



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, 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, July 23, 2024 –9:00am

1. **CALL TO ORDER** - The meeting convened at 9:00 a.m., entered Executive Session at 9:55 a.m., reconvened at 10:08 a.m., entered Executive Session at 11:02 a.m., reconvened at 11:23 a.m., entered Executive Session at 11:45 a.m., reconvened at 12:11 p.m., and adjourned at 12:13 p.m.

2. ROLL CALL

PRESENT

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

ABSENT

Stacy Skankey
Haley Bohall
Jennifer Hobik

PRESENT VIRTUALLY

Dr. Clinton Campbell – joined at 9:01 a.m.
Dana Klett
Kileen Lindgren – left the meeting at 12:11 p.m.

3. CALL TO THE PUBLIC

No one appeared before the Board.

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 item 4(A-B).

A. Approve, modify and/or reject, June 25, 2024 Board meeting minutes.

Mr. Gilmore moved and Mr. Smith seconded to approve the June 25, 2024 Board meeting minutes and the June 25, 2024 Executive Session meeting minutes; motion carried 8-0.

B. Approve, modify and/or reject, June 25, 2024 Executive Session 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) Schaff, Monte – Application for Registration as an Electrical Engineer #241960
 - b) Certificate(s) of Experience from non-Professionals
 - 1) Butzine, Pierce – Application for Registration as a Civil Engineer #241620
 - 2) Alexander, Robert – Application for Registration as a Geologist #242097
 - 3) McAllister Jr., Clarence – Application for Registration as a Civil Engineer #2310573
 - c) Council Records – experience under non-Professionals
 - 1) Poyser, Kent – Application for Registration as a Mechanical Engineer #241852
 - 2) Ragland, Robert – Application for Registration as an Electrical Engineer #241841
 - 3) Schirmer, Thomas – Application for Registration as an Electrical Engineer #241957
 - 4) Heisler, Mark – Application for Registration as an Electrical Engineer #241959
 - 5) Hu, Yuanhong – Application for Registration as an Electrical Engineer #241890
 - d) Background Review
 - 1) Mejia, Oscar – Application for Certification as a Home Inspector #240072
 - 2) Rounick, Nicholas – Application for Registration as a Civil Engineer #241819
 - e) Disciplinary Action Review
 - 1) Calcaterra, Arthur – Application for Registration as an Architect #241442
 - 2) Mackay, Lyle – Application for Registration as a Mechanical Engineer #241274
3. Grant Universal Applications for Professional Registration/Certification
 - a) Scherer, Glenn – Application for Registration as a Geologist #241909
 - b) Anderson, David – Application for Registration as a Civil Engineer #241950
 - c) Aringdale, Dylan – Application for Certification as a Home Inspector #241504
4. Grant Renewal Registration Application(s)
 - a) Background Review
 - 1) Ogborn, Kelli – Renewal Application for Civil Engineer Registration #73509
 - 2) Rankin, Adam – Renewal Application for Mechanical Engineer Registration #73773
 - b) Disciplinary Action
 - 1) Niedziela, Philip – Renewal Application for Mechanical Engineer Registration #73212
 - 2) LeVasseur, Kelli – Renewal Application for Civil Engineer Registration #53519
 - 3) Niedziela, Philip – Renewal Application for Electrical Engineer Registration #73296
 - 4) Best, Lee – Renewal Application for Environmental Engineer Registration #73124
 - 5) Isbell, Bradley – Renewal Application for Civil Engineer Registration #44526
 - 6) Zuendt, Alexander – Renewal Application for Civil Engineer Registration #73216
5. Approve Application(s) for Exam Authorization

- a) Certificate(s) of Experience from non-Professionals
 - 1) Besancon III, Charles – Application for PS exam authorization #241658
 - 2) Sevillano Granados, Luis – Application for PE Electrical exam authorization #241648
 - 3) Lucas, Haley – Application for PE Civil exam authorization #242130
- b) Council Records – experience under non-Professionals
 - 1) Landaverde, Luis – Application for AZ state-specific LS exam authorization #241884

6. Grant Applications for In-Training Designation

- a) Background Review
Nothing to consider.

7. Extension Requests

- a) McClish, Andrew – Application for Registration as a Structural Engineer #240956

Licensing Manager Julie Pham appeared before the Board.

Item 5(A)(2)(d)(1) was pulled from the consent agenda for further discussion.

Mr. Gilmore requested that items 5(A)(4)(b)(4) and 5(A)(4)(b)(6) 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 items 5(A)(2)(d)(1), 5(A)(4)(b)(4) and 5(A)(5)(b)(4); motion carried 8-0.

The Board discussed agenda item 5(A)(2)(d)(1). Applicant Oscar Mejia appeared before the Board. Mr. Smith moved and Mr. Gilmore seconded to approve item 5(A)(2)(d)(1) under the consent agenda; motion carried 8-0.

The Board discussed agenda items 5(A)(4)(b)(4) and 5(A)(4)(b)(6). Mr. Sayles moved to enter into Executive Session for legal advice and Mr. Gilmore seconded; motion carried 8-0. The Board entered executive session at 9:55 a.m. and reentered open session at 10:08 a.m.

Mr. Gilmore moved and Mr. Nesgood seconded to approve items 5(A)(4)(b)(4) and 5(A)(4)(b)(6) under the consent agenda; motion carried 8-0.

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 items 6(A-C).

A. Approve Application(s) for Exam Waiver

- 1. Application to waive Fundamental Exam
 - a) Li, Dongning – Application to waive FE exam #241414
 - b) Zhou, Liming – Application to waive FE exam #241929
- 2. Application to waive Professional Exam
 - a) Li, Dongning – Application to waive PE Structural exam #241413
 - b) Alayoub, Imad – Application to waive PE Electrical exam #240539
 - c) Gonzales Jr., Ricardo – Application to waive PE Fire Protection exam #241752

- d) Zhou, Liming – Application to waive PE Civil exam #241930
- e) Chung, Sung – Application to waive SE II exam #242003
- f) Orozco, Miguel – Application to waive PE Civil exam #241867
- 3. Multiple Considerations
 - a) Valencia Gonzalez, Claudio – Application to waive FE exam #241896
 - i. Certificate(s) of Experience from non-Professionals
 - ii. FE exam waiver
 - b) Valencia Gonzalez, Claudio – Application to waive PE Electrical exam #241897
 - i. Certificate(s) of Experience from non-Professionals
 - ii. PE Electrical exam waiver
 - c) Gandy, Robert – Application to waive FE exam #241638
 - i. Council Record – experience under non-Professionals
 - ii. FE exam waiver

Mr. Sayles moved and Mr. Nesgood seconded to approve all items under 6(A); motion carried 8-0.

- B. Grant Applications for Registration/Certification Dependent Upon Exam Waiver Decision
 - 1. Council Records – experience under non-Professionals
 - a) Gandy, Robert – Application for Registration as an Electrical Engineer #241012
 - 2. Certificate(s) of Experience from non-Professionals
 - a) Valencia Gonzalez, Claudio – Application for Registration as an Electrical Engineer #241898

Mr. Sayles moved and Mr. Nesgood seconded to approve all items under 6(B); motion carried 8-0.

- C. Renewal Application Requiring Board Guidance
 - 1. Gnich, Jason – Renewal Application for Architect Registration #44533

The Board discussed agenda item 6(C)(1). Mr. Gilmore moved and Mr. Nesgood seconded to approve item 6(C)(1); motion carried 8-0.

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. Complaints proposed to Rescind the vote to Administrative Hearing, refer to the appropriate prosecutorial agency for possible prosecution and administratively close the case without prejudice:
 - 1. P24-026, Jason Scott, Non-Registrant and Onyx Estimating, LLC, Non-Registrant Firm

AAG Deanie Reh appeared before the Board. Independent Advisor Seth Hargraves appeared before the Board.

Mr. Sayles moved and Mr. Gilmore seconded to rescind the vote to administrative hearing, refer to the appropriate prosecutorial agency for possible criminal prosecution and administratively close the case without prejudice; motion carried 8-0.

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-D).

A. Complaints Proposed for Resolution by Dismissal:

1. UK24-015, Jermaine Miller, Non-Registrant and AZ Fruitful Homes Barrett Real Estate, Non-Registrant Firm

Mr. Gilmore moved and Mr. Sayles seconded to dismiss cases #UK24-015, #HI24-047, and #P24-095; motion carried 8-0.

2. HI24-047, Kaleb Woolgar, Non-Registrant

See 8(A)(1).

3. P24-095, Brian Joseph, Non-Registrant and Aero Land Surveyors #23737 (*Dissolved*)

See 8(A)(1).

B. Complaints Proposed for Resolution with Signed Consent Agreements:

1. P24-044, Debra Weisberg, R.A. #24112 and Weisberg Design Associates Inc, DBA DesignLink Architecture & Planning, #10221(*expired*), current #25222

Alleger Andrew Lawver, Alleger Steven Szenasi, Investigator Kaitlyn Crawford, and Investigations Manager Orlene Loera appeared before the Board. The Board discussed the investigation.

Mr. Gilmore moved and Mr. Nesgood seconded to accept Respondent's signed Consent Agreement; motion carried 8-0.

2. P23-105, Steven Helfrich, P.E. (Civil) #38408

Alleger Gene Green, Respondent's Legal Counsel Scott McClure, and Investigator Daniel Carthel appeared before the Board. The Board discussed the investigation.

Mr. Sayles moved and Mr. Nesgood seconded to accept Respondent's signed Consent Agreement; motion carried 7-0. Mr. Smith abstained from the vote.

C. Complaints Proposed for Offer Consent Agreement:

1. P24-002, James Brucci, R.L.S. #29865

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

Ms. Klett moved and Mr. Sayles seconded to offer Respondent proposed Consent Agreement and if not signed within 30 days, proceed to formal hearing; motion carried 7-0. Mr. Gilmore recused himself from the vote.

D. Complaints Requiring Board Guidance:

1. P24-102, Kendall Baxley, Non-Registrant and Baxley Architectural and Consulting, Non-Registrant Firm

Investigator Kaitlyn Crawford appeared before the Board. The Board discussed the investigation.

Mr. Sayles moved to enter into Executive Session for legal advice and Mr. Gilmore seconded; motion carried 8-0. The Board entered executive session at 11:02 a.m. and reentered open session at 11:23 a.m.

Mr. Kolejka moved and Mr. Gilmore seconded to direct board staff to draft a Consent Agreement for the Board to review at next month's board meeting; motion carried 8-0.

2. P23-080, T. Ashby, R.L.S. #19316(*delinquent*)

Investigator Kaitlyn Crawford appeared before the Board. The Board discussed the investigation.

Ms. Klett moved and Mr. Sayles seconded to dismiss case P23-080; motion carried 8-0.

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-B). 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 to the Board that there are no updates at this time.

- B. NCARB Presentation

NCARB staff Michael Armstrong, Maurice Brown, Roxanne Alston, and Edward Marley presented to the Board.

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

Executive Director Judith Stapley reported on the Board's budget, online transition, board composition, and fiscal numbers.

11. ASSISTANT ATTORNEY GENERAL'S REPORT – Nothing discussed

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

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

Nothing discussed.

B. Council of Landscape Architectural Registration Boards (CLARB)

Nothing discussed.

C. National Council of Architectural Registration Boards (NCARB)

See 9(B).

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

Executive Director Judith Stapley reported on NCEES.

E. International Council on Regulation (ICOR)

Executive Director Judith Stapley reported on ICOR.

13. FUTURE BOARD MEETINGS – August 27, 2024

14. SUGGESTED TOPICS FOR FUTURE MEETING AGENDAS.

Mr. Smith requested future discussion regarding the Investigations guidance matrix. Mr. Smith requested future discussion regarding Retired status for registrants.

15. EXECUTIVE DIRECTOR EVALUATION AND COMPENSATION

Discussion and possible action regarding the Executive Director's Evaluation and Compensation. *Pursuant to A.R.S. 38-431-03(A)(1) – The Board, during the course of discussion on the agenda item may hold an executive session upon a majority vote of a quorum of the members to discuss confidential information.*

Mr. Kolejka moved to enter into Executive Session to discuss confidential information and Mr. Nesgood seconded; motion carried 8-0. The Board entered executive session at 11:45 a.m. and reentered open session at 12:11 p.m.

Mr. Kolejka moved and Mr. Nesgood seconded to accept the terms discussed in Executive Session and direct Executive Director Judith Stapley to draft and submit paperwork to the appropriate party; motion carried 7-0.

16. MEETING ADJOURNMENT – 12:13 p.m.

Signed this 27th day of August, 2024


Michael Kolejka, Board Chairman


Judith Stapley, Executive Director