



State of Arizona
BOARD OF TECHNICAL REGISTRATION

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ARIZONA STATE BOARD OF TECHNICAL REGISTRATION
MINUTES FOR REGULAR SESSION MEETING

Tuesday, July 27, 2021 beginning at 9:00 a.m.
1110 W. Washington, Conference Room #240
Phoenix, AZ 85007

1. CALL TO ORDER – 9:00 am

2. ROLL CALL

BOARD MEMBERS PRESENT

Carmen Wyckoff – Chairperson
Dr. Alejandro Angel
Stephen Noel
Neal Jones
Jack Gilmore – Vice Chairperson
Andrew Everroad

BOARD MEMBERS PARTICIPATING TELEPHONICALLY

Helmuth Hack (joined 9:08 a.m. – left the meeting at approximately 11:30 a.m.)

BOARD MEMBERS ABSENT

Clarence McAllister - Secretary

BOARD STAFF PRESENT

Judith Stapley – Executive Director
Heather Broaddus – Deputy Director
Kurt Winter – Assistant Director
Julie Pham – Licensing Manager
Douglas Parlin – Enforcement Manager

ASSISTANT ATTORNEY GENERAL –

Scott Donald, Esq.
Deanie Reh, Esq.

3. ADOPTION OF MINUTES

Review, Consideration, and Possible Action on the following:

- A. Approve, modify and/or reject, Board meeting minutes.
1. June 22, 2021 Board meeting minutes

Dr. Angel made a motion, seconded by Mr. Gilmore, to approve the minutes June 22, 2021, minutes as drafted. The motion carried unanimously, 7-0.

4. CONSIDERATION OF CASES REFERRED FOR FORMAL HEARING

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).

A. Resolution with Signed Consent Agreement in lieu of a Formal Hearing:

1. P21-048, David Klepadlo, Environmental Engineer (37639)

Assistant Attorney General, Deanie Reh, appeared telephonically and is representing the State in this case. Ms. Reh indicated that Mr. Klepadlo signed the Consent Agreement and it is before the Board for approval. After deliberation, Mr. Hack made a motion, seconded by Mr. Noel, to accept the signed Consent Agreement and vacate the Formal Hearing. The motion carried unanimously, 7-0.

5. 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 5(A)-(C).

A. Complaints Proposed for Resolution by Dismissal or Closure:

1. HI21-026, Hector Suppici, C.H.I. #65564

Board members briefly discussed the case. After deliberation, Mr. Jones made a motion, seconded by Mr. Gilmore, to dismiss the case HI21-026, Hector Suppici, C.H.I. #65564. The motion carried unanimously, 7-0.

2. P21-062, Duran Thompson, R.L.S. #48680

Mr. Thompson was present telephonically and answered Board members' questions. Board members deliberated and noted that the pictures submitted by Mr. Thompson are not clear in depicting the second retention basin. Board members expressed concern that Mr. Thompson's volume calculations and survey point data was not submitted. After deliberation, it was the consensus of the Board to direct staff to request that Mr. Thompson submit the volume calculations and the survey point data. Additionally, it was the consensus of the Board to direct an Enforcement Advisory Committee member or, a Board Investigator to inspect the property in question. The matter will be reviewed at a future meeting once all of the requested information is received.

B. Complaints Proposed to offer Consent Agreement

1. P21-055, Joseph Zeimet, R.L.S. #45086 and East Valley Surveying and Mapping, LLC, Firm #16100

Board members discussed the case. Board members noted that similar cases heard by the Board were disciplined due to having an expired Firm. The Board noted there was not gross negligence in this case. Board Investigator, Douglas Kraemer, was present and provided clarification on this matter to the Board. After deliberation, it was the consensus of the Board to revise the proposed Consent Agreement reprimanding the Firm for an expired registration and to issue a Letter of Concern to Mr. Zeimet for removal of private property. The revised Consent Agreement and Letter of Concern will be reviewed by the Board at a future meeting.

C. Compliance and Monitoring Investigations

1. P19-020, Robert Stephenson, R.L.S. #34562

Mr. Stephenson was present, requested to speak and made a statement. Mr. Stephenson provided a brief history of the matter and indicated that he has complied with the stipulations of the Consent Agreement. After deliberation, Dr. Angel made a motion, seconded by Mr. Hack, to reinstate Mr. Stephenson's license. The motion carried unanimously, 7-0.

6. LICENSING MATTERS

Discussion, Consideration and 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)-(D).

A. Universal Applications for Registration:

1. Belz, Frederick – Universal Application for Registration as a Mechanical Engineer #211038

Dr. Angel made a motion, seconded by Mr. Noel, to grant Mr. Belz registration based upon the Board's determination that Mr. Belz's state of original registration practice level is equivalent to Arizona. The motion carried unanimously, 7-0.

2. Christmann, John – Universal Application for Registration as a Home Inspector #211241

Dr. Angel made a motion, seconded by Mr. Noel, to grant Mr. Christmann registration based upon the Board's determination that Mr. Christmann's state of original registration practice level is equivalent to Arizona. The motion carried unanimously, 7-0.

3. Cirelli Jr., Louis – Universal Application for Registration as a Mechanical Engineer #210761

Dr. Angel made a motion, seconded by Mr. Noel, to grant Mr. Cirelli registration based upon the Board's determination that Mr. Cirelli's state of original registration practice level is equivalent to Arizona. The motion carried unanimously, 7-0.

4. Douglas, Rodney – Universal Application for Registration as a Home Inspector #211755

Dr. Angel made a motion, seconded by Mr. Noel, to grant Mr. Douglas registration based upon the Board's determination that Mr. Douglas's state of original registration practice level is equivalent to Arizona. The motion carried unanimously, 7-0.

5. Rettkowski, Christopher – Universal Application for Registration as a Home Inspector #211343

Dr. Angel made a motion, seconded by Mr. Noel, to grant Mr. Rettkowski registration based upon the Board's determination that Mr. Reekowski's state of original registration practice level is equivalent to Arizona. The motion carried unanimously, 7-0.

6. Shedroff, Steven – Universal Application for Registration as an Environmental Engineer #211221

The Board's Licensing Manager, Julie Pham, was present and provided a brief summary to the Board. The Board noted that Mr. Shedroff indicated that he is applying for registration as an environmental engineer but his exam was for a civil engineer. The Board directed staff to offer a civil engineer registration to Mr. Shedroff. If Mr. Shedroff declines the civil engineer registration the Board directed staff to request additional information regarding Mr. Shedroff's training in environmental engineering. The Board will review the offer for a registration as a civil engineer or the additional training as an environmental engineer at a future meeting.

7. Turchany, Christopher – Universal Application for Registration as a Home Inspector #211617

Dr. Angel made a motion, seconded by Mr. Noel, to grant Mr. Turchany registration based upon the Board's determination that Mr. Turchany's state of original registration practice level is equivalent to Arizona. The motion carried unanimously, 7-0.

B. Application for Registration

1. Daniels, Mark – Application for Architect Registration #211704

Mr. Daniels was present telephonically, requested to speak and provided a summary of his 2009 misdemeanor to the Board. After deliberation, Mr. Jones made a motion, seconded by Mr. Everroad to grant Mr. Daniels the requested registration. The motion carried unanimously, 7-0.

2. Neal, Jason – Application for Civil Engineer Registration #211178

Mr. Neal was present telephonically, requested to speak and provided a summary of his misdemeanor to the Board. After deliberation, Dr. Angel made a motion, seconded by Mr. Everroad to grant Mr. Neal the requested registration. The motion carried unanimously, 7-0.

3. Wellen, Thomas – Application for Fire Protection Engineer Registration #211558

Board members discussed Mr. Wellen's application and his misdemeanor. After deliberation, Mr. Gilmore made a motion, seconded by Mr. Everroad to grant Mr. Wellen the requested registration. The motion carried unanimously, 7-0.

4. Hales, Ryan – Application for Civil Engineer Registration #211796

The Board's Licensing Manager, Julie Pham, was present and answered Board members' questions regarding Mr. Hales' misdemeanor. Board members discussed Mr. Hales' application and his misdemeanor. After deliberation, Mr. Noel made a motion, seconded by Mr. Gillmore, to grant Mr. Hales the requested registration. The motion carried unanimously, 7-0.

C. Extension Request

1. Tryon, Andrew – Extension request for ARE exams #200394

Mr. Tryon was present telephonically, requested to speak and made a statement. After deliberation, Dr. Angel made a motion, seconded by Mr. Hack, to grant the requested extension to take the Architect Registration Examination (ARE) exams. The motion carried unanimously, 7-0.

2. Angelova, Boyana – Extension request to hold application to meet registration requirements #210904

Board members discussed Boyana Angelova’s request. After deliberation, Dr. Angel made a motion, seconded by Mr. Hack, to grant the extension request to hold the application to meet registration requirements. The motion carried unanimously, 7-0.

3. Thiltges, Benjamin - Extension request to hold application to meet registration requirements #210935

Board members discussed Mr. Thiltges’ request. After deliberation, Dr. Angel made a motion, seconded by Mr. Hack, to grant the extension request to hold the application to meet registration requirements. The motion carried unanimously, 7-0.

D. Exam Waivers

1. Metwally, Ibrahim – Application to waive FE and PE exam for Professional Engineer per ARS 32-126, Application #210566

Mr. Metwally was present telephonically but experienced technical difficulties and was unable to participate in the Board’s discussion. The Board’s Licensing Manager, Julie Pham, was present, provided a summary to the Board and answered Board members’ questions. The Board discussed Mr. Metwally’s application and expressed concern with the following:

- The license verification from Egypt does not indicate whether Mr. Metwally is in good standing.
- The Board is unable to determine whether the education and training requirements in Egypt are equivalent to Arizona requirements.
- Mr. Metwally provided two references in which the individuals are not registered

After deliberation, the Board directed staff to request that Dr. Metwally provided the following:

- Verification that his registration in Egypt is current and in good standing
- A detailed explanation as to why he is applying for registration in Arizona
- details of the registration requirements in Egypt and to submit information regarding his work experience
- References that hold a current registration

- Resume or Portfolio

The Board continued this matter to a future meeting

The Board recessed at 10:46am and reconvened at 10:54am

2. Goddard, Matthew – Application to waive FE and PE exam for Professional Engineer registration per ARS 32-126, Application #211571

Board members discussed Mr. Goddard's request. After deliberation, Dr. Angel made a motion, seconded by Ms. Wyckoff, to grant the requested waiver. The motion carried unanimously, 7-0.

3. Marsollier, Claudio – Application to waive ARE exams for Architect registration per ARS 32-126, Application #211138

Board members discussed Mr. Marsollier's request and noted that he does not meet the requirements of A.R.S. §32-126. After deliberation, Ms. Wyckoff made a motion, seconded by Mr. Jones, to deny the waiver request and to encourage Mr. Marsollier to sit for the required exam(s). The motion carried unanimously, 7-0.

7. 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. Noel made a motion, seconded by Mr. Gilmore, to cancel registrations and certifications that have been expired for one full renewal period. The motion carried unanimously, 7-0.

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.

8. 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 8(A). 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 8(A-C).

A. 1 CA-CV 20-0510 & CV 2019-013509 – Mills v. Arizona State Board of Technical Registration

Attorney, Gregory Harris, was present telephonically and provided a summary to the Board. Mr. Harris indicated that there has not been a decision made in this case but, due to Board member and staff changes, a Notice of Rule 27 Automatic Substitution of Public Officers was received from Attorney, Paul Avelar. Representing the Institute for Justice. Board members discussed the matter and asked Mr. Harris if individual Board members were released. Mr. Harris indicated that the release of Board members was not finalized because the case has not proceeded further in the Court.

B. ADEQ Questions submitted to the Board:

The Board's Assistant Attorney General, Scott Donald, explained the Board's options regarding this matter. Mr. Donald reminded the Board that it is not an advisory Board and cannot act as such.

Environmental Science Specialist with the Arizona Department of Environmental Quality (ADEQ), Jon Rezabek, was present telephonically, requested to speak and made a statement. Mr. Rezabek provided a summary of the questions that were submitted. Additional members of the public, Maher Mazine, Thomas Hansen and Heidi Wellborn, were present telephonically and made a statement to the Board.

Mr. Donald opined that ADEQ has the option to pose its questions to their legal counsel.

Board members deliberated the questions posed and the Board's exemption requirements. After deliberation, it was the consensus of the Board to submit language to Board staff for a possible Substantive Policy Statement clarifying A.R.S. §32-144. The Board continued this matter to a future meeting.

C. EAC Member Recruitment

The Board's Executive Director, Judith Stapley, provided a summary to the Board indicating that the Board is in need of Enforcement Advisory Committee members. Flyers have been drafted and will be emailed to registrants with the Board's approval. The Board requested that the flyers be included on the Board's Facebook page and to look into a LinkedIn account to post the flyers.

9. DIRECTOR'S REPORT

- A. Budget
- B. Transition to an E-licensing Platform
- C. Board Composition and Member Update
- D. Staff Update
- E. Licensing Numbers
- F. Enforcement Numbers

10. BOARD CHAIR'S REPORT

This item was not heard due lack of a quorum.

11. ASSISTANT ATTORNEY GENERAL'S REPORT

- A. Update on Open Meeting Law Complaint filed against the Board

The Board's Assistant Attorney General, Scott Donald, advised the Board that the Court ruled in the Board's favor.

- B. Board Member Training on Arizona Open Meeting Law

This item was not heard due to lack of a quorum.

12. STANDING COMMITTEE REPORTS

- A. Home Inspector Rules and Standards Committee – September 14, 2021

This item was not considered due lack of a quorum.

- B. Legislation and Rules Committee – No new meeting date

This item was not considered due lack of a quorum.

13. BOARD MEMBER REPORTS/DISCUSSION ON OUTSIDE NATIONAL COUNCIL ACTIVITIES, NEWS AND MEETINGS

- A. National Association of State Boards of Geology (ASBOG) – Annual meeting in Little Rock, Arkansas week of October 25, 2021
- B. Council of Landscape Architectural Registration Boards (CLARB) – Annual meeting in Phoenix, AZ September 22-24, 2021
- C. National Council of Architectural Registration Boards (NCARB) – Annual meeting June 24-26th virtual. Edward Marley elected NCARB Secretary.
- D. National Council of Examiners for Engineering and Surveying (NCEES) – Annual meeting in New Orleans August 19-20, 2021

This item (15. A. B. C. D.) was not considered due lack of a quorum.

14. CALL TO THE PUBLIC

Secretary of the National Council of Architectural Registration Boards (NCARB), Edward Marley was present and addressed the Board. Mr. Marley updated the Board on initiatives at NCARB. The Board thanked Mr. Marley for his presentation.

15. SUGGESTED TOPICS FOR FUTURE MEETING AGENDAS

This item was not considered due lack of a quorum.

16. FUTURE BOARD MEETINGS – August 24, 2021

17. MEETING ADJOURNMENT – The Board lost its quorum and adjourned at 12:27pm.

Carmen Wyckoff, Board Chairperson

Judith Stapley, Executive Director