



State of Arizona
BOARD OF TECHNICAL REGISTRATION

1110 W. Washington Street, Suite 240, Phoenix, Arizona 85007
(602) 364-4930 FAX: (602) 364-4931 <https://btr.az.gov/>

- 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
- Keith Smith, Public Member • Hayley Bohall, Public Member

MINUTES FOR REGULAR SESSION MEETING

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

Tuesday, November 7, 2023 –9:00am

1. **CALL TO ORDER** –The meeting convened at 9:00 a.m., adjourned for a break at 11:07 a.m., reconvened at 11:21 a.m. and adjourned at 1:31 p.m.

2. **ROLL CALL**

PRESENT

Jack Gilmore
Michael Kolejka
Scott Sayles
Dana Klett
William “Bill” Nesgood
Jennifer Hobik, Esq.
Stacy Skankey, Esq.
Hayley Bohall
Keith Smith –left at 12:31 p.m. and returned at 12:33 p.m.

VIRTUAL

Dr. Clinton Campbell

ABSENT

Kileen Lindgren

3. **CALL TO THE PUBLIC**

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-C).

A. Approve, modify and/or reject, September 26, 2023 Board meeting minutes.

Mr. Kolejka moved and Mr. Sayles seconded to approve the September 26, 2023, September 29, 2023 and October 20, 2023 meeting minutes as written; motion carried 10-0.

B. Approve, modify and/or reject, September 29, 2023 Board meeting minutes

See 4(A).

C. Approve, modify and/or reject, October 20, 2023 Board meeting minutes

See 4(A).

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) Baily, Michael – Application for Registration as a Civil Engineer #239707
 - b) Certificate(s) of Experience from non-Professionals
 - 1) Morrison, Brent – Application for Registration as a Chemical Engineer #238669
 - 2) Noone, Richard - Application for Registration as a Civil Engineer #239065
 - 3) Rahman, Md Kalimur – Application for Registration as a Civil Engineer #239589
 - 4) Rosendahl, Paul – Application for Registration as a Mechanical Engineer #239113
 - 5) Schwartz, Andrew – Application for Registration as a Landscape Architect #238611
 - c) Council Records – experience under non-Professionals
 - 1) Brown, Julie – Application for Registration as a Fire Protection Engineer #239790
 - 2) Monahan, Brenden – Application for Registration as a Civil Engineer #239771
 - 3) Rogelstad, Robert – Application for Registration as a Civil Engineer #239754
 - 4) Thai, Charles – Application for Registration as an Electrical Engineer #239887
 - 5) Spencer, Donald – Application for Registration as an Electrical Engineer #238418
 - 6) Zubaidi, Samer – Application for Registration as an Electrical Engineer #239940
 - 7) Alicea, Marian – Application for Registration as an Environmental Engineer #239967
 - 8) Dahl, John – Application for Registration as an Electrical Engineer #239907
 - d) Background Review
 - 1) Cramer, Tyler – Application for Registration as a Civil Engineer #239704
 - 2) Jimenez, Ricardo – Application for Certification as a Home Inspector #239215
 - 3) Lee, Sung – Application for Registration as an Architect #239624
 - 4) Mowry, John – Application for Registration as a Civil Engineer #237352
 - 5) Robillard, Jared – Application for Registration as a Mechanical Engineer #238764
 - 6) Washington, Clay – Application for Registration as an Electrical Engineer #239752
 - 7) Brudz, Adrian – Application for Registration as a Civil Engineer #239891
 - 8) Harrmann, Eric – Application for Registration as an Architect #238631
 - 9) Zelibor, Michael – Application for Registration as a Civil Engineer #239970
 - 10) Gularte, Gabe – Application for Certification as a Home Inspector #239432
 - e) Disciplinary Action Review
 - 1) Drake, Richard – Application for Registration as an Architect #239603
 - 2) King, Daniel – Application for Registration as an Electrical Engineer #239795

- 3) Oroyinyin, Waheed – Application for Registration as an Architect #239550
- f) Multiple Considerations
 - 1) Hawkins, Darryl – Application for Registration as an Architect #239554
 - i. Background Review
 - ii. Disciplinary Action
- 3. Grant Universal Applications for Professional Registration/Certification
 - a) Froeschle, Lynn – Application for Registration as an Architect #239055
 - b) Hielema, Eric – Application for Registration as a Civil Engineer #239701
 - c) Pajak, Nicholas – Application for Registration as a Civil Engineer #239115
- 4. Grant Renewal Registration Application(s)
 - a) Background Review
 - Nothing to consider*
 - b) Disciplinary Action
 - 1) Delph, Kent – Renewal Application for Civil Engineer Registration #30497
 - 2) Ellsworth, David – Renewal Application for Structural Engineer Registration #24470
 - 3) Gilham, Paul – Renewal Application for Civil Engineer Registration #19407
 - 4) Hice, Jonnae – Renewal Application for Civil Engineer Registration #65013
 - 5) Oatman, Collin – Renewal Application for Civil Engineer Registration #52750
 - 6) Reyes, Juan – Renewal Application for Civil Engineer Registration #52934
 - 7) Tompos, Eric – Renewal Application for Civil Engineer Registration #43672
 - 8) Wygoda, Shlomo – Renewal Application for Architect Registration #71739
- 5. Approve Application(s) for Exam Waivers
 - a) Application to waive Fundamental Exam
 - Nothing to consider*
 - b) Application to waive Professional Exam
 - 1) Fagan, Brett – Application to waive PE Civil exam #239933
 - c) Multiple Considerations
 - 1) Yang, Yuhe – Application to waive PE Structural exam #239542
 - i. Council Record – experience under non-Professionals
 - ii. Exam Waiver
 - 2) Klein, Richard – Application to waive PE Civil exam #239417
 - i. Background Review
 - ii. Disciplinary Action
 - iii. Exam Waiver
- 6. Approve Application(s) for Exam Authorization
 - a) Certificate(s) of Experience from non-Professionals
 - 1) Etcheverry, Farrah – Application for FS exam authorization #239054
- 7. Approve Application(s) for In-Training Designation
 - a) Background Review
 - 1) Heaton, Daniel – Application for Engineer-in-Training Designation #238507
 - 2) Berkner, Travis – Application for Engineer-in-Training Designation #239502
- 8. Approve Extension Requests
 - a) Parenteau, John – Application for Registration as a Civil Engineer #239513

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

6. LICENSING MATTERS

Review, discuss and take possible action on the following:

A. Grant Applications for Registration/Certification Dependent Upon Consent Agenda Decision

1. Council Records – experience under non-Professionals

- a) Yang, Yuhe – Application for Registration as a Structural Engineer #239431

Licensing Manager Julie Pham appeared before the Board.

Mr. Sayles moved and Dr. Campbell seconded to grant Mr. Yang's Application for Registration as a Structural Engineer #239431; motion carried 10-0.

B. Board Discussion Regarding Multiple Considerations for Registration

1. Bernhardt, Craig – Application for Registration as a Land Surveyor #238468

- a) Background Review
- b) Failure to comply with previous board order

Applicant Craig Bernhardt and Licensing Manager Julie Pham appeared before the Board.

The Board deliberated and did not take any action.

C. Reconsideration of Administrative Closure

1. Gonani, Frank – Application to waive PE Civil exam pursuant to A.R.S. § 32-126(B)(1)

Applicant Frank Gonani and Licensing Manager Julie Pham appeared before the Board. The Board discussed the matter.

Mr. Sayles moved and Mr. Kolejka seconded to deny reconsideration of administrative closure for Mr. Gonani's application to waive the PE civil exam; motion carried 10-0.

7. CONSIDERATION OF CASES REFERRED FOR FORMAL HEARING

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 7(A).

Nothing to Consider

8. 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 8(A-F).

A. Complaints Proposed for Resolution by Dismissal:

1. P23-109, Michael Daily, Non-Registrant and Michael C. Daily Design Consultants, LLC, Non-Registrant Firm

Investigator Daniel Carthel appeared before the Board. The Board discussed the investigation.

Mr. Kolejka moved and Ms. Skankey seconded to dismiss case #P23-109; motion carried 10-0.

2. UK24-006, Gary Smith, Non-Registrant and Energy Services, LLC, Non-Registrant Firm

Investigator Brandon Eaden appeared before the Board.

Mr. Sayles moved and Ms. Skankey seconded to dismiss case #UK24-006; motion carried 10-0.

3. HI24-008, Chad Casper, C.H.I. #64865 and Pillar to Post Home Inspectors, #20569

Respondent and Investigator Kaitlyn Crawford appeared before the Board.

Mr. Kolejka moved and Mr. Smith seconded to dismiss case #HI24-008; motion carried 10-0.

4. P24-015, Jacob Vinton, P.E. (Structural) #58976 and P.E. (Civil) #11067

Alleger Jeremy Laipple and Enforcement Manager Orlene Loera appeared before the Board.

Ms. Skankey moved and Mr. Sayles seconded to dismiss case #P24-015; motion carried 10-0.

5. P24-017, Amy Heckathorn, P.E. (Structural) #53165

Respondent and Enforcement Manager Orlene Loera appeared before the Board.

Ms. Skankey moved and Ms. Hobik seconded to dismiss case #P24-017; motion carried 10-0.

6. P24-011, Katherine Gardner, P.E. (Chemical) #79248

Respondent, Alleger Keith Olmert and Enforcement Manager Orlene Loera appeared before the Board.

Mr. Sayles moved and Mr. Kolejka seconded to dismiss case #P24-011; motion carried 10-0.

7. P23-091, Al Webb, Non-Registrant

Respondent and Investigator Kaitlyn Crawford appeared before the Board.

Ms. Skankey moved and Dr. Campbell seconded to dismiss case #P23-091; motion carried 10-0.

8. UK24-007, Unknown

Ms. Skankey moved and Ms. Hobik seconded to dismiss case #UK24-007; motion carried 10-0.

B. Complaints Proposed for Resolution with Letter of Concern:

1. HI23-022, Dustin Dixon, C.H.I. #64495

Investigator Daniel Carthel appeared before the Board.

Mr. Smith moved and Mr. Sayles seconded to issue Respondent a Letter of Concern with a recommendation that Respondent review the Arizona Standards of Professional Practice for Home Inspectors; motion carried 10-0.

2. HI23-027, Larry Zink, C.H.I. #68671

Investigator Brandon Eaden appeared before the Board.

Ms. Skankey moved and Ms. Hobik seconded to issue Respondent a Letter of Concern; motion carried 10-0.

3. HI23-017, Ron Dye, C.H.I. #43638

Respondent, Alleger Adam Finn and Investigator Brandon Eaden appeared before the Board.

Mr. Smith moved and Mr. Kolejka seconded to issue Respondent a Letter of Concern; motion carried 10-0.

4. HI23-025, Sean Roberson, C.H.I. #47768

Respondent and Investigator Brandon Eaden appeared before the Board. The Board discussed the investigation.

Mr. Smith moved and Mr. Sayles seconded to issue Respondent a Letter of Concern; motion carried 8-2. Mr. Kolejka and Ms. Skankey voted nay.

C. Complaints Proposed for to Offer Consent Agreement:

1. P23-054, Mark Grim, R.L.S. #51969

Respondent, Investigator Daniel Carthel and Enforcement Manager Orlene Loera appeared before the Board. The Board discussed the investigation.

Ms. Klett moved and Mr. Smith seconded to amend the proposed Consent Agreement to remove the allegation of potentially violating A.R.S. 32-128 (C)(4) through A.A.C. R4-30-301 (13); motion carried 10-0.

2. HI23-037, Michael Nelson, #72994 and Inspections Over Coffee, Chandler, #24865

Respondent, Investigator Daniel Carthel and Enforcement Manager Orlene Loera appeared before the Board. The Board discussed the investigation.

Mr. Kolejka moved and Ms. Klett seconded to offer Respondent the proposed Consent Agreement, and if not signed within 30 days, proceed to a formal hearing; motion carried 6-3. Mr. Nesgood, Ms. Skankey, and Ms. Bohall voted nay. Mr. Smith recused himself from the vote.

3. P24-016, Josphe Zeimet, R.L.S. #45086

Respondent, Respondent's wife Sue Zeimet and Investigator Daniel Carthel appeared before the Board.

Mr. Kolejka moved and Mr. Sayles seconded to modify Respondent's current Consent Agreement to allow for a 6-month extension of time for payments contingent on Respondent fulfilling the terms of the agreement, and after six months, the Board may grant Respondent another extension; motion carried 10-0.

D. Complaints Proposed for Resolution with Letter of Concern and Offer Consent Agreement:

1. HI23-042, Jovan Cirerol, C.H.I. #73583

Respondent and Investigator Kaitlyn Crawford appeared before the Board.

Mr. Kolejka moved and Mr. Sayles seconded to accept Respondent's signed Consent Agreement and issue Respondent a Letter of Concern; motion carried 10-0.

E. Cases to be Forwarded for Possible Criminal Prosecution:

1. P23-081, Christopher Tarango, Non-Registrant

Respondent, Respondent's Counsel Steven Beeghley and Investigator Kaitlyn Crawford appeared before the Board. The Board discussed the investigation.

Ms. Skankey moved and Mr. Smith seconded to not forward this matter for possible criminal prosecution; motion carried 10-0.

F. Review and Consideration for EAC Membership:

1. John Christmann, C.H.I. #74140

The Board reviewed Mr. Christmann's application for EAC membership and requested that Mr. Christmann be available to answer Board questions at the Board's December 5 meeting.

9. 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)-(D). 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 9(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

AAG Scott Donald reported that Division 1 of the Appeals Court has transferred the case to Division 2. Mr. Donald also reported that a briefing schedule has been set by the court and that the first brief will be submitted to the court by the end of January.

B. Board to review and discuss exam allegations received from National Council of Architectural Registration Boards (NCARB)

Mr. Winter reported that Board staff has been in contact with the individual named in the allegations received from NCARB and that a special Board meeting may be convened in the near future regarding the subject.

C. Review of Substantive Policy Statements recommended for reaffirmation or recension based on recommendation from the Legislation and Rules Committee.

The Board tabled review of Substantive Policy Statements to the next Board meeting.

D. Supplemental Rule Package

Mr. Winter reported on the work done by the Home Inspector Rules and Standards Committee and the Legislation and Rules Committee regarding the proposed rulemaking and recent changes made to the proposed rulemaking based on public comments received.

Mr. Kolejka moved and Mr. Sayles seconded to direct Board staff to forward the supplemental rules package to the Arizona Secretary of State office to publish in the Arizona Administrative Register in order to open the public comment period; motion carried 10-0.

10. 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

Mr. Winter reported on the Board's online transition.

11. ASSISTANT ATTORNEY GENERAL'S REPORT

Nothing was discussed.

12. STANDING COMMITTEE REPORTS

A. Legislation and Rules Committee – October 10, 2023

Mr. Winter reported on the Legislation and Rules Committee meeting that was held on October 10, 2023.

B. Home Inspector Rules and Standards Committee –October 3, 2023 & January 17, 2024

Mr. Winter reported on the Home Inspector Rules and Standards Committee meeting that was held on October 3, 2023 and that the committee will hold another meeting in January.

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

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

Mr. Nesgood reported on ASBOG's Annual Meeting that he and Mr. Winter attended in October.

B. Council of Landscape Architectural Registration Boards (CLARB)

Mr. Gilmore reported on CLARB's collaboration with international groups.

C. National Council of Architectural Registration Boards (NCARB)

Nothing was discussed.

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

Mr. Sayles reported on NCEES's discussions regarding continuing education.

E. Council on Licensure, Enforcement and Regulation (CLEAR)

Mr. Winter reported on CLEAR's meeting that he attended in September.

F. The Federation of Associations of Regulatory Boards (FARB)

AAG Scott Donald reported on FARB's annual conference that he attended in October.

G. American Council of Engineering Companies Arizona (ACEC)

Mr. Sayles and Mr. Winter reported on ACEC's conference on Roads and Streets that Mr. Winter attended in November.

14. FUTURE BOARD MEETINGS – December 5, 2023

15. SUGGESTED TOPICS FOR FUTURE MEETING AGENDAS.

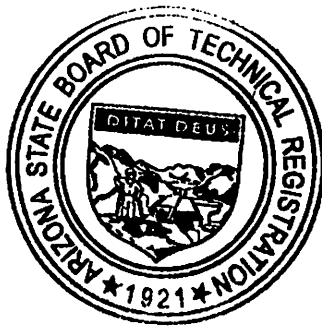
The Board will continue review of Substantive Policy Statements. The Board request that Board staff compile data regarding the frequency of complaints submitted by the same allegor for a discussion regarding registrants using the Board to harass their competitors. The Board also requested a discussion regarding establishing minimum standards and requirements for Enforcement Advisory Members, a discussion on "pay to play" and a discussion clarifying Arizona Boundary Survey Minimum Standards.

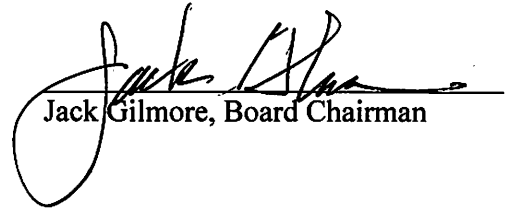
///

///

16. MEETING ADJOURNMENT

Signed this 5 day of December, 2023




Jack Gilmore, Board Chairman


Judith Stapley, Executive Director