

**ARIZONA STATE BOARD OF TECHNICAL REGISTRATION
MINUTES FOR REGULAR SESSION MEETING**

Tuesday, March 24, 2020, beginning at 9:00 a.m.
1110 W. Washington, Conference Room #240
Phoenix, AZ 85007

1. **CALL TO ORDER** – 9:04am

2. **ROLL CALL**

PRESENT – Jack Gilmore, Neal Jones

PRESENT TELEPHONICALLY – Dr. Alejandro Angel (left at 10am), Carmen Wycoff, Andrew Everroad, Stephen Noel, Clarence McAllister

NOT-PRESENT – Jason Foose, Eugene Montgomery

STAFF – Melissa Cornelius, Patrice Pritzl, Douglas Parlin, Kurt Winter

AAG – Scott Donald, Deanie Reh (appeared telephonic), Marc Harris

3. **CALL TO THE PUBLIC**

No one appeared before the Board.

4. **ADOPTION OF MINUTES**

Review, Consideration, and Possible Action on the following:

A. Board Meeting Minutes

1. Approve, modify and/or reject, February 24, 2020 Board meeting minutes.

Mr. Jones moved and Mr. Noel seconded to approve the minutes; motion carried unanimously.

2. Approve, modify and/or reject, March 10, 2020 Board meeting minutes.

Mr. Jones moved and Mr. Noel seconded to approve the minutes; motion carried unanimously.

3. Approve, modify and/or reject, March 13, 2020 Board meeting minutes.

Mr. Jones moved and Mr. Noel seconded to approve the minutes; motion carried unanimously.

B. Board Meeting Executive Session Minutes

1. Approve, modify and/or reject, February 24, 2020 Board executive session minutes.

Pended for a future meeting.

2. Approve, modify and/or reject, March 10, 2020 Board executive session minutes.

Pended for a future meeting.

5. **CONSIDERATION OF CASES REFERRED FOR FORMAL HEARING**

Formal Hearings or Related Proceedings will begin at 9:30 a.m.

A. Formal Administrative Hearing and/or Review: Discuss and Approve, Modify or Reject the Recommended Administrative Law Judge Decision:

1. AL19-015, Amanda Hensley, Controlling Person #63232 and EnGarde, LLC Firm #19953

Respondent did not appear before the Board. AAG Deanie Reh appeared before the Board representing the State. AAG Marc Harris appeared before the Board to give the Board legal advice.

Ms. Reh asked that the Board accept the ALJ's recommendation but modify Finding of Fact paragraph 23 by striking "expired" and replacing it with "delinquent" and modify the Order by striking "three" and replacing it with "five."

Dr. Angel moved and Mr. Jones seconded to adopt the Findings of Fact as recommended by the Administrative Law Judge and as modified per Ms. Reh's suggestion; motion carried unanimously.

Dr. Angle moved and Mr. Jones seconded to adopt the Conclusion of Law as recommended by the Administrative Law Judge; motion carried unanimously.

Dr. Angel moved and Mr. Jones seconded to issue the following Order: modify ALJ Order Finding of Fact paragraph 23 by striking "expired" and replacing it with "delinquent" and modify the Order by striking "three" and replacing it with "five," and add that both Respondents would be jointly and severally responsible for payment, to be paid within 90 days and be sent to collections for any non-payment; motion carried unanimously.

B. Formal Administrative Hearing and/or Review, or Discuss and Take Possible Action to Deem Respondent Admission to the Complaint and Notice of Hearing:

1. P18-028, Kurt Rederer and KPR Consulting Engineers, Non-Registrant and Non-Registrant Firm

Respondent did not appear before the Board. AAG Scott Donald appeared before the Board representing the State. AAG Marc Harris appeared before the Board to give the Board legal advice.

Mr. Donald asked that the Board grant the State's motion and deem the allegations in the Complaint and Notice of Hearing as admitted, arguing that the Board accomplished service and the Board had not received an answer from Respondent.

Ms. Wycoff moved and Mr. Jones seconded to grant the State's motion and deem the allegations in the Complaint and Notice of Hearing as admitted; motion carried unanimously.

Mr. McAllister moved and Mr. Jones seconded to adopt the Factual Allegations from the Complaint and Notice of Hearing as Findings of Fact and Conclusions of Law; motion carried unanimously.

Mr. Donald argued that Respondent's violations were not in doubt and asked that the Board impose the maximum penalty for each violation.

Mr. Jones moved and Ms. Wycoff seconded to issue the following Order: \$4000 administrative penalty, costs of investigation, Respondents would be jointly and severally responsible for payment, to be paid within 90 days and be sent to collections for any non-payment; motion carried unanimously.

6. ENFORCEMENT MATTERS

Review, Consideration and Possible Vote on the following:

A. Review and Approval of Appointment for EAC Membership:

1. Charles Karlson, P.E. (Nuclear) #23937

Dr. Angel moved and Mr. Jones seconded to approve appointment; motion carried unanimously.

7. LICENSING MATTERS

Discussion, Consideration and Vote on the following:

- A. Lombardi, Vincent - Application for Registration as a Civil Engineer #200573

Dr. Angel moved and Mr. Jones seconded to grant registration based upon the Board's determination that the applicant's state of original registration's practice level was equivalent to Arizona; motion carried unanimously.

B. Umburger, Norman- Application for Registration as an Environmental Engineer #200309

Dr. Angel moved and Mr. Jones seconded to grant registration based upon the Board's determination that the applicant's state of original registration's practice level was equivalent to Arizona; motion carried unanimously.

C. Glass, Todd - Application for Registration as a Mechanical Engineer #200224

Dr. Angel moved and Mr. Jones seconded to grant registration based upon the Board's determination that the applicant's state of original registration's practice level was equivalent to Arizona; motion carried unanimously.

D. Skocypec, Frank - Application for Registration as a Geologist #200503

Dr. Angel moved and Mr. Jones seconded to grant registration based upon the Board's determination that the applicant's state of original registration's practice level was equivalent to Arizona; motion carried unanimously.

8. LICENSING CONSENT AGENDA

A. Review, Consideration, and Action on Staff Recommendations for the following:

1. Cancellation of registrations and certifications that have been expired for one full renewal period;

Mr. Jones moved and Ms. Wyckoff seconded to cancel all registrations and certifications that have been expired for one full renewal period; motion carried unanimously.

2. Review of the List of registrations and certifications granted by the Executive Director pursuant to A.R.S. § 32-122.05, 32-122.06, and A.R.S. § 32-123.

List available for public review upon request.

9. POLICY MATTERS

Review, Consideration, and Possible Action on the following:

A. Congratulations to Dr. Angel; RSP2

Board members congratulated Dr. Angel being one of forty individuals in the United States with RSP2 qualification.

- B. Review, discussion and possible action on pending Legislation; discussion of various bills that may impact the Board and the professions it regulates.

SB1298, SB1274, SB1142, HB2175, HB2402, HB2184, HB2288, SB1089, SB1211, SB1212, HB2722, HB2690, HB2685, HB2713, HB2740, HB2589, HB2359, HB2809, HB2836

Ms. Pritzl reported that the legislature was on a three-week recess and most bills were therefore on hold. She was uncertain if the legislature would pass the bills after they reconvened.

- C. Implications of COVID-19 (coronavirus) on the Board

Ms. Cornelius reported that the Board had been pursuing telework for some staff, that the Board hired a cleaning service for the Board office, and that the Governor does not plan to close down State agencies, as he deemed them 'essential.'

- D. Executive Session to discuss litigation (CV 2019-013509) and receive legal advice pursuant to A.R.S. § 38-431.03(A)(3) and (4).

Nothing discussed.

10. DIRECTOR'S REPORT

- A. Budget Update
B. Previous Meeting Follow-Up
a. Computer updates

Ms. Cornelius reported that Knowledge Services submitted the Board's letter to the vendor, clarifying the contract was terminated, but the vendor had yet to respond.

- b. Staff updates

Mr. Jones asked for an update regarding an ex staff member's conviction. Ms. Cornelius obliged.

- c. Community outreach
i. CLEAR "universal licensure" webinar

Ms. Cornelius reported that the CLEAR webinar was postponed.

- ii. APLS conference

Ms. Cornelius reported that the APLS conference was postponed.

C. Director's Meetings

Nothing discussed

D. Statistics Review

Nothing discussed.

11. **FUTURE BOARD MEETINGS** – April 7, 2020, April 28, 2020

12. **SUGGESTED TOPICS FOR FUTURE MEETING AGENDAS.**

9D

13. **MEETING ADJOURNMENT** – 10:17am

Signed this day, April 28, 2020



Jason Foose, Chairman



Melissa Cornelius, Executive Director