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

**In the Matter of:**

**Kevin Howard  
Certified Home Inspector  
Certification No. 39408**

**Respondent**

**Case No.: HI24-011**

**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, Kevin Howard (“Respondent”), holder of Certification No. 39408, 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 affirmatively agrees that this Consent Agreement shall be irrevocable.

1           4. Respondent understands that this Consent Agreement or any part of the  
2 agreement may be considered in any future disciplinary action by the Board against him.

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

7           6. Respondent understands this Consent Agreement deals with Board case  
8 number HI24-011 involving allegations that Respondent engaged in conduct that would  
9 subject him to discipline under the Board's statutes and rules. The investigation into  
10 these allegations against Respondent shall be concluded upon the Board's adoption of  
11 this Consent Agreement.

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

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

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

26           10. Respondent understands this Consent Agreement is subject to the approval of  
27 the Board and is effective only when accepted by the Board and signed on behalf of the  
28 Board. If the Board does not accept this Consent Agreement, the Board retains its

1 authority to hold a formal administrative hearing pursuant to A.R.S. § 32-128(E). In the  
2 event that the Board does not approve this Consent Agreement, it shall be withdrawn and  
3 of no evidentiary value and shall not be relied upon nor introduced in any action by any  
4 party, except that the parties agree that should the Board reject this Consent Agreement  
5 and this case proceeds to hearing, Respondent shall assert no claim that the Board was  
6 prejudiced by its review and discussion of this document or any records relating thereto.

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

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

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

15 **FINDINGS OF FACT**

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

18 2. Respondent is the holder of Arizona Certified Home Inspector Certification  
19 No. 39408, issued by the Board on June 10, 2003.

20 3. At all times relevant to the allegations of this Consent Agreement, Arizona  
21 Home Inspector Certification No. 39408 was active.

22 4. On or about August 29, 2023, the Board received a complaint regarding a  
23 home inspection conducted by Respondent in Mesa, Arizona. Specifically, the complaint  
24 alleged the Respondent:

25 a. failed to provide temperature readings;

26 b. failed to reach out to the realtor or homeowner to unlock the thermostats to  
27 enable accurate readings; and

28 c. falsely alleged the home required a full replacement of both AC units.

1           5. On or about November 24, 2023, a technical review of the inspection report  
2 was conducted. The technical review contained the following findings:

3           a. The initial allegation as presented in the complaint was not substantiated;  
4           and

5           b. The inspection report failed to include or report upon the following  
6           missing and/or deficient Standards of Practice (S.O.P.s):

7           I. the firm address as required per S.O.P. 2.2.A.3;

8           II. structural column type and condition as required per S.O.P.  
9           4.1.A.4 and 4.2.A.4;

10          III. plumbing supply system supports and insulation as required  
11          per S.O.P. 7.1.A.1;

12          IV. electrical service condition as required per S.O.P. 8.1.B;

13          V. oversized breakers or undersized conductors (compatibility  
14          condition) as required per S.O.P. 8.1.D;

15          VI. condition of stairs as required per S.O.P. 11.1.B;

16          VII. condition of stair railing as required per S.O.P. 11.1.B;

17          VIII. laundry room ventilation as required per S.O.P. 12.1.C;

18          IX. potential cross connections as required per Pools & Spas  
19          S.O.P. 3.1.D;

20          X. type of pool cleaning system as required per Pools & Spas  
21          S.O.P. 3.2.A.5;

22          XI. heater automatic safety controls as required per Pools & Spas  
23          S.O.P. 3.1.C. The deficiency with regards to S.O.P. 3.1.C was  
24          identified as a potential threat to health and/or life safety.

25          XII. presence of entrapment prevention components as required  
26          per Pools & Spas S.O.P. 3.1.I. The deficiency with regards to  
27          S.O.P. 3.1-I was identified as a potential threat to health  
28          and/or life safety.

1 CONCLUSIONS OF LAW

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

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

7 ORDER

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

10 1. LETTER OF REPRIMAND. Respondent is hereby issued a Letter of  
11 Reprimand.

12 2. ADMINISTRATIVE PENALTY. Within sixty (60) days from the  
13 effective date of this Consent Agreement, Respondent shall pay an administrative penalty  
14 of Five Hundred Dollars (\$500.00) by certified check or money order made payable to  
15 the State of Arizona Board of Technical Registration.

16 3. COST OF INVESTIGATION. Within sixty (60) days from the effective  
17 date of this Consent Agreement, Respondent shall pay the cost of investigation of this  
18 case to the Board in the amount of One Hundred and Fifty Dollars (\$150.00) by certified  
19 check or money order made payable to the State of Arizona Board of Technical  
20 Registration, according to the provisions of A.R.S. § 32-128(H).

21 4. OBEY ALL LAWS. Respondent shall obey all federal, state, and local  
22 laws as well as all rules governing the practice of Home Inspection in the State of  
23 Arizona. The Board shall consider any violation of this paragraph to be a separate  
24 violation of the rules and statues governing the Arizona Board of Technical Registration.  
25 The Board may also consider Respondent's non-compliance with this Order as a separate  
26 violation of A.R.S. § 32-150.

27 5. RENEWAL OF REGISTRATION. Respondent and Respóndent Firm shall  
28 timely renew their Arizona registration as an Certified Home Inspector and Home

1 Inspection Firm, and timely pay all required registration fees.

2 6. EFFECTIVE DATE. The effective date of this Consent Agreement is the  
3 date the Respondent and Board sign the Consent Agreement. If the dates are different, the  
4 effective date is the later of the two dates.

5 7. COSTS OF COMPLIANCE. Respondent shall pay all costs associated  
6 with complying with this Consent Agreement.

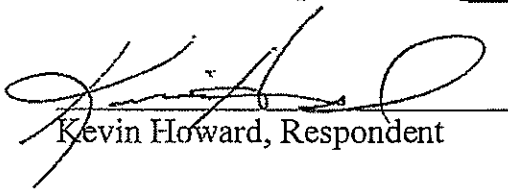
7 8. NONCOMPLIANCE. If Respondent violates this Order in any way or fails  
8 to fulfill the requirements of this Order, the Board, after giving notice and the opportunity  
9 to be heard, may revoke, suspend or take other disciplinary actions against the  
10 registration. The issue at such a hearing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

12 ACCEPTED and ORDERED this 29th day of September, 2024.

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

18 Consent Agreement and Order, No. HI24-011 accepted this 18 day of  
19 Septe, 2024.

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22 Kevin Howard, Respondent  
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1 ORIGINAL filed this 30<sup>th</sup> day of

2 September, 2024, with:

3 Arizona State Board of Technical Registration

4 1110 W. Washington, Suite 240

5 Phoenix, AZ 85007

6 COPY of the foregoing mailed via Certified Mail

7 No. 9214 8901 9434 4600 0988 90 and

8 First Class mail this 30<sup>th</sup> day of September, 2024, to:

9 Kevin Howard

10 22571 South 227<sup>th</sup> Way

11 Queen Creek, AZ 85142

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13 By: Kaulyn Crawford