

NOTICE OF FINAL PROPOSED RULEMAKING
TITLE 4. PROFESSIONS AND OCCUPATIONS
CHAPTER 30. BOARD OF TECHNICAL REGISTRATION

PREAMBLE

<u>1. Article, Part, or Section Affected</u>	<u>Rulemaking Action</u>
R4-30-102	Amend
R4-30-201	Amend
R4-30-202	Amend
R4-30-204	Amend
R4-30-247	Amend
R4-30-301	Amend
R4-30-301.01	Amend

2. Citations to the agency’s statutory rulemaking authority to include the authorizing statute (general) and the implementing statute (specific):

Authorizing statutes: §§ 32-106, 32-111, and 32-121

Implementing statutes: §§ 32-101, 32-122.02

4. Previous notices that appeared in the *Register* concerning this final rule:

Notice of Rulemaking Docket Opening: Volume 29, Issue 4. January 2, 2023

Notice of Proposed Rulemaking: Volume 29, Issue 24. June 16, 2023

Notice of Supplemental Rulemaking: Volume 29, Issue 48. December 1, 2023

5. The name and address of agency personnel with whom persons may communicate regarding the rule:

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6. An agency's justification and reason why a rule should be made, amended, repealed or renumbered, to include an explanation about the rulemaking:

The Agency proposes to amend its rules to replace the requirement that a parallel inspector provide a signed affidavit, requiring a notary, with a less burdensome requirement to provide a signed affirmation, which does not require a notary, in A.A.C. R4-30-102(2). This amendment will expedite the time in which a home inspector applicant may apply to the Board and save parallel inspectors the time and money required to have an affidavit notarized. Additionally, the agency proposes to amend its rule to reduce the number of years a home inspector cannot perform a parallel inspection after receiving disciplinary action from the Board from three years to one year, as the industry has opined that three years is excessive and does not help protect the public.

The Agency proposes to add additional language to A.A.C. R4-30-247(C)(4) clarifying that a home inspector applicant need only provide a detailed explanatory statement regarding disciplinary action, license denial, or a conviction if it occurred within the last five years immediately preceding the application. This would reduce, and possibly eliminate, wait time for applicants with denial, conviction, or license denial history over five years old. Currently, applicants who have criminal/disciplinary history, no matter how old, must go before the Board for consideration of their application.

The Agency proposes to move language regarding the Home Inspector Pool and Spa Standards from A.A.C. R4-30-247(B) to A.A.C. R4-30-301.01 as the standards are directly related to the professional conduct of home inspectors.

The Agency proposes to update the Standards of Professional Practice adoption date under R4-30-301.01(A) and reference the most current standards. The standards currently referenced are over 20 years old. By adopting the new standards, the Board's Practice Act

will align with contemporary industry standards. In light of this, the Board wishes to adopt through incorporation the most current home inspector standards adopted on October 27, 2023 (amend R4-30-301.01).

The Agency proposes to add section (5) to R4-30-301.01(B) stipulating that a home inspector cannot perform or offer to perform a home inspection for a client while also acting as the client's real estate agent or broker. Board member and home inspector committee members have opined that a home inspector acting as both a home inspector and real estate professional for the same home buying client is a conflict of interest and of concern for public health, welfare, and safety.

The Agency proposes to add additional language clarifying that an applicant for professional registration and in-training designation need only provide a detailed explanatory statement regarding disciplinary action, license denial, or a conviction if it occurred within the last five years immediately preceding the application. This would match the language the Board proposed for home inspector applicants in its Proposed Rulemaking (amend R4-30-201 and 202).

The Board plans to move onto an e-licensing system at the beginning of 2024. This will necessitate all applicants and registrants submit and maintain a current email with the Board for both access to the Board's e-licensing platform and efficient communication with the Board. Therefore, the Board requires an amendment to its rules so that all applicants and registrants must submit and keep current an email with the Board (amend R4-30-201, 202 and 301).

To be consistent with national standards, the Board would like to reduce the need for Board approval for exam authorization to take the engineer and land surveyor fundamental examinations and allow 'auto-approval' for fundamental examination authorization applicants who meet the Board's current auto-approval criteria (amend R4-30-202 and 204).

The examination national councils in which the Board holds membership removed

terminology regarding ‘rolling-clocks’ for exam application closure. The term ‘rolling-clock’ indicates a period of time in which an applicant’s exam results remain acceptable. To be consistent with national standards and eliminate unnecessary limitations on acceptable test results, the Board asks to amend its rules regarding ‘rolling clocks’ (amend R4-30-204).

7. A reference to any study relevant to the rule that the agency reviewed and proposes either to rely on or not to rely on in its evaluation of or justification for the rule, where the public may obtain or review each study, all data underlying each study, and any analysis of each study and other supporting material:

The Board did not conduct a study relevant to the rule(s). Comments from the home inspector industry discussed during the Board’s home inspector rules and standards committee and commenter received from the engineer and architect associations of Arizona lead to the Board’s justification and request to amend its rules.

8. A showing of good cause why the rulemaking is necessary to promote a statewide interest if the rulemaking will diminish a previous grant of authority of a political subdivision of this state:

Not applicable.

9. The preliminary summary of the economic, small business, and consumer impact:

The amendment to R4-30-102 may have a positive economic impact for newly licensed home inspectors by reducing their wait time for signed parallel inspector affirmations and increasing the number of available parallel inspectors, and thereby allowing them to begin their home inspection careers earlier. Additionally, parallel inspectors would no longer need to seek out and pay for notary services and would no longer have to wait three years to perform parallel inspections, an economic benefit to the parallel inspector, after receiving disciplinary action.

The amendment to R4-30-247 may have a positive economic impact for newly licensed home inspectors with older past offenses because they may no longer have to wait for Board review of their applications and therefore begin their home inspection careers earlier.

The amendment and additions to R4-30-301.01 will benefit consumers. Referencing newly adopted standards that are contemporary with current industrial standards and adding additional language stipulating a home inspector cannot offer a home inspection to a client while also acting as the client's real estate professional will help the Board in its mission to protect the health, safety, and welfare of the public.

10. Changes made to the rules between proposed and final rules including all supplemental notices:

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11. Summarize the principal comments received from the public and your agency's response to them:

The principle comments were regarding the new home inspector standards. The agency's response was to have all comments reviewed by the Home Inspector Rules and Standards Committee for any changes based upon the comments. Changes were made and this led to the supplemental rule package.

12. All agencies shall list other matters prescribed by statute applicable to the specific agency or to any specific rule or class of rules. Additionally, an agency subject to Council review under A.R.S. §§ 41-1052 and 41-1055 shall respond to the following questions:

a. Whether the rule requires a permit, whether a general permit is used and if not, the reasons why a general permit is not used:

Not applicable.

b. Whether a federal law is applicable to the subject of the rule, whether the rule is

more stringent than federal law and if so, citation to the statutory authority to exceed the requirements of federal law:

Not applicable.

c. Whether a person submitted an analysis to the agency that compares the rule's impact of the competitiveness of business in this state to the impact on business in other states:

No one submitted an analysis to the Board regarding these rules.

13. A list of any incorporated by reference material as specified in A.R.S. § 41-1028 and its location in the rules:

Added as part of the rulemaking are the following incorporations by reference:

1. Arizona Chapter of American Home Inspectors "Standards of Professional Practice" adopted on October 27, 2023, located under R4-30-301.01(A).
2. Arizona Home Inspector Pools and Spas Standards of Professional Practice adopted on April 25, 2023, located under R4-30-301.01(B).

14. Specify whether the rule was previously made as an emergency rule:

The rule was not previously made as an emergency rule.

15. The full text of the rules follows:

TITLE 4. PROFESSIONS AND OCCUPATIONS

CHAPTER 30. BOARD OF TECHNICAL REGISTRATION

ARTICLE 1. GENERAL PROVISIONS

R4-30-102. Home Inspection Definitions

ARTICLE 2. REGISTRATION PROVISIONS

R4-30-201. Registration as an Architect, Engineer, Geologist, Landscape Architect, or Land
Surveyor

R4-30-202. In-training Designation

R4-30-204. Examinations

R4-30-247. Home Inspector Certification

ARTICLE 3. REGULATORY PROVISIONS

R4-30-301. Rules of Professional Conduct

R4-30-301.01. Home Inspector Rules of Professional Conduct

ARTICLE 1. GENERAL PROVISIONS

R4-30-102. Home Inspection Definitions

The following definitions apply to home inspection requirements in this Chapter:

1. “Parallel Inspection” means a home inspection completed by an applicant during the application process that is supervised by a certified home inspector acting as the Parallel Inspector, in the presence of no more than three other applicants. The applicant shall produce a written report for each Parallel Inspection, which the supervising certified home inspector, serving as the Parallel Inspector, shall review, analyze, correct, and return to the applicant within 10 calendar days after receiving the written report. The Parallel Inspector shall notate and instruct the applicant so that each report meets the Standards of Professional Practice for Arizona Home Inspectors. The applicant shall not perform any fee-paid Home Inspections during this Parallel Inspection period.
2. “Parallel Inspector” means an Arizona Certified Home Inspector who performs parallel inspections for a home inspector applicant so that the applicant can obtain a certification to conduct home inspections. A Parallel Inspector shall be in good standing with the Board and shall not have received any disciplinary action from the Board within the preceding ~~three~~ years-year. The Parallel Inspector shall have been continuously certified by the Board as a Home Inspector for at least three years and shall have conducted at least 250 fee-paid home inspections in the State of Arizona. The Applicant shall provide a signed ~~Affidavit~~ affirmation from the Parallel Inspector affirming that the Parallel Inspector has met this criteria to the Board with the application for certification.
3. “Peer Review” means a home inspection performed alongside a supervising Peer Reviewer in order to comply with the terms of Board ordered discipline. The Arizona Certified Home

Inspector subject to Board ordered discipline shall, at the conclusion of each Peer Review, submit a written Home Inspection Report to the Peer Reviewer for analysis and review. The Peer Reviewer shall notate and instruct the Arizona Certified Home Inspector subject to Board ordered discipline in order for the report to meet the Standards of Professional Practice for Arizona Home Inspectors. The Arizona Certified Home Inspector subject to Board ordered discipline shall not perform any fee-paid Home Inspections during this Peer Review period.

4. “Peer Reviewer” means an Arizona Certified Home Inspector performing peer review inspections for a home inspector subject to Board ordered discipline so that inspector can fulfill the terms of the ordered discipline. A Peer Reviewer shall be in good standing with the Board and shall not have received any disciplinary action from the Board within the preceding three years. The Peer Reviewer shall have been continuously certified by the Board as a home inspector for at least five years and shall have conducted at least 250 fee-paid home inspections in the State of Arizona. The Arizona Certified Home Inspector subject to Board ordered discipline shall provide the Board with a signed ~~Affidavit~~ affirmation from the Peer Reviewer affirming that the Peer Reviewer has met these criterion at the conclusion of each peer review inspection.
5. “Report Checklist Supplement” a tool designed to assist home inspector applicants, parallel inspectors, peer reviewers, application reviewers, enforcement advisory evaluators and certified home inspectors when reviewing or filling out an application for home inspector certification and a home inspection report. The “Report Checklist Supplement” is not a substitute for the current version of the “Standards of Professional Practice.”

ARTICLE 2. REGISTRATION PROVISIONS

R4-30-201. Registration as an Architect, Engineer, Geologist, Landscape Architect, or Land Surveyor

A. An applicant for registration as an architect, engineer, geologist, landscape architect, or land surveyor shall submit a completed application package for professional registration that contains the following:

1. Evidence of successful completion of the current national professional examination or waiver of the examination pursuant to A.R.S. § 32-126 and R4-30-203 in the category, and branch if applicable, for which registration is sought. Applicants shall arrange to have their examination results sent directly to the Board from the applicable testing agency holding the examination results;
2. Name, residence address, mailing address if different from residence, email and telephone number, of the applicant;
3. Date of birth and social security number of the applicant;
4. Citizenship or legal residence of the applicant;
5. Category, and branch of engineering if applicable, for which the applicant is seeking registration;
6. A detailed explanatory statement and documentation, regarding:
 - a. Any disciplinary action, including suspension and revocation, taken by any state or jurisdiction on any professional or occupational registration, certification, or license held by the applicant in any state or jurisdiction, within five years before the date of application;
 - b. Refusal of any professional or occupational registration, certification, or license to the

- applicant by any state or jurisdiction, within five years before the date of application;
- c. Any pending disciplinary action in any state or jurisdiction on any professional or occupational registration, certification, or license held by the applicant;
 - d. Any alias or other name used by the applicant; and
 - e. Any conviction of the applicant for a felony or misdemeanor, other than a minor traffic violation, within five years before the date of application.
7. State or jurisdiction in which the applicant holds any other professional or occupational registration, certification, or license, type of registration, certification or license number, year granted, how registration, certification, or license was granted (by examination, education, experience, or reciprocity);
 8. State or jurisdiction in which the applicant has pending an application for any type of professional or occupational license, registration, or certification, type of license, registration or certification being sought, and the status of the application;
 9. Name, mailing address, years attended, graduation date, major, and type of degree received from each college, university, or educational institution the applicant attended;
 10. Certified transcripts sent directly to the Board from the registrar of each college, university, or educational institution the applicant attended, unless previously provided to the Board pursuant to R4-30-204;
 11. Name, current address, and telephone number of the applicant's current and former employers (the names of companies within the last ten-year period) in the category for which registration is sought; dates of employment; applicant's title; description of the work performed; and number of hours worked per week, unless previously provided to the Board pursuant to R4-30-204;

12. Names and addresses of immediate supervisors in past and present employment in the category for which registration is sought. An applicant who has been working in the category for which registration is sought for 10 or more years shall provide the names and address of all immediate supervisors during the most recent ten-year period. If an applicant cannot supply the names and addresses of supervisors for at least three engagements, the applicant shall provide to the Board a written, sworn statement explaining the inability to provide this information, and the names and addresses of three professional references, unrelated to the applicant, at least two of whom are registered in the category for which registration is sought, unless previously provided to the Board pursuant to R4-30-204;
13. A release authorizing the Board to investigate the applicant's education, experience, moral character, and repute;
14. Certificate of Experience Report from the applicant's present and past immediate supervisors. The applicant shall also provide Certificate of Experience Record from additional professional references as required by the Board. The applicant shall provide the name, address, and telephone numbers of all references. The applicant shall ensure that completed reference forms are provided to the Board, but the Board must receive them directly from the reference;
15. Evidence of successful completion, or waiver by the Board, of the applicable fundamentals examination. An applicant for registration who has successfully completed a fundamentals examination in another jurisdiction in the category for which registration is sought equivalent to the examination for that category administered in Arizona shall submit proof of examination directly from the authority that administered the original

examination. An applicant seeking professional registration as an engineer, geologist or land surveyor shall pass the applicable fundamentals examination before admission to the professional examination. An applicant seeking professional registration as a geologist may take the fundamentals examination on the same day;

16. Certification that the information provided to the Board is accurate, true and complete; and

17. The applicable fee.

- B.** If an applicant does not have the required education and experience for registration, the Board may, upon request of the applicant, hold the application for a period of time that does not exceed one year from the date the application is filed with the Board. All time-frames adopted pursuant to Title 41, Chapter 6, Article 7.1 are suspended during the above-referenced time.
- C.** An applicant holding a certificate of qualification issued by one of the national examination councils recognized in R4-30- 203(B) shall arrange to have the record forwarded to the Board by the national registration body. If the forms provided by the national examination council contain all the information described in A.R.S. § 32-122.01 and subsection (A), the Board may accept the forms in lieu of requiring the applicant to furnish the information directly to the Board.
- D.** The Board staff shall review all applications and, if necessary, refer completed applications to an evaluator deemed qualified by the board and chosen from the pool of enforcement advisory committee members for evaluation. If the application for registration is complete and in the proper form and the Board staff or the evaluator is satisfied that all statements on the application are true and that the applicant is eligible in all other aspects to be registered in

the field for which the application was filed, the Board staff or evaluator shall recommend that the Board certify the applicant as eligible for registration. If for any reason the Board staff or the evaluator is not satisfied that all of the statements on the application are true or that the applicant is eligible in all respects for registration, the Board staff shall make a further investigation of the applicant. The Board staff and evaluator shall submit recommendations to the Board for approval. The Board may also require an applicant to submit additional oral or written information if the applicant has not furnished satisfactory evidence of qualifications for registration.

- E. The Board may accept documentation that an applicant has passed a written national examination in the area for which registration is sought from a national council of which the Board is a member.
- F. The Board shall not accept an application for registration renewal unless the applicant has responded to the questions on the application relating to good moral character and other misconduct and signed the application for renewal. The Board shall return an incomplete application to the applicant which may result in assessment of a delinquent renewal fee.
- G. An applicant may withdraw an application for registration by written request to the Board. Any fee paid by the applicant is non-refundable. If an applicant withdraws an application, the Board shall close the file. An applicant whose file has been closed and who later wishes to apply for professional registration shall submit a new application package to the Board pursuant to R4-30-201 and R4-30-202.

R4-30-202. In-training Designation

- A. An applicant for in-training designation shall submit an original completed in-training application package that contains the following:

1. Category for which the applicant is seeking an in-training designation
 2. Evidence of successful completion, or waiver by the Board, of the current fundamentals examination in the category ~~and branch, if applicable,~~ for which in-training designation is sought;
 3. ~~The applicable fee.~~ Information regarding any conviction for a felony or misdemeanor, other than a minor traffic violation, within five years before the date of application;
 4. Any alias or other name used by the applicant; and
 5. The information set forth in subsections ~~(B)(1) (B)(2)~~ through (9); ~~and~~
- B.** An examination applicant who wants to sit for a fundamentals examination who does not possess an educational degree recognized by the applicable national council or who is not in the final year of a degree program recognized by the applicable national council shall submit an original completed exam authorization application to the Board, and provide the following:
1. Name of the fundamental examination the applicant wishes sit for;
 2. Name, residence address, mailing address if different from residence, email and telephone number of the applicant;
 3. Date of birth and social security number of the applicant;
 4. Citizenship or legal residence;
 4. ~~Category, and branch of engineering if applicable, for which the applicant is seeking an in-training designation.~~
 5. ~~Information regarding any conviction for a felony or misdemeanor, other than a minor traffic violation, and any alias or other name used by the applicant;~~
 6. Name, mailing address, years attended, graduation date, major, and type of degree

received from each college, university, or educational institution that the applicant attended;

76. Certified transcripts sent directly to the Board from the registrar of each college, university, or educational institution the applicant attended;

87. A release authorizing the Board to investigate the applicant's education, experience, moral character, and repute;

98. Certification that the information provided to the Board is accurate, true, and complete.

9. The applicable fees.

C. If otherwise qualified, the Board shall permit an applicant for in-training designation to take the fundamentals examination in the final year of a baccalaureate, masters, or other degree program ~~accepted~~ that is not recognized by the Board applicable national council and accredited in the category for which the application is made. The applicant shall have the application form endorsed by the applicant's college dean or faculty advisor, or, if already a graduate, may arrange to have a final transcript, indicating the degree awarded, sent directly from the registrar to the Board, in lieu of the endorsement.

D. The Board shall permit an applicant ~~for in-training designation~~ without an accredited college degree or who is not in the final year of a degree program recognized by the applicable national council to take the fundamentals examination after submitting to the Board evidence of four years of satisfactory experience or education or both. The applicant shall provide the name, current address, and telephone number of all current and former employers; names of all supervisors and their titles; dates of employment; applicant's title, and a description of the work performed. The applicant shall provide Certificate of Experience Record and Reference Forms to immediate supervisors at present and past employers. The applicant shall ensure the

completed reference forms are submitted to the Board. The applicant shall meet all other requirements of this Section.

R4-30-204. Examinations

A. Board Review For Authorization to Test: Applicants who wish to sit for professional examination who do not possess an educational degree recognized by the applicable national council shall submit to the Board the following information for approval:

1. Name, residence address, mailing address if different from residence, email and telephone number;
2. Date of birth and Social Security number;
3. Proof of citizenship or legal residence;
4. Category, and branch of engineering if applicable;
5. Name, mailing address, years attended, graduation date, major, and type of degree received from each college, university, or educational institution attended;
6. Certified transcripts sent directly to the Board from the registrar of each college, university, or educational institution attended;
7. Evidence of at least 60 months of required education or experience, or both, in the category for which registration is sought.
 - a. The name, current address, and telephone number of the applicant's current and former employers in the category for which registration is sought;
 - b. Dates of employment;
 - c. Applicant's title;
 - d. Description of work performed; and
 - e. Number of hours worked per week;

8. Names and current addresses of applicant's current and former employers (the names of companies within the last ten year period) in the category for which registration is sought. If an applicant cannot supply the names and addresses of supervisors for at least three engagements, the applicant shall provide to the Board a written, sworn statement explaining the inability to provide this information, and the names and addresses of three additional references, unrelated to the applicant, at least two of whom are registered in the category for which registration is sought;
9. A release authorizing the Board to investigate the applicant's education and experience;
10. Certificate of Experience Report from the applicant's present and past immediate supervisors. The applicant shall also provide Certificate of Experience Record and Reference Forms from additional professional references as required by the Board. The applicant shall provide the name, address, and telephone numbers of all references. The applicant shall ensure that the Board receives these Reports directly from the reference;
11. Evidence of successful completion, or waiver by the Board, of the applicable fundamentals examination. An applicant who has successfully completed a fundamentals examination in another state or jurisdiction in the category for which registration is sought equivalent to the examination for that category administered in Arizona shall submit proof of examination directly from the authority that administered the original examination. An applicant seeking professional registration as an engineer, geologist, or land surveyor shall pass the applicable fundamentals examination before admission to the professional examination. An applicant for registration as a geologist may take the in-training examination on the same date as the professional examination;
12. Certification that the information provided to the Board is accurate, true, and complete;

and

13. The applicable fees.

14. In addition to the above requirements, an applicant who does not possess education required for direct access to the NCARB Architect Registration Examination (ARE) shall provide the Board with 60 months of a diversity of experience directly related to the practice of architecture and of a character satisfactory to the Board, in each of the following categories, in order to obtain Board authorization to sit for the required registration examination:

- a. Practice Management. The experience obtained in this category shall demonstrate abilities to manage architectural practice, including professional ethics, fiduciary responsibilities, and the regulations governing the practice of architecture. The experience obtained shall focus on issues related to pre-contract tasks including negotiation, human resource management, and consultant development. Applicants shall demonstrate an understanding of and abilities in business structure, business development, and asset development and protection.
- b. Project Management. The experience obtained in this category shall demonstrate abilities to manage architectural projects, including organizing principles, contract management, and consultant management. The experience shall focus on issues related to office standards, development of project teams, and overall project control of client, fee, and risk management. Experience shall demonstrate an understanding of and abilities in quality control, project team configuration, and project scheduling. In addition, the experience shall demonstrate the ability to establish and deliver project services per contractual requirements in collaboration with consultants.

- c. Programming and Analysis. The experience obtained in this category shall demonstrate abilities related to the evaluation of project requirements, constraints, and opportunities. The experience shall focus on issues related to programming, site analysis, and zoning and code requirements and demonstrate an understanding of and abilities in project type analysis, the establishment of qualitative and quantitative project requirements, evaluation of project site and context, and assessment of economic issues.
- d. Project Planning and Design. The experience obtained in this category shall demonstrate abilities to assess objectives related to the preliminary design of sites and buildings. The experience shall focus on issues related to the generation or evaluation of design alternatives that synthesize environmental, cultural, behavioral, technical and economic issues. The experience shall demonstrate an understanding of and abilities in design concepts, sustainability/ environmental design, universal design, and other forms of governing codes and regulations.
- e. Project Development and Documentation. The experience obtained in this category shall demonstrate objectives related to the integration and documentation of building systems, material selection, and material assemblies into a project. The experience shall focus on issues related to the development of design concepts, evaluation of materials and technologies, selection of appropriate construction techniques, and appropriate construction documentation. The experience shall demonstrate an understanding of and abilities in integration of civil, structural, mechanical, electrical, plumbing, and specialty systems into overall project design and documentation.
- f. Construction and Evaluation. The experience obtained in this category shall

demonstrate objectives related to construction contract administration and post-occupancy evaluation of projects. The experience shall focus on issues related to bidding and negotiation processes, support of the construction process, and evaluation of completed projects. The experience shall demonstrate an understanding of and abilities in construction contract execution, construction support services (including construction observation and shop drawing or submittal review), payment request processing, and project closeout. In addition, candidates shall also demonstrate an understanding and abilities in project evaluation of integrated building systems and their performance.

B. The Board staff shall review all applications and, if necessary, refer completed applications to an evaluator who meets qualifications approved by the Board for evaluation. If the application for examination is complete and in the proper form and the Board staff or the evaluator is satisfied that all statements on the application are true and that the applicant is eligible to take the examination, the Board staff or evaluator shall recommend that the Board certify the applicant as eligible to take the examination. If for any reason the Board staff or evaluator is not satisfied that all of the statements on the application are true or that the applicant is eligible in all respects for examination, the Board staff shall make a further investigation of the applicant.

C. National Council Examinations:

1. Applicants ~~for architect, landscape architect, engineer, or land surveyor registration~~ who wish to sit for a fundamental or professional examination, and who have earned an educational degree recognized by the applicable national council may apply directly to the applicable national council to take that exam. Applicants who wish to sit for a

fundamental examination who are in the final year of a degree program recognized by the applicable national council may apply directly to the applicable national council to take that exam.

2. Applicants not possessing the appropriate degree pursuant to subsection (C)(1) may apply to the Board for examination approval and after Board review, the Board may recommend them to the applicable national council for entry into the applicable national examination. Applicants shall meet all national council requirements for successful completion of applicable examinations.
3. An applicant for ~~professional~~ examination in any category shall take and pass the examination or at least one division of a multi-divisional examination within one year after receiving approval. If an applicant fails to take and pass an examination within one year after receiving approval, the applicant shall submit a new application for ~~professional~~ examination authorization to the Board.
4. ~~An applicant who has failed any division of a national multi-divisional examination shall be required to meet the applicable national council's requirements for successful completion of the examination.~~
5. ~~Examinations administered by a national council of which the Board is a member, or a professional association approved by the Board, shall be given at the times and places determined by the testing agency. Once approved to sit for a non-Board-administered examination, the applicant shall communicate all questions and concerns regarding extensions, additional time, special accommodation, reexamination, exam review and refunds to the applicable testing agency. The Board shall not refund any examination fee paid to a testing agency.~~

~~6. The Board shall close an examination authorization file for multi-divisional national examination if the applicant fails to pass all divisions of the applicable examination within five years after first passing any division of the examination unless the Board approves an extension.~~

D. Board Administered Examinations:

1. An examination administered by the Board shall be given at the times and places determined by the Board. Once the Board approves an applicant to sit for a Board-administered examination, shall take and pass the examination within one year from making the request to test unless the Board grants an extension. The applicant shall communicate all questions and concerns regarding extensions, special accommodations and refunds to the Board. The applicant shall make any request for additional time or other special examination accommodation to the Board within a reasonable time before the examination date.
2. An applicant who fails to achieve a passing grade on any examination administered by the Board may request reexamination by notifying the Board in writing of the applicant's desire to retake the examination and paying the applicable examination fee. An applicant who retakes any examination shall advise the Board of any changes in the information provided under subsection (A) of this Section and R4-30-202(B) within 30 days from the date of the change. The Board shall close an applicant's file if the Board does not receive written confirmation from the applicant of the applicant's desire to retake and pass the Board-administered examination within one year from the request for reexamination. An applicant whose file has been closed and who later wishes to apply for examination shall submit a new examination application package to the Board.

3. An applicant for a Board-administered examination who wishes to review the applicant's examination scores shall file a written request with the Board within 30 days after receiving notification of the failing grade. The applicant may review an examination by making prior arrangements with the staff and paying the applicable fee. The applicant shall complete any review within 60 days of the request for a review. In reviewing multiple choice questions, an applicant may review only those questions that were incorrect.
4. An applicant who desires a regrade of a Board administered examination shall file a written request with the Board within 30 days after receiving notification of the failing grade or within 30 days after reviewing the examination, whichever is applicable, and pay the applicable fee. The applicant shall identify the questions to be reviewed. The applicant shall state why a review of the item is justified. The applicant shall provide specific facts, data, and references to support any assertion that the solution deserves more credit. The Board shall determine whether it will regrade the examination.

R4-30-247. Home Inspector Certification

- A. An applicant for certification as a home inspector shall submit an original completed application package that contains the following:
 1. Evidence of successful completion, within two years before the date of application, of the National Home Inspector Examination as administered by the Examination Board of Professional Home Inspectors;
 2. The information in ~~subsections~~ subsection (B) and (C);
 3. A completed fingerprint card;
 4. Applicable fees;

5. Evidence of successful completion of 84 hours of classroom training or an equivalent course conducted by an educational facility that is licensed by the Arizona State Board for Private Postsecondary Education, or accredited by the Distance Education Accrediting Commission, or by an accrediting agency approved by the United States Department of Education. The course of study shall encompass all of following major content areas:
 - a. Structural Components,
 - b. Exterior,
 - c. Roofing,
 - d. Plumbing,
 - e. Heating,
 - f. Cooling,
 - g. Electrical,
 - h. Insulation and Ventilation,
 - i. Interiors,
 - j. Fireplaces and Solid Fuel-Burning Devices,
 - k. Swimming Pools & Spas, and
 - l. Professional Practice;
6. Evidence of completion of 30 parallel inspections. The 30 parallel inspections and home inspection report shall meet the standards in R4-30-301.01 and be retained by the applicant for at least two years from the date of application. The applicant shall conduct these inspections on separate residential dwelling units and shall list them on a log provided by the Board. The log shall include, with respect to each inspection,

the address of the property, the date of the inspection, and the name and certification number of the supervising home inspector. The Board may hold the applicant's package for a period of one year based solely on the need for time to permit the applicant to complete the required parallel inspections. All time frames promulgated under A.R.S. Title 41, Chapter 6, Article 7.1 are suspended during this period.

~~**B.** A certified home inspector is not required to inspect a pool and/or spa as part of a home inspection. If a certified home inspector conducts a pool and/or spa inspection, it shall be conducted in accordance with the "Standards of Professional Practice for the Inspection of Swimming Pools & Spas for Arizona Home Inspectors," ("Standards") adopted and published by the Board on February 28, 2012. Copies of the Standards are available at the Board's office.~~

~~**CB.** The application package shall contain the following:~~

- ~~1. Name, residence address, mailing address if different from residence address, email and telephone number;~~
- ~~2. Date of birth and Social Security number of the applicant;~~
- ~~3. Citizenship or legal residence;~~
- ~~4. A detailed explanatory statement regarding:
 - ~~a. Any disciplinary action, including suspension and revocation, taken by any state or jurisdiction on any professional or occupational registration, license, or certification held by the applicant in any state or jurisdiction, within five years before the date of application;~~
 - ~~b. Refusal of any professional or occupational registration, license, or certification by any state or jurisdiction, within five years before the date of application;~~~~

- c. Any pending disciplinary action in any state or jurisdiction on any professional or occupational registration, license, or certification held by the applicant;
 - d. Any alias or other name used by the applicant;
 - e. Any conviction for a felony or misdemeanor, other than a minor traffic violation, within five years before the date of application.
5. Documentation of absolute discharge from sentence at least five years before the date of application if an applicant has been convicted of one or more felonies; evidence of having a valid fingerprint clearance card issued pursuant to Title 41, Chapter 12, Article 3.1;
 6. State or jurisdiction in which any professional or occupational registration, license or certification is held; type of registration, license, or certification; number; year granted, and how registration, license, or certification was granted (that is, by examination, education, experience, or reciprocity), 4 A.A.C. 30, Supp. 18-2, released June 30, 2018, page 18;
 - ~~7. The current status of any application for any type of professional or occupational registration, license, or certification pending in another state or jurisdiction;~~
 - ~~8~~7. A release authorizing the Board to investigate the applicant's education, experience, ~~and moral character and repute~~ criminal and disciplinary action history;
 - ~~9~~8. Certification that the information provided to the Board is accurate, true, and complete;
 - ~~10~~9. Copy of one home inspection report that meets the standards in R4-30-301.01 and reports on at least one immediate major repair as defined in the standards, along with the Report Checklist Supplement; and

~~11~~10. Sworn statement or statements by the supervising certified home inspector or inspectors that the parallel inspections conducted by the applicant meet the standards in R4-30-301.01.

DC. The Board staff shall review all applications and, if necessary, refer completed applications to the Home Inspector Rules and Standards Committee or a certified home inspector evaluator for evaluation. If the application is complete and in the proper form, the Board staff, committee, or evaluator is satisfied that all statements on the application are true, and the applicant is eligible in all other aspects to be certified as a home inspector, the Board staff, committee, or evaluator shall recommend that the Board certify the applicant. If the evidence is not clear and convincing of qualification for certification, the matter shall be reviewed by the committee and the committee may request additional information regarding any issue upon which the applicant has not established qualification by clear and convincing evidence.

ED. A certified home inspector shall notify the Board in writing within five business days of any loss of, or change in, financial assurance. The Board shall suspend the certificate holder's certification immediately and prohibit further home inspections until current proof of financial assurance is provided to the Board. The Board shall revoke a certificate if the certificate holder fails to provide proof of financial assurance within 90 days of loss of financial assurance or lapse of policy. All certified home inspectors shall provide proof of financial assurance at the time of each annual certification renewal. The Board shall not renew a home inspector certification unless the financial assurance is in full force and effect.

FE. A home inspector who places a home inspector certificate on inactive status shall retain

the proof of financial assurance for at least two years after the date that the certificate becomes inactive. A home inspector who fails to retain financial assurance for the required two years is subject to suspension and revocation of the home inspection certificate as per subsection (E). In order to reactivate an inactive home inspection certificate, a home inspector shall provide proof of financial assurance to the Board with the application for reactivation. An inactive home inspector certification shall not qualify for reactivation until proof of financial assurance has been submitted to the Board.

GF. In order to reactivate an inactive home inspector certificate, a home inspector who has not practiced as a certified home inspector during that time in another state requiring registration for the previous five years shall take and pass the National Home Inspector Examination.

ARTICLE 3. REGULATORY PROVISIONS

R4-30-301. Rules of Professional Conduct

All registrants shall comply with the following rules of professional conduct:

1. A registrant shall not submit any materially false statements or fail to disclose any material facts requested in connection with an application for registration or certification, or in response to a subpoena.
2. A registrant shall not engage in fraud, deceit, misrepresentation or concealment of material facts in advertising, soliciting, or providing professional services to members of the public.
3. A registrant shall not commit bribery of a public servant as proscribed in A.R.S. § 13-2602, commit commercial bribery as proscribed in A.R.S. § 13-2605, or violate any federal statute concerning bribery.

4. A registrant shall comply with state, municipal, and county laws, codes, ordinances, and regulations pertaining to the registrant's area of practice.
5. If a registrant violates any state or federal criminal statute, the Board may take action against a registrant's license or certificate if a violation of the law is reasonably related to a registrant's area of practice.
6. 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.
7. A registrant shall not accept an engagement if the duty to a client or the public would conflict with the registrant's personal interest or the interest of another client without making a full written disclosure of all material facts of the conflict to each person who might be related to or affected by the engagement.
8. A registrant shall not accept compensation for services related to the same engagement from more than one party without making a full written disclosure of all material facts to all parties and obtaining the express written consent of all parties involved.
9. A registrant shall make full disclosure to all parties concerning:
 - a. Any transaction involving payments to any person for the purpose of securing a contract, assignment, or engagement, except payments for actual and substantial technical assistance in preparing the proposal; or
 - b. Any monetary, financial, or beneficial interest the registrant holds in a contracting firm or other entity providing goods or services, other than the registrant's professional services, to a project or engagement.

10. A registrant shall not solicit, receive, or accept compensation from material, equipment, or other product or services suppliers for specifying or endorsing their products, goods or services to any client or other person without full written disclosure to all parties.
11. If a registrant's professional judgment is overruled or not adhered to under circumstances where a serious threat to the public health, safety, or welfare may result, the registrant shall immediately notify the responsible party appropriate building official, or agency, and the Board of the specific nature of the public threat.
12. If called upon or employed as an arbitrator to interpret contracts, to judge contract performance, or to perform any other arbitration duties, the registrant shall render decisions impartially and without bias to any party.
13. To the extent applicable to the professional engagement, a registrant shall conduct a land survey engagement in accordance with the April 12, 2001 Arizona Professional Land Surveyors Association (APLS) Arizona Boundary Survey Minimum Standards, available at www.azpls.org. The Board of Technical Registration adopted the standards on June 15, 2001, and incorporated them into this subsection by reference. This incorporation by reference does not include any later amendments or editions and is available at the office of the Board of Technical Registration.
14. A registrant shall comply with any subpoena issued by the Board or its designated administrative law judge.
15. A registrant shall update the registrant's address, email and telephone number of record with the Board within 30 days of the date of any change.
16. A registrant shall not sign, stamp, or seal any professional documents not prepared by the registrant or a bona fide employee of the registrant.

17. Except as provided below and in subsections (18) and (19), a registrant shall not accept any professional engagement or assignment outside the registrant's professional registration category unless:
 - a. The registrant is qualified by education, technical knowledge, or experience to perform the work; and
 - b. The work is exempt under A.R.S. § 32-143.
18. A registered professional engineer may accept professional engagements or assignments in branches of engineering other than that branch in which the registrant has demonstrated proficiency by registration but only if the registrant has the education, technical knowledge, or experience to perform such engagements or assignments.
19. Except as otherwise provided by law, a registrant may act as the prime professional for a given project and select collaborating professionals; however, the registrant shall perform only those professional services that the registrant is qualified by registration to perform and shall seal and sign only the work prepared by the registrant or by the registrant's bona fide employee.
20. A registrant who is designated as a responsible registrant shall be responsible for the firm or corporation. The Board may impose disciplinary action on the responsible registrant for any violation of Board statutes or rules that is committed by a non-registrant employee, firm, or corporation.
21. A registrant shall not enter into a contract for expert witness services on a contingency fee basis or any other arrangement in a disputed matter where the registrant's fee is directly related to the outcome of the dispute.

R4-30-301.01. Home Inspector Rules of Professional Conduct

- A. ~~To the extent applicable, a~~ A certified home inspector shall conduct a home inspection in accordance with the “Standards of Professional Practice” adopted by the Arizona Chapter of the American Society of Home Inspectors, Inc. on ~~January 1, 2002~~ October 27, 2023, the provisions of which are incorporated by reference ~~and on file with the Office of the Secretary of State~~. This rule does not include any later amendments or editions of the incorporated matter. Copies of these standards are available ~~at the office of the Board of Technical Registration~~ electronically on the Board’s website.
- B. A certified home inspector is not required to inspect a pool and/or spa as part of a home inspection. If a certified home inspector conducts a pool and/or spa inspection, it shall be conducted in accordance with the “Arizona Home Inspector Pools and Spas Standards of Professional Practice” (“Standards”) adopted by the Board at its April 25, 2023 meeting, the provisions of which are incorporated by reference. This rule does not include any later amendments or editions of the incorporated matter. Copies of the Standards are available electronically on the Board’s website.
- C. A Certified Home Inspector shall not:
1. Pay, directly or indirectly, in full or in part, a commission or compensation as a referral or finder’s fee to a real estate company, real estate office, real estate broker/sales- person(s), real estate employees or real estate independent contractors in order to obtain referrals for home inspection business. This prohibition includes, but is not limited to, participation in pay-to-play programs by any name (e.g. “preferred vendor,” “approved vendor,” “marketing partner,” “marketing services agreement”);

2. Pay or receive, directly or indirectly, in full or in part, a commission or compensation as a referral or finder's fee related to the correction of defects found within the scope of the home inspection;
3. Perform, or offer to perform, for an additional fee, or have any financial interest in the performance of any repairs to the property that has been inspected by that inspector or the inspector's firm for a period of 24 months following the inspection;
or
4. Be accompanied by more than four home inspector candidates while conducting any parallel home inspection.;
5. Perform, or offer to perform, a home inspection on a home while acting in the capacity of a licensed real estate salesperson or licensed real estate broker with any financial interest in the sale of the home.