

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

Tuesday, May 24, 2016
9:00 a.m.
OPEN SESSION

1. **CALL TO ORDER** – 9:03 AM
2. **ROLL CALL** – Board members in attendance: LeRoy Brady, Douglas Folk, Jason Foose, Neal Jones, Jason Madison, Edward Marley, Stephen Noel, and Robert Stanley. Absent: Alejandro Angel. Staff: Melissa Cornelius, Michelle Fleming, Douglas Parlin, Patrice Pritzl, and Michelle Johnson. Assistant Attorney General: Michael Raine.
3. **CALL TO THE PUBLIC** – Mr. Larry Walsh requested that the Board consider allowing him to take the PE without having a degree because he had 30 years of experience. Board directed him to Licensing staff for consultation.

4. **ADOPTION OF MINUTES**

Review, Consideration, and Possible Action on the following:

- A. Approve, modify and/or reject April 26, 2016 Board meeting minutes.
The members reviewed the minutes. Mr. Marley moved to approve the minutes. Mr. Noel seconded the motion. No further discussion; motion carried.

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

- A. Formal Administrative Hearing and/or Review, Discuss and Take Possible Action to Continue the Hearing or Consider Acceptance of Signed Consent Agreement in lieu of Hearing

AL14-005, Marcelino E. Martinez, Alarm Agent #58664

Mr. Brady opened the hearing. Respondent was not present. The State was represented by Mr. Michael Raine, Assistant Attorney General and Mr. John Tellier, Assistant Attorney General, appeared to provide independent legal advice to the Board.

All Board Members, with the exception of Dr. Alejandro Angel, who was absent, were present to hear and weigh the evidence presented in the formal hearing.

The Board properly served Respondent with the Complaint and Notice of Hearing at Respondent's last known address of record. Mr. Raine explained that Respondent,

Marcelino E. Martinez, had suffered a stroke and requested a continuance of the hearing. Mr. Raine also informed the Board that he was able to negotiate a consent agreement for a \$375 civil penalty and the voluntary surrender of Mr. Martinez's certificate. Mr. Jones moved to accept the offered consent agreement. Mr. Marley 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. P14-050, John P. Murphy, P.E. (Civil) #13786

Respondent, Mr. John P. Murphy, appeared and offered to answer any questions the Board had.

2. P16-045, Dale Gardon, R.A. #23775

Respondent, Mr. Dale Gardon, appeared and offered to answer any questions the Board had. Mr. Folk recused himself. Board heard comments from Allegor and Respondent. Board members questioned the Allegor and dialoged with Respondent. Board members discussed the case. Mr. Marley moved to dismiss the case. Mr. Foose seconded the motion. No further discussion; motion carried.

3. P16-032, Blucor Contracting Inc., Non-Registrant Firm
4. DL16-004, Drug Lab at 2629 North 63rd Drive, Phoenix, AZ

Mr. Madison moved to consent and dismiss items 6(A)1, 6(A)3, and 6(A)4. Mr. Jones seconded the motion. No further discussion; motion carried.

B. Complaints Proposed for Resolution with Signed Consent Agreements:

1. P16-051, Richard Ladrack, R.A. #35639
2. P16-005, Jesus Ceden, Non-Registrant and JACA Design, LLC, Non-Registrant Firm

Mr. Marley commented upon the drawings in this case. He expressed concern that the Drafter of the drawings was not a bona fide employee of Respondent. Mr. Marley moved to accept the signed consent agreement. Mr. Madison seconded the motion. No further discussion; motion carried. Staff was directed to open a complaint against Mr. Paul Zommo for aiding and abetting a non-registrant for the practice of architecture, engineering, and surveying.

3. HI16-001, John Clayton, C.H.I. #38555
4. HI15-017, Jeff Arellano, C.H.I. #52571
5. HI16-014, John Allen, C.H.I. #59631

Mr. Marley moved to accept the signed consent agreements in items 6(B)1, 6(B)3, 6(B)4, 6(B)5, and 6(B)7. Mr. Jones seconded the motion. No further discussion; motion carried.

6. P15-022, Allen C. Aerni, R.L.S. #24513

Respondent, Mr. Allen C. Aerni, appeared and addressed the Board. Mr. Folk and Mr. Foose questioned Respondent about the record of the survey. The Board members discussed the case. Mr. Foose moved to reject the consent agreement and have an independent assessor review the complaint and reconsider the case at a later meeting. Mr. Folk seconded the motion. No further discussion; motioned carried.

7. P16-052, Derek Roberts, P.E. (Civil) #41010

7. LICENSING MATTERS

Discussion, Consideration and Vote on the following:

Whether to Grant or Deny Registration:

A. Perhson-Davidson, Jessica Alarm Agent Application #160441

Mr. Folk expressed concern about Applicant's extensive criminal history and questioned whether Applicant had good judgment and moral character to hold the certification. Mr. Madison expressed concern about certifying Applicant. Mr. Folk moved to pend consideration of the application and invite Ms. Perhson-Davidson, to address the Board regarding its concerns about the number and nature of her criminal violations; how they reflect on her good judgment and ability to safely practice. Mr. Marley seconded the motion. No further discussion. Motion carried with Mr. Noel and Mr. Madison opposing.

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. Folk moved to cancel the registrations and certifications that have been expired for one full renewal period. Mr. Marley seconded the motion. No further discussion; motion carried.

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.

List available for public review upon request.

9. POLICY MATTERS

Review, Consideration, and Possible Action on the following:

- A. Giving Authority to Vice-Chairman Marley to vote as appropriate on all Resolutions considered at the NCARB Annual Meeting to take place in Seattle, WA in June 2016.

The Board discussed giving Mr. Marley authority to vote on its behalf at the annual meeting and approved such.

- B. Legislative Update (Verbal Report)

Ms. Cornelius reported that the Legislative session had ended. The Governor signed the Board's bills along with HB2613. Staff will send notification to all the Registrants that will be affected by the deregulation in SB1256. She also reported that the Board will be continued for an additional eight years.

- C. Whether to ask the Attorney General for a Formal Opinion regarding the Board's regulatory authority over geologists as a result of the passage of HB2613; whether HB2613 conflicts with A.R.S. § 32-106.02; and any other issues and/or questions regarding the bill that Board members may have for Attorney General consideration.

Board members discussed the question. Mr. Folk suggested that the Board does have a need to establish rules regarding "trained geologist." Assistant Attorney General, Michael Rain advised that the new law may be viewed as another "exemption" like those listed in 32-144; SB1524. The Board expressed concern that HB 2613 is vague and directed staff to draft a letter requesting the Attorney General to interpret HB2613 in a formal opinion for consideration at the next meeting.

10. DIRECTOR'S REPORT

- A. Budget Update

Ms. Cornelius stated with 83% of the budget year elapsed; the Board has spent 79% of its appropriation and 73% of its revenue.

- B. Previous Meeting Follow-Up

Ms. Cornelius reported that representatives from GL Solutions met with staff during the week of May 2 – May 6 to learn about the Boards policies and procedures and began writing the "requirements" that will guide the building of the new computer system.

- C. Director's Meetings

Ms. Cornelius reported that she had met with the Director of ADOA, Mr. Craig Brown regarding plans to implement the new licensing and regulation division at ADOA and how that might affect the Board and staff next year.

D. Statistics Review

A statistical review of all the professional and occupational professions was provided for the Board to review.

11. BOARD CHAIR'S REPORT

Mr. Brady thanked Ms. Janice Burnett for her help during the legislative session and expressed gratitude to the other professions for their support of the landscape architects and geologists.

12. STANDING COMMITTEE REPORTS

- A. Legislation and Rules Committee – Nothing new to report.
- B. Home Inspector Rules and Standards Committee – Meeting scheduled for June 14, 2016.

13. BOARD MEMBER REPORTS ON OUTSIDE ACTIVITIES

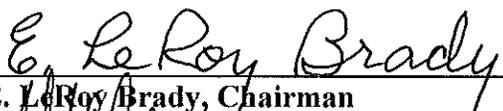
- A. ASBOG – ASBOG's meeting scheduled for June 2, 2016
- B. CLARB – CLARB's meeting scheduled for May 25, 2016
- C. NCARB – NCARB's annual meeting will be held in Seattle, WA from June 16 – June 18, 2016
- D. NCEES – NCEES's annual meeting will be held in Indianapolis, IN from August 24 – August 27, 2016.

14. FUTURE BOARD MEETINGS – Tuesday, June 28, 2016

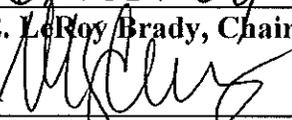
15. SUGGESTED TOPICS FOR FUTURE MEETING AGENDAS

- Draft letter to the Attorney General
- Psychometrician for AZLS exam
- Scheduling hearing to OAH vs. the Board
- WCARB White Paper – possible vote
- Executive Director review

16. MEETING ADJOURNMENT – 11:23 AM



E. LeRoy Brady, Chairman



Melissa Cornelius, Executive Director