

MINUTES
ARIZONA STATE BOARD OF TECHNICAL REGISTRATION
1110 West Washington, Conference Room #240
Phoenix, AZ 85007

Tuesday November 15, 2016
9:00 a.m.
OPEN SESSION

1. CALL TO ORDER – 9:01am

- 2. ROLL CALL – Board Members Present:** Dr. Alejandro Angel, Jason Foose, Jason Madison, Edward Marley, Stephen Noel, Andrew Everroad, Eugene Montgomery, LeRoy Brady, Neal Jones
Staff Present: Melissa Cornelius, Patrice Pritzl, Douglas Parlin, Michelle Fleming, and Kurt Winter
Assistant Attorney General Present: Scott Donald

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 October 25, 2016 Board meeting minutes.

Mr. Marley moved and Mr. Noel seconded to approve the minutes as amended; motion carried. Mr. Brady, Mr. Foose, and Mr. Jones Abstained.

- B. Approve, modify and/or reject October 25, 2016 Executive session minutes.

Mr. Marley moved and Mr. Noel seconded to approve the minutes; motion carried. Mr. Brady, Mr. Foose, and Mr. Jones abstained.

5. CONSIDERATION OF CASES REFERRED FOR FORMAL HEARING

No cases to Consider

6. ENFORCEMENT MATTERS

Review, Consideration and Possible Vote on the following:

A. Complaints Proposed for Resolution with Signed Consent Agreements:

1. AL17-001, Steve C. Smith, Non-Registrant and Link Interactive, Non-Registrant Alarm Business

Mr. Marley moved and Mr. Jones seconded to accept the Signed Consent Agreement; motion carried.

B. Complaints Proposed to Offer Consent Agreement:

1. AL17-006, Smart Family Protection, Alarm Business #19635

Dr. Angel moved and Mr. Marley seconded to accept the signed consent agreement but increase the Administrative Penalty to \$1000 and move to hearing if not signed within 30 days; motion carried.

2. P16-002, Chad Erickson, R.L.S. #40590 and Erickson Land Surveys, Non-Registrant Firm

The Board consolidated this case with item number 6C3.

3. P17-028, Natasha Hartrick, R.A. #54414 and Natasha Marie Hartrick Designs, PLLC, Firm #20017

Mr. Marley moved and Mr. Noel seconded to accept the signed consent agreement; motion carried.

4. P16-067, Paul Nzomo, P.E. (Civil) #33446

Dr. Angel stated that he knew Mr. Nzomo but could be impartial in this matter.

Dr. Angel asked staff who was taking payments in this matter, Mr. Nzomo or the firm. The facts were unclear on the issue.

Mr. Marley moved and Mr. Noel seconded to modify the offered consent agreement as follows: Registrant will pay an Administrative Penalty of \$3,000 to be paid within 12 months, agree to an assurance of discontinuance of the practice of Mechanical Engineering, Electrical Engineering, and Architecture until such a time that Registrant can show competence through examination; and, complete 4 hours of Board approved ethics courses within 90 days; motion carried.

Mr. Everroad left the meeting at 9:23am and returned at 9:49am. Board had a quorum

during his absence.

5. P16-047, John Davis, R.L.S. #26410

Mr. Marley moved and Mr. Noel seconded to accept the signed consent agreement; motion carried.

6. HI17-002, Thomas Denton, C.H.I. #59413 and Zero Scope Home Inspections, Firm #19975

Mr. Marley moved and Mr. Noel seconded to accept the signed consent agreement; motion carried.

C. Complaints Requiring Board Guidance:

1. HI17-008, David Ungacta, C.H.I. #50920

Mr. Marley moved and Mr. Foose seconded to issue a Letter of Concern to Mr. Ungacta for failing to timely comply with a Board Order and to stress to Mr. Ungacta that he has the duty to comply with the order; motion carried.

2. AL17-009, Vincent Winget, A.C.P. #56641

Mr. Foose moved and Mr. Noel seconded to issue a Letter of Concern to Mr. Winget for failing to timely comply with a Board Order and to stress to Mr. Winget that he has the duty to comply with the order; motion carried.

3. P17-025, Chad Erickson, R.L.S. #40590

Mr. Foose stated to the Board that he can be impartial in this manner even though he sat on the EAC meeting for another complaint that had been filed against the Registrant.

The Board took a roll call indicating that Board Members had read all the materials regarding this matter including those submitted by the Registrant. All members indicated that they had read the materials. Mr. Foose abstained.

The Board expressed concern that Mr. Erickson's Idaho land surveying registration had been revoked for causes that are similar to actions pertaining to his AZ registration. The Board also expressed concern with Mr. Erickson's pattern of practice being below standard and behavior that indicated he cannot be regulated.

Mr. Marley moved and Dr. Angel seconded to consolidate cases P16-002 and P17-025, move this matter to hearing and issue a subpoena to Respondent for a list of discovery reports Registrant has conducted in Arizona for the periods 2012 through 2015; motion carried. Mr. Foose abstained.

7. LICENSING MATTERS

Discussion, Consideration and Vote on the following:

Whether to Grant or Deny Certification:

Criminal History

- A. Bennett, Daylon Alarm Agent Application #160817

Dr. Angel moved and Mr. Brady seconded to deny registration based on Mr. Bennet's lack of good character and reputation as demonstrated by his inaccuracy in marking his application, for failing to disclose a criminal conviction and failure to appear before the Board as requested; motion carried.

- B. Irwin, Fatimah Alarm Agent Application #161705

Dr. Angel moved and Mr. Brady seconded to grant registration; motion carried.

- C. Perras, Ryan Alarm Agent Application #161598

Mr. Marley moved and Mr. Brady seconded to grant registration; motion carried.

- D. Randolph, Frank Alarm Agent Application #161492

Respondent appeared before the Board. Dr. Angel asked Respondent to explain whether he reconciled his past and why he should be licensed. Respondent answered that he had rehabilitated and that he could be trusted to enter customer homes.

Dr. Angel moved and Mr. Marley seconded to grant registration; motion carried.

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;

Nothing to consider.

- B. 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.

Nothing to consider.

9. POLICY MATTERS

Review, Consideration, and Possible Action on the following:

A. The Next Edition of the Board Newsletter.

Mr. Brady moved and Mr. Noel seconded to publish the Newsletter with minor modifications.

10. DIRECTOR'S REPORT

A. Budget Update –

Ms. Cornelius reported that the budget is on track.

B. Previous Meeting Follow-Up

Ms. Cornelius reported the following: Will Fairchild from GL Solutions was in Phoenix this week to help move the BTR forward with its computer system; there had been good communication between herself and the AG's office regarding the AG ISA; no official AG opinion regarding Trained Geologists was yet received; the Response to the ADOA Study was published on the BTR website and Mr. Brown and the policy advisor in the Senate acknowledged receipt of the response.

C. Director's Meetings – Ms. Cornelius reported on Stakeholder meetings.

D. Statistics Review – Ms. Cornelius provided the Board with current licensing and enforcement numbers.

11. BOARD CHAIR'S REPORT

Mr. Madison welcomed Scott Donald as the BTR's new AG.

12. STANDING COMMITTEE REPORTS

A. Legislation and Rules Committee – Meeting Early-January

B. Home Inspector Rules and Standards Committee – Meeting Mid-January

13. BOARD MEMBER REPORTS ON OUTSIDE ACTIVITIES

A. ASBOG – Ms. Pritzl reported that attempted deregulation and consolidation of Geologists was a nationwide concern discussed at the ASBOG meeting.

B. CLARB – Ms. Cornelius reported on weekly discussions with CLARB.

C. NCARB - Nothing mentioned

D. NCEES – Dr. Angel reported more applicants are taking the exams, possibly due to the move to computer based testing.

14. **FUTURE BOARD MEETINGS** – December 13, 2016

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

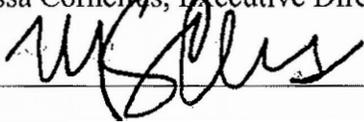
Home Inspector Calendar, Informing Registrants to register their firms via post, Substantive policy statement regarding foreign degree accreditation evaluation.

16. **MEETING ADJOURNMENT – 11:58**

Jason Madiscy Chairman

Handwritten signature of Jason Madiscy in black ink, written over a horizontal line.

Melissa Cornelius, Executive Director

Handwritten signature of Melissa Cornelius in black ink, written over a horizontal line.