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**BEFORE THE ARIZONA STATE
BOARD OF TECHNICAL REGISTRATION**

In the Matter of:

**Erik Cahn
Certified Home Inspector
Certification No. 68685**

Respondent

Case No.: HI23-015

**CONSENT AGREEMENT
and
ORDER OF DISCIPLINE**

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In the interest of a prompt and judicious resolution of the above-captioned matter before the Arizona State Board of Technical Registration ("Board") and consistent with the public interest, statutory requirements, and the responsibilities of the Board, and pursuant to A.R.S. § 32-101 *et seq.*, and A.A.C. R4-30-120(G), the undersigned party, Erik Cahn ("Respondent"), holder of Certified Home Inspector Certification No. 68685, and the Board enter into the following Recitals, Findings of Fact, Conclusions of Law and Order ("Consent Agreement") as a final disposition of this matter.

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RECITALS

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1. Respondent has read and understands this Consent Agreement and has had the opportunity to discuss this Consent Agreement with an attorney, or has waived the opportunity to discuss this Consent Agreement with an attorney.

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2. Respondent understands that he has a right to a public administrative hearing concerning this case and acknowledges that at such formal hearing he could present evidence and cross-examine witnesses. By entering into this Consent Agreement, Respondent knowingly, voluntarily, and irrevocably waives his right to such an administrative hearing, as well as rights of rehearing, review, reconsideration, appeal, judicial review or any other administrative and/or judicial action concerning the matters set forth herein.

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3. Respondent agrees that this Consent Agreement shall be irrevocable.

4. Respondent understands that this Consent Agreement or any part of the

1 agreement may be considered in any future disciplinary action by the Board against him.

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

6 6. Respondent understands this Consent Agreement deals with Board case
7 number HI23-015 involving allegations that Respondent engaged in conduct that would
8 subject him to discipline under the Board's statutes and rules.

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

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

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

23 10. Respondent understands this Consent Agreement is subject to the approval of
24 the Board and is effective only when accepted by the Board and signed on behalf of the
25 Board. If the Board does not accept this Consent Agreement, the Board retains its
26 authority to hold a formal administrative hearing pursuant to A.R.S. § 32-128(E). In the
27 event that the Board does not approve this Consent Agreement, it shall be withdrawn and
28 of no evidentiary value and shall not be relied upon nor introduced in any action by any

1 party, except that the parties agree that should the Board reject this Consent Agreement
2 and this case proceeds to hearing, Respondent shall assert no claim that the Board was
3 prejudiced by its review and discussion of this document or any records relating thereto.

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

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

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

12 **FINDINGS OF FACT**

13 1. The Board is the duly constituted authority for the regulation and control of
14 the practice of Home Inspections in the State of Arizona.

15 2. Respondent is the holder of Certified Home Inspector Certification No.
16 68685, issued by the Board on March 19, 2019.

17 3. At all times relevant to the allegations of this Consent Agreement, Arizona
18 Certified Home Inspector Certification No. 68685 was active.

19 4. On or about January 7, 2022, Respondent conducted a home inspection at
20 11250 AZ Hwy 69, Unit 81, in Dewey, Arizona ("Dewey Inspection").

21 5. On or about December 9, 2022, the Board received a complaint alleging
22 violations of professional standards by Respondent regarding the Dewey Inspection
23 specifically that Respondent failed to:

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- 25 a. provide the purpose of the inspection in the inspection agreement;
 - 26 b. provide an adequate reason for not inspection systems and components;
 - 27 c. provide specific details about why a complete inspection of the crawl space
28 and related systems was not inspected;

- d. accurately describe the structural components and condition of the foundation on the right side of the home;
- e. probe the deterioration on the left rear side of the home;
- f. observe, probe, identify the left side of the park model, which was added in 2013;
- g. report on the sloping of the floor;
- h. report on the signs of water penetration into the house at the back door space;
- i. mention that there was no gutter on the left side of the house;
- j. identify the incorrect wrong breaker was in the panel for the air condition along with a faulty pressure control;
- k. accurately report on the on the air filters;
- l. mention the additional room did not have a heating/cool source;
- m. report that the half bath/laundry room did not have a cooling source in the room; or
- n. note that mold and mildew on the shower door.

Additionally, the complaint alleged Respondent erroneously reported on the vent piping in an attic where there is no attic, indicated that all stove burners were working when they were not, and inaccurately identified the half bath as the guest bathroom when talking about the door from the porch to the laundry/half bath,

6. On September 19, 2023, an Enforcement Advisory Committee (EAC) meeting was held to review the complaint against Respondent. After reviewing the initial complaint, the Committee determined that Respondent failed to:

- a. accurately report on the systems and the components that were present as required per SOP 2.2.A;
- b. accurately report on and inspect all of the crawlspaces per SOP 3.2.B.6;

- 1 c. accurately report on and probe the deteriorated (rotted) components per
2 SOP 4.2.B;
- 3 d. accurately report on the condition of the roof drainage system, that the left
4 side of the home did not have gutters per SOP 6.1.B;
- 5 e. accurately report that the wrong breaker was in the panel for the air
6 conditioning per SOP 8.1.D;
- 7 f. accurately report that there was no heating or cooling in the laundry and 1/2
8 bath per SOP 9.1.A.7 and 10.1.B.2; or
- 9 g. accurately report that the main bath had no ventilation except a window to
10 the laundry room per SOP 12.1.C.

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12 The Committee also determined that Respondent failed to conduct a home inspection in
13 accordance with the Standards of Professional Practice for Arizona Home Inspectors
14 (“SOP”) and found that Respondent failed to:

- 15 a. accurately report on the structural column condition as required per SOP
16 4.1.A.4;
- 17 b. report on the condition of the deck railings as required per SOP 5.1.D;
- 18 c. accurately report on the main electrical service conductor type and
19 condition as required per SOP 8.1.A and 8.2.A.2;
- 20 d. accurately report on the condition of the electrical service ground as
21 required per SOP 8.1.B;
- 22 e. accurately report on the location and condition of the main electrical panel
23 as required per SOP 8.2.A.4;
- 24 f. accurately report on the voltage as required per SOP 8.1.C;
- 25 g. accurately report on the electrical system compatibility condition as
26 required per SOP 8.1.D;
- 27 h. accurately report on the condition of the heating system’s automatic safety
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- 1 controls as required per SOP 9.1.A.3;
- 2 i. accurately report on the heat source in each room as required per SOP
- 3 9.1.A.7;
- 4 j. accurately report on the cooling system's energy source (type) as required
- 5 per SOP 10.2.A.1;
- 6 k. accurately report on the cooling source in each room as required per SOP
- 7 10.1.B.2;
- 8 l. accurately report on the roof covering condition as required per SOP 6.1.A;
- 9 m. accurately report on the type of double trap/S-trap as
- 10 required per SOP 7.1.B.1;
- 11 n. accurately report on the cooling equipment type as "heating and cooling gas
- 12 unit" as required per SOP 10.2.A.1 and SOP 10.2.A.2;
- 13 o. accurately observe and report on the vapor retarders in the unfinished
- 14 spaces as required per SOP 12.1.A; or
- 15 p. accurately report on the ventilation in the attic as required per SOP 12.1.B.

16 **CONCLUSIONS OF LAW**

- 17 1. The Board has jurisdiction in this matter pursuant to A.R.S. § 32-101, et seq.
- 18 2. The conduct alleged in the Findings of Fact constitutes grounds for discipline
- 19 pursuant to A.R.S. § 32-128(C)(4) as it relates to A.A.C. R4-30-301.01, in that
- 20 Respondent failed to conduct a home inspection in accordance with the Standards of
- 21 Professional Practice for Arizona Home Inspectors.
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24 **ORDER**

25 Based on the foregoing Findings of Fact and Conclusions of Law, the Board issues

26 the following Order:

- 27 1. LETTER OF REPRIMAND. Respondent is hereby issued a Letter of
- 28 Reprimand.

1 2. **STAYED SUSPENSION AND PROBATION.** As of the effective date of
2 this Order, Respondent's registration as a Certified Home Inspector, No. 68685, shall be
3 suspended for twelve (12) Months; however, the suspension shall be stayed for as long as
4 Respondent remains in compliance with this Order. During the period of stayed
5 suspension Respondent's registration as a Certified Home Inspector shall be placed on
6 probation. If Respondent is non-compliant with any term of this Order during the
7 probationary period, the stay of suspension shall be lifted and Respondent's registration
8 as a Certified Home Inspector shall be automatically suspended without formal hearing
9 and remain suspended until Respondent is compliant with all terms of this Order.
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11 3. **ADMINISTRATIVE PENALTY.** Within twelve months (12) from the
12 effective date of this Consent Agreement, Respondent shall pay an administrative penalty
13 of One Thousand Dollars (\$1000.00) by certified check or money order made payable to
14 the State of Arizona Board of Technical Registration.
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16 4. **RESTITUTION:** Within thirty (30) days from the effective date of this
17 Consent Agreement, Respondent shall pay restitution to Complainant Susan Beckman-
18 Gordon, in the amount of Two Hundred and Seventy Five Dollars (\$275.00) for the cost
19 of the Dewey Inspection. Respondent shall provide proof of payment to the client to the
20 Board of Technical Registration showing payment was made.
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22 5. **COST OF INVESTIGATION.** Within twelve months (12) from the
23 effective date of this Consent Agreement, Respondent shall pay the cost of investigation
24 of this case to the Board in the amount of Six Hundred Dollars (\$600.00) by certified
25 check or money order made payable to the State of Arizona Board of Technical
26 Registration, according to the provisions of A.R.S. § 32-128(H).
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28 6. **OBEY ALL LAWS.** Respondent shall obey all federal, state and local
laws, as well as, all rules governing the practice of Home Inspection in the State of
Arizona. The Board shall consider any violation of this paragraph to be a separate

1 violation of the rules and statues governing the Arizona Board of Technical Registration.
2 The Board may also consider Respondent's non-compliance with this Order as a separate
3 violation of A.R.S. § 32-150.


4 7. RENEWAL OF REGISTRATION. Respondent shall timely renew their
5 Arizona registration as a Certified Home Inspector, and timely pay all required
6 registration fees.

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8 8. EFFECTIVE DATE. The effective date of this Consent Agreement is the
9 date the Respondent and Board sign the Consent Agreement. If the dates are different, the
10 effective date is the later of the two dates.

11 9. COSTS OF COMPLIANCE. Respondent shall pay all costs associated
12 with complying with this Consent Agreement.

13 10. NONCOMPLIANCE. If Respondent violates this Order in any way or fails
14 to fulfill the requirements of this Order, the Board, after giving notice and the opportunity
15 to be heard, may revoke, suspend or take other disciplinary actions against the
16 registration. The issue at such a hearing will be limited solely to whether this Order has
17 been violated.
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20 ACCEPTED and ORDERED this 30th day of January, 2024.

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22 Michael Kolejka, R.A., Chairman
23 Arizona State Board of
24 Technical Registration
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26 Consent Agreement and Order, No. HI23-015 Case Number accepted this 11 day
27 of January, 2024.

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Erik Cahn, Respondent

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ORIGINAL filed this 2nd day of

January, 2024, 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 89019434 4600 095981 and

First Class mail this 1st day of February, 2024, to:

Erik Cahn
120 N. Horizon Circle
Prescott, Arizona 86303

By: 