

Minutes
ARIZONA STATE BOARD OF TECHNICAL REGISTRATION
1110 West Washington, Conference Room #250
Phoenix, AZ 85007

Tuesday, June 23, 2015
9:00 a.m.
OPEN SESSION

1. **CALL TO ORDER** – 9:00 a.m.

2. **ROLL CALL** – Board Members in attendance: Alejandro Angel, LeRoy Brady, Douglas Folk, Neal Jones, Stuart Lane Jason Madison, Stephen Noel, and Robert Stanley. Staff: Melissa Cornelius, Michelle Fleming, Douglas Parlin, Patrice Pritzl and Michelle Johnson. Assistant Attorney General: Michael Raine Absent: Edward Marley.

3. **CALL TO THE PUBLIC** – No one addressed the Board.

4. **ADOPTION OF MINUTES**

Review, Consideration, and Possible Action on the following:
 - A. Approve, modify and/or reject May 26, 2015 Board meeting minutes – Mr. Lane made a motion to approve the minutes. Dr. Angel seconded the motion. No further discussion; motion carried.

5. **FORMAL HEARINGS:**
 - A. HI10-027, Robert W. Gerard, Non-registrant Home Inspector – Mr. Lane moved that the matter HI10-027, Robert W. Gerard, Non-registrant Home Inspector proceed to Formal Hearing. Mr. Folk seconded the motion. No further discussion; motion carried.

6. **ENFORCEMENT MATTERS**

Review, Consideration and Possible Vote on the following:
 - A. Complaints Proposed for Resolution by Dismissal or Closure:
 1. P15-081, Richard LaPrairie, P.E. (Civil) #34729 – Dr. Angel stated that his concern is that the registrant did not disclose a disciplinary action that was taken against him in 2012 before he renewed his registration. Dr. Angel moved that a Letter of Concern for failure to disclose a prior disciplinary action on his renewal application be issued to Mr. Richard LaPrairie. Mr. Stanley seconded the motion. No further discussion; motion carried.

2. P15-047, James A. Brucci, R.L.S. #29865 – Mr. Dwayne Haught representing the City of Scottsdale appeared before the Board to request that the Board consider not dismissing the allegations in case P15-047. Mr. Lane moved that the case proceed to EAC. Dr. Angel seconded the motion. No further discussion; motion carried.
3. AL15-008, Jack Ernest Croy Non-Registrant, Alarm Specialties, Inc., Non-Registrant Alarm Business – Dr. Angel moved that case AL15-008 be closed. Mr. Lane seconded the motion. No further discussion; motion carried.
4. P14-051, Stuart Spaulding, P.E. (Civil) #12565 – Mr. Spaulding appeared before the Board to give testimony in this matter (case P14-051). After hearing Mr. Spaulding’s testimony, Dr. Angel moved that the allegations against Mr. Stuart Spaulding be dismissed. Mr. Lane seconded the motion. No further discussion; motion carried.
5. DL09-046, 17974 West Havasupai Drive, Casa Grande, Arizona – Dr. Angel moved that case DL09-046 be closed. Mr. Lane seconded the motion. No further discussion; motion carried.

B. Complaints Proposed for Resolution by Letters of Concern:

1. P15-052, Donald Surface, P.E. (Civil) #07372 – Mr. James Larson (complainant) appeared before the Board to give testimony pertaining to the matter (case P15-052). Mr. Lane moved that a Letter of Concern be issued for the improper location and size of the drain to Mr. Donald Surface. Mr. Folk seconded the motion. No further discussion; motion carried.

C. Complaints Proposed to Offer Consent Agreement:

1. AL15-011, Paul Griffith, Non-Registrant – Mr. Paul Griffith appeared before the Board to answer any questions that the Board had for him concerning the matter (case AL15-011). Mr. Griffith signed the Consent Agreement. Mr. Lane moved that the Board accept the Respondent’s signed Consent Agreement. Mr. Stanley seconded the motion. No further discussion; motion carried.
 2. P15-058, Steve Blair, Non-Registrant – Mr. Steven D. Blair appeared before the Board to give testimony pertaining to the allegations in case P15-058. Mr. Lane moved that the Offer of Consent Agreement be approved. If the Consent Agreement is not signed within 30 days, the matter will proceed to Formal Hearing. Dr. Angel seconded the motion. No further discussion; motion carried.
3. A13-015, A13-018, P14-082, M13-022, M13-033, Carlos A. Padilla, R.L.S. #46474 - Mr. Lane moved that the Board offer Respondent a Consent Agreement. If the Consent Agreement is not signed within 30 days, the matter will proceed to Formal Hearing. Mr. Stanley seconded the motion. Mr. Folk expressed

concerns about the proposed Consent Agreement which the members discussed further. The Chairman called for a vote on the motion. Mr. Lane voted yes on the motion; Dr. Angel, Mr. Folk, Mr. Jones, Mr. Madison, Mr. Noel and Mr. Stanley voted no. The motion failed. After further discussion; Mr. Folk moved that cases A13-015, A13-018, P14-082, M13-022, and M13-033 proceed to Formal Hearing. Mr. Lane seconded the motion. No further discussion; motion carried.

4. AL15-012, Brandon Reed, Alarm Controlling Person #57675, Safe Haven Security Services Inc., Alarm Business #18404 – Mr. Folk moved to offer the proposed Consent Agreement to Mr. Reed to include a Letter of Reprimand, Stayed Suspension and Probation, an Administrative penalty of \$500.00 and cost of Investigation \$278.00. If the Consent Agreement is not signed within 30 days, the matter will proceed to Formal Hearing. Mr. Stanley seconded the motion. No further discussion; motion carried.

D. Complaints Requiring Board Guidance:

1. P15-083, John E. Garner, P.E. (Civil) #27295 – Mr. Stanley moved to dismiss case P15-083. Dr. Angel seconded the motion. No further discussion; motion carried.
2. P15-082, Vickie Crenshaw, P.E. (Architectural) #53188 – Ms. Vickie Crenshaw appeared before the Board to answer questions pertaining to case P15-082. Mr. Madison moved to dismiss allegations against Ms. Crenshaw. Mr. Jones seconded the motion. No further discussion; motion carried.
3. P15-067, Rickert Henriksen, P.E. (Mechanical) #31080, (Electrical) #25343 – Mr. Madison moved to dismiss case P15-067. Mr. Stanley seconded the motion. No further discussion; motion carried.
4. P15-066, Joe P. Hill, P.E. (Civil) #09921 – Mr. Joe P. Hill appeared before the Board to answer questions. Dr. Angel moved to dismiss case P15-066. Mr. Stanley seconded the motion. No further discussion; motion carried.
5. HI15-031, Kent Lamb, C.H.I. #40585 – Mr. Kent Lamb appeared before the Board to answer questions pertaining to case HI15-03. Mr. Folk moved to dismiss the case HI15-031. Mr. Stanley seconded the motion. No further discussion; motion carried.
6. P15-062, Chad R. Erickson, R.L.S. #40590, Erickson Land Surveys, Firm #19216 – Mr. Chad R. Erickson appeared before the Board telephonically to answer questions pertaining to the matter in case P15-062. After the Board heard Mr. Erickson's testimony, Mr. Lane moved that a Letter of Concern be issued for possible minor violations on the minimum standards on boundary surveys to Mr. Erickson. Dr. Angel seconded the motion. After further discussion on the original motion Mr. Folk moved to go into Executive

session. Mr. Stanley seconded the motion. The Board went into executive session at 12:10 pm. The Board adjourned from executive session at 12:31 pm. After the Board adjourned the executive session and resumed regular session, Mr. Lane moved to amend the previous motion to issue a Letter of Concern regarding the practice of the discovery of possible violation of Board statutes and rules to Mr. Erickson and directed staff to open an investigation to determine if Respondent is practicing or offering to practice Land Surveying without firm registration. Dr. Angel seconded the motion. No further discussion; motion carried.

7. LICENSING MATTERS

Discussion, Consideration and Vote on the following:

Reopen and Reauthorize Exams

- A. Slater, Anthony, Land Surveyor Application #120699 – Mr. Anthony Slater appeared before the Board to answer questions. Mr. Lane moved to reopen Mr. Slater’s application and reauthorize him to take the Arizona State specific exam. Mr. Stanley seconded the motion. No further discussion; motion carried.
- B. Logue, Jared, Architect Application 132653 – Mr. Jones moved to reopen Mr. Logue’s application and reauthorize him to take the ARE exam. Mr. Lane seconded the motion. No further discussion; motion carried.

Whether to Grant Requests for Extension of Licensing Time Frames:

- C. Tipton, Maribel, Electrical Engineer Application #150085 – Dr. Angel moved to extend Ms. Tipton’s Licensing Time Frame through March 31, 2016. Mr. Stanley seconded the motion. No further discussion; motion carried.
- D. Rusin, Peter, Jr., Architect Application #150125 – Mr. Madison moved to extend Mr. Rusin’s application Time Frame through January 31, 2016. Mr. Stanley seconded the motion. No further discussion; motion carried.
- E. Bowen, Jennifer, Architect Application #080436 – Ms. Jennifer Bowen appeared before the Board to request an additional extension to her application and answer questions. Mr. Jones moved to extend Ms. Bowen’s application through May 31, 2017. Mr. Lane seconded the motion. No further discussion; motion carried.
- F. Pitman, Sergey, Mining Engineer Application #150635 – Mr. Stanley moved to extend Mr. Pitman’s application through December 31, 2016. Dr. Angel seconded the motion. No further discussion; motion carried.

Whether to Grant or Deny Registration:

- G. Cutright, Brian, Alarm Agent Application #150078 – The Board found that Mr. Brian Cutright lacked good moral character based upon his felony conviction and the fact that he is still on criminal probation. Mr. Madison moved to deny the application for Mr. Cutright. Mr. Jones seconded the motion. No further discussion; motion carried.

8. LICENSING CONSENT AGENDA

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

Lists of names available at the Board's office for public review

1. Granting professional registrations, certifications or in-training designations pursuant to A.R.S. §§ 32-122.01, 32-123;
2. Granting approval to applicants to sit for the professional or in-training examinations pursuant to A.R.S. § 32-122;
3. Granting professional registrations to those applicants possessing NCARB Blue/Green Cover or NCEES Model Law Engineer certifications, pursuant to A.R.S. § 32-122.01, and § 32-123;
4. Granting professional registrations, certifications or in-training designations or authorizations to test to those applicants who disclosed minor criminal history that has no reasonable relationship to the applicant's proposed area of practice or who disclosed lesser disciplinary action taken against their registrations in other jurisdictions, pursuant to A.R.S. §§32-122, 32-122.01 and § 32-123;
5. Administratively closing professional or in-training applications pursuant to A.R.S. §§ 32-122, 32-122.01(A); A.A.C. R4-30-204(E);
6. Cancellation of registrations and certifications that have been expired for one full renewal period;
7. List of Alarm firm and Alarm Agent certifications granted by the Executive Director pursuant to A.R.S. § 32-122.05 and A.R.S. § 32-122.06.

Mr. Stanley moved that the Board approve items 8.a1 through 8.a7 with the exception of Jeffrey Turville and Steven Pancrazio. Dr. Angel seconded the motion. No further discussion; motion carried.

9. POLICY MATTERS

Review, Consideration, and Possible Action on the following:

- A. Delegation of Authority to the Executive Director to Grant, Authorize Exams, Close, and Cancel registrations and certifications.

Pursuant to House Bill 2127 of the 52nd Legislature, First Regular Session 2015, which becomes effective on July 3, 2015, the Board of Technical Registration delegates to its Executive Director the authority to:

- Grant registrations, certifications and in-training designations to those applicants whose credentials have been reviewed and approved by the Application Evaluation Committee and who possess National Council Records and/or certificates from NCARB, NCEES and CLARB.
- Grant In-training designations to those applicants who possess educational degrees from Board approved institutions of higher learning and have provided the Board proof that they have passed the Fundamentals Examinations in their proposed areas of practice.
- Authorize applicants whose credentials have been reviewed and approved by the Application Evaluation Committee to take required national examinations, and Grant them registration and/or certification upon successful completion of the examination after verifying that they have met all other licensing requirements.
- Grant registrations and certifications or authorizations to test to applicants who meet the Board's licensing requirements but disclosed Criminal History which does not have a reasonable relationship to the functions of employment in the category for which the license is sought.
- Close applications based upon the applicants' failure to complete the Board's application process, (specifically, not taking and/or not passing the required examinations, or failing to provide the Board with required licensing materials) in a timely manner.
- Cancel registrations and certifications that have been expired for one full renewal period, pursuant to A.R.S. § 32-127(C).

Dr. Angel moved that the Board approve the proposed language with a minor revision that applications with disciplinary history should come back to the Board for review and that the policy is reviewed on an annual basis by the Board. Mr. Jones seconded the motion. No further discussion; motion carried.

- B. Proposed Home Inspector Rules and Standards Committee Recommended Disciplinary Severity Ratings. – Mr. Folk moved that the Board accept the version of the Home Inspector Enforcement Advisory Committee Disciplinary Severity Ratings Reference Guide and send it back to the Enforcement Advisory Committee (EAC) for implementation. Mr. Madison seconded the motion. No further discussion; motion carried.
- C. Board Member Orientation Manual. – No Action Taken. Ms. Cornelius will make some minor revisions and send a PDF copy of the document to the Board members for their review and reference.

- D. Proposed Letter to Governor Ducey Regarding Electronic Reporting and Payment. – No Action Taken.
- E. Enforcement Presentation on Recommendations for Civil and Administrative Penalties.

The Chairman of the Board presented a dedication award to Stuart Lane for his service as a Board member. Today's meeting is Mr. Lane's last Board meeting.

10. DIRECTOR'S REPORT

- A. Budget Update – Ms. Cornelius reported that 92% of the year is gone and BTR spent 80% of its appropriation and 82% of BTR's revenue.

Ms. Cornelius reported that the application committee meetings are going well. Engineers are only receiving the applications that the committee members can't finish. BTR is not ready to expand it to the architects. There were five Home Inspectors that came into the office for the orientation who are willing to review applications however; they will not be able to come into the office with the same regularity of the Engineers.

Ms. Cornelius reported that procurement is proceeding on the RFP for the new computer system; because we have to work with members of other State Agencies it has been challenging getting times coordinated to meet. The next scheduled meeting is July 6, 2015 to look at the 6 remaining bids. Hopefully the process will be completed by the end of August 2015. Ms. Cornelius is anticipating that programming of the new computer system will not start until January 2016.

Ms. Cornelius reported that the AG ISA is up for review July 1, 2015.

- B. Staff Update – Ms. Cornelius reported that Governor Ducey has imposed a hiring freeze for State employees. The Governor's goal is to reduce State staff by 40%. Ms. Cornelius also stated that she wants to fill the 3 vacant positions in BTR to bring the staffing level back up to 20.

Ms. Cornelius reported that the Assayer exam is the latest exam that we discovered that there are no answer sheets for. Apparently there was never a score sheet for the Assaying exam. It used to be graded by committee.

Ms. Cornelius asked the Board if they wanted to make pocket cards available to registrants. Currently BTR sends the registrant a PDF document generated through the CRM and the registrant can laminate the PDF.

Ms. Cornelius reported that Ed Marley was appointed to the Credentials Committee at NCARB and Eric Weiland the former chairman is running for Secretary of ASBOG's executive committee.

Ms. Cornelius reported that CLARB is offering to facilitate another strategic planning meeting in August. The Board is not in favor of another strategic planning meeting at this time.

Ms. Cornelius reported that BTR has not received a status on the Sunset Audit.

Ms. Cornelius reported that the employee satisfaction survey results for this year are higher than last year's results.

11. BOARD CHAIR'S REPORT – Board Chair had nothing to report

12. STANDING COMMITTEE REPORTS

- A. Legislation and Rules Committee – An Legislation and Rules meeting is scheduled for July 21, 2015.
- B. Home Inspector Rules and Standards Committee – Mr. Madison reported that there were some changes in Policy Statements.
- C. Environmental Remediation Rules and Standards Committee – Nothing to report

13. BOARD MEMBER REPORTS ON OUTSIDE ACTIVITIES

- A. National Council of Examiners for Engineering and Surveying (“NCEES”) – The NCEES meeting is scheduled for mid or end of August 2015 in Williamsburg, Virginia.
- B. National Council of Architectural Registration Boards (“NCARB”) – Ms. Cornelius reported that of the three resolutions that the BTR Board members were to vote on; the Broadly Experienced Architect (BEA) failed, it remains the same. The Broadly Experienced Foreign Architect (BEFA) resolution requiring them to test and complete IDP passed. There was a contested election for a position on the Board of Directors.

Dr. Angel and Mr. Folk left the meeting at 2:02 pm.

- C. Council of Landscape Architectural Registration Boards (“CLARB”) – Mr. Brady reported that the Landscape Architects have elections going on.
- D. National Association of State Boards of Geology (“ASBOG”) – Mr. Noel reported that Eric Weiland one of the former Board members is running for Office at ASBOG.
- E. Public Member News/Information – Nothing to report

14. **FUTURE BOARD MEETINGS** – Tuesday, July 28, 2015 at 9:00 a.m.

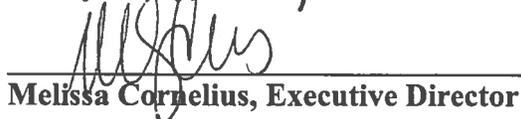
15. **SUGGESTED TOPICS FOR FUTURE MEETING AGENDAS.** – Ms. Cornelius stated that she would like to be able present a rough draft of the Sunset Audit response to the Board at the next Board meeting on July 28, 2015.

Mr. Stanley left the meeting at 2:08 pm

16. **MEETING ADJOURNMENT** – at 2:09 pm.



LeRoy Brady, Vice Chairman



Melissa Cornelius, Executive Director