

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

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

7 6. Respondent understands this Consent Agreement deals with Board case
8 number HI24-014 involving allegations that Respondent engaged in conduct that would
9 subject him to discipline under the Board's statutes and rules. The investigation into
10 these allegations against Respondent shall be concluded upon the Board's adoption of
11 this Consent Agreement.

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

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

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

26 10. Respondent understands this Consent Agreement is subject to the approval of
27 the Board and is effective only when accepted by the Board and signed on behalf of the
28 Board. If the Board does not accept this Consent Agreement, the Board retains its

1 authority to hold a formal administrative hearing pursuant to A.R.S. § 32-128(E). In the
2 event that the Board does not approve this Consent Agreement, it shall be withdrawn and
3 of no evidentiary value and shall not be relied upon nor introduced in any action by any
4 party, except that the parties agree that should the Board reject this Consent Agreement
5 and this case proceeds to hearing, Respondent shall assert no claim that the Board was
6 prejudiced by its review and discussion of this document or any records relating thereto.

7 11. Respondent understands if a court of competent jurisdiction rules that any
8 part of this Consent Agreement is void or otherwise unenforceable, the remainder of the
9 Consent Agreement shall remain in full force and effect.

10 12. Respondent understands that any violation of this Consent Agreement may
11 result in disciplinary action, including suspension or revocation of the registration under
12 A.R.S. § 32-150.

13 13. Respondent agrees that the Board will adopt the following Findings of Fact,
14 Conclusions of Law and Order.

15 **FINDINGS OF FACT**

16 1. The Board is the duly constituted authority for the regulation and control of
17 the practice of Certified Home Inspection in the State of Arizona.

18 2. Respondent is the holder of Certified Home Inspector Registration No.
19 70711, which was issued by the Board on January 17, 2020 and expired on January 17,
20 2023.

21 3. On or about September 13, 2023, the Board received a complaint regarding a
22 home inspection conducted by Respondent in Queen Creek, AZ while his home inspector
23 certification was expired.

24 4. On or about November 9, 2023, Respondent provided a written response to
25 the allegations in which he acknowledged the expired registration and reported that it was
26 an administrative oversight.

27 5. On or about November 13, 2023, Respondent's home inspector certification
28 No. 70711 was renewed.

1
2 **CONCLUSIONS OF LAW**

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

4 2. The conduct alleged in the Findings of Fact constitutes grounds for discipline
5 pursuant to A.R.S. § 32-127(D) and A.R.S. § 32-145(1), in that Respondent may have
6 engaged in the practice of Home Inspection while his certification was in an expired
7 status.

8 **ORDER**

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

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

13 2. ADMINISTRATIVE PENALTY. Within thirty (30) days from the
14 effective date of this Consent Agreement, Respondent shall pay an administrative penalty
15 of Two Hundred and Fifty Dollars (\$250.00) by certified check or money order made
16 payable to the State of Arizona Board of Technical Registration.

17 3. COST OF INVESTIGATION. Within thirty (30) days from the effective
18 date of this Consent Agreement, Respondent shall pay the cost of investigation of this
19 case to the Board in the amount of One Hundred and Ten Dollars (\$110.00) by certified
20 check or money order made payable to the State of Arizona Board of Technical
21 Registration.

22 4. OBEY ALL LAWS. Respondent shall obey all federal, state, and local
23 laws as well as all rules governing the practice of Home Inspection in the State of
24 Arizona. The Board shall consider any violation of this paragraph to be a separate
25 violation of the rules and statues governing the Arizona Board of Technical Registration.

26 5. RENEWAL OF REGISTRATION. Respondent shall timely renew his
27 Arizona registration as a Certified Home Inspector, and timely pay all required
28 registration fees.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

ORIGINAL filed this 6th day of

December, 2023, 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 0952 33 and
First Class mail this 6th day of December, 2023, to:

Michael McGarry
12110 South Tomi Drive
Phoenix, AZ 85044

By: Katelyn Crawford