



State of Arizona
BOARD OF TECHNICAL REGISTRATION

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

MINUTES FOR REGULAR SESSION MEETING
1110 W. Washington Street, Board Room 245, Phoenix, Arizona 85007
Tuesday, February 27, 2024 –9:00am

1. **CALL TO ORDER** –The meeting convened at 9:00 a.m., adjourned for a break at 11:15 a.m., reconvened 11:23 a.m. and adjourned at 11:50 a.m.

2. **ROLL CALL**

PRESENT

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

VIRTUAL

Dr. Clinton Campbell
Stacy Skankey, Esq. –left at 11:47 a.m.
Dana Klett
Kileen Lindgren

ABSENT

Jennifer Hobik, Esq.

3. **CALL TO THE PUBLIC**

Mark King, Certified Home Inspector, appeared before the Board and requested that all references to the Arizona Chapter of the American Society of Home Inspectors (AZASHI) be removed from the Home Inspectors Standards of Practice and voiced his concerns that he believes many realtors and home-buyers are under the incorrect assumption that Arizona Home Inspectors must be a member of AZASHI.

Shannon Hubert appeared before the Board to voice her concerns about the Board’s investigative complaint review process.

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).

February 27, 2024 Board Meeting Minutes
Last Edited, March 1, 2024

A. Approve, modify and/or reject, January 30, 2024 Board meeting minutes.

Mr. Sayles moved and Mr. Gilmore seconded to approve both the regular and executive session minutes as written; motion carried 10-0.

B. Approve, modify and/or reject, January 30, 2024 Executive Session 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) Schroeder, Gretchen – Application for Registration as a Civil Engineer #240243
 - 2) Lewis, William – Application for Registration as a Civil Engineer #239788
 - b) Certificate(s) of Experience from non-Professionals
 - 1) Bourne, Laura – Application for Registration as a Civil Engineer #2310340
 - 2) Curry, Adam – Application for Registration as a Geologist #2310208
 - 3) Horton, Gerald – Application for Registration as a Geologist #2310146
 - c) Council Records – experience under non-Professionals
 - 1) Haq, Muhammad Tahmidul – Application for Registration as a Civil Engineer #240186
 - 2) James, Justin – Application for Registration as a Civil Engineer #240002
 - 3) Lee Hing, Robert – Application for Registration as an Electrical Engineer #2400019
 - 4) Anastasio, Steven – Application for Registration as a Structural Engineer #240351
 - 5) Abbaszadegan, Ali – Application for Registration as a Landscape Architect #240419
 - 6) Caine, Robert – Application for Registration as an Electrical Engineer #240328
 - 7) Avila, Gilberto – Application for Registration as a Structural Engineer #240479
 - 8) Brue, Jacqueline – Application for Registration as a Civil Engineer #240365
 - d) Background Review
 - 1) Goad, Steven – Application for Registration as a Civil Engineer #240245
 - 2) Gonzalez, Jorge – Application for Registration as an Architect #240155
 - 3) Osborne, Sean – Application for Registration as a Civil Engineer #240334
 - 4) Stinebaugh, Kirk – Application for Registration as a Mechanical Engineer #2310207
 - 5) Tritz, Nicholas – Application for Registration as a Civil Engineer #2310649
 - 6) Weisberg, Wesley – Application for Registration as a Geologist #240306
 - 7) Mosteiro, Christopher – Application for Registration as an Electrical Engineer #240212
 - 8) Border, Duane – Application for Registration as a Landscape Architect #240189
 - e) Disciplinary Action Review
 - 1) Stewart, Philip – Application for Registration as an Architect #240107

- f) Multiple Considerations
 - 1) Klein, Richard – Application for Registration as a Structural Engineer #240369
 - i. Background Review
 - ii. Disciplinary Action
 - 2) Tupper, Patrick – Application for Registration as an Electrical Engineer #240366
 - i. Background Review
 - ii. Council Record – experience under non-Professionals
 - 3) Widhalm, Daniel – Application for Registration as a Mechanical Engineer #2310540
 - i. Background Review
 - ii. Council Record – experience under non-Professionals
- 3. Grant Universal Applications for Professional Registration/Certification
 - a) White, Alan - Application for Registration as a Petroleum Engineer #240289
 - b) Widerhorn, Elisabetta – Application for Registration as an Architect #240344
- 4. Grant Renewal Registration Application(s)
 - a) Background Review
 - 1) Hinshaw, Rex – Renewal Application for Architect Registration #16664
 - b) Disciplinary Action
 - 1) Mills, Kathryn – Renewal Application for Civil Engineer Registration #31118
 - 2) Jolley, Don – Renewal Application for Architect Registration #30779
 - 3) Kille, Robert – Renewal Application for Home Inspector Certification #38351
- 5. Approve Application(s) for Exam Waivers
 - a) Application to waive Fundamental Exam
Nothing to consider
 - b) Application to waive Professional Exam
 - 1) Matthews, Christopher – Application to waive SE II exam #2310675
 - 2) Getschman, Thomas – Application to waive SE II exam #240035
 - 3) Hansen, James – Application to waive PE Structural exam #240252
 - c) Multiple Considerations
 - 1) Ajayi, Oladapo – Application to waive FE exam #2310477
 - i. Certificate(s) of Experience from non-Professionals
 - ii. FE exam waiver
- 6. Approve Application(s) for Exam Authorization
 - a) Certificate(s) of Experience from non-Professionals
 - 1) Andrade Santos, Marcos – Application for PE Mechanical exam authorization #240176
 - 2) Teeter, Cashion – Application for PE Environmental exam authorization #2310686
- 7. Grant Applications for In-Training Designation
Nothing to consider
- 8. Extension Requests
 - a) Trott, Zachary – Application for Registration as a Civil Engineer #240158
 - b) Lyman-Vetrano, Hannah – Application for Registration as an Environmental Engineer #2310570

Licensing Manager Julie Pham and Enforcement Manager Orlene Loera appeared before the Board.

Mr. Smith requested that item 5(A)(4)(b)(1) be pulled from the consent agenda for further discussion.

Mr. Sayles moved and Mr. Nesgood seconded to approve all items under the consent agenda with exception of item 5(A)(4)(b)(1); motion carried 10-0.

The Board discussed agenda item 5(A)(4)(b)(1).

Mr. Smith moved and Ms. Bohall seconded to approve item 5(A)(4)(b)(1) under the consent agenda; motion carried 9-0. Mr. Gilmore recused himself from the vote.

6. LICENSING 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 6(A).

Nothing to consider at this time.

7. CONSIDERATION OF CASES REFERRED FOR FORMAL HEARING

Review, Consideration and Possible Action on the following:

The Board may vote to enter executive session pursuant to A.R.S. § 38-431.03(A)(2) (to discuss confidential information), A.R.S. § 38-431.03(A)(3) (to receive legal advice) on agenda item 7(A).

Nothing to consider at this time.

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-E).

A. Complaints Proposed for Resolution by Dismissal:

1. P24-053, Carlos Rodriguez-Sierra, Non-Registrant and Scottsdale Landscaping Company, Non-Registrant Firm (*Related Case P24-054*)

Mr. Sayles moved and Mr. Gilmore seconded to dismiss cases #P24-053, #P24-054, #UK24-010, #P23-043, #AL24-001, #P24-075, #P23-047 and #P24-066; motion carried 10-0.

2. P24-054, Jason Plog, Non-Registrant and Scottsdale Landscaping Company, Non-Registrant Firm (*Related Case P24-053*)

See 8(A)(1).

3. UK24-010, Meta Platforms, Inc., Non-Registrant Firm

See 8(A)(1).

4. P23-043, Kevin Dahl, R.L.S. #31018

See 8(A)(1).

5. AL24-001, John McKenzie, Non-Registrant

See 8(A)(1).

6. P24-075, Kelli LeVasseur, P.E. (Civil) #53519 and Structurlogy of Arizona, #24067

See 8(A)(1).

7. P23-047, Jeremy Walterscheid, P.E. (Civil) #52021

See 8(A)(1).

8. P24-066, Bruce Small, R.L.S. #12122

See 8(A)(1).

B. Complaints Proposed for Resolution with Letter of Concern and Signed Consent Agreement:

1. HI23-028, Daniel Calma, C.H.I. #62821

Mr. Gilmore moved and Dr. Campbell seconded to offer Respondent a Letter of Concern and accept Respondent's signed Consent Agreement; motion carried 10-0.

C. Complaints Proposed for Resolution with Signed Consent Agreements:

1. P24-030, John Ware, R.L.S. #37937

Mr. Gilmore moved and Ms. Klett seconded to accept Respondents' signed Consent Agreements for cases #P24-030 and #P24-028; motion carried 10-0.

2. P24-028, Kenneth Dean Brown, P.E. (Mechanical) #16754

See 8(C)(1).

D. Complaints Proposed for Offer Consent Agreement:

1. P23-088, Robert Phillips, R.L.S. #45495

Respondent and Investigator Daniel Carthel appeared before the Board.

Ms. Klett moved and Mr. Sayles seconded to accept Respondent's signed Consent Agreement; motion carried 10-0.

E. Review and Consideration for EAC Membership:

1. D. Alan Roberts, R.A. #33295

2. James Chauncey Meyer, R.A. #26940

3. David Sparks, P.E. (Structural) #45719 and P.E. (Civil) #39846

4. Michael Graham, R.A. #71248

5. Mark J. Schrader, R.A. #14580
6. Curtis Slife, R.A. #15252
7. Zahid Hossain, P.E. (Structural) #69900 and P.E. (Civil) #54203
8. Gregory Pitcher, R.A.#74936
9. Adam Bronnenkant, P.E. (Structural) #55015 and P.E. (Civil) #50573
10. Byron Danley, P.E. (Structural) #55015
11. Scott Marshall, R.A. #53627
12. Robert Tieni, R.A. #32448
13. Brian Fracasse, R.A. #53896
14. Christoph Lohr, P.E. (Mechanical) #54304
15. Cavin Costello, R.A. #60672
16. Jon Griffin, R.A. #36304
17. Robert Stickles, R.A. #33702
18. Michael Paul, P.E. (Structural) #76097 and P.E. (Civil) #74843
19. Sara Marlow, R.A. #78882
20. Steven Ryan, P.E. (Structural) #74445
21. Robert Stimson, P.E. (Structural) #13962
22. Mark Yarish, R.A. #38398
23. David Burkett, R.A. #54900
24. William Jeffery Stephens, R.A. #21387
25. Sheldon Colen, R.A. #69927
26. Darren Towells, P.E. (Structural) #56787
27. Dilip Khatri, P.E. (Structural) #48349
28. Claire Clark, R.A. #50724
29. Patrick Simpson, R.A. #73331
30. Valerie Granger, P.E. (Structural) #52130
31. Edward Lucero, R.A. #15439
32. Rick Bright, R.A. #20105
33. Ryan Sandstrom, P.E. (Structural) #64133

Mr. Smith moved and Mr. Sayles seconded to approve all EAC member applicants under agenda item 8(E); motion carried 10-0.

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)-(G). 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 State has been granted an extension to file a timely response to the Plaintiff/Appellant's opening brief.

- B. Legislation: HB2100, HB2243, HB2253, HB2308, HB2593, HB2812, HB2855, HCR2052, SB1343, SB1365, SB1634

Ms. Stapley summarized and reported on the statuses of HB2100, HB2243, HB2253, HB2308, HB2593, HB2812, HB2855, HCR2052, SB1343, SB1365 and SB1634.

- C. Presentation on medical gas updated by Registered Mechanical Engineer Christoph Lohr

Christoph Lohr, Registered Professional Engineer, appeared before the Board, gave an informative presentation regarding new rule changes effecting medical gas systems and the City of Phoenix Special Inspection Form, and answered questions from the Board.

- D. Agency 5-Year Rule Review

Mr. Winter reported that the Board has begun it's 5-year Rule Review process as mandated pursuant to A.R.S. § 41-1056(A) and A.A.C. R1-6-301.

Mr. Gilmore moved and Mr. Sayles seconded to direct Board staff to submit the 5-Year Review Report to the Governor's Regulatory Review Council; motion carried 10-0.

- E. Board rule package update

Mr. Winter reported that he attended a study session at the Governor's Regulatory Review Council and that the Governor's Regulatory Review Council will make a final determination regarding the Board's rule package next month.

- F. Reaffirm Substantive Policy Statement #15 with statutory updates

Mr. Sayles moved and Mr. Gilmore seconded to direct staff to transmit a Notice of Substantive Policy Statement to the Secretary of State office for publication in the Arizona Administrative Registrar; motion carried 10-0.

- G. United Kingdom MRA Agreement

Mr. Sayles reported on the development of a mutual recognition agreement between NCEES and the United Kingdom's Engineering Council and on the Delegation of United States Engineering Board Members that he and Ms. Stapley attended in London this month.

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, the Board's online transition, Board staff updates and licensing and enforcement numbers.

11. ASSISTANT ATTORNEY GENERAL'S REPORT –Board Training: Board Member Responsibilities

AAG Scott Donald gave a refresher presentation on Board member responsibilities and the scope of the complaint investigative process. Mr. Donald answered questions from the Board.

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 –March 19, 2024 meeting date

Mr. Winter reported that the next Home Inspector Rules and Standards Committee meeting has been scheduled for March 19, 2024.

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

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

Nothing was discussed.

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

Nothing was discussed.

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

Mr. Kolejka reported that he, Ms. Stapley, Ms. Pham and Mr. Sayles would attend NCARB's Regional Summit this March in Savannah, Georgia and that he is running for Vice Chair of NCARB's Region 6.

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

Mr. Sayles reported on NCEES's Western Zone meeting that he, Ms. Klett and Ms. Stapley will attend this May in Bozeman, Montana. Mr. Sayles also reported that he would attend NCEES's Annual Meeting this August in Chicago, Illinois.

Ms. Stapley reported that Mr. Sayles is running for Assistant Vice President of NCEES's Western Zone.

Ms. Klett reported on discussions held regarding the potential development of a Public Lands Exam for the surveying profession.

- E. International Council on Regulation (ICOR)

Ms. Stapley reported on ICOR's efforts in developing a first draft guidance document regarding uniform guidelines and overlapping practice.

- F. American Institute of Architects, Arizona Component (AIA)

Ms. Stapley reported that AIA is hosting an Architect Advocacy Day event at the Arizona Capital on March 27.

G. American Legislative Exchange Council (ALEC)

Ms. Stapley reported that ALEC has released their second edition of the ALEC Report Labor Policy.

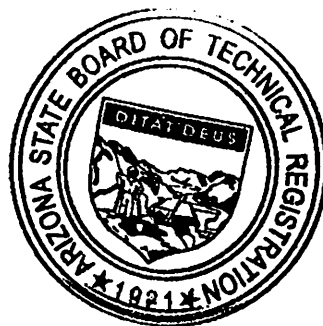
14. **FUTURE BOARD MEETINGS** – March 26, 2024

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

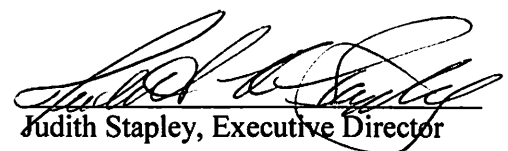
The Board requested continued discussion of the United Kingdom MRA Policy. Mr. Sayles requested that Board staff compile additional data comparing land surveying and engineering applicants and present at a later meeting. Mr. Gilmore requested that the Home Inspector Rules and Standards Committee discuss concerns regarding references to AZASHI in the Home Inspector Standards of Practice that were brought up by Mr. King during the Call to the Public.

16. **MEETING ADJOURNMENT**- 11:50 a.m.

Signed this 26th day of March, 2024




Michael Kolejka, Chairman


Judith Stapley, Executive Director