relative to monumenting Public Land Survey System Section or Quarter Sections Corners are those which address landmarks and surveys, currently contained in A.R.S. § 33-103. Accordingly, the land surveyor shall follow the requirements of A.R.S. § 33-103 when establishing, replacing or setting Public Land System Survey monuments at section or quarter section corners and shall follow the requirement in Section 9© of the Arizona Boundary Survey Minimum Standards when establishing new or replacement boundary monuments and witness corner monuments. Finally, land surveyors shall also comply with the requirements of A.R.S. §§ 33-104 through 106 when establishing, replacing or setting any type of boundary monument.

APPLICABLE LAWS

- Arizona Revised Statutes § 32-125 (B) and (E).
- Arizona Administrative Code, Title 4, Chapter 30, Section 301.

Filed with the Arizona Secretary of State's Office November 9, 2004.

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10. REQUIREMENTS FOR RECORDING RESULTS OF SURVEY DRAWINGS

The Board's rules provide that Land Surveyors must adhere to the Arizona Boundary Survey Minimum Standards and with state laws pertaining to the surveyor's area of practice. (A.A.C. R4-30-301 (4) and (13), effective August 7, 2004) The Arizona Boundary Survey Minimum Standards at Section 13 provides standards to ensure the recordation of appropriate survey drawings. Section 13 (C) concerns the requirement to record a survey drawing whenever ANY land boundary monuments are set in conjunction with a “new” survey. Questions have been raised regarding the Board's interpretation of what a “new” survey means in the context of Section 13 (C). This substantive policy statement is offered as guidance to persons interpreting Section 13 in complying with the Board's rules.

SUBSTANTIVE POLICY STATEMENT

The Board's rules provide that Land Surveyors must adhere to the Arizona Boundary Survey Minimum Standards and with state laws pertaining to the surveyor's area of practice. (A.A.C. R4-30-301 (4) and (13) effective August 7, 2004) The Arizona Boundary Survey Minimum Standards at Section 13 provides standards for when a surveyor must create and record survey drawings. Section 13 (C) concerns the requirement to record a survey drawing when any land boundary monuments are set in conjunction with the new survey.

The Board interprets the term “new survey” to be synonymous with “present survey” or “most recent survey” so that even if the present or most recent survey is a retracement of an existing prior survey, whenever any monuments are established, including those set to replace missing or damaged monuments of the previous survey, those actions require the surveyor to create and record a survey drawing documenting the new monumentation as established.

APPLICABLE LAWS

- Arizona Revised Statutes § 32-125 (B) and (E).
- Arizona Administrative Code, Title 4, Chapter 30, Section 301.

Filed with the Arizona Secretary of State's Office June 21, 2005.

The Administrative Procedure Act requires the publication of substantive policy statements issued by agencies (A.R.S. § 41-1013(B)(14)). Substantive policy statements are written expressions which inform the general public of an agency's current approach to rule or regulation practice. Substantive policy statements are advisory only. A substantive policy statement does not include internal procedural documents that only affect the internal procedures of the agency and does not impose additional requirements or penalties on regulated parties or include confidential information or rules made in accordance with the Arizona Administrative Procedure Act. If you believe that a substantive policy statement does impose additional requirements or penalties on regulated parties you may petition the agency under A.R.S. § 41-1033 for a review of the statement.

NOTICE OF SUBSTANTIVE POLICY STATEMENT STATE BOARD OF TECHNICAL REGISTRATION

1. Title of the substantive policy statement and the substantive policy statement number by which the substantive policy statement is referenced:

System or Component Source/End Point; Policy Statement #11

2. Date the substantive policy statement was issued and the effective date of the policy statement if different from the issuance date:

Issued: November 24, 2009

Effective: November 24, 2009

3. Summary of the contents of the substantive policy statement:

In the case of a system or component excluded from the scope of the home inspection, the source point or end of inspection locations shall be described as:

The excluded component from system to the point at which the feed is dedicated to that component or system.

As an example, the inspection of a swimming pool electrical feed may end at the point it exits the electrical panel if it is fed from the main electrical panel. If the swimming pool is fed by a sub-panel dedicated to components or systems excluded from the inspection scope, the sub-panel is not required to be inspected. Inspection of the water supply feeding the swimming pool automatic fill system may be excluded and not inspected to the point at which it exits the structure or other feed source.

4. A statement as to whether the substantive policy statement is a new statement or a revision:

This Substantive Policy Statement is new.

5. The name and address of the person to whom questions and comments about the substantive policy statement may be directed:

Name: Cassie Goodwin

Address: 1110 W. Washington, Ste. 240, Phoenix, AZ 85007

Telephone: 602-364-4947

6. Information about where a person may obtain a copy of the substantive policy statement and the costs for obtaining the policy statement:

This Substantive Policy Statement may be viewed and/or printed from the Board's web site at the following link: http://www.azbtr.gov/regulations/substantive_policy.asp or from the Board office (address above) at \$0.20 per page).

Filed with the Arizona Secretary of State's Office December 14, 2009.

The Administrative Procedure Act requires the publication of substantive policy statements issued by agencies (A.R.S. § 41-1013(B)(14)). Substantive policy statements are written expressions which inform the general public of an agency's current approach to rule or regulation practice. Substantive policy statements are advisory only. A substantive policy statement does not include internal procedural documents that only affect the internal procedures of the agency and does not impose additional requirements or penalties on regulated parties or include confidential information or rules made in accordance with the Arizona Administrative Procedure Act. If you believe that a substantive policy statement does impose additional requirements or penalties on regulated parties you may petition the agency under A.R.S. § 41-1033 for a review of the statement.

11. SYSTEM OR COMPONENT SOURCE/END POINT

Questions have arisen concerning the specified source/end point for a system or component in a home when a system or component is not in the scope of work of the home inspection.

After reviewing Board statutes and rules, including R4-30-301.01, the Board developed this substantive policy statement. This substantive policy statement is offered as guidance to persons interpreting Board statutes and rules.

SUBSTANTIVE POLICY STATEMENT

In the case of a system or component excluded from the scope of the home inspection, the source point or end of inspection locations shall be described as:

The excluded component from system to the point at which the feed is dedicated to that component or system.

As an example, the inspection of a swimming pool electrical feed may end at the point it exits the electrical panel if it is fed from the main electrical panel. If the swimming pool is fed by a sub-panel dedicated to components or systems excluded from the inspection scope, the sub-panel is not required to be inspected. Inspection of the water supply feeding the swimming pool automatic fill system may be excluded and not inspected to the point at which it exits the structure or other feed source.

APPLICABLE LAWS

Arizona Revised Statutes § 32-101(B)(18)
Arizona Administrative Code, Title 4, Chapter 30, R4-30-301.01

Issued: November 24, 2009
Effective: November 24, 2009

Filed with the Arizona Secretary of State's Office December 14, 2009.

AGENCY RECEIPT

NOTICE OF SUBSTANTIVE POLICY STATEMENT

1. **Agency Name:** Arizona State Board of Technical Registration
2. **The Subchapters, if applicable; the Articles, the Parts, if applicable; and the Sections involved in the Substantive Policy Statement:**

New Substantive Policy Statement #12:

A.A.C. R4-30-301

Arizona Boundary Survey Minimum Standards Sections 8 and 13

The Administrative Procedure Act requires the publication of substantive policy statements issued by agencies (A.R.S. § 41-1013(B)(14)). Substantive policy statements are written expressions which inform the general public of an agency's current approach to rule or regulation practice. Substantive policy statements are advisory only. A substantive policy statement does not include internal procedural documents that only affect the internal procedures of the agency and does not impose additional requirements or penalties on regulated parties or include confidential information or rules made in accordance with the Arizona Administrative Procedure Act. If you believe that a substantive policy statement does impose additional requirements or penalties on regulated parties you may petition the agency under A.R.S. § 41-1033 for a review of the statement.

12. SURVEY MONUMENTS IN SUBDIVISION

Questions have arisen regarding when subdivisions must be monumented in the context of Section 8, Section 13 of the Arizona Boundary Survey Minimum Standards (adopted by the Board on June 15, 2001 and originally effective in Rules on February 12, 2002), and A.R.S. § 33-105(A). This substantive policy statement is offered as guidance to persons interpreting said Section 8, Section 13, and A.R.S. § 33-105 in complying with the Board's rules.

The Board's rules provide that Land Surveyors must adhere to the Arizona Boundary Survey Minimum Standards and with state laws pertaining to the surveyor's area of practice. (A.A.C.R4-30-301 (4) and (13)). The Arizona Boundary Survey Minimum Standards at Section 8 provides standards to ensure that land surveys are properly monumented. Section 13 provides standards to ensure that land surveys are recorded. A.R.S. § 33-105 concerns the requirement that land surveys be recorded. A.R.S. § 33 -105 (A) requires that a survey be recorded within 90 days after its completion.

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SUBSTANTIVE POLICY STATEMENT

The Board interprets the term "subdivision" to mean those land divisions where the plat recording process follows rules and regulations defined by local government entities such as cities and counties. In many such cases, the requirement to set the corner monuments prior to recording the Final Plat cannot be complied with.

Board rule R4-30—301 (4) states "A registrant shall comply with state, municipal, and county laws, codes, ordinances, and regulations pertaining to the registrant's area of practice" and R4-30-301(6) states "A registrant shall apply the technical knowledge and skill that would be applied by other qualified registrants who practice the same profession in the same area and at the same time".

If local subdivision regulations allow for the recording of a subdivision plat without having all of the survey monuments set, an acceptable interim practice would include placing all exterior boundary monuments at the time of filing the preliminary plat and recording a Record of Survey in compliance with state statutes. Interior property corners shall then be monumented as soon as completion of the infrastructure and improvements make it practical to do so. If such monuments should differ from the type described on the Final Plat, a Record of Survey shall be filed showing these differences.

All monuments set shall be under the direct supervision of the surveyor of record. If for any reason the surveyor of record is not available to supervise the setting of the interior corner monuments, subsequent to the recording of the Final Plat, the replacement surveyor shall set monuments with his/her identifying number and a Record of Survey shall be recorded in accordance with the state statutes.

APPLICABLE LAWS

Arizona Revised Statutes § 33-105 (A)

Arizona Administrative Code, Title 4, Chapter 30, R4-30-301

Arizona Boundary Survey Minimum Standards – (adopted by the Board on June 15, 2001 and originally effective in Rules on February 12, 2002.)

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13. DIRECT SUPERVISION FOR SAMPLING AND TESTING

The Board's rules provide that Drug Laboratory Site Remediation firms must adhere to the Drug Laboratory Site Remediation Best Standards and Practices pursuant to A.A.C. R4-30-305. Subsection (C) (1) requires post remediation sample testing, and sampling used to verify that no additional removal or cleaning is required, to be conducted under the direct supervision of a Certified Industrial Hygienist, a Certified Safety Professional, Arizona-registered geologist or an Arizona.

SUBSTANTIVE POLICY STATEMENT

The Board interprets the term "direct supervision," as it applies to the sampling and testing during a drug laboratory remediation. Direct supervision requires the Certified Industrial Hygienist, a Certified Safety Professional, Arizona-registered geologist or an Arizona-registered engineer to provide direct supervisory control of the sampling activities, including designating the sample locations and ensuring that all sampling and testing procedures are followed in accordance with A.A.C. R4-30-305(C). See A.A.C. R4-30-101(3), (9) and (22).

Applicable Laws

Arizona Revised Statutes § 32-101(B)(10)

Arizona Administrative Code, Title 4, Chapter 30, R4-30-305(C)

Issued and effective: January 24, 2012

Filed with the Arizona Secretary of State's Office February 23, 2012

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Arizona Board of Technical Registration Guidelines for Board Complaint Resolution

All Board complaint resolutions are public record. If the Board finds no violations of rule or statute, it will dismiss the Complaint. The Board may take non-disciplinary action for errors not of sufficient seriousness to merit direct disciplinary action against a licensee. The following are guidelines representing the resolution options available to the Board for violations of A.R.S. Title 32, Chapter 1, A.A.C. Title 4, Chapter 30, based upon the nature of the offense or the factual scenarios. The Board is not limited by these guidelines and may select any combination of resolutions found in this chart, which addresses general guidelines of infractions and suggested resolution. **IN THE EVENT OF A CONFLICT BETWEEN THIS DOCUMENT AND THE BOARD ACTION, THE ACTION IMPOSED BY THE BOARD SHALL PREVAIL.**

Letters of Concern are non-disciplinary. All other resolutions listed below are disciplinary actions which must be concluded through a consent agreement or the formal hearing process.

| Level | Errors or Violations of Law | Resolution |
|-------|--|---|
| I | Errors are not of sufficient seriousness to merit direct action against the licensee | <ul style="list-style-type: none"> • Letter of concern |
| II | Violations of law have occurred that do not warrant revocation or suspension of a license. Examples may include ethical violations, violation of any federal or state law/rules relating to the licensee's practice area; engaging in activities that are unprofessional by current standards of practice, including failing to pay collaborating professionals; records violations; practicing while impaired or incapacitated; unintentional misrepresentation or deception. | <ul style="list-style-type: none"> • Letter of Concern • Order for Continuing Education and/or Peer Review • Practice Restrictions • Administrative penalty • Probation • Probation with Restitution • Letter of Reprimand |
| III | Acts of unprofessional conduct; mentally or physically unable to safely engage in practice; and/or psychologically incompetent. This level may include egregious acts of unprofessional conduct. Examples may include ethical violations; commission of a felony or misdemeanor involving moral turpitude; intentional and/or willful fraud, misrepresentation, or deception; violation of any federal or state law/rules relating to the licensee's practice area; violating a formal Board order, consent agreement, or term of probation; gross negligence. | <ul style="list-style-type: none"> • Administrative penalty • Practice Restrictions • Probation with Restitution • Probation with temporary suspension • Summary Suspension • Revoke or suspend license |

This substantive policy statement is advisory only. A substantive policy statement does not include internal procedural documents that only affect the internal procedures of the agency and does not impose additional requirements or penalties on regulated parties or include confidential information or rules made in accordance with the Arizona administrative procedure act. If you believe that this substantive policy statement does impose additional requirements or penalties on regulated parties you may petition the agency under section 41-1033, Arizona Revised Statutes, for a review of the statement.

15. Definition of “Practicing”

The Board’s rule defines “practicing” as offering or performing professional services regulated by the Technical Registration Act (A.R.S. Title 21, Chapter 1) within the State of Arizona. A.A.C. R4-30-101(17).

The Board’s statutes regulate the practice of architecture, A.R.S. § 32-101(8); engineering, A.R.S. § 32-101(17); geology, A.R.S. § 32-101(20); and land surveying A.R.S. § 32-101(27).

Substantive Policy Statement

The Board interprets the definition of “practicing” to exclude a person’s participation in a response to a request for qualifications under all of the following circumstances:

- The request for qualifications is followed by a request for proposals and then final selection;
- The person is licensed by the Board of Technical Registration before the contract is awarded;
- The project is governed by 23 CFR 635.110(F)(2); and
- At the time the response to the request for qualifications is submitted, the person holds a license in good standing from another jurisdiction in a comparable discipline.

Applicable Laws

Arizona Revised Statutes § 32-101(8), (17), (20), and (27).

Ariz. Admin. Code R4-30-101(17).

SUBSTANTIVE POLICY STATEMENT

Subject: Land Surveying Public Records Repositories in Arizona

This substantive policy statement is advisory only. A substantive policy statement does not include internal procedural documents that only affect the internal procedures of the agency and does not impose additional requirements or penalties on regulated parties or include confidential information or rules made in accordance with the Arizona administrative procedure act. If you believe that this substantive policy statement does impose additional requirements or penalties on regulated parties you may petition the agency under Arizona Revised Statutes section 41-1033 for a review of the statement.

ARS § 33-105(A) reads:

“A land surveyor shall file a record of a land survey not later than ninety days after its completion with the county recorder of the county where the land is located if such survey establishes points or lines relating to land boundaries or property lines disclosing:”

ARS § 33-105(A)(1) reads:

“A material discrepancy based on the accuracy requirements of the current survey which, in whole or in part, does not appear on any map or record previously recorded or filed with the county recorder, county engineer, highway division of the department of transportation or the United States bureau of land management.”

Substantive Policy Statement

The Board interprets A.R.S. § 33-105(A)(1) to recognize that the offices of County Recorders and County Engineers, pursuant to A.R.S. § 11-562, the Arizona Department of Transportation, pursuant to A.R.S. Title 28, Chapter 2, Article 5, and the Federal Bureau of Land Management are lawful locations to record public land surveys in Arizona where applicable.

Applicable Law: Arizona Revised Statutes ARS §33-105(A), ARS § 33-105(A)(1), ARS § 11-562, ARS Title 28 Chapter 2 Article 5.

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SUBSTANTIVE POLICY STATEMENT 19

Subject: Multi-pane glazing assemblies as it relates to the Standards of Professional Practice for Arizona Home Inspectors provision 11.2 B.

This substantive policy statement is advisory only. A substantive policy statement does not include internal procedural documents that only affect the internal procedures of the agency and does not impose additional requirements or penalties on regulated parties or include confidential information or rules made in accordance with the Arizona administrative procedure act. If you believe that this substantive policy statement does impose additional requirements or penalties on regulated parties you may petition the agency under Arizona Revised Statutes section 41-1033 for a review of the statement.

The Standards of Professional Practice for Arizona Home Inspectors
provision 11.2 B reads:

“The inspector shall: report signs of water penetration into the building or
signs of abnormal or harmful condensation on building components.”

Substantive Policy Statement

Provision 11.2 B of the Standards of Professional Practice for Arizona Home Inspectors does not apply to the area between panes of glass in multi-pane glazing assemblies as it relates to the presence or absence of moisture or condensation.

Exhaustive evaluation of the interior of multi-pane window assemblies is determined to be cosmetic and outside of the scope of a home inspection. Detection of problems related to the hermetic seal, interior coatings and gases that may or may not be present requires specific expertise. Additionally, the ability to determine the condition of the hermetic seal, interior coatings, and gases present within is highly dependent on climactic conditions, cleanliness of glazing, window screen and window covering obstructions.

Applicable Law

Arizona Administrative Code R4-30-301.01(A)