

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12

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

In the Matter of:

**Mark Ashby**  
Home Inspector  
Certification No. 40904

and

**Home Sweet Home Inspections**  
Firm Registration No. 15820 (Closed)  
Firm Registration No. 24654 (Active)

**Respondents**

Case No.: HI23-026

**CONSENT AGREEMENT  
and  
ORDER OF DISCIPLINE**

13  
14  
15  
16  
17  
18  
19  
20  
21

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, Mark Ashby ("Respondent"), holder of Certification No. 40904, Home Sweet Home Inspections ("Respondent Firm"), holder of firm registration No. 24654, 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.

**RECITALS**

22  
23  
24  
25

1. Each 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.

26  
27  
28

2. Each Respondent understands that they have a right to a public administrative hearing concerning this case. They further acknowledge that at such formal hearing they could present evidence and cross-examine witnesses. By entering into this Consent Agreement, Respondents knowingly, voluntarily, and irrevocably waive their right to

1 such an administrative hearing, as well as rights of rehearing, review, reconsideration,  
2 appeal, judicial review or any other administrative and/or judicial action concerning the  
3 matters set forth herein.

4         3. Each Respondent affirmatively agrees that this Consent Agreement shall be  
5 irrevocable.

6         4. Each Respondent understands that this Consent Agreement or any part of the  
7 agreement may be considered in any future disciplinary action by the Board against them.

8         5. The Consent Agreement, any record prepared in this matter, all investigative  
9 materials prepared or received by the Board and all related exhibits and materials, are  
10 public records upon acceptance by the Board of this Consent Agreement and may be  
11 retained in the Board's files pertaining to this matter.

12         6. Each Respondent understands this Consent Agreement deals with Board case  
13 number HI23-026 involving allegations that Respondents engaged in conduct that would  
14 subject them to discipline under the Board's statutes and rules. The investigation into  
15 these allegations against Respondents shall be concluded upon the Board's adoption of  
16 this Consent Agreement.

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

22         8. Each Respondent also understands that acceptance of this Consent  
23 Agreement does not preclude any other agency, subdivision, or officer of this State from  
24 instituting any other civil or criminal proceedings with respect to the conduct that is the  
25 subject of this Consent Agreement.

26         9. Each Respondent acknowledges and agrees that, upon signing this Consent  
27 Agreement and returning this document to the Board's Staff, they may not revoke their  
28 acceptance of the Consent Agreement or make any modifications to the

1 document regardless of whether the Consent Agreement has been signed on behalf of the  
2 Board. Any modification to this original document is ineffective and void unless  
3 mutually agreed by the parties in writing.

4 10. This Consent Agreement is subject to the approval of the Board and is  
5 effective only when accepted by the Board and signed on behalf of the Board. If the  
6 Board does not accept this Consent Agreement, the Board retains its authority to hold a  
7 formal administrative hearing pursuant to A.R.S. § 32-128(E). In the event that the  
8 Board does not approve this Consent Agreement, it is withdrawn and shall be of no  
9 evidentiary value and shall not be relied upon nor introduced in any action by any party,  
10 except that the parties agree that should the Board reject this Consent Agreement and this  
11 case proceeds to hearing, Respondents shall assert no claim that the Board was prejudiced  
12 by its review and discussion of this document or any records relating thereto.

13 11. If a court of competent jurisdiction rules that any part of this Consent  
14 Agreement is void or otherwise unenforceable, the remainder of the Consent Agreement  
15 shall remain in full force and effect.

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

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

21 **FINDINGS OF FACT**

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

24 2. Respondent is the holder of Arizona Home Inspector Certification No.  
25 40904.

26 3. Respondent Firm was the holder of firm registration No. 15820, which  
27 expired on August 31, 2016 and closed on February 28, 2020.

28 4. Between February 28, 2020, and March 20, 2023, Respondent Firm was not

1 registered with the Board.

2 4. Respondent Firm is currently the holder of firm registration No. 24654.

3 5. At all times relevant to Respondent Firm registration #15820 (expired) and  
4 #24654 with the Board, Respondent has been and is currently principal of Respondent  
5 Firm.

6 6. On or about February 23, 2023, the Board received a complaint alleging that  
7 Respondent, after conducting a home inspection at 6866 E Kenyon Drive Tucson, AZ on  
8 or about November 23, 2022, inaccurately reported that the hot water heater was 22 years  
9 old when it was actually fairly new. It was also alleged that Respondent Firm engaged in  
10 the practice of home inspection without valid firm registration with the Board, as Board  
11 records showed that Respondent Firm's registration expired on August 31, 2016 and had  
12 not been renewed.

13 9. On or about March 14, 2023, Respondent indicated that he was unaware that  
14 Respondent Firm's registration with the Board had expired. Respondent further indicated  
15 that he was in the process of re-registering Respondent Firm with the Board.

16 10. On or about March 20, 2023, Respondent re-registered Respondent Firm with  
17 the Board under firm registration No. 24654.

18 11. On or about February 13, 2024, an EAC meeting was convened to review the  
19 complaint filed against Respondent; specifically the allegations regarding Respondent's  
20 home inspection at 6866 E Kenyon Drive Tucson, AZ on or about November 23, 2022.  
21 The EAC Committee did not substantiate the initial allegation that Respondent  
22 inaccurately reported on the age of the water heater. However, the Committee reviewed  
23 Respondent's Home Inspection Report and found that, based the Standards of  
24 Professional Practice for Arizona Home Inspectors ("S.O.P."), Respondent:

25 a. Failed to include the inspection date in the agreement as required per S.O.P.

26 No. 2.2.A.2.

27 b. Failed to include the inspector's name and certification number in the  
28 inspection agreement as required per S.O.P. No. 2.2.A.3.

- 1 c. Failed to accurately report on the type of the roof structure as required per
- 2 S.O.P. No. 4.2.A.6.
- 3 d. Failed to report on the condition of the plumbing pipe supports as required
- 4 per S.O.P. No. 7.1.B.1.
- 5 e. Failed to report on the functional flow of the plumbing system as required
- 6 per S.O.P. No. 7.1.A.3.
- 7 f. Failed to report on the functional drainage of the plumbing system as
- 8 required in S.O.P. No. 7.1.B.3.
- 9 g. Failed to report on the presence and condition of gas pipe supports as
- 10 required per S.O.P. No. 7.1.D.1.
- 11 h. Failed to report on the type of electrical service as required per S.O.P. No.
- 12 8.2.A.3.
- 13 i. Failed to report on the type and condition of the service entrance
- 14 conductors as required per S.O.P. No. 8.1.A. & No. 8.2.A.2.
- 15 j. Failed to report on the presence and condition of the heating system
- 16 automatic safety controls as required per S.O.P. No. 9.1.A.3.
- 17 k. Failed to report on the presence of a heat source in each room as required
- 18 per S.O.P. No. 9.1.A.7.
- 19 l. Failed to report on the presence of a cooling source in each room as
- 20 required per S.O.P. No. 10.1.B.2.

21 During his interview with the EAC Committee, Respondent acknowledged, in his Home  
22 Inspection Report, he:

- 23 a. Failed to accurately report on the type of the roof structure as required per
- 24 S.O.P. No. 4.2.A.6.
- 25 b. Failed to report on the presence and condition of the heating system
- 26 automatic safety controls as required per S.O.P. No. 9.1.A.3.
- 27 c. Failed to report on the presence of a heating source in each room as
- 28 required per S.O.P. No. 9.1.A.7.

1 d. Failed to report on the presence of a cooling source in each room as  
2 required per S.O.P. No. 10.1.B.2.

3 **CONCLUSIONS OF LAW**

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

5 2. The conduct alleged in the Findings of Fact constitutes grounds for discipline  
6 pursuant to A.R.S. § 32-128(C)(4) as it relates to A.A.C. R4-30-301.01, in that  
7 Respondent failed to conduct a Home Inspection in accordance with the Standards of  
8 Professional Practice for Arizona Home Inspectors.

9 3. The conduct alleged in the Findings of Fact constitutes grounds for discipline  
10 pursuant to A.R.S. § 32-121 and A.R.S. § 32-141, in that Respondent Firm practiced or  
11 offered to practice a Board regulated profession without valid firm registration with the  
12 Board.

13 **ORDER**

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

16 1. LETTER OF REPRIMAND. Respondent is hereby issued a Letter of  
17 Reprimand.

18 2. STAYED SUSPENSION AND PROBATION. As of the effective date of  
19 this Order, Respondent's certification as an Arizona Home Inspector, No. 40904, shall be  
20 suspended for Twelve (12) Months; however, the suspension shall be stayed for as long  
21 as Respondent remains in compliance with this Order. During the period of stayed  
22 suspension, Respondent's certification as an Arizona Home Inspector shall be placed on  
23 probation. If Respondent is non-compliant with any term of this Order during the  
24 probationary period, the stay of suspension shall be lifted and Respondent's certification  
25 as an Arizona Home Inspector shall be automatically suspended without formal hearing,  
26 and remain suspended until Respondent is compliant with all terms of this Order.

27 3. ADMINISTRATIVE PENALTY. Within Twelve (12) Months from the  
28 effective date of this Consent Agreement, Respondent shall pay an administrative penalty

1 of Eight Hundred and Fifty Dollars (\$850.00) by certified check or money order made  
2 payable to the State of Arizona Board of Technical Registration.

3 4. COST OF INVESTIGATION. Within Twelve (12) Months from the  
4 effective date of this Consent Agreement, Respondent shall pay the cost of investigation  
5 of this case to the Board in the amount of Four Hundred Dollars (\$400.00) by certified  
6 check or money order made payable to the State of Arizona Board of Technical  
7 Registration, according to the provisions of A.R.S. § 32-128(H).

8 5. OBEY ALL LAWS. Respondent shall obey all federal, state and local laws,  
9 as well as, all rules governing the practice of Home Inspection in the State of Arizona.  
10 The Board shall consider any violation of this paragraph to be a separate violation of the  
11 rules and statues governing the Arizona Board of Technical Registration. The Board may  
12 also consider Respondent's non-compliance with this Order as a separate violation of  
13 A.R.S. § 32-150.

14 6. RENEWAL OF REGISTRATION. During the probationary period,  
15 Respondent and Respondent Firm shall timely renew their certification as an Arizona  
16 Home Inspector and registration as an Arizona Home Inspection Firm, and timely pay all  
17 required registration fees.

18 7. EFFECTIVE DATE. The effective date of this Consent Agreement is the  
19 date the Respondent and Board sign the Consent Agreement. If the dates are different, the  
20 effective date is the later of the two dates.

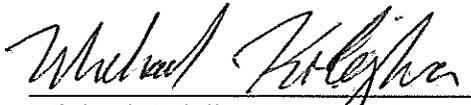
21 8. COSTS OF COMPLIANCE. Respondent shall pay all costs associated with  
22 complying with this Consent Agreement.

23 9. NONCOMPLIANCE. If Respondent violates this Order in any way or fails  
24 to fulfill the requirements of this Order, the Board, after giving notice and the opportunity  
25 to be heard, may revoke, suspend or take other disciplinary actions against the  
26 registration. The issue at such a hearing will be limited solely to whether this Order has  
27 been violated.

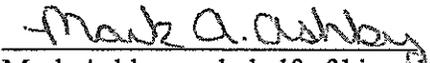
28 ///

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

ACCEPTED and ORDERED this 26<sup>th</sup> day of March, 2024.

  
Michael Kolejka, R.A., Chairman  
Arizona State Board of  
Technical Registration

Consent Agreement and Order, No. HI23-026 accepted this 4<sup>th</sup> day of MARCH, 2024.

  
Mark Ashby, on behalf of himself  
And on behalf of Home Sweet Home  
Inspections, Respondents

1 ORIGINAL filed this 27th day of

2 March, 2024, with:

3 Arizona State Board of Technical Registration  
4 1110 W. Washington, Suite 240  
5 Phoenix, AZ 85007

6  
7 COPY of the foregoing mailed via Certified Mail

8 No. 9214 8901 9434 4600 0965 13 and

9 First Class mail this 27th day of March, 2024, to:

10 Mark Ashby  
11 Home Sweet Home Inspections  
12 6212 E. Oak St.  
13 Tucson, AZ 85711

14  
15 By: Daniel Carthel

16

17

18

19

20

21

22

23

24

25

26

27

28