



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 • Barrett Lindsey, Public Member
- Stacy Skankey, Esq, Public Member • Keith Smith, Public Member • Vacant, Public Member

MINUTES FOR REGULAR SESSION MEETING
1110 W. Washington Street, Board Room 245, Phoenix, Arizona 85007
Tuesday, October 29, 2024 –9:00 am

1. **CALL TO ORDER-** The meeting convened at 9:01 a.m., entered Executive Session at 9:19a.m., reconvened at 9:42 a.m., entered break at 9:42 a.m., reconvened at 9:52 a.m., entered Executive Session at 10:35 a.m. reconvened at 11:04 a.m., entered break at 11:05 a.m., reconvened at 11:11 a.m. entered Executive Session at 12:01 p.m., reconvened at 12:41 p.m., entered break at 12:41 p.m., reconvened at 12:45 p.m., and meeting adjourned at 1:28 p.m.

2. **ROLL CALL**

Present

Michael Kolejka
Scott Sayles
Jack Gilmore
Keith Smith
Barrett Lindsey
Dana Klett

Absent

William “Bill” Nesgood
Stacy Skankey

Present Virtually

Dr. Clint Campbell Joined at 9:03 a.m.
Jennifer Hobik

3. **ASSISTANT ATTORNEY GENERAL TRAINING** – Board member communication protocol

Board counsel Scott Donald presented training to the Board regarding Board member communication protocol.

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-C).

A. Approve, modify and/or reject, September 24, 2024 Board meeting minutes.

- B. Approve, modify and/or reject, first September 24, 2024 Executive Session Board meeting minutes.
- C. Approve, modify and/or reject, second September 24, 2024 Executive Session Board meeting minutes.

Mr. Sayles moved and Ms. Klett seconded to approve the September 24, 2024 Board Meeting minutes, the first September 24, 2024 Executive Session Board meeting minutes. and the second September 24, 2024 Executive Session Board meeting minutes; motion carried 8-0

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
 - 1) Wilkinson, Robert – Application for Registration as a Mechanical Engineer #242151
 - 2) McTavish, Michael – Application for Registration as an Architectural Engineer #242430
 - 3) Pisha, Jeffrey – Application for Registration as a Civil Engineer #242793
 - 4) Prakash, Mokkarala – Application for Registration as a Civil Engineer #242506
 - b) Certificate(s) of Experience from non-Professionals
 - 1) Caminiti, Joseph – Application for Registration as a Civil Engineer #242191
 - 2) Minerman, Christian – Application for Registration as a Civil Engineer #242386
 - 3) Krening, Connor – Application for Registration as an Electrical Engineer #242457
 - c) Council Records – experience under non-Professionals
 - 1) Alzate, Gail – Application for Registration as a Mechanical Engineer #242248
 - 2) Balling, Lukas – Application for Registration as a Structural Engineer #242798
 - 3) Coenen, Jon – Application for Registration as a Civil Engineer #242873
 - 4) Kendall, Michael – Application for Registration as a Landscape Architect #242744
 - 5) De La Torre Gonzalez, Edgar – Application for Registration as an Electrical Engineer #242715
 - 6) Steinkruger, Trevor – Application for Registration as a Mechanical Engineer #242272
 - 7) Robles, Christian – Application for Registration as an Electrical Engineer #242729
 - 8) Rodriguez, Rigoberto – Application for Registration as a Civil Engineer #242714
 - 9) Rojas, Folkers – Application for Registration as a Mechanical Engineer #242860
 - 10) Little, Timothy – Application for Registration as a Mechanical Engineer #242970
 - 11) Landaverde, Luis – Application for Registration as a Land Surveyor #242948
 - d) Background Review
 - 1) Sheldrup, Steven – Application for Registration as a Civil Engineer #241889
 - e) Disciplinary Action Review
Nothing to consider.
 - f) Multiple Considerations

- 1) Gross, David – Application for Registration as a Mechanical Engineer #242688
 - i. PE exam unknown
 - ii. Council Record – experience under non-Professionals

3. Grant Universal Applications for Professional Registration/Certification
 - a) Neill, KarlMichael – Application for Registration as a Geologist #242700
 - b) Johar, Chaitanya – Application for Registration as a Mechanical Engineer #242730
 - c) Roberts, Jenna – Application for Certification as a Home Inspector #242745
 - d) Cole, Mark – Application for Registration as a Civil Engineer #242916

4. Grant Renewal Registration Application(s)
 - a) Background Review
 - 1) Arviso, Dylan – Renewal Application for Civil Engineer Registration #73815
 - 2) Nisenbaum, Ralph – Renewal Application for Civil Engineer Registration #28373
 - 3) Broadbent, Charles – Renewal Application for Architect Registration #49493
 - b) Disciplinary Action
 - 1) Dye, Ron – Renewal Application for Home Inspector Certification #43638
 - 2) Perez, William – Renewal Application for Land Surveyor Registration #50105
 - 3) McCool, Michael – Renewal Application for Civil Engineer Registration #60362
 - 4) Walter, Paul – Renewal Application for Architect Registration #60573
 - 5) Stuhlfreyer, Peter – Renewal Application for Architect Registration #74664
 - 6) Tompos, Eric – Renewal Application for Structural Engineer Registration #50429
 - 7) Abu-Yasein, Omar – Renewal Application for Civil Engineer Registration #40294
 - 8) Fakhri, Ali – Renewal Application for Civil Engineer Registration #45621

5. Approve Application(s) for Exam Authorization
 - a) Certificate(s) of Experience from non-Professionals
 - 1) Bradshaw, McKell – Application for FE exam authorization #242695
 - 2) Safi, Walid – Application for PE Structural exam authorization #242904

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 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-B).

A. Approve Application(s) for Exam Waiver

1. Application to waive Fundamental Exam
 - a) Bustamante, Gabriel – Application for FE exam waiver #242747
 - b) Ogala, Ebere – Application for FE exam waiver #242534
 - c) Malecek, Marek – Application for FE exam waiver #242519
 - d) Cranham, Gregory – Application for FG exam waiver #242901
 - e) Sipra, Abdul Hameed – Application for FE exam waiver #242748
2. Application to waive Professional Exam
 - a) Benuska, Kalman – Application for PE Structural exam waiver #242780

- b) Broome, Ryan – Application for PE Structural exam waiver #240573
 - c) Guyader, Brenda – Application for PE Structural exam waiver #242698
 - d) Schmalz, Larry – Application for PE Structural exam waiver #242693
 - e) Mazzei, Daniel – Application for PE Structural exam waiver #242685
 - f) Rojas, Hugo – Application for PE Structural exam waiver #242105
 - g) Silvester, Richard – Application for SE II exam waiver #242790
 - h) Cranham, Gregory – Application for PG exam waiver #242902
 - i) Bain, Cody – Application for SE II exam waiver #242757
3. Multiple Considerations
- a) Wells, Andrew – Application for FE exam waiver #242063
 - i. Certificate(s) of Experience from non-Professionals
 - ii. FE exam waiver
 - b) Dean, Shawn – Application for FE exam waiver #242070
 - i. Council Record – experience under non-Professionals
 - ii. FE exam waiver
 - c) Dean, Shawn – Application for PE Civil exam waiver #242069
 - i. Council Record – experience under non-Professionals
 - ii. PE Civil exam waiver
 - d) Kruger, Jaco – Application for PE Electrical exam waiver #242723
 - i. Certificate(s) of Experience from non-Professionals
 - ii. PE Electrical exam waiver

Mr., Sayles moved and Ms. Klett seconded to approve all items under 6(A)(1), 6(A)(2) and 6(A)(3) except for 6(A)(3)(a); motion carried 8-0.

Ms. Klett moved and Mr. Gilmore seconded to approve 6(A)(3)(a); motion carried 7:0 Mr. Sayles recused himself from this motion.

- B. Grant Applications for Registration/Certification Dependent Upon Exam Waiver Decision
- 1. Council Records – experience under non-Professionals
 - a) Dean, Shawn – Application for Registration as a Civil Engineer #241915

Mr. Sayles moved and Dr. Campbell seconded to Grant application for registration for 6(B)(1)(a); motion carried 8-0.

- C. Reconsideration of Fee Imposed for Late Renewal Application
- 1. Moghimifard, Farhad – Renewal application for Civil Engineer Registration #35163

Nothing discussed and no action taken.

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 items 7(A-B).

- A. Consideration of a Signed Consent Agreement in lieu of a Formal Hearing:
- 1. P21-016, Michael Nakhla, P.E. (Fire Protection) #33379

Ms. Reh appeared before the Board to present the signed consent agreement for Mr. Nakhla.

Mr. Gilmore motioned and Ms. Klett seconded to accept the signed consent agreement and rescind the motion for formal hearing; motion carried 8-0.

- B. Complaints proposed to rescind the Administrative Hearing and dismiss Pursuant to A.R.S. 32-106(A)(5) and (C)(1),(2):
1. HI23-018, Paul Furman, C.H.I. #38094

Mr. Smith moved and Ms. Klett seconded to enter Executive Session to receive legal advice on case HI23-018; motion carried 8-0. The Board entered Executive Session at 9:19a.m. and reconvened at 9:42 a.m.

AAG Deanie Reh, Independent Advisor Seth Hargraves, and respondent's attorney Joshua Furman, appeared before the board.

Mr. Sayles moved to rescind the Administrative Hearing and dismiss case HI23-018; Motion failed for lack of a second.

Board members asked that HI23-018 be tabled for future Board Meeting.

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-G).

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

1. Complaints Proposed for Dismissal:
 - a. HI24-041, John (Mike) White, C.H.I. #53607

Mr. Gilmore moved Ms. Klett seconded to dismiss cases HI24-041, and HI24-028; motion carried 7-0.

- b. HI24-028, Hal Christopher Jones, C.H.I. #76237

See 8(A)(1)(a).

- c. HI24-015, Paul Staron, C.H.I. #38061 and Valley Building Inspections, #12496

Mr. Kolejka moved and Mr. Sayles seconded to enter into executive session to receive legal advice for HI24-015, HI23-019, HI23-020, P23-094, P23-095, HI23-024 and HI24-032; motion carried 8-0. The Board entered Executive Session at 10:35a.m. and reconvened at 1104 a.m.

Mr. Sayles moved and Ms. Klett seconded to dismiss HI24-015, HI23-019, HI23-020, P23-094 and P23-095; motion carried 7-1 Mr. Smith voted nay.

- d. HI23-019, Jacob Babin, C.H.I. #54897 and Total Home Inspections, #18040

See 8(A)(1)(c).

- e. HI23-020, Ryan Peart, C.H.I. #66144 and Advantage Home Inspections, #23040

See 8(A)(1)(c).

- f. HI24-019, Timothy Arementa, C.H.I. #72415 (*Related Case HI24-020*)

Alleger Gretchen Weston- Zeagler and Investigator Dale Elliot appeared before the Board. The Board discussed the investigation.

Mr. Smith moved and Mr. Sayles seconded to dismiss cases HI24-019 and HI24-020; motion carried 8-0.

- g. HI24-020, Matthew Maxwell, C.H.I. #60042 (*Related Case HI24-019*)

See 8(1)(f).

- h. P23-094, Adam Cosman, R.A. #59727 (*Related Case P24-095*)

See 8(A)(1)(c).

- i. P23-095 Adam Cosman, R.A. #59727 (*Related Case P24-094*)

See 8(A)(1)(c).

B. Complaints Proposed for Resolution by Dismissal:

- 1. UK25-006, Perfect Nails

Mr. Sayles moved and Mr. Gilmore seconded to dismiss UK25-006 and P24-084; motion carried 7-0, Ms. Hobik was not present.

- 2. P24-084, Bryan Kagel, R.L.S. #69746

See 8(B)(1).

- 3. HI25-001, Cyril Porter, C.H.I. #65173

Respondent, alleger Brad Patterson and Investigator Daniel Carthel appeared before the Board. The Board discussed the investigation.

Mr. Sayles moved and Ms. Klett seconded to dismiss HI25-001, and HI25-003; motion carried 8-0.

- 4. HI25-003, Cyril Porter, C.H.I. #65173

See 8(B)(3).

C. Complaints Proposed for Resolution with Letter of Concern:

- 1. HI23-024, Paul Stratton, C.H.I. #50867

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

Mr. Sayles moved Ms. Klett seconded to issue a letter of concern to the respondent; motion carried 7-1, Mr. Smith voted nay.

D. Complaints Proposed for Offer Consent Agreement:

1. P24-008, Alexander Haro, Non-Registrant

Respondent Alexander Haro, and investigator Kaitlyn Crawford appeared before the Board. The Board discussed the investigation.

Mr. Gilmore moved Mr. Sayles seconded to offered consent agreement and if not signed within 30 days, proceed to a formal hearing; motion carried 8-0.

E. Complaints Proposed for Resolution with Signed Consent Agreements:

1. P24-096, Christopher Huynh, Non-Registrant

Mr. Gilmore moved Ms. Klett seconded to accept the signed consent agreement for P24-096, and AL24-005; motion carried 8-0.

2. AL24-005, Joe Boupha, Non-Registrant

See 8(E)(1).

F. Complaints Requiring Board Guidance:

1. HI24-032, Ricardo Navarette, C.H.I. #73978

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

Mr. Kolejka moved and Mr. Sayles seconded to dismiss HI24-032; motion carried 8-0.

G. Review and Consideration for EAC Membership:

1. Nareshkumar C. Samtani, P.E. (Civil) #32901

Ms. Klett moved and Mr. Sayles seconded to approve Nareshkumar C. Samtani, and Brad McFarlane for EAC membership; motion carried 8-0.

2. Brad McFarlane, R.A. #81347

See 8(G)(1).

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-D). 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. Land Surveyor Minimum Standards

Ms. Stapley explained the process to update the Land Surveyor Minimum Standards, Mr. Hack presented a statement regarding the topic.

C. Board Consideration of Pro Hac Vice Application

Mr. Gilmore moved and Mr. Lindsey seconded to approve the Pro Hac Vice Application; motion carried 8-0.

D. Board member and staff security regarding Hayden Weber

Ms. Stapley discussed issues regarding Hayden Weber and ongoing concerns for staff safety

Mr. Kolejka moved and Mr. Smith seconded to enter executive session for legal advice; motion carried 8-0. The Board entered Executive Session at 12:01 p.m. and reconvened at 12:41 p.m.

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 online transition, staff updates, licensing and enforcement numbers.

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

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

Mr. Winter reported that he attended the annual ASBOG meeting in Colorado and that ASBOG's psychometrician was retiring and changes regarding ASBOG's review of examinations.

B. Council of Landscape Architectural Registration Boards (CLARB)

Nothing reported.

C. National Council of Architectural Registration Boards (NCARB)

Ms. Stapley and Mr. Kolejka attended NCARB meeting in Fargo, North Dakota. Mr. Kolejka spoke about the NCARB task force.

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

Nothing reported.

E. Arizona Chapter of American Society of Home Inspectors (AZASHI)

Mr. Winter attended and presented at the meeting.

F. Federation of Associations of Regulatory Boards (FARB)

Mr. Donald reported that he attended the meeting along with Mr. Hutchinson. Mr. Donald mentioned the uniqueness of Arizona compared to other states.

G. Interorganizational Council on Regulation (ICOR)

Board staff presented an ICOR produced video regarding incidental practice to the Board members.

12. SUGGESTED TOPICS FOR FUTURE MEETING AGENDAS-

Nothing discussed.

13. FUTURE BOARD MEETINGS – January 7, 2024

14. CALL TO THE PUBLIC

Members of the public may address the Board during this Call to the Public for no more than **3 minutes**. Pursuant to A.R.S. § 38-431.01(I), the Board members are not allowed to discuss or take legal action on matters raised during an open call to the public unless the matters are properly noticed for discussion and legal action. However, members may ask staff to review a matter or may ask that a matter be placed on a future agenda.

Mr. Harshman appeared before the Board and made statements regarding Home Inspectors and their representation, continuing education, and matters pertaining to home inspectors.

Mr. Weber appeared before the board and made a statement regarding public information requests he submitted to the Board.

15. MEETING ADJOURNMENT- 1:28 p.m.

Signed this 3rd day of December, 2024



Michael Kolejka, Board Chair



Judith Stapley, Executive Director