



**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/>

- Michael Kolejka, Board Chair, Architect • Scott Sayles, Board Vice Chair, Civil Engineer
- Bill Nesgood, Geologist, Board Secretary • Jack Gilmore, Landscape Architect
- Dana Klett, Land Surveyor • Bill Nesgood, Geologist • Dr. Clinton Campbell, Public Member
- Jennifer Hobik, Esq, Public Member • Kileen Lindgren, Public Member • Stacy Skankey, Esq, Public Member

**MINUTES FOR REGULAR SESSION MEETING**

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

**Tuesday, December 5, 2023 –9:00am**

1. **CALL TO ORDER** –The meeting convened at 9:00 a.m., adjourned for a break at 11:04 a.m., reconvened at 11:16 a.m. and adjourned at 12:37 p.m.

2. **ROLL CALL**

**PRESENT**

Jack Gilmore  
Michael Kolejka  
Scott Sayles  
William “Bill” Nesgood  
Keith Smith

**VIRTUAL**

Dr. Clinton Campbell  
Jennifer Hobik, Esq.-left at 10:00 a.m., rejoined at 10:13 a.m., left at 11:01 a.m. and rejoined at 11:02 a.m.  
Stacy Skankey, Esq.  
Dana Klett

**ABSENT**

Kileen Lindgren  
Hayley Bohall

3. **CALL TO THE PUBLIC**

Christopher Lohr, Registered Professional Engineer, appeared before the Board on behalf of the Phoenix Chapter of the American Society of Plumbing Engineers and the Pipe Trust of Arizona Medical Gas Committee to spread awareness of new rule changes pertaining to medical gas systems and offered to give an informative presentation at a later meeting regarding the impact of these new rules on the City of Phoenix Special Inspection Form.

Mark King, Certified Home Inspector, appeared before the Board to address his concerns about the Arizona Chapter of the American Society of Home Inspectors (AZASHI) being referenced in the Home Inspectors Standards of Practice.

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-B).*

A. Approve, modify and/or reject, November 7, 2023 Board meeting minutes.

Mr. Kolejka moved and Mr. Sayles seconded to approve both the November 7, 2023 and November 15, 2023 meeting minutes as written; motion carried 9-0.

B. Approve, modify and/or reject, November 15, 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) Fruct, Adrian – Application for Registration as a Civil Engineer #239909
  - b) Certificate(s) of Experience from non-Professionals
    - 1) Nafsin, Nabila – Application for Registration as a Civil Engineer #239665
    - 2) Simianer, Jonathon – Application for Registration as an Architect #238686
    - 3) Duncan, Robert – Application for Registration as an Electrical Engineer #2310119
    - 4) Monroy Hernandez, Rafael – Application for Registration as a Civil Engineer #239708
    - 5) Zazueta Rodriguez, Raul – Application for Registration as a Civil Engineer #239588
    - 6) Gajjar, Laxit – Application for Registration as a Control Systems Engineer #2310079
  - c) Council Records – experience under non-Professionals
    - 1) Peterworth, Matthew – Application for Registration as an Architectural Engineer #239893
    - 2) Sommers, Dane – Application for Registration as a Civil Engineer #2310116
    - 3) Watson, Zachary – Application for Registration as a Landscape Architect #2310058
    - 4) King-Vicencio, Alejandro – Application for Registration as a Civil Engineer #239929
    - 5) Martinez, Christopher – Application for Registration as a Landscape Architect #239849
    - 6) Cooper, Nicholas – Application for Registration as a Control Systems Engineer #238959
    - 7) Elhasan, Salam – Application for Registration as an Electrical Engineer #2310070
    - 8) Hay, Joris – Application for Registration as an Electrical Engineer #239894
    - 9) Dudik, Robert – Application for Registration as an Electrical Engineer #239757
  - d) Background Review
    - 1) Allen, Matthew – Application for Registration as a Fire Protection Engineer #239978
    - 2) Beaumont, Paul – Application for Certification as a Home Inspector #239320
    - 3) Bodiker, Charles – Application for Registration as an Architect #239507
    - 4) Craig, Jordan – Application for Registration as a Civil Engineer #2310055
    - 5) Lyle III, Malcolm – Application for Registration as an Electrical Engineer #239427
    - 6) Parks, Joseph – Application for Registration as a Structural Engineer #239886
    - 7) Payton, Tyler – Application for Registration as a Metallurgical Engineer #239789

- 8) Recine, Zachary – Application for Registration as a Civil Engineer #239753
- 9) Recker, Daniel – Application for Registration as a Civil Engineer #239715
- 10) Evans, Joseph – Application for Registration as an Electrical Engineer #239910
- 11) Hickerson, Hugh – Application for Registration as an Electrical Engineer #239973
- 12) Honyumtewa III, Lloyd – Application for Certification as a Home Inspector #239730
- 13) Marquette, Ryan – Application for Registration as a Civil Engineer #239349
- 14) Benda, Richard – Application for Registration as a Civil Engineer #2310291
- 15) Cawthon, Andrew – Application for Registration as a Mechanical Engineer #239791
- e) Disciplinary Action Review
  - Nothing to consider*
- f) Multiple Considerations
  - 1) Reimer, Wade – Application for Registration as a Structural Engineer #2310024
    - i. Background Review
    - ii. License Denial
  - 2) Shaner, Deborah – Application for Registration as a Fire Protection Engineer #239834
    - i. Disciplinary Action
    - ii. Council Record – experience under non-Professionals
  - 3) Klein, Richard – Application for Registration as a Civil Engineer #2310183
    - i. Background Review
    - ii. Disciplinary Action
  - 4) Miller, Gregory – Application for Registration as a Mechanical Engineer #239939
    - i. Background Review
    - ii. Council Record – experience under non-Professionals
- 3. Grant Universal Applications for Professional Registration/Certification
  - a) Garner, Jason – Application for Registration as a Civil Engineer #2310057
  - b) Pechnick, Patrick – Application for Registration as a Civil Engineer #239574
- 4. Grant Renewal Registration Application(s)
  - a) Background Review
    - 1) Dominguez, Adrian – Renewal Application for Electrical Engineer Registration #65144
  - b) Disciplinary Action
    - 1) Hunt, Stephen – Renewal Application for Electrical Engineer Registration #48909
- 5. Approve Application(s) for Exam Waivers
  - a) Application to waive Fundamental Exam
    - 1) Safar, Sadiq – Application to waive FE exam #239155
    - 2) Bernaldo, Maria Elena – Application to waive FE exam #239478
  - b) Application to waive Professional Exam
    - 1) Safar, Sadiq – Application to waive PE Civil exam #239154
    - 2) Andersen, Brandon – Application to waive PE Electrical exam #239465
  - c) Multiple Considerations
    - 1) Perla, Robert – Application to waive FE exam #239861
      - i. Council Record – experience under non-Professionals
      - ii. FE exam waiver
    - 2) Perla, Robert – Application to waive PE Civil exam #239860
      - i. Council Record – experience under non-Professionals
      - ii. PE Civil exam waiver
    - 3) Ramirez, Barbara – Application to waive FE exam #239009
      - i. Certificate(s) of Experience from non-Professionals

- ii. FE exam waiver
  - 4) Ramirez, Barbara – Application to waive PE Civil exam #238724
    - i. Certificate(s) of Experience from non-Professionals
    - ii. PE Civil exam waiver
  - 5) Kaki, Raaed – Application to waive FE exam #238796
    - i. Certificate(s) of Experience from non-Professionals
    - ii. FE exam waiver
  - 6) Kiger, Hannah – Application to waive PE Mechanical Exam #239363
    - i. Certificate(s) of Experience from non-Professionals
    - ii. PE Mechanical exam waiver
  - 7) Beckwith, Arthur – Application to waive PE Structural exam #239278
    - i. Background Review
    - ii. PE Structural exam waiver
  - 8) Kandpal, Harish – Application to waive PE Mechanical exam #239007
    - i. Council Record – experience under non-Professionals
    - ii. PE Mechanical exam waiver
  - 9) Lee Hing, Robert – Application to waive FE exam #239393
    - i. Council Record – experience under non-Professionals
    - ii. FE exam waiver
6. Approve Application(s) for Exam Authorization
- a) Certificate(s) of Experience from non-Professionals
    - 1) Ridha, Hind – Application for FE exam authorization #238939

Licensing Manager Julie Pham appeared before the Board.

Ms. Skankey moved and Mr. Kolejka seconded to approve all items under agenda item 5(A); motion carried 9-0.

## 6. LICENSING MATTERS

### A. Board Discussion Regarding Multiple Considerations for Registration

- 1. Bernhardt, Craig – Application for Registration as a Land Surveyor #238468
  - a) Background Review
  - b) Previous board order

Licensing Manager Julie Pham appeared before the Board.

Mr. Kolejka moved and Ms. Klett seconded to accept the registration approval for Craig Bernhardt, Application for Registration as a Land Surveyor #238468; motion carried 9-0.

## 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).*

### A. Consideration of a Signed Consent Agreement in lieu of a Formal Hearing:

- 1. HI23-004, Kloc, Curtis. C.H.I. #72347 and Inspections Over Coffee #22936

Independent Advisor, Jeanne Galvin and Enforcement Manager Orlene Loera appeared before the Board.

Mr. Smith moved and Mr. Kolejka seconded to accept Respondent's signed Consent Agreement; carried 9-0.

## 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. P24-004, Armando Giron Moreales, R.A. #49775

Alleger Dat Home Pham and Investigator Daniel Carthel appeared before the Board.

Mr. Kolejka moved and Mr. Nesgood seconded to dismiss case #P24-004; motion carried 9-0.

#### 2. UK24-005, Robert Samour, P.E. (Civil) #36387 and AZDOT

Respondent, AAG Ron Aschenbach on behalf on the Arizona Department of Transportation (ADOT) and Investigator Daniel Carthel appeared before the Board.

Mr. Kolejka moved and Mr. Nesgood seconded to dismiss case #UK24-005; motion carried 8-0. Mr. Sayles recused himself from the vote.

#### 3. UK24-009, SRP Cool Cash Rebate Program

Mr. Sayles moved and Mr. Nesgood seconded to dismiss case #UK24-009; motion carried 9-0.

#### 4. P24-019, Jared Whitehead, Non-Registrant and Discovery Survey, LLC, Non-Registrant Firm

Respondent and Investigator Eric Parriot appeared before the Board.

Mr. Sayles moved and Mr. Nesgood seconded to dismiss case #P24-019; motion carried 9-0.

#### 5. P24-012, Ed Reyes, Non-Registrant and Ed Reyes Design, LLC #24519

Investigator Eric Parriot appeared before the Board.

Mr. Kolejka moved and Dr. Campbell seconded to dismiss case #P24-012; motion carried 9-0.

### B. Complaints Proposed for Resolution with Letter of Concern:

#### 1. HI24-001, Ryan Palmer, C.H.I. #72885

Respondent and Investigator Kaitlyn Crawford appeared before the Board.

Mr. Smith moved and Mr. Kolejka seconded to issue Respondent a Letter of Concern and advised

Respondent to review the Home Inspectors Standards of Practice and ensure that their reporting software is up to date; motion carried 9-0.

2. HI23-023, Ryan Phelps, C.H.I. #40004

Respondent, Alleger Bruce Richardson and Investigator Brandon Eaden appeared before the Board.

Mr. Smith moved and Mr. Sayles seconded to issue Respondent a Letter of Concern and advised Respondent to review the Home Inspectors Standards of Practice and ensure that their reporting software is up to date; motion carried 8-1. Ms. Skankey voted nay.

3. HI24-007, Kevin Bortin, C.H.I. #38754

Respondent and Investigator Eric Parriot appeared before the Board.

Mr. Smith moved and Mr. Nesgood seconded to issue Respondent a Letter of Concern and advised Respondent to review the Home Inspectors Standards of Practice and ensure that their reporting software is up to date; motion carried 9-0.

C. Complaints Proposed for Resolution with Signed Consent Agreements:

1. P23-103, Richard Burton, R.A. #08506

Alleger Brian Neal and Investigator Kaitlyn Crawford appeared before the Board. The Board discussed the investigation.

Mr. Kolejka moved and Mr. Sayles seconded to accept Respondent's signed consent agreement; motion carried 8-0. Ms. Hobik was absent from the vote due to connectivity issues.

2. HI24-014, Michael McGarry, C.H.I. #70711

Investigator Kaitlyn Crawford appeared before the Board.

Mr. Smith moved and Mr. Nesgood seconded to accept Respondent's signed Consent Agreement; motion carried 8-0. Ms. Hobik abstained from the vote.

3. P23-039, Todd Hout, R.L.S. #35543

Respondent and Investigator Kaitlyn Crawford appeared before the Board.

Mr. Kolejka moved and Ms. Klett seconded to accept Respondent's signed Consent Agreement; motion carried 9-0.

D. Complaints Proposed for Offer Consent Agreement:

1. P23-056, Don Jolley, R.A. #30779

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

Mr. Kolejka moved and Mr. Sayles seconded to offer Respondent the proposed Consent Agreement,

and if not signed within 30 days, proceed to a formal hearing; motion carried 9-0.

2. P23-028, Jason Doty, R.A. #75213

Respondent, Alleger Raya Rodgers, Investigator Kaitlyn Crawford and Enforcement Manager Orlene Loera appeared before the Board. The Board discussed the investigation.

Mr. Kolejka moved and Mr. Sayles seconded to offer Respondent the proposed Consent Agreement, and if not signed within 30 days, proceed to a formal hearing; motion carried 9-0.

E. Complaints Requiring Board Guidance:

1. P23-067, Kathryn Mills, P.E. (Civil) #31118

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

Mr. Sayles moved and Mr. Nesgood seconded to dismiss case #P23-067; motion carried 8-0. Mr. Gilmore recused himself from the vote.

F. Review and Consideration for EAC Membership:

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

John Christmann, Certified Home Inspector, appeared before the Board.

Mr. Smith moved and Mr. Sayles seconded to accept EAC membership for John Christmann; motion carried 8-0. Ms. Skankey was absent from the vote.

2. Michael Sexton, R.L.S. #23385

Mr. Kolejka moved and Dr. Campbell seconded to accept EAC membership for Michael Sexton and Samuel Hanna; motion carried 9-0.

3. Samuel Hanna, P.E. (Civil) #34582

See 8(F)(2).

## 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 the case has been reassigned to Division II of the appeals court and is set to have an opening brief filed in early 2024.

**B. Appointment of new home inspector for the Home Inspector Rules and Standards Committee**

1. Eric Spears, C.H.I. #43458
2. Steven Boyle, C.H.I. #59714
3. Ric Wiederhold, C.H.I. #61674
4. Sean Garvey, C.H.I. #65301
5. Dylan Bucknavich, C.H.I. #43777
6. Clark Booth, C.H.I. #65593

Certified Home Inspectors Eric Spears, Steven Boyle, Sean Garvey and Dylan Bucknavich appeared before the Board.

Mr. Smith moved and Mr. Kolejka seconded to appoint Steven Boyle to serve on the Home Inspector Rules and Standards Committee; motion carried 8-0.

**C. Appoint Board Chair, Vice Chair and Secretary**

Mr. Gilmore moved and Mr. Smith seconded to appoint Michael Kolejka as the Board's Chairman for 2024; motion carried 9-0.

Mr. Kolejka moved and Mr. Nesgood seconded to appoint Scott Sayles as the Board's Vice Chairman for 2024; motion carried 9-0.

Mr. Sayles moved and Ms. Klett seconded to appoint William "Bill" Nesgood as the Board's Secretary for 2024; motion carried 9-0.

**D. Update on Supplemental Rule Package**

Mr. Winter reported that the supplemental rule package was published in the Arizona Administrative Register on December 1, 2023, and that Board staff sent out a mass e-mail to all registrants regarding the rule package.

**E. Eligibility requirements for enforcement advisory committee (EAC) volunteers**

The Board discussed the process for selecting enforcement advisory committee (EAC) volunteers pursuant to A.A.C. R4-30-120.

**F. Complaint intake process**

AAG Scott Donald appeared before the Board to present a refresher on the complaint intake process and the associated statutory obligations the Board has when investigating a complaint.

**G. Rescind Substantive Policy Statements 3, 5, 6, 9, 10, 14 and 19**

Mr. Sayles moved and Mr. Nesgood seconded to rescind Substantive Policy Statements 3, 5, 6, 9, 10, 14 and 19; motion carried 8-0. Ms. Skankey was absent from the vote.

**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

Ms. Stapley reported on the Board's budget and licensing and enforcement numbers.

#### **11. ASSISTANT ATTORNEY GENERAL'S REPORT**

Nothing was discussed.

#### **12. STANDING COMMITTEE REPORTS**

- A. Legislation and Rules Committee – No future meeting date at this time

Nothing was discussed.

- B. Home Inspector Rules and Standards Committee –January 17, 2024

Mr. Winter reported that the next Home Inspector Rules and Standards Committee meeting is scheduled for January 17, 2024.

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

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

Ms. Stapley reported that Mr. Nesgood has been invited to assist ASBOG in developing exam questions.

- B. Council of Landscape Architectural Registration Boards (CLARB)

Mr. Gilmore reported that he and Ms. Stapley attended a CLARB hosted webinar on digital seals.

- C. National Council of Architectural Registration Boards (NCARB)

Mr. Kolejka reported that he attended an Executive Committee Meeting for WCARB this month and that he will attend NCARB's Regional Summit Conference in March.

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

Mr. Sayles reported that he has attended a few monthly calls with the Western Zone of NCEES and that NCEES is establishing scholarship opportunities for students wishing to pursue an education in the engineering field.

Ms. Stapley reported that NCEES has been working on a mutual recognition agreement for licensure.

14. **FUTURE BOARD MEETINGS** – January 5, 2024

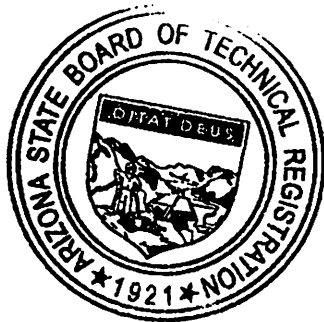
15. **SUGGESTED TOPICS FOR FUTURE MEETING AGENDAS.**

The Board will continue review of Substantive Policy Statements. The Board requested a discussion on waivers for Structural Engineering registration, and a discussion on establishing an Ad Hoc Committee for possible changes to the Land Surveyor Minimum Standards. The Board requested that Board staff invite Mr. Lohr to return to the Board to give a presentation on new medical gas rules and how it relates to the City of Phoenix Special Inspection Form.

16. **MEETING ADJOURNMENT** –12:37 p.m.

Board members may join Board staff for light refreshments after the meeting ends. A quorum may exist, but no Board business will take place.

Signed this 16th day of January, 2024



*Michael Kolejka*

Michael Kolejka, Board Chairman

*Judith Stapley*

Judith Stapley, Executive Director