

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

Friday, July 10, 2015
9:00 a.m.
OPEN SESSION

1. **CALL TO ORDER - 9:00am**

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

3. **CALL TO THE PUBLIC** – Mr. Kent Groh P.L.S. addressed the Board and stated that Arizona has lowest entrance standards in the nation for Land Surveyors. He asked the Board if there could be discussion on changing the licensing standards. Mr. Grow was informed that the discussion could take place when the Board discussed item 5 on the agenda.

4. **Review and status of the goals and issues identified at the February 11, 2014 Strategic Planning meeting.** – Ms. Cornelius stated that a Board member requested that the Board review the 2014 Strategic Plan before proceeding to this year’s Strategic Plan discussion.

Ms. Cornelius gave the Board an update on the Computer system. She reported that a pre PIJ had been put together and that the RFP process is moving along slowly.

Ms. Cornelius also reported Ms. Pritzl worked on the retention file system schedule.

Ms. Cornelius reported that the Board of Technical Registration (BTR) hired a lobbyist to represent the BTR at the Legislature.

Ms. Cornelius also reported that the lobbyist has been retained for the coming session. There is the expectation that the Lobbyist will possibly help find a better home for the Drug Lab Program and possibly the Alarms industry during the next Legislative session.

Ms. Cornelius reported that a rules review was on this year’s Strategic Planning meeting agenda and new policy statements are available to the public on the website with hard copies available at the Board.

Regarding communications, Ms. Cornelius reported that BTR is working with DOA to correct existing kinks on the website.

Ms. Cornelius reported that the Newsletter has been published twice this year with another issue in the works.

Ms. Cornelius reported that BTR has been working with the stakeholder communities participating in conferences, lecturing with national councils and working to improve relationships among the licensed population.

Ms. Cornelius reported that the Board is taking part in the CLARB Model Board Pilot Program; in addition Dr. Angel, Mr. Marley, Mr. Madison and Ms. Cornelius are on National Counsel Committees. Mr. Brady is being considered for a position on the Regional CLARB Board of Directors.

With regard to EAC member recruitment and training Ms. Cornelius reported that BTR has been encouraging volunteers to become members of the EAC committee.

Ms. Cornelius reported that the Long-term goals are still in the works.

Ms. Cornelius reported that BTR is working with ADEQ and the Lobbyist to sunset Remediation Specialists and remove the Drug Lab program from BTR.

Ms. Cornelius reported that Board members were not in favor of increasing the terms of Board members.

Ms. Cornelius reported that BTR is discussing the update of the definition of the Land Surveyor and increasing the professional requirements for registration.

Ms. Cornelius reported that BTR is working to come up with a Cease and Desist authority in the statute revisions.

Ms. Cornelius reported that Ethical Marketing practices are something that the Board considers at every meeting in the complaint context.

Ms. Cornelius reported that Mr. Parlin gave a presentation at the last meeting on how the BTR Enforcement staff considers the proposals for consent agreements, and civil penalties.

Ms. Cornelius asked the Board if it had any questions pertaining to the status update of the February 11, 2014 Strategic Plan. Mr. Folk stated that Ms. Cornelius gave an accurate account of what was discussed last year. Dr. Angel stated that most of the tasks that the Board was assigned last year were accomplished.

Dr. Angel asked if the Board is receiving consistent benefits from the lobbyist. Ms. Cornelius replied that there is great benefit to BTR in keeping the lobbyist employed mainly because they have access to and relationships with sources that Ms. Cornelius and Ms. Pritzl do not have access to at this time.

Dr. Angel asked Ms. Cornelius if the solicitation for the new computer system would include online applications and renewals and more updates to the website.

5. Review, discussion, and possible action regarding the Board's Core Purpose and Core Values.

A. Develop Operational, Short-term Goals for the Board to accomplish in the coming fiscal year, including but not limited to:

- Installing a new Computer System to facilitate:
 - Online applications, payments, and renewals
 - Records Organization and Storage – Ms. Cornelius reported that the acquisition of the new Computer system is an ongoing process with procurement and the deadline to select a vendor is September 30, 2015.
- Completion of the CLARB Model Board Pilot Program – Ms. Cornelius reported that it will probably take a year to a year and a half to establish the program parameters for the Model Board Pilot Program.
- Continued Outreach to Stakeholder Communities – Ms. Cornelius thanked the representative from the AIA for their support in coming to the Board meetings and inviting BTR representatives to go to the AIA conferences and workshops.

The Board discussed some of the ways that it could reach out to students and professional stakeholders in the communities e.g. internships, presentations, lectures, career fairs, newsletters, and working with national councils.

Dr. Angel suggested that perhaps a calendar be established to show when to reach out to students and professionals. Ms. Cornelius stated that she'd put together an outreach program for the students and other stakeholders after the Sunset Audit.

- Expansion of the Application Review Committee to include Architects and Surveyors and Home Inspectors – Ms. Cornelius reported that the outreach to the engineering community is working. The length of time it takes to grant an applicant has decreased because the applications are going before the volunteer committee members for review.

Ms. Cornelius stated that the Application Review Process has been so successful that an application can be granted in a day if all of the pieces are in place. The Home Inspectors are on-board and reviewing applications. The plan is to expand the process to the Architects.

Mr. Folk recommended that Ms. Cornelius set the standard for report writing in the Enforcement unit, and emphasize which things are appropriate to put in the Board packet for the Board's review. He would also like to see the

employer for the registrant listed on the report coversheet in the packet because that information is important when screening for conflicts of interest.

Dr. Angel asked Ms. Cornelius if the Psychometrician that BTR hired knows how the new exams performed. Ms. Cornelius stated that in the past year BTR only had 10 surveyor applicants come in to take the new exams; therefore she doesn't know if we have enough exams for the Psychometrician to determine how they are performing.

Dr. Angel stated that frustration sets in at times when reviewers can't find or locate the registrants that they are reviewing for some alleged infraction. He recommended using skip tracers for the more serious cases; Mr. Folk recommended suspending the registration of the registrant in question. Mr. Folk also stated that once the Board gets Cease and Desist power then the Board can use the skip tracers.

B. Develop Strategic, Long-term Goals for the Board, including but not limited to:

Legislative Goals - Ms. Cornelius introduced the BTR Lobbyists Mr. Steve Mortell, and Mr. Gregory Harris, and opened the floor to the Board for any questions they had for the lobbyists.

- Self-Audit for Sunset FY2016 – Mr. Noel asked if all of the disciplines are being Sunset at the same time. Ms. Cornelius replied that the whole Board is being Sunset.

Mr. Harris addressed the Board and informed them that he and Mr. Mortell have been working closely with the BTR staff to prepare for the Sunset Audit. Mr. Folk asked Mr. Harris what the best way is to convey the message to the Legislature about the role of the Board and its importance to the public. Mr. Harris replied that it is a two prong approach;

1. The Board has to make its case to the Legislature.
2. The Board has to also make its case to the Governor's Office.

The Executive Branch should be advocating for the BTR to the Legislature.

Mr. Jones asked Mr. Harris if he or Mr. Mortell have an architectural background and if not how do they have the conversations with the Legislature about what the Board does. Mr. Harris replied that he is not an architect or engineer however, he did represented the Board 30 years ago as its Asst. A.G. and that was his introduction to what the Board is and does.

Mr. Noel asked if the Board is financially self-supporting, Ms. Cornelius replied "yes", the BTR is a self-supporting Agency, also known as a 90/10 Board; meaning from the revenue that is received from applications and renewals the Board keeps 90 % that is deposited into the Board's fund and 10 % is deposited into the General fund.

Ms. Cornelius suggested that Mr. Harris give an overview of the Sunset process to the Board and what the Board can expect to experience because the public is invited to come in to talk about the Board in positive or negative terms.

Mr. Harris gave the Board a briefing on the Sunset review process. Mr. Harris stated that every year under the governance model for state agencies there are a group of agencies that are asked the same questions by the Senate Chair (Senator Yee).

Mr. Harris reported that this year there are 32 state agencies up for Sunset. The committee of reference will solicit information from the trade associations and the businesses that hire the regulated professions to see if the professions are doing what they should be doing. The committee will talk to the Ombudsman, Auditor General, look in its own files and ask the Governor's Office, whether the Board has been doing what they should be doing. One staff person from the House and one staff person from the Senate will collect the information. Senator Yee from the inside, and Representative Peterson from the outside, will be the focal points.

Mr. Noel stated that he noticed that Home Inspectors were not included in the list of Occupations for possible Sunset. Ms. Cornelius replied that it's something that the Board could discuss. Mr. Noel stated that it wasn't high on his list to discuss the Sunsetting of Home Inspectors. Mr. Folk stated that the Home Inspectors program seems to be working well and is staffed by very dedicated people who were able to bring in some national models and their industry has its own standards of practice. Mr. Folk also stated the Home Inspectors have a good set of rules that are very rigorous and the Committee is very hard on its piers when it comes to discipline. Ms. Cornelius stated that she needs to contact the new Director of the Department of Real Estate to establish a relationship with them.

- Moving the Drug Lab Program to ADEQ – Ms. Cornelius stated that she contacted the Director of ADEQ and he is supportive of accepting the Drug Lab program. ADEQ wants to write their own Bill for this measure. They are currently working on a draft Bill. Ms. Cornelius stated that she is going to schedule a future meeting with the ADEQ Director to discuss the Drug Lab transfer. Dr. Angel asked if the associated Drug Lab certifications will transfer to ADEQ or will the certifications be removed. Ms. Cornelius stated that the certifications may be removed. Mr. Folk asked if the potential ADEQ Drug Lab Bill is going to take the alarm companies and the workers away from the Board. Ms. Cornelius replied that only the firms will go to ADEQ. Ms. Cornelius also proposed the deregulation of Remediation Specialists.
- Moving the Alarm Industry to DPS – Ms. Cornelius reported that the good thing that came out of the last Legislative session is that the Legislators understand that Alarms is not a good fit at the BTR. The proposed Bill to

deregulate the Alarm industry failed because the industry wants to be regulated. BTR had proposed moving the Alarms to DPS.

Ms. Cornelius reported that a meeting has been scheduled with DPS for July 14, 2015 to discuss and explain the Alarms situation and see if DPS would be willing to accept Alarms. Alarms support themselves, which is a good selling factor of the program to DPS.

- Sunsetting Remediation Specialists and Assayers – Ms. Cornelius stated that the Board discussed the proposed resolution for the Remediation Specialists earlier in the meeting. Ms. Cornelius asked the Board if the Board should still register Assayers since there are only 20 registrants in the system and there is rarely a new registrant. Mr. Jones asked if Arizona is the only place in the nation that has registered Assayers and Ms. Cornelius replied yes.

Dr. Angel commented that the Board should consider whether the Assayers can support themselves, can the Board successfully regulate them, and are we really protecting the public from something with Assayers. Mr. Folk stated that in years passed Assayers were needed to protect the public from mining scams, however, today the mining is conducted by international companies that have their own reasons to do it right and have qualified staff.

Mr. Madison stated that we are not protecting the public we are regulating corporations that should be taking care of themselves.

Ms. Cornelius proposed striking the Assayers from the Practice Act and if asked why the Board's response would be "there are only 20 registrants most of whom are out of state and Arizona is the only state that registers them, it's costly to maintain the exam and we see no benefit."

Dr. Angel recommended that the Board grandfather the Assayers until they retire or are no longer registrants.

A member of the public audience asked the Board if any member of the public can locate a mining plan under the 1875 mining law where would they go to validate their minerals in order to perfect that mining claim to gain that federal right if there are no licensed Assayers that they can rely on to give them that information. Dr. Angel replied that he didn't have the answer to the question however; the Board could research how it's done in other states. Mr. Madison stated that professional Assayers aren't being eliminated; the Board is recommending that the regulation and registration requirement for Assayers be abolished.

Ms. Cornelius asked Mr. Harris if the Assayer Sunset might occur in a separate Omnibus Bill rather in the Sunset. Mr. Harris replied that the Assayer Sunset should be mentioned in the report. Mr. Noel asked if it's possible that the Assayers could be Sunset this go around. The answer was yes.

- Review and Discussion regarding Revising the Practice Act and Rules after the Act's Scope is Redefined.

Ms. Cornelius reported that she had the following proposed changes in language for Board Statute ARS 32-101 and tried to be consistent with same language all the way through for the Big 5:

Ms. Cornelius reported that she clarified the definition of architect; did not attempt to redefine the definition of Land surveyor, but did include the NCEES model law definitions of Engineer and Surveyor because Mr. Folk had been interested in revising and updating the definition of Surveyor.

Mr. Folk stated that he made a determination that the definition of Surveyor was out of date with the caveat that input from the stakeholder community about how they want to define the practice of Land Surveyor is vital. He stated that the Surveyor definition is not taking into account the new technology used for measurement and as a consequence there are more survey type products being created by non-registrants without a registrant being in responsible charge of that effort. As a parallel discussion, there is a whole world of GIS systems which has its value but it doesn't necessarily belong in Survey and the Board shouldn't be regulating it as such. Mr. Folk stated that the NCEES brings photogrammetry into Survey and requires you to be proficient in both in order to be licensed as a Surveyor. Mr. Folk also stated that there are those in the aerial industry who have no interest in being registered.

Ms. Cornelius stated that after today's meeting and hearing the Board's comments and suggestions, she plans to go back and make more modifications to the proposed statute changes, and then BTR will have a long Legislation and Rules Committee meeting on August 11, 2015. Ms. Cornelius stated that she will send the draft as its revised today to the stakeholders and invite them to come to the Legislation and Rules Committee meeting and dialogue with the Committee about the changes and propose any other changes they might have. Ms. Cornelius also stated that the dialogue discussed at the Legislation and Rules Committee will be presented to the Board at the August Board meeting.

Mr. Folk stated that he has a couple topics for Board discussion: The definition of Firm: it doesn't expressly recognize limited liability companies or professional limited liability partnerships. The Board has been fairly tolerant of that in the past because the statute has a catch-all phrase, "other associations." Mr. Folk also stated that it would be beneficial if the Board amended the definition of Firm to recognize other types of legitimate business entities that might be licensed elsewhere and want to get a Firm card, they won't be denied because they are not on a list of legal entities.

Mr. Folk asked the Board to review Board Statute 32-141(c) for possible revision and amendment to address the registration of Firms and the Board's

requirement that we have a registrant in responsible charge of the professional services offered by the Firm. Mr. Folk agreed to write the proposed language for the draft to revise or amend the statute for review by the public.

Mr. Folk suggested that the Administrative penalty be increased to \$5000 per violation under Board Statute 32-128(A) (3).

Dr. Angel expressed concerns regarding ARS 32-126 (Exemptions from *Professional* examination requirement). He recommended that item B. be stricken from the statute because the public would be better served if there was no exemption from taking the test.

Ms. Cornelius asked the Board what they thought about the language that she included in ARS 32-106.01 (Cease and Desist Authority). The Board's recommendation was that 32-106.01 would be a better fit under 32-106.02.

Ms. Cornelius stated under ARS 32-122.01 (Qualifications for Professional registration), based on the comment we heard during the Call to the public from the Surveyor, perhaps the Board should strike the whole section if we are going to pursue getting rid of the Assayer and move the word Land Surveyor up to "A" where we have Engineer, Geologist, Landscape Architect and include Land Surveyor to the 8 year requirement instead of the six year requirement. The Board agreed.

The Board discussed whether or not to lessen the time requirement for Architects to be eligible for registration. Ms. Cornelius stated that she will rework the draft language for the statute and present it again to the Board.

Mr. Jones left the meeting at 12:20 p.m.

Ms. Cornelius stated that if Alarms stay with the BTR then the statute for Alarms needs to be amended.

Dr. Angel left the meeting at 12:37 p.m.

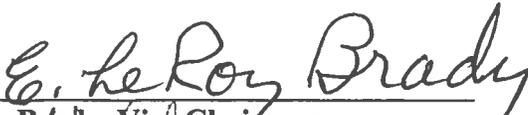
Ms. Cornelius stated that a fee was added for license activation because we currently grant applications and then turn around and bill the registrants for renewals.

Ms. Cornelius asked the Board if they were happy with the seal statute and if there is a need for changes to the statute. Mr. Folk stated that there can be improvements in what safeguards do we have in place that the registrants sealing the work is sealing work that they really know they've been involved with and in responsible charge.

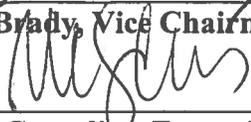
Ms. Cornelius requested that the Board send any comments on the Rules to her. The Legislation and Rules Committee will meet on August 11, 2015.

Ms. Cornelius stated that she'd send out the Legislation and Rules announcement to the Board.

6. **ADJOURNMENT** - The Board adjourned at 1:02 pm.



LeRoy Brady, Vice Chairman



Melissa Cornelius, Executive Director