



State of Arizona
BOARD OF TECHNICAL REGISTRATION

1110 W. Washington Street, Suite 240, Phoenix, Arizona 85007
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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 • Barrett Lindsey, Public Member
- Stacy Skankey, Esq, Public Member • Keith Smith, Public Member

MINUTES FOR REGULAR SESSION MEETING

1110 W. Washington Street, Board Room 245, Phoenix, Arizona 85007

Tuesday, September 24, 2024 –9:00 am

1. **CALL TO ORDER-** The meeting convened at 9 a.m., entered Executive Session at 9:19 a.m., reconvened at 10:00 a.m., entered break at 10:00 a.m., reconvened at 10:10 a.m., entered Executive Session at 10:53 a.m., reconvened at 11:14 a.m. and adjourned at 11:52 a. m.

2. **ROLL CALL**

PRESENT

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

ABSENT

Jennifer Hobik

PRESENT VIRTUALLY

Dr. Clinton Campbell
Stacy Skankey- Left at 11:14 a.m., Returned at 11:22 a.m.
Dana Klett

3. **CALL TO THE PUBLIC**

Mr. Mannion appeared before the Board and made a statement regarding case number HI24-049.

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, August 27, 2024 Board meeting minutes.
- B. Approve, modify and/or reject, August 27, 2024 Executive Session Board meeting minutes.

Mr. Sayles moved and Mr. Nesgood seconded to approve the August 27, 2024 Board Meeting minutes and the August 27, 2024 Executive Session meeting minutes; motion carried 9-0.

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**

Nothing to consider.
 - b) **Certificate(s) of Experience from non-Professionals**
 - 1) Olivares Longsworth, Federico – Application for Registration as a Civil Engineer #242119
 - 2) Roberts, Adrienne – Application for Registration as a Civil Engineer #241888
 - c) **Council Records – experience under non-Professionals**
 - 1) Moldovan, Matthew – Application for Registration as a Mechanical Engineer #242660
 - 2) Olivarez, Rene – Application for Registration as a Mechanical Engineer #242158
 - 3) Phair, Joseph – Application for Registration as a Mechanical Engineer #242365
 - 4) Logan, Vincent – Application for Registration as a Land Surveyor #242596
 - d) **Background Review**
 - 1) Giefer, Andrew – Application for Registration as an Electrical Engineer #242505
 - 2) Spence-Chan, James – Application for Registration as an Architect #242478
 - e) **Disciplinary Action Review**

Nothing to consider.
 - f) **Multiple Considerations**
 - 1) Pretti, Michael – Application for Registration as an Environmental Engineer #242283
 - i. PE exam unknown
 - ii. Council Record – experience under non-Professionals
3. **Grant Universal Applications for Professional Registration/Certification**
 - a) Dottai, Daniel – Application for Registration as a Civil Engineer #241209
 - b) Erdmann, Marcus – Application for Registration as a Civil Engineer #242427
 - c) Rogers, Paul – Application for Certification as a Home Inspector #242049
4. **Grant Renewal Registration Application(s)**
 - a) **Background Review**
 - 1) Stringer, Gary – Renewal Application as an Electrical Engineer #35416
 - b) **Disciplinary Action**
 - 1) Calma, Daniel – Renewal Application as a Home Inspector #62821
 - 2) Keener, Travis – Renewal Application as a Chemical Engineer #67112
 - 3) Sturgeon, David – Renewal Application as a Home Inspector #40109
 - 4) Bigbie, Mark – Renewal Application as an Electrical Engineer #39728
5. **Approve Application(s) for Exam Authorization**
 - a) **Certificate(s) of Experience from non-Professionals**
 - 1) Savitskyi, Yurii – Application for ARE exam authorization #242033
 - 2) Frederick, Robert – Application for FE exam authorization #242682
 - b) **Council Records – experience under non-Professionals**

1) Smith, Stephen – Application for AZ State-Specific LS exam authorization #242552

Mr. Gilmore moved and Mr. Sayles seconded to accept all items under 5(A)(1), 5(A)(2), 5(A)(3), 5(A)(4), and 5(A)(5); motion carried 9-0.

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).

A. Approve Application(s) for Exam Waiver

1. Application to waive Fundamental Exam

- a) Ferguson, Keith – Application to waive FE exam #242425
- b) Rowley, Jesse – Application to waive FE exam #242414
- c) Vath, Donald – Application to waive FE exam #242370

2. Application to waive Professional Exam

- a) Ferguson, Keith – Application to waive PE Civil exam #242426
- b) Raghavan, Subba – Application to waive PE Electrical exam #240102
- c) Randall, Josh – Application to waive PE Structural exam #242413

Mr. Sayles moved and Mr. Nesgood seconded to approve all items under 6(A)(1) and 6(A)(2); motion carried 9-0.

7. CONSIDERATION OF CASES REFERRED FOR FORMAL HEARING

Review, Consideration and Possible Action on the following:

Nothing to Consider.

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).

Mr. Kolejka moved and Mr. Gilmore seconded to enter Executive Session to receive legal advice in regards to legislative changes to ARS § 32-106: motion carried 9-0. The Board entered into executive session at 9:19 a.m. and reentered open session at 10:00 a.m.

A. Complaint Jurisdictional Review Pursuant to A.R.S. 32-106(A)(5) and (C)(1),(2):

1. Complaints Proposed for Dismissal:

- a. HI24-022, Theodore Thorson, C.H.I. #63766

Mr. Sayles moved and Mr. Nesgood seconded to dismiss cases HI24-022, P23-089, P24-089 and HI24-006; motion carried 9-0

- b. P23-089, Jacob Morin, P.E. (Structural) #52782

See 8(A)(1)(a)

- c. P23-100, John Stout, Non-Registrant and Stout Design, Non-Registrant

Mr. Gilmore moved and Dr. Campbell seconded to dismiss case P23-100 and to refer the matter to the attorney general's office for possible prosecution; motion carried 9-0.

- d. P24-089, Dennis Keogh, P.E. (Civil) #11305 and R.L.S. #10846 and Keogh Engineering, Inc. #13542 (Closed), #25377 (Active)

See 8(A)(1)(a)

- e. HI24-006, Dave Bell, C.H.I. #71759

See 8(A)(1)(a)

B. Complaints Proposed for Resolution by Dismissal:

- 1. P24-104, Gabriel Angel Alcaraz, Non-Registrant (*Related Cases P24-105 & P24-106*)

Alleger Paul Larson and investigator Daniel Carthel appeared before the Board. The Board discussed the investigation.

Mr. Sayles moved and Mr. Nesgood seconded to dismiss cases P24-104, P24-105, and P24-106; motion carried 9-0.

- 2. P24-105, Jesus Rodriguez, Non-Registrant (*Related Cases P24-104 & P24-106*)

See 8(B)(1)

- 3. P24-106, Jesse Light, P.E. (Structural) #58912 (*Related Cases P24-104 & P24-105*)

See 8(B)(1)

- 4. P24-025, David Putt, R.L.S. #13019

Mr. Sayles moved and Mr. Nesgood seconded to dismiss cases P24-025, P24-098, and P23-106; motion carried 9-0.

- 5. P24-093, Jeremy Haskins, P.E. (Civil) #52909

Alleger Stephen Mitchell and investigator Dale Elliott appeared before the Board. The Board discussed the investigation.

Mr. Gilmore moved and Ms. Klett seconded to dismiss case P24-093; motion carried 9-0.

- 6. P24-098, Kevin Paulus, R.A. #26568

See 8(B)(4)

7. AL23-015, Travis Miller-Stevens, Non-Registrant

Alleger George Macias and investigator Brandon Eaden appeared before the Board. The Board discussed the investigation.

Mr. Gilmore moved and Mr. Lindsey seconded to dismiss case AL23-015; motion carried 9-0.

8. P23-106, Tracy Black, P.E. (Mechanical) #42649 and S3DA Design, #22920

See 8(B)(4)

C. Complaints Proposed for Resolution with Letter of Concern:

1. P24-013, W. Armstrong, R.A. #46789

Mr. Gilmore moved and Ms. Klett seconded to issue Respondent a letter of concern; motion carried 9-0.

D. Complaints Proposed for Offer Consent Agreement:

1. P24-021, Forrest Gressley, Non-Registrant

Mr. Sayles moved and Mr. Gilmore seconded to accept the signed consent agreement; motion carried 9-0.

2. P24-074, Brian Smalkoski, P.E. (Civil), #65544

Respondent Brian Smalkoski, Respondent's counsel Jodi Mullis, and investigator Daniel Carthel appeared before the Board. The Board discussed the investigation.

Mr. Sayles moved and Mr. Campbell seconded to enter into Executive Session to receive legal advice regarding what constitutes a misdemeanor; motion carried 9-0. The Board entered into executive session at 10:53 a.m. and reentered into open session at 11:14 a.m.

Mr. Kolejka moved and Mr. Gilmore seconded to issue Respondent a letter of concern; motion carried 8-0.

3. P24-120, Joseph Zeimet, R.L.S. #45086

Ms. Klett moved and Mr. Sayles seconded to offer Respondent the proposed consent agreement and if not signed within 30 days, proceed to a formal hearing; motion carried 8-0.

E. Review and Consideration for EAC Membership:

1. Edwin Vandergrift, R.G. #39256

Mr. Nesgood moved and Mr. Sayles seconded to approve Edwin Vandergrift for EAC membership; motion carried 9-0.

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 that there are no updates at this time.

B. Update to 2025 Board meeting dates

Mr. Sayles moved and Mr. Gilmore seconded to move the April 22, 2024 Board Meeting date to April 29, 2024; motion carried 9-0.

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

Mrs. Stapley and Mr. Winter reported on the Board's budget, the online transition, staff updates, licensing, and enforcement numbers.

11. ASSISTANT ATTORNEY GENERAL'S REPORT – Conflicts training

AAG Scott Donald presents conflict training to Board members.

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

- A. National Association of State Boards of Geology (ASBOG)
- B. Council of Landscape Architectural Registration Boards (CLARB)

Mr. Gilmore reported on the meeting he attended along with Ms. Pham and Mrs. Stapley in Buffalo, New York.

C. National Council of Architectural Registration Boards (NCARB)

Mr. Kolejka reported on a recent WCARB meeting and that he and Mrs. Stapley will be attending the NCARB MBE meeting in October in Fargo, North Dakota.

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

Mr. Sayles reported about the upcoming conferences in Arizona.

E. International Council on Regulation (ICOR)

F. Arizona Alarm Association

Mr. Winter Spoke about the alarm conference he attended last week with Mr. Eaden.

13. FUTURE BOARD MEETINGS – October 29, 2024

14. SUGGESTED TOPICS FOR FUTURE MEETING AGENDAS

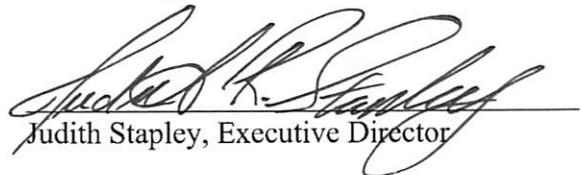
Executive Director Judith Stapley request to present the ICOR video at the next Board Meeting.

Mr. Sayles asks that news updates for the Arizona Society of Home Inspectors (AZ ASHI) and the Federation of Associations of Regulatory Boards (FARB) be presented at the next Board Meeting.

15. MEETING ADJOURNMENT- 11:52 p. m.

Signed this 29th day of October, 2024


Michael Kolejka, Board Chair


Judith Stapley, Executive Director