

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

Tuesday, April 23, 2019, beginning at 9:00 a.m.  
1110 W. Washington, Conference Room #240  
Phoenix, AZ 85007

1. **CALL TO ORDER** – 9:00am
2. **ROLL CALL** – Alejandro Angel, Jason Madison, Eugene Montgomery, Stephen Noel, Jason Foose, Carmen Wyckoff, Andrew Everroad, Neal Jones, Jack Gilmore  
**STAFF** – Melissa Cornelius, Patrice Pritzl, Douglas Parlin, Robert Stam, Kurt Winter  
**AG** – Scott Donald

3. **CALL TO THE PUBLIC**

No one appeared before the Board.

4. **ADOPTION OF MINUTES**

Review, Consideration, and Possible Action on the following:

- A. Approve, modify and/or reject, December 11, 2018 Board meeting minutes.

Dr. Angel moved and Mr. Noel seconded to approve the minutes with one minor correction; motion carried unanimously.

- B. Approve, modify and/or reject, March 26, 2019 Board meeting minutes.

Mr. Noel moved and Mr. Gilmore seconded to approve the minutes; motion carried. Mr. Jones and Dr. Angel abstained.

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

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

Nothing to Consider

## 6. ENFORCEMENT MATTERS

Review, Consideration and Possible Vote on the following:

### A. Complaints Proposed for Resolution by Dismissal or Closure:

1. P19-025, Oscar Cervantes, P.E. (Civil) #48178

Alleger, Tammy Ham, appeared before the Board. Respondent appeared before the Board.

Ms. Ham explained that Respondent's actions and communication during the project prolonged the project's completion and raised its costs. She, therefore, requested that Respondent reimburse her for payment received.

Respondent explained that the project included multiple changes to satisfy the county's requirements and zoning concerns. Unbeknownst to Respondent, the architect in charge was a non-registrant; these issues caused the prolonging of the project and its higher costs.

Board members commented on the Maricopa County plan submission process and agreed that it had a slowing effect on the completion of this project. Dr. Angel asked Respondent to explain Ms. Ham's complaint regarding communication. Respondent answered that the design professional was slow to respond to his communications and those she hired were sometimes living out of the state; these conditions were not conducive for good communication. Dr. Angel opined issuing a Letter of Concern to Respondent his lack of effective and timely communication.

Mr. Gilmore moved and Ms. Wyckoff seconded to dismiss the case; motion carried. Dr. Angel voted Nay.

2. P19-035, James Elson, R.A. #11005 and James Elson Architect, Firm #19729

Respondent appeared before the Board.

Mr. Madison moved and Mr. Jones seconded to dismiss case; motion carried unanimously.

3. P19-040, Robert Savidge, R.L.S. #21786

Mr. Madison moved and Mr. Everroad seconded to administratively close the case; motion carried unanimously

### B. Complaints Proposed for Resolution by Letters of Concern: motion

1. HI19-016, Matthew Fey, C.H.I. #59715

Mr. Madison moved and Ms. Wycoff seconded to issue a Letter of Concern; motion carried unanimously.

C. Complaints Proposed to Offer Consent Agreement:

1. P19-021, Richard Waage, R.L.S. #39954

Respondent and counsel, Mike Harper, appeared before the Board.

Mr. Harper argued that Respondent's land survey did not affect the public's health and wellbeing, that the alleger, who was a land surveyor, submitted this complaint as a business decision, and that the EACs' recommendation was incorrect. He requested that the Board dismiss the case or at a minimum convene a new EAC to reevaluate the case.

Mr. Foose asked if Respondent's survey harmed the public. Mr. Harper answered 'no.' Dr. Angel stated that the investigative file contained testimony that Respondent's survey harmed a member of the public when the survey altered an easement. Investigator Loera confirmed Dr. Angel's statement. Mr. Harper stated that Respondent's survey did not alter the easement and that Respondent had nothing to do with the actions of the individuals preventing the use of the easement. Mr. Madison commented that this might be a civil issue. Dr. Angel opined that Respondent's survey did harm the public and agreed with the EAC's findings. Dr. Angel further stated that, during the investigative process, Respondent acted in a manner that put to question his ethics, professionalism and whether the Board could regulate him. Dr. Angel asked if the Board could open a separate investigation against Respondent regarding his moral character. Mr. Donald answered 'yes.'

The Board directed Staff to open a new case against respondent regarding the Respondent's conduct during this case's investigation process.

Dr. Angel moved and Mr. Jones seconded to send this case back to an EAC for reassessment with new EAC members; motion carried unanimously.

D. Complaints Proposed for Resolution with Signed Consent Agreements:

1. HI19-036, Tyson James Venditto, C.H.I. #51009 and T.E.A.M. Home Inspections, LLC, Firm #20176

Dr. Angel moved and Mr. Madison seconded to accept the signed Consent Agreement; motion carried unanimously.

2. HI19-020, Robert Jeglum, C.H.I. #42690

Dr. Angel moved and Mr. Madison seconded to accept the signed Consent Agreement; motion carried unanimously.

3. AL19-005, Jose Lorenzo Renteria Moreno, A.A. #68790

Dr. Angel moved and Mr. Madison seconded to accept the signed Consent

Agreement; motion carried unanimously.

4. AL19-006, Brandon Barton, A.A. #67371, C.P. #68437 and America's Security, Alarm Business #19110

Dr. Angel moved and Mr. Madison seconded to accept the signed Consent Agreement; motion carried unanimously.

5. AL19-012, Lisa Langston, C.P. #68839 and Langston Security& Integration, LLC, Alarm Business #18256

Dr. Angel moved and Mr. Madison seconded to accept the signed Consent Agreement; motion carried unanimously.

6. P18-061, Andreas Pluntke, Non-Registrant

Alleger, William Acorn, appeared before the Board. Respondent appeared before the Board.

Mr. Acorn argued that Respondent practiced engineering without licensure and the disciplinary action set forth in Respondent's signed Consent Agreement was de minimis. Dr. Angel asked if Mr. Larson, whose stamp appeared on the project plans, was involved. Mr. Acorn answered 'no,' stating that Mr. Larson testified he was not involved.

Respondent stated that he believed Mr. Larson was aware of the use of his seal; that Mr. Larson had done mechanical work in the past for Respondent's company; a mechanical engineer was on staff but was out during the time the plans were to be evaluated; and, due to a lack of procedure, the use of Mr. Larson's stamp was not discovered through the evaluation process at the firm. Mr. Foose asked what Respondent practiced. Respondent answered that he owned a company that offered professional services and that he was not a registered professional. Dr. Angel asked if his professional employees were W2 employees. Respondent answered that at the time of the incident his professional employees were contractors.

Mr. Foose asked how staff came to the penalty amount of \$1000. Investigator Will answered the amount reflected the fact that no one knows who stamped the project. Mr. Madison asked if Respondent's firm was registered. Dr. Angel answered 'yes.' Dr. Angel asked who reviewed and sealed the revisions. Respondent answered that he believed Mr. Larson had reviewed and sealed the revisions, but that was not the case as he later found out. Dr. Angel asked who took responsibility for the plans. Respondent answered nobody and further stated that it was his mistake for overlooking this issue. Dr. Angel and Mr. Madison expressed their skepticism that the sealed plans and revisions failed to gain anyone's attention. Mr. Madison opined that Respondent practiced a Board regulated profession while not registered and that he fraudulently used a registrant's seal and further stated that the Board should send this matter to the AG's office for prosecution.

Dr. Angel moved and Mr. Madison seconded to reject the signed Consent Agreement and offer a new agreement to Respondent encompassing a Civil Penalty of \$4,000, and Costs of Investigation of \$492.00; motion carried unanimously.

The Board directed staff to refer this matter to the AGs office for criminal prosecution.

7. AL19-007, Paul Landauer, C.P. #65667 and Adobe Alarm, Inc., Alarm Business #18269

Respondent appeared before the Board.

Respondent stated that that the violation was due to a misunderstanding but he did not dispute the violation.

Mr. Madison moved and Mr. Jones seconded to accept signed Consent Agreement; motion carried unanimously.

E. Complaints Requiring Board Guidance:

1. P19-010, Wesley Worosello, R.L.S. #31038 and Sundt Construction, Inc., Non-Registrant Firm

Mr. Foose opined that Respondent's failure to note a monument was a de minimis violation and he believed that the Board should dismiss the case. Dr. Angel agreed, but was concerned that Respondent firm might have provided professional services without registration. Mr. Madison opined that Respondent firm in this situation fell under the jurisdiction of the Register of Contractors.

Dr. Angel moved and Mr. Jones seconded to issue a Letter of Concern to Respondent; motion carried unanimously.

2. P19-041, John Mutiso, P.E. (Civil) #54138

Mr. Madison moved and Ms. Wyckoff seconded to issue a Letter of Concern; motion carried unanimously.

The Board took a break at 11:12am and returned at 11:23am.

## 7. LICENSING MATTERS

Discussion, Consideration and Vote on the following:

### *Whether to Grant or Deny Registration after Full Board Review*

A. Victor Johnson - Application #190766 for Alarm Agent Registration and Application #190765 for Controlling Person Registration.

Mr. Madison expressed his concern that the Board might deny Applicant's registration knowing that the Board might discipline Applicant in another matter for not being registered. Ms. Cornelius asked that the Board table this matter until Applicant's enforcement went before the Board next month since the determination in that matter might help determine whether to grant Applicant's registration.

Dr. Angel moved and Mr. Jones seconded to pend this matter until the May 2019 meeting; motion carried. Mr. Madison and Mr. Foose voted Nay.

## 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. Madison moved and Dr. Angel seconded to cancel 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. Legislative Update - HB2037, HB2146, SB1448, HB2231, HB2569, SB1482, HB2182, HB2660

Ms. Pritzl reported on legislative updates.

## B. Whether to Raise Fees

Mr. Stam explained that the Board would need to raise fees for the Board to begin saving for a new e-licensing system. He proposed raising firm fees, which were lower than most other Boards in the country, and home inspector fees, and he based his reasoning upon the fact that the current home inspector fees do not cover the Board's home inspector expenses.

Dr. Angel moved and Ms. Wyckoff seconded to raise the Firm registration fee to \$70, raise HI fees, raise application fees and raise fees annually based upon the consumer index starting July 2019; motion carried. Mr. Madison and Mr. Foose voted Nay.

## C. Suggestions and Potential Edits and Whether to publish Newest Edition of Newsletter

After reviewing the Newsletter, the Board directed staff to publish the Newsletter.

## D. Whether to approve and publish the HIRSC's recommended Public Policy Statement #19 - Multi-pane glazing assemblies as it relates to the Standards of Professional Practice for Arizona Home Inspectors provision 11.2 B

Board members discussed the policy statement. Dr. Angel and Mr. Foose opined that adopting this policy would create a bad precedent that every time there was an argument at the EAC level, the Board would end up adopting a policy statement to address it.

Mr. Noel moved and Mr. Everroad seconded to adopt the policy statement; motion carried. Dr. Angel and Mr. Foose voted nay. Mr. Jones abstained.

## E. Board response to Executive Order 2019-01

Ms. Cornelius explained that the Board needed to draft an answer to the Governor's Executive Order 2019-01 and provided two drafts for the Board to review. The Board asked that staff place this matter be on next agenda.

# 10. DIRECTOR'S REPORT

## A. Budget Update

Ms. Cornelius reported that the Board would have enough funds to pay a vendor for data cleanup.

## B. Previous Meeting Follow-Up

- a. GRRC Update regarding the ARS § 41-1033 petition.

Ms. Cornelius reported that the Board proved that they gave the public adequate notice of its rule changes but the Committee determined the five-year requirement for parallel inspector was onerous and changed it to a three-year requirement.

b. Meeting with Deloitte

Ms. Cornelius reported that staff were supposed to meet with Deloitte at the Board office in mid-April but the meeting did not occur.

c. Computer Updates - Potential vendors for data cleanup

Ms. Cornelius reported that potential vendors were interested in cleaning the Board's data.

d. Surveyor Task Force

Mr. Foose reported that the first Surveyor Task Force meeting occurred on April 22 and he believed the group would be able to update the Arizona Surveyor Minimum Standards.

C. Director's Meetings

a. NEW ISA with the AG's Office

Ms. Cornelius reported that a new AG, Deanie Reh, would be helping Mr. Donald prosecute the Board's 40+ hearing cases.

D. Statistics Review

**11. BOARD CHAIR'S REPORT - Nothing to Report**

**12. ASSISTANT ATTORNEY GENERAL'S REPORT - Nothing to Report**

**13. STANDING COMMITTEE REPORTS**

A. Legislation and Rules Committee - No new date decided yet.

B. Home Inspector Rules and Standards Committee - April 9, 2019 Meeting

**14. BOARD MEMBER REPORTS ON OUTSIDE ACTIVITIES**

A. ASBOG - Nothing to report

B. CLARB - Nothing to report

C. NCARB - Annual meeting in Washington DC June 20-23, 2019.

D. NCEES - Zone meeting in Boise ID May 16-18, 2019.

E. ABET - Update regarding possible Board review of ABET accredited online degree programs

15. **FUTURE BOARD MEETINGS** – May 28, 2019

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

7a, 9e

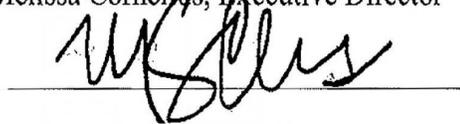
17. **MEETING ADJOURNMENT** -12:51pm



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Jason Foose, Chairman

Melissa Cornelius, Executive Director



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