

MINUTES OF THE  
ARIZONA BOARD OF TECHNICAL REGISTRATION

January 26, 2010

9:30 AM

OPEN SESSION

1. **CALL TO ORDER** - The meeting of the Board of Technical Registration was called to order at 9:32 AM by Chair Karen Cesare.
2. **ROLL CALL** - Board Members in Attendance: Karen Cesare, Harold "Hal" Epperson, David Komm, Susan Schaefer Kliman, Claudia Perchinelli, Howell "Chip" Shay, Erick Weiland, John Willett, and Laurie Woodall. Board Staff: Ronald Dalrymple, Melissa Cornelius, LaVern Douglas, Kathryn Fuller, Lisa Vardian, Manuel Maltos, and Cassie Goodwin. Assistant Attorney General: Mona P. Baskin.
3. **CALL TO THE PUBLIC** – No members of the public addressed the Board.
4. **ADOPTION OF MINUTES**
  1. December 15, 2009 Minutes – Mr. Shay moved to approve the December 15, 2009 Minutes. Ms. Woodall seconded. Motion Carried.
  2. Amendment of the April 28, 2009 Minutes, Agenda Items 5.A.2a and 5.A.2b – Dr. Schaefer Kliman moved to amend the approved April 28, 2009 Minutes as amended. Mr. Shay seconded. Motion Carried. Ms. Woodall and Mr. Komm abstained.
5. **ENFORCEMENT MATTERS**

**Review, Consideration and Possible Vote on the following:**

  - A. **Proposed Dismissal**
    1. M09-129, Fred E. Bloch, Architect #08027 – Mr. Fred E. Bloch, Architect #08027, appeared in person and addressed the Board. Dr. Schaefer Kliman moved to dismiss the case. Mr. Weiland seconded. After discussion, Motion Carried.
  - B. **Proposed Letter of Concern**
    1. M09-027, Gene C. Harrison, Land Surveyor #22762 – Mr. Epperson moved to issue Respondent a Letter of Concern regarding recordation of a survey when a cap is placed on an existing monument. Ms. Perchinelli seconded. After discussion, Motion Carried.
  - C. **Proposed Consent Agreements**
    1. M09-017, Richard K. Frost, P.E. (Structural) #27341 – Ms. Perchinelli moved to accept Respondent's signed Consent Agreement encompassing the following Order: Letter of Reprimand; Restitution: Respondent shall pay restitution to Kathy Bickelhaupt in the amount of \$450.00; and Cost of Investigation:

Respondent shall pay the cost of investigation in the amount of \$115.00. Mr. Weiland seconded. After discussion, Motion Carried.

2. M09-026, William R. Kirk, Land Surveyor #37931 – Mr. Epperson moved to accept Respondent's signed Consent Agreement with the following Order: Letter of Reprimand; Amend Survey: Respondent shall prepare a Results of Survey and record the survey in the Apache County Recorder's office; and Cost of Investigation: Respondent shall pay the cost of investigation in the amount of \$105.00. Ms. Woodall seconded. After discussion, Motion Carried.

D. Enforcement Advisory Committee Candidates

1. Shahid M. Rana, P.E. (Civil) #26340 – Ms. Perchinelli moved to accept Mr. Shahid's application and appoint him as an Enforcement Advisory Committee member. Mr. Komm seconded. Motion Carried.

6. HOME INSPECTOR ENFORCEMENT MATTERS

**Review, Consideration, and Possible Vote on the following:**

A. Proposed Letters of Concern

1. HI08-010, Mark D. Koebbe, CHI #38655 – Mr. Shay moved to direct Staff to obtain a signed Consent Agreement to resolve this matter; if no Consent Agreement is obtained, then the case should go to Formal Hearing. Mr. Epperson seconded. After discussion, Motion was withdrawn.

Mr. Shay moved to issue Respondent a Letter of Concern and advise him to modify his inspection form to reflect the current Standards. Staff is to include an acknowledgement form for Respondent to sign and return to the Board, indicating he will use an updated check list form and abide by the current Standards. Mr. Epperson seconded. Motion Carried.

2. HI09-008, Steven D. Fitzgerald, CHI #41289 – Mr. Epperson moved to issue Respondent a Letter of Concern that his inspection report was deficient and he is required to comply with the current Standards. Dr. Schaefer Kliman seconded. After discussion, Motion Carried.

B. Proposed Consent Agreements

1. HI10-011, Richard J. Dinolfi, Nonregistrant – Mr. Komm moved to accept Respondent's signed Consent Agreement encompassing the following Order: Assurance of Discontinuance: Respondent shall not practice, offer to practice, or by any implication hold himself out as qualified to practice as a home inspector or prepare home inspection reports; shall not advertise or display any card, sign or other device that may indicate to the public that he is a certified home inspector, or is qualified to practice as such; and shall not assume the title of "Certified", "Professional", "Registered Professional", or "Professional Registered" Home Inspector within the State of Arizona until Respondent is granted registration by the Board; Restitution: Respondent shall pay restitution to Mr. and Mrs. Wilson in the amount of \$300.00; Civil Penalty: Respondent shall pay a civil penalty in the amount of \$2,000.00; and Cost of Investigation: Respondent shall pay the cost of investigation in the amount of \$127.00. Mr. Weiland seconded. After discussion, Motion Carried.

C. Review, Discussion, and Consideration

1. HI07-096, Raymond S. Kludys, CHI #41610 – Dr. Schaefer Kliman moved to administratively close the case and, in the event Respondent re-applies or renews his Certification, to reopen the investigation. Mr. Komm seconded. After discussion, Motion Carried.
2. HI09-019, Jerry L. Newport, CHI #42694 – Dr. Schaefer Kliman moved to administratively close the case and, in the event Respondent re-applies or renews his Certification, to reopen the investigation. Mr. Willett seconded. After discussion, Motion Carried.

7. DRUG LABORATORY ENFORCEMENT MATTERS

**Review, Consideration and Possible Vote on the following:**

There were no Drug Laboratory Enforcement Matters before the Board.

8. **Review, Consideration, and Possible Vote on the following:**

EVALUATION OF APPLICATIONS FOR EXAMINATION AND/OR POSSIBLE GRANTING OF REGISTRATION OR CERTIFICATION

A. EXAMINATION

1. Salvador A. Vilches, EIT Examination Applicant # 090060 – Mr. Salvador Vilches appeared in person and addressed the Board. Ms. Perchinelli recused herself citing a conflict of interest and sat in the audience. Mr. Willett moved to allow Mr. Vilches to sit for the Engineer-in-Training Examination. Mr. Weiland seconded. After discussion, Motion Carried.

2. Jared L. Brown, EIT Examination Applicant # 090174 – Mr. Jared Brown appeared in person and addressed the Board. Ms. Woodall moved to allow Mr. Brown to sit for the Engineer-in-Training Examination. Mr. Shay seconded. After discussion, Dr. Schaefer Kliman moved to go into Executive Session for legal advice. Ms. Cesare seconded. Motion Carried.

The Board went into Executive Session at 9:47 AM for legal advice and returned to Regular Session at 10:08 AM.

More discussion took place and the motion is put to a vote. The Motion Failed five (5) to four (4) as follows: Ayes: Shay, Woodall, Komm, and Epperson; Nays: Perchinelli, Cesare, Weiland, Schaefer Kliman, and Willett.

3. Vasu Persaud, EIT Examination Applicant #091019 – Mr. Vasu Persaud appeared telephonically and addressed the Board. Mr. Willett moved to allow Mr. Persaud to sit for the Engineer-in-Training Examination. Mr. Komm seconded. After discussion, Motion Carried.

## B. REGISTRATION

1. John H. Hiett, Electrical Engineer Applicant # 091353 – Mr. John Hiett appeared in person and addressed the Board. Ms. Woodall moved to grant Mr. Hiett's request for a waiver of the Fundamentals of Engineering Examination and grant him registration as a Professional Engineer (Electrical) after he took and passed the P.E. Examination. Mr. Komm seconded. After discussion, Motion Carried.

2. Lloyd C. True, Jr., Architect Applicant # 091394 – Mr. Lloyd C. True, Jr. appeared telephonically and addressed the Board. Dr. Schaefer Kliman moved to grant Mr. True's application for Architect registration. Ms. Perchinelli seconded. After discussion, Motion Carried.

3. Claire Clark, Architect Applicant #090752 – Ms. Claire Clark appeared in person and addressed the Board. Dr. Schaefer Kliman moved to grant Ms. Clark's application for Architect registration. Mr. Shay seconded. After discussion, Motion Carried.

4. Walt W. Gantt, Architect Applicant #091285 – Mr. Walt Gantt appeared telephonically and addressed the Board. Dr. Schaefer Kliman moved to deny Mr. Gantt's application for Architect registration. Mr. Shay seconded. After discussion, Dr. Schaefer Kliman, with Mr. Shay's approval, withdrew the motion.

Dr. Schaefer Kliman moved to grant Mr. Gantt's application for Architect registration. Mr. Shay seconded. Motion Carried.

5. Darryl Cartozian, Architect Applicant #0911077 – Dr. Schaefer Kliman moved to approve Mr. Cartozian's application for Architect registration upon verification within 90-days that he has completed the Intern Development Program ("IDP") through NCARB. If the IDP has not been completed, the application is denied. Mr. Shay seconded. After discussion, Motion Carried.

6. Scott Jackson, Architect Applicant 091252 – Mr. Scott Jackson appeared in person and addressed the Board. Dr. Schaefer Kliman moved to deny Mr. Jackson's application for Architect registration. Mr. Shay seconded. After discussion, Dr. Schaefer Kliman, with Mr. Shay's approval, withdrew the motion.

Dr. Schaefer Kliman moved to grant Mr. Jackson's application for Architect registration. Mr. Shay seconded. Motion Carried.

9. Review, Consideration, and Possible Vote on the following:  
**EVALUATION COMMITTEE AND STAFF RECOMMENDATIONS AND POSSIBLE GRANTING OF REGISTRATION OR CERTIFICATION**
1. Granting of professional or in-training registration
  2. Approval to sit for the professional or in-training examination
  3. Recommendation for denial of professional or in-training examination

Mr. Epperson moved to accept the committee and staff recommendations listed in items 9.1, 9.2, and 9.3. Dr. Schaefer Kliman seconded. Motion Carried.

10. **Review, Consideration, and Possible Vote on the following:**

1. National Council of Examiners for Engineering and Surveying ("NCEES") Associate and Emeritus Members Update Memo – Dr. Schaefer Kliman moved to add Deputy Director Melissa Cornelius as an Associate Member, Mr. Ronald Starling as an Emeritus Member and affirm the current members to NCEES. Mr. Epperson seconded. After discussion, Motion Carried.

2. Whether A.A.C. R-4-203(A)(1) Authorizes Registration of Architect Applicants without Requiring Completion of Individual Development Program. (See: Section 7(B).0 – This Item was withdrawn.

11. LAPSED LIST – Mr. Epperson moved to lapse the registration of the individuals as listed. Dr. Schaefer Kliman seconded. Motion Carried.

12. **DIRECTOR'S REPORT – Mr. Dalrymple advised:**

**Budget**

Mr. Dalrymple advised both the Joint Legislative Budget Council ("JLBC") and the Governor's Office of Strategic Planning and Budget Office ("OSPB") have established the Board's budget baseline for Fiscal Year ("FY") 2011 at 23 employees and \$1,735,000.00. This is the base starting point for any cuts or additions as the annual budgets are developed.

**Finances**

As of December 31, 2009, the Board's revenue for FY2010 totals \$774,365 and expenditures total \$688,881. It is currently estimated that the Board's revenue for FY2010 will exceed expenditures by approximately \$200,000.

The Board is currently in the process of signing on with Lexis\Nexus to assist staff with locating delinquent registrants with invalid record addresses and also to assist investigators in locating individuals.

#### Personnel

The Board hired Jenny Lubben as an investigator. Ms. Lubben started on January 25, 2010 and is assigned to the Investigations Unit. Ms. Lubben worked for the Arizona Supreme Court as a Complaint Specialist and then a Program Specialist III for their Programs and Investigations Unit of the Certifications and Licensing Division from 2007 thru 2009. She has an Associates Degree in Criminal Justice; a B.S. in Administration of Criminal Justice from NAU, and is currently working on an M.A. in Public Management through NAU.

#### Legislation

The House Commerce Committee will be hearing the proposed Home Inspector bill adding pools and spas to the items to be inspected on January 27, 2010.

A bill originating out of the Governor's Meth Task Force is being distributed to legislators in an effort to find a possible sponsor. The bill would increase penalties for a number of current violations committed by non-registrants. It would also give peace officer status to some Board investigators allowing them better access to law enforcement records, allowing them to re-post seized sites, and enhance their ability to locate and prepare criminal complaints against those who commit acts of fraud related to renting and selling unremediated residences without disclosing their status to the renter or buyer.

13. BOARD CHAIR'S REPORT – Nothing new to report.

#### 14. STANDING COMMITTEE REPORT

1. Legislation and Rules Committee ("L&R") – Dr. Schaefer Kliman advised the L&R Committee meeting scheduled for today has been cancelled due to a lack of quorum. She will advise when the next meeting is scheduled.
2. Budget Committee – Nothing additional to what has been reported in the Director's Report.
3. Home Inspector Rules and Standards Committee ("HIRS") – Mr. Shay advised the HIRS committee will meet next in February 2010 and he will provide a report after that meeting.
4. Environmental Remediation Rules and Standards Committee ("ERRS") – Mr. Weiland advised the ERRS Committee is scheduled to meet at 2 PM today and he will provide a report at the February Board meeting.

#### 15. BOARD MEMBER REPORTS ON OUTSIDE ACTIVITIES

1. National Council of Examiners for Engineering and Surveying ("NCEES") – Nothing to report.
2. National Council of Architectural Registration Boards ("NCARB") – Nothing to report.
3. Council of Landscape Architectural Registration Boards ("CLARB") – Nothing to report.

4. National Association of State Boards of Geology ("ASBOG") – Mr. Weiland advised Mr. Dalrymple sent the letter to ASBOG regarding the raising of fees.

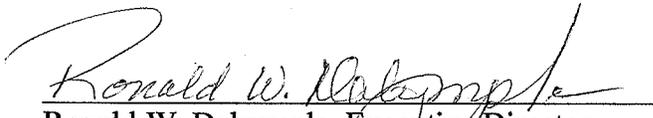
16. FUTURE BOARD MEETINGS – Tuesday, February 23, 2010 at 9:30 AM.

17. FUTURE AGENDA ITEMS – Ms. Cesare requested that Jared Brown's matter be placed on the next Agenda for follow up.

18. ADJOURNMENT – Meeting adjourned at 12:34 PM.

ARIZONA STATE BOARD OF TECHNICAL REGISTRATION

  
Karen M. Cesare, Chair

  
Ronald W. Dalrymple, Executive Director

MINUTES OF THE  
ARIZONA BOARD OF TECHNICAL REGISTRATION

February 23, 2010

9:30 AM

OPEN SESSION

1. **CALL TO ORDER** – The meeting of the Board of Technical Registration was called to order at 9:31 AM by Chair Karen Cesare.
2. **ROLL CALL** - Board Members in Attendance: Karen Cesare, Harold “Hal” Epperson, David Komm, Susan Schaefer Kliman, Howell “Chip” Shay, Erick Weiland, John Willett and Laurie Woodall. Claudia Perchinelli arrived at 9:41 AM. Board Staff: Ronald Dalrymple, Melissa Cornelius, LaVern Douglas, Kathryn Fuller, Lisa Vardian, Manuel Maltos, and Cassie Goodwin. Assistant Attorney General: Mona Baskin.
3. **CALL TO THE PUBLIC** – No members of the public addressed the Board.
4. **ADOPTION OF MINUTES** – Mr. Shay moved to approve the January 26, 2010 minutes Ms. Woodall seconded. Motion Carried.
5. **ENFORCEMENT MATTERS**  
Review, Consideration and Possible Vote on the following:
  - A. Proposed Dismissal
    1. M09-012, Lloyd W. Rogers, P.E. (Civil) #17927 – Dr. Schaefer Kliman recused herself stating a conflict of interest. Mr. Shay moved to accept Staff recommendation and dismiss this case. Ms. Woodall seconded. After discussion, Motion Carried. Ms. Perchinelli was absent.
6. **HOME INSPECTOR ENFORCEMENT MATTERS**  
Review, Consideration, and Possible Vote on the following:
  - A. Proposed Consent Agreement
    1. HI10-016, Saad Sean Shoucair, Nonregistrant – Mr. Shoucair was present and addressed the Board. Mr. Komm moved to accept Respondent’s signed Consent Agreement encompassing the following: Assurance of Discontinuance: Respondent shall not practice, offer to practice or by any implication hold himself out as qualified to practice as a home inspector or prepare inspection reports; shall not advertise, or display any card, sign or other device that may indicate to the public that he is a certified home inspector, or is qualified to practice as such; and shall not assume the title of “Certified”, “Professional”, “Registered Professional”, or “Professional Registered” Home Inspector within the State of Arizona until Respondent is granted registration by the Board; Civil Penalty: Respondent shall pay a civil penalty in the amount of \$8,000.00; and Cost of

Investigation: Respondent shall pay the cost of investigation in the amount of \$162.00. Mr. Epperson seconded. After discussion, Motion Carried. Ms. Perchinelli was absent.

**7. DRUG LABORATORY ENFORCEMENT MATTERS**

Review, Consideration, and Possible Vote on the following:

There were no Drug Laboratory Enforcement Matters before the Board.

**8. LICENSING MATTERS**

Review, Consideration, and Possible Vote on the following:

1. Jared Brown, EIT Application #090174 (For Information Only) – Staff informed the Board that Mr. Brown withdrew his application.

2. Robin Smith, EIT Application #061095 – Ms. Cornelius informed the Board that Applicant had two open EIT files at the Board, #020062, which she submitted on January 23, 2002, and #061095, which she submitted on June 29, 2006. For the reason that Applicant failed to timely meet all the registration requirements, the Board denied Applicant's most recent EIT application, #061095, at the January 26, 2010 meeting; however, the Board should have denied her older application #020062. Staff requested that the Board reopen #061095 to allow Ms. Smith to take the required exams and deny file #020062. Dr. Schaefer Kliman moved to reopen file #061095 and Deny file #020062. Mr. Epperson seconded. After discussion, Motion Carried. Ms. Perchinelli did not vote.

**9. 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):

1. Granting professional or in-training registration
2. Granting approval to applicants to sit for the professional or in-training examinations
3. Administratively closing professional or in-training applications pursuant to A.R.S. § 32-122.01(A)
4. Administratively denying professional or in-training applications pursuant to A.R.S. § 32-204(J)

Mr. Shay asked that Premnath Sundharam, Application #091385 be removed from the list until verification is provided by the applicant showing completion of the Intern Development Program or passing the examinations.

Mr. Epperson moved to accept the recommendations for Agenda Item 9(A) with the exception of Application #091385. Dr. Schaefer Kliman seconded. After discussion, Motion Carried.

## B. FOR INFORMATION ONLY

1. Executive Director's Explanation of Board Delegated Authority to Administratively Grant Licenses Based upon NCEES or NCARB Records – Mr. Dalrymple provided background and information on the Board's history of allowing Staff to grant licenses based upon NCEES or NCARB records. Ms. Perchinelli asked that this issue be placed on the March 23, 2010 Agenda for further discussion. Ms. Woodall agreed and indicated the Board should explore a possible new Substantive Policy to give clear direction and commemorate the Board delegating this authority to Staff.
2. Registrations Granted by Board Delegated Authority (List of names available at the Board's office.)
3. In-Training Certificates Granted by Board Delegated Authority (List of names available at the Board office.)

## 10. POLICY MATTERS

Review, Consideration, and Possible Vote on the following:

There were no Drug Laboratory Enforcement Matters before the Board.

## 11. Review, Consideration, and Possible Vote on the following:

LAPSE LIST (List of names available at the Board's office.) – Mr. Epperson moved to lapse the registration of the individuals as listed. Dr. Schaefer Kliman seconded. Motion Carried.

## 12. DIRECTOR'S REPORT – Mr. Dalrymple advised:

Budget:

The Board has not received any new information on its budget.

Finances:

As of December 31, 2009, the Board's revenue for FY 2010 totals \$774,365 and its expenditures total \$688,881. It is currently estimated the Board's revenue for FY 2010 will exceed expenditures by approximately \$200,000.

Administration is still in the process of negotiating a contract with Lexus Nexus to use its services to assist staff in locating delinquent registrants with invalid record addresses and also to assist investigators in locating individuals.

Legislation

On February 27, 2010, the House Commerce Committee will be hearing the Home Inspector Bill which proposes to include pools and spas to the list items in a home inspection.

A bill originating out of the Governor's Meth Task Force is being distributed to legislators in an effort to find a possible sponsor. The bill would increase penalties for a number of current violations committed by non-registrants. It would also give peace

officer status to some Board investigators allowing the better access to law enforcement records, allowing them to re-post seized sites and enhance their ability to locate and prepare criminal complaints against those who commit acts of fraud related to renting and selling unremediated residences without disclosing their status to the renter or buyer.

Originally, the Attorney General's Office was working on getting a sponsor for the bill, but they dropped out of the search because of the provision in the bill requiring a \$100 assessment against any person convicted of a crime involving meth, LSD, or ecstasy. The assessment would provide an estimated \$200,000 in revenue to the Board and place the cost on the criminal rather than Board registrants. We are working with several legislative contacts to try and locate a sponsor before the session closes down.

**13. BOARD CHAIR'S REPORT** – Ms. Cesare advised she has nothing new to report.

**14. STANDING COMMITTEE REPORT**

1. Legislation and Rules Committee (“L&R”) – Nothing new to report.
2. Budget Committee – Nothing new to report.
3. Home Inspector Rules and Standards Committee (“HIRS”) – Mr. Shay advised the HIRS Committee met February 3, 2010 and this is a summary of their meeting: 1) Discussed water heater normal operating controls: agreed to table pending review of the manufacturer's operating instructions; 2) noted Substantive Policy Statement on provisions for where the inspection ends for components outside the scope of a home inspection has been published; 3) approved a statement notifying home inspectors that advertising for termite inspection services required listing of contractor's Office of Pest Management license number; 4) the 2010 Pool & Spa Inspection Bill has been introduced into the legislature – adding this service to the standard scope of work to be performed by a home inspector; and 5) some future agenda items include continuing the discussion of developing a Substantive Policy Statement regarding allowing a Home Inspector to perform inspections which fall below the accepted standard of care.
4. Environmental Remediation Rules and Standards Committee (“ERRS”) – Mr. Weiland advised the ERRS Committee met January 26, 2010 and the following is a summary of their meeting: 1) there were discussions on proposed changes to wording of A.A.C.R4-30-305; and 2) review and discussion on proposed meth lab annual refresher guide and training course. The next meeting is scheduled for March 23, 2010 at 1:00 PM.

**15. BOARD MEMBER REPORTS ON OUTSIDE ACTIVITIES**

1. National Council of Examiners for Engineering and Surveying (“NCEES”) – Ms. Perchinelli advised there is a Western Zone meeting coming up in April 2010. Other than that, there is nothing new to report.

2. National Council of Architectural Registration Boards ("NCARB") – Dr. Schaefer Kliman advised she is planning to attend the Western Regional Zone meeting in a month. Other than that, there is nothing new to report.
3. Council of Landscape Architectural Registration Boards ("CLARB") – Ms. Cesare is attending the CLARB Spring meeting in Dallas Texas this weekend (February 26 – 28, 2010). There will be discussions on health, safety, and welfare and why Landscape Architects should be licensed. She will be working with the communication committee for CLARB, seeking ways to make CLARB more accessible; CLARB may be moving into the social media arena such as Twitter, FaceBook, etc. She will have a full report at the March 23, 2010 meeting.
4. National Association of State Boards of Geology ("ASBOG") – Mr. Weiland advised he is planning to attend the upcoming meeting in April 2010 and will provide a full report at the May 25, 2010 meeting. Other than that, there is nothing new to report.

**16. FUTURE BOARD MEETINGS** – Tuesday, March 23, 2010 at 9:30 AM.

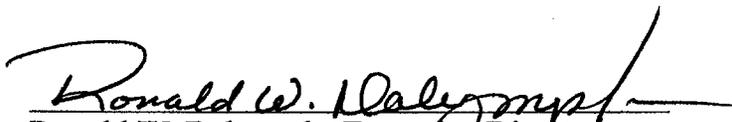
**17. FUTURE AGENDA ITEMS**

1. Discussion of Board Administrative Authority to grant professional licenses based on NCARB or NCEES files
2. Possible Substantive Policy Statement for Board Administrative Authority to grant professional licenses based on NCARB or NCEES files

**18. ADJOURNMENT** – Meeting adjourned at 10:45 AM.

ARIZONA STATE BOARD OF TECHNICAL REGISTRATION

  
Karen M. Cesare, Chair

  
Ronald W. Dalrymple, Executive Director

MINUTES OF THE  
ARIZONA BOARD OF TECHNICAL REGISTRATION

March 23, 2010

9:30 AM

OPEN SESSION

1. **CALL TO ORDER** – The meeting of the Board of Technical Registration was called to order at 9:33 AM by Chair Karen Cesare.
2. **ROLL CALL** - Board Members in Attendance: Karen Cesare, Harold “Hal” Epperson, Susan Schaefer Kliman, Howell “Chip” Shay, Erick Weiland, John Willett and Laurie Woodall. David Komm and Claudia Perchinelli were absent. Board Staff: Melissa Cornelius, LaVern Douglas, Kathryn Fuller, Lisa Vardian, Manuel Maltos, and Cassie Goodwin. Executive Director Ronald Dalrymple was absent. Assistant Attorney General: Mona Baskin.
3. **CALL TO THE PUBLIC** – No members of the public addressed the Board.
4. **MINUTES**
  - A. Adopt the February 23, 2010 Minutes – Mr. Shay moved to adopt the February 23, 2010 minutes Dr. Schaefer Kliman seconded. Motion Carried.
  - B. Modify and Correct the December 15, 2009 Minutes – Dr. Schaefer Kliman moved to modify the December 15, 2009 Minutes to eliminate the sentence “even if they pass all seven sections right out of school, the applicant will have to wait until the time requirements of either 60 or 72 months has passed before being granted professional registration,” to more accurately reflect the “in-training” examination for architects in-training designation and final registration requirements. Mr. Shay seconded. After discussion, Motion Carried.
5. **ENFORCEMENT MATTERS**

Review, Consideration and Possible Vote on the following:

  - A. Proposed Enforcement Advisory Committee Candidates
    1. Michael W. Conder, Architect #47791 – Dr. Schaefer Kliman moved to appoint Mr. Conder as an Enforcement Advisory Committee Member. Mr. Shay seconded. Motion Carried.
    2. Burton W. Wright P.E. (Mechanical) #46595 & P.E. (Fire Protection) #50636 – Mr. Shay moved to appoint Mr. Wright as an Enforcement Advisory Committee Member. Mr. Weiland seconded. Motion Carried.

**6. HOME INSPECTOR ENFORCEMENT MATTERS**

Review, Consideration, and Possible Vote on the following:

There were no Home Inspection Enforcement Matters before the Board.

**7. DRUG LABORATORY ENFORCEMENT MATTERS**

Review, Consideration, and Possible Vote on the following:

There were no Drug Laboratory Enforcement Matters before the Board.

**8. LICENSING MATTERS**

Review, Consideration, and Possible Vote on the following:

A. Sundharam, Premnath, Architect Applicant #091385 – Mr. Shay moved to grant Premnath Sundharam Architect Registration. Dr. Schaefer Kliman seconded. After discussion, Motion Carried.

**9. LICENSING CONSENT AGENDA**

A. Review, Consideration, and Action on the Evaluation Committee and Staff Recommendations for the following (Lists of names and designations available at the Board's office):

1. Granting professional or in-training registrations
2. Granting approval to applicants to sit for the professional or in-training examinations
3. Administratively closing professional or in-training applications pursuant to A.R.S. § 32-122.01(A)
4. Administratively denying professional or in-training applications pursuant to A.A.C. R4-30-204(J)

B. Granted by Board Delegated Authority (For Information Only)

1. Registrations Granted by Prior Board Delegated Authority based upon NCEES or NCARB Records. (List of names and professions available at the Board's office.)
2. In-Training Certificates Granted by Board Delegated Authority (List of names and designations available at the Board's office.)

Mr. Epperson moved to accept the committee and staff recommendations listed in Item 9. Dr. Schaefer Kliman seconded. Motion Carried.

**10. POLICY MATTERS**

Review, Consideration, and Possible Vote on the following:

1. Board delegated authority to grant licenses to those meeting NCEES or NCARB criteria.

**2. Possible Board Reaffirmation or Modification of Previous Authority Given to Executive Director To Grant Registrations**

Dr. Schaefer Kliman moved to have Staff prepare a matrix for approval of committee members and those applicants with complete NCARB and NCEES records be reviewed by Staff and brought to the Board as a Consent Agenda item. Additionally, the Assistant Attorney General will prepare and provide proper ratification language for review, discussion and possible vote by the Board at the April 27, 2010 meeting to address all applicants reviewed and granted by Staff since 1998. Mr. Epperson seconded. After discussion, Motion Carried.

**11. Review, Consideration, and Possible Vote on the following:**

**LAPSE LIST** (List of names available at the Board's office.) – Mr. Epperson moved to lapse the registration of the individuals as listed. Mr. Shay seconded. Motion Carried.

**12. DIRECTOR'S REPORT** – Ms. Cornelius provided the information on Budget, Legislative and Staff issues on behalf on Mr. Dalrymple.

**13. BOARD CHAIR'S REPORT** – Ms. Cesare advised she has nothing new to report. She is always open to receive information for topic suggestions for the Board Chair's news letter.

**14. STANDING COMMITTEE REPORT**

1. Legislation and Rules Committee ("L&R") – Nothing new to report. The next meeting is scheduled for April 27, 2010 at 11:00 AM.
2. Budget Committee – Nothing new to report.
3. Home Inspector Rules and Standards Committee ("HIRS") – Nothing new to report. The next meeting is scheduled for April 7, 2010 at 9:30 AM.
2. Environmental Remediation Rules and Standards Committee ("ERRS") – Nothing new to report. The next meeting is scheduled for April 26, 2010 at 1:00 PM.

**15. BOARD MEMBER REPORTS ON OUTSIDE ACTIVITIES**

1. National Council of Examiners for Engineering and Surveying ("NCEES") – Nothing new to report.
2. National Council of Architectural Registration Boards ("NCARB") – Dr. Schaefer Kliman advised she is planning to attend the Western Regional Zone meeting in Boston this month and will provide a report at the April 27 meeting.
3. Council of Landscape Architectural Registration Boards ("CLARB") – Ms. Cesare attended the CLARB Spring meeting in Dallas, Texas (February 26 – 28, 2010). There were discussions regarding: refining the Landscape Architect

Registration Examination; Arizona's region (Region 5) is becoming a tri-national region since British Columbia Canada and possibly Mexico are now participating in the meetings; the definition of "welfare" and how it relates to Landscape Architects; CLARB is moving into the social media arena of FaceBook.

4. National Association of State Boards of Geology ("ASBOG") – Mr. Weiland advised he is planning to attend the spring meeting in North Carolina in April 2010 to discuss the testing process. He is also considering running to serve as the secretary to ASBOG and would like his nomination to the position to be placed on the April meeting agenda since the Board must submit the nomination. He will provide a full report at the April meeting.

**16. FUTURE BOARD MEETINGS – Tuesday, April 27, 2010 at 9:30 AM.**

**17. FUTURE AGENDA ITEMS**

1. Ratification language regarding retroactive licenses granted by Board Staff.
2. Preparation of a matrix for granting NCARB and NCEES applicants, including In-Training applicants.
3. Nomination of Mr. Weiland for Secretary to ASBOG.

**18. ADJOURNMENT – Meeting adjourned at 10:45 AM.**

**ARIZONA STATE BOARD OF TECHNICAL REGISTRATION**

  
Karen M. Cesare, Chair

  
Melissa Cornelius, Deputy Director

MINUTES OF THE  
ARIZONA BOARD OF TECHNICAL REGISTRATION

April 27, 2010

9:30 AM

OPEN SESSION

1. **CALL TO ORDER** – The meeting of the Board of Technical Registration was called to order at 9:31 AM by Chair Karen Cesare.
2. **ROLL CALL** - Board Members in Attendance: Karen Cesare, Harold “Hal” Epperson, Susan Schaefer Kliman, David Komm, Claudia Perchinelli, Howell “Chip” Shay, Erick Weiland, John Willett and Laurie Woodall. Board Staff: Ronald Dalrymple, Melissa Cornelius, Kathryn Fuller, Lisa Vardian, Manuel Maltos, and Cassie Goodwin. Assistant Attorney Generals: Mona Baskin and Montgomery Lee.
3. **CALL TO THE PUBLIC** – No members of the public addressed the Board.
4. **MINUTES**
  - A. Adopt the March 23, 2010 Minutes – Mr. Shay moved to adopt the March 23, 2010 minutes. Mr. Weiland seconded. Dr. Schaefer Kliman requested a minor correction. Mr. Shay amended his motion to include the minor correction. Mr. Weiland seconded. Motion Carried. (Mr. Willett was not present for this vote.)
5. **ENFORCEMENT MATTERS**

Review, Consideration and Possible Vote on the following:

  - A. Proposed Dismissals
    1. M09-100, John P. Murphy, P.E. (Civil) #13786 – Howard Standage, John Murphy, and his attorney David O’Daniel, Esq. addressed the Board. Mr. Shay moved to dismiss the matter. Dr. Schaefer Kliman seconded. After discussion, motion Carried.
  - B. Proposed Letters of Concern
    1. M09-082, Geoffrey K. Brimhall, Land Surveyor #33308 – Allen Gookin addressed the Board. Mr. Shay recused himself, stating a Conflict of Interest. Mr. Weiland moved to issue Respondent a Letter of Concern regarding properly identifying source documents on future surveys and recording the survey with the county recorder. Ms. Perchinelli seconded. After discussion, Motion Carried. (Ms. Woodall voted Nay.)

C. Proposed Consent Agreements

1. M09-113, Jos. F. Simanek Architect, Inc. – Mr. Shay moved to accept Respondent's signed Consent Agreement encompassing the following Order: Letter of Reprimand. Mr. Epperson seconded. After discussion, Motion Carried.

2a. M09-038, Castro Engineering

b. M09-042, Castro Engineering

c. M09-053, Castro Engineering

d. M09-097, Castro Engineering

e. M09-130, Castro Engineering

The Board took action on Items 5.C.2a-e in one action. Ms. Perchinelli recused herself, stating a Conflict of Interest. She then addressed the Board as a member of the public and not as a Board member. Mr. Shay moved to accept Respondent's signed Consent Agreement encompassing the following Order: Letter of Reprimand. After discussion, Motion Failed.

Mr. Komm moved to redirect Staff to obtain a signed Consent Agreement to include financial restitution and a Letter of Reprimand. In the event no signed Consent Agreement is obtained then the matter is to be placed on the May 25, 2010 Agenda for discussion of possible revocation of Mr. Castro's registration. Mr. Willett seconded. After discussion, Motion Carried.

At 11:00 AM the Board took a five minute break and returned to session at 11:05 AM.

**6. HOME INSPECTOR ENFORCEMENT MATTERS**

Review, Consideration, and Possible Vote on the following:

A. Evaluation of Applications for Examination and/or Possible Granting of Registration or Certification:

1. HI10-023, Antonio X. Chavez, Applicant #100028 – Mr. Chavez addressed the Board. Mr. Epperson moved to grant Mr. Chavez's application for home inspector certification. Mr. Shay seconded. After discussion, Motion Carried.

2. HI10-024, Miguel M. Brambila, Applicant #100204 – Mr. Shay moved to grant Mr. Brambila's application for home inspector certification. Ms. Woodall seconded. After discussion, Motion carried (Mr. Komm voted Nay.)

3. HI10-026, Steven R. Dupps, Applicant #100320 – Mr. Dupps addressed the Board. Mr. Epperson moved to grant Mr. Dupps's application for home inspector certification. Mr. Willett seconded. After discussion, Motion Carried.

B. Proposed Letters of Concern

1. HI09-023, Travis L. Turk, CHI #38219 – Travis Turk addressed the Board. Dr. Schaefer Kliman moved to issue Respondent a Letter of Concern regarding listing of adverse conditions in his home inspection reports. Mr. Komm seconded. After discussion, Motion Carried.

C. Review, Consideration, and Possible Vote on the following:

1. HI10-002, Robert Jeglum, CHI #42690 – Dr. Schaefer Kliman moved to accept Respondent's signed Consent Agreement encompassing the following Order: Letter of Reprimand; Administrative Penalty: Respondent shall pay an administrative penalty in the amount of \$1,000.00; Probation: Respondent's home inspector certification is placed on probation until he has completed the following: Restitution: Pay restitution to John and Leslie Lindbo in the amount of \$255.00 and Open Book Test: take and complete with a passing score of 100% an open book test of the Board statutes and rules within 30-days of the date of the Consent Agreement; and Cost of Investigation: Respondent shall pay cost of investigation in the amount of \$226.00. Mr. Epperson seconded. After discussion, Motion Carried.

2. HI10-009, Guy Minarsich, CHI #42076 – Dr. Schaefer Kliman moved to accept Respondent's signed Consent Agreement encompassing the following Order: Letter of Reprimand; Administrative Penalty: Respondent shall pay an administrative penalty in the amount of \$1,000.00; Probation: Respondent's home inspector certification shall be placed on probation until the following is met: Restitution: Respondent shall pay restitution in the amount of \$285.00 to Kevin Coyle and Open Book Test: Respondent shall complete with a passing score of 100% an open book test of the Board's statutes and rule within 30-days of the date of the Consent Agreement; and Cost of Investigation: Respondent shall pay cost of investigation in the amount of \$187.00. Mr. Komm seconded. After discussion, Motion Carried.

3. HI10-018, John Robert Brendt, III, Nonregistrant – Dr. Schaefer Kliman moved to accept Respondent's signed Consent Agreement encompassing the following Order: Assurance of Discontinuance from the practice of home inspection in Arizona until such time as he has been granted registration by the Board; Civil Penalty: Respondent shall pay a civil penalty in the amount of \$500.00; and Cost of Investigation: Respondent shall pay the cost of investigation in the amount of \$90.00. Mr. Epperson seconded. After discussion, Motion Carried.

4. HI10-020, Patrick Holmes, Nonregistrant – Dr. Schaefer Kliman moved to accept Respondent's signed Consent Agreement encompassing the following Order: Assurance of Discontinuance from the practice of home inspection in Arizona until such time as he has been granted registration by the Board; Civil Penalty: Respondent shall pay a civil penalty in the amount of \$10,000.00; and Cost of Investigation: Respondent shall pay the cost of investigation in the amount of \$250.00. Mr. Epperson seconded. After discussion, Motion Carried.

**7. DRUG LABORATORY ENFORCEMENT MATTERS**

Review, Consideration, and Possible Vote on the following:

There were no Drug Laboratory Enforcement Matters before the Board.

## 8. LICENSING MATTERS

Review, Consideration, and Possible Vote on the following:

- A. Irimescu, Vlad, Architect Application #080785 – This matter was tabled.

## 9. 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 and further, granting registrations upon Applicants' successful completion of the exams;
3. 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);

Mr. Epperson moved that, with the exception of applicants, under 9.A.3, William Turner, Application #090720 and David Takeuchi, AIT Application #020207 the applicants listed in 9.A.1 be granted professional registration, certification, or in-training designation; that the applicants listed in 9.A.2 be approved to sit for the professional or in-training examinations, and be granted registration in the appropriate category upon successful completion of the exams and a staff determination of continued eligibility; and the applicants listed in 9.A.3 be administratively closed based upon the applicants' failure to meet the Board's licensing requirements. Mr. Willett seconded. After discussion, Motion Carried.

## 10. POLICY MATTERS

Review, Consideration, and Possible Vote on the following:

- A. Ratification of previously granted registrations, certification, and in-training designations.

Dr. Schaefer Kliman moved that: after reviewing records, facts, and circumstances surrounding the Board's practice of allowing Board staff to issue licenses/registrations, certificates, and designations to architects, engineers, assayers, land surveyors, landscape architects, geologists; home inspectors, remediation specialists, drug laboratory site remediation firms, supervisors and workers, the Board hereby ratified all registrations, certificates, and designations issued under that practice. Mr. Shay seconded. After discussion, Motion Carried.

- B. Continued discussion and possible action regarding the issue of delegated authority, specifically:

1. Whether the Executive Director can administratively grant, under direction from the Board, licenses to those applicants with Board preapproved national council records from NCEES, NCARB, and CLARB;

2. Whether the Executive Director can continue to exercise Board delegated responsibilities such as:
    - a. granting certifications for Home Inspectors and Drug Lab Remediation Supervisors and Workers;
    - b. granting In-Training designations;
    - c. closing investigations;
  3. Whether the Executive Director can hold EAC Meetings;
  4. Whether the Executive Director can notify the Secretary of State and clerk of the Board of Supervisors of each county in the state of the suspension or revocation of a certificate or of the reissuance of a suspended or revoked certificate;
  5. Whether the Executive Director can continue to deposit all civil penalties collected into the State's General Fund.
- C. Whether to ask the Attorney General's Office for a formal legal opinion regarding the legality of the delegation of authority to the Executive Director and related questions.

Assistant Attorneys General Mona Baskin and Montgomery Lee addressed the Board and were available to provide guidance in the above Items 10.B and 10.C. After discussion:

The Board took action on Items 10.B.1-2.a.-b. in the following motion: Mr. Shay moved that the Board adopt the policy that staff shall prepare a Consent Agenda for NCARB and NCEES packages for the Board for granting and licensure issued upon Board vote. Ms. Woodall seconded. After discussion, Motion Carried.

The Board took no action Items 10.B.2.c, 3-5 and 10.C, but directed Staff to obtain advice from the Attorney General's office on the issues and bring them back for Board action at the May meeting if necessary.

D. Board Nomination of Erick Weiland, P.G., to run for and serve as Secretary of ASBOG.

Mr. Komm moved to nominate Erick Weiland, P.E., to run for and serve as Secretary of ASBOG. Dr. Schaefer Kliman seconded. After discussion, Motion Carried.

**11. Review, Consideration, and Possible Vote on the following:**

- A. Registrations that have been expired for 3 years and recommended to be lapsed: (List of names available at the Board's office for public review.)
- B. Certifications that have been expired for 1 year and recommended to be lapsed: (List of names available at the Board's office for public review.)

Mr. Epperson moved to lapse the registrations listed in 11.A and certificates listed in 11.B. Ms. Perchinelli seconded. Motion Carried.

**12. DIRECTOR'S REPORT – Mr. Dalrymple advised:**

**Finances:**

As of December 31, 2009, the Board's revenue for Fiscal Year 2010 totals \$1,378,927 and the expenditures total \$1,204,873. It is currently estimated that the Board's revenue for FY10 will exceed expenditures by approximately \$300,000.

The Board is still in the process of contracting with Lexis/Nexus to locate delinquent registrants with invalid record addresses and also to assist investigators. The Attorney General's office is reviewing the contract and related explanatory documents with the intent to inform the Board whether it can be considered as an agency able to obtain necessary confidential information.

**Legislation:**

The legislature is still considering the proposed Home Inspector bill adding pools and spas to the items to be inspected.

The Board was unable to find a sponsor for the meth lab remediation bill after the Attorney General's Office decided they did not want to sponsor a bill that had a financial impact in this legislative session.

**Computer System:**

The Board continues to meet with representative from the Government Information Technology Agency ("GITA"), NIC and CAVU in an attempt to replace the AS/400 system with a modern licensing system.

As of March, the Arizona Department of Administration is billing the Board for all expenses associated with the AS/400 since the Board is the only agency on the system. The normal billing will be approximately \$72,000 annually, however, the Board will also be held responsible for any additional programming and repair costs associated with the system.

**13. BOARD CHAIR'S REPORT – Ms. Cesare advised she has nothing new to report.**

**14. STANDING COMMITTEE REPORT**

A. Legislation and Rules Committee ("L&R") – Dr. Schaefer Kliman advised the next meeting is scheduled to begin at the end of this meeting and a full report will be provided at the May 25, 2010 meeting.

B. Budget Committee – Nothing new to report.

C. Home Inspector Rules and Standards Committee ("HIRS") – Mr. Shay advised the HIRS met on April 7, 2010 regarding the following: 1. Agreed that inspections of the water heater normal operating controls is not a part of the Arizona Minimum Standards of Practice; 2. American Society of Home Inspectors ("ASHI") expects the Pool and Spa Inspection bill to pass the legislature in September 2010; 3. Agreed to adopt a Substantive Policy Statement allowing for a home inspector to provide

limited inspections, below the standard of a full inspection, upon full disclosure to the client; and present it to the L&R Committee; 4. Industry activities relating to home inspector services can be found at the ASHI, National Society of Home Inspectors ("NAHI") and Board's web sites; 5. Revisions to the home inspection report checklist supplement should also include an aluminum wiring report. There will be more discussion on this issue at the next meeting; 6. Aluminum Wiring Report information should be included and will be discussed more at the next meeting; and 7. Statute of Limitations was discussed and home inspectors should seek advice from a business advisor or legal counselor.

D. Environmental Remediation Rules and Standards Committee ("ERRS") – Ms. Vardian advised the Committee approved a training course study guide and test for the On-site Supervisors to meet the requirements of the 2-hour annual refresher training course. The test is open book and is to be placed on the Board's web site for the On-site Supervisor to download, complete, and submit to the Board with a notarized signature. The Committee continues to discuss proposed rule changes to the Standards for when the current moratorium on rule changes is lifted.

#### **15. BOARD MEMBER REPORTS ON OUTSIDE ACTIVITIES**

- A. National Council of Examiners for Engineering and Surveying ("NCEES") – Ms. Perchinelli advised she is unable to attend the Western Zone meeting in Salt Lake City, Utah next month but Mr. Epperson will be attending as will Mr. Dalrymple and Ms. Cornelius. Mr. Komm advised he was asked, and agreed, to participate on a panel at the NCEES meeting in Orlando, Florida, scheduled for July 2010. They are interested in the fact that Arizona allows engineers to take the P.E. exam after two years of experience, not four, as is the case in most other states. He will provide a report after attending the meeting.
- B. National Council of Architectural Registration Boards ("NCARB") – Dr. Schaefer Kliman advised she attended the Western Council of Architect Registration Boards Regional Zone ("WCARB") meeting in Boston last month. NCARB is looking to hire a new CEO so it is going through their entire process. There is concern at the regional level that states are dealing with financial issue. A couple of states were not represented at the meeting due to travel moratoriums so there were some discussions on funding and how to deal with it. She has been elected to the executive committee of WCARB for a two year term and that means, starting next spring, WCARB will be funding her travel to the meetings so the Board can send another delegate.
- C. Council of Landscape Architectural Registration Boards ("CLARB") – Nothing new to report. The next meeting isn't until August 2010.
- D. National Association of State Boards of Geology ("ASBOG") – Mr. Weiland advised ASBOG held its spring test exam meeting in Raleigh, North Carolina. He will have a full report next month as he would like to talk about how the new TASK analysis went in great detail. They did review the April test results and threw out several questions that did not perform well. They analyzed the test that

will be given next October, which will be based upon the new TASK analysis so the questions will be based on the revised test analysis which will be discussed next month. The new TASK analysis was done both in the U.S. and Canada, by registered, non-registered, and academic geologists so they have information from all those different sectors which is very unusual. They found that the practices for registered geologists were pretty much the same across the country which is a good thing for ASBOG. A big item that came out of working with the Canadians on this, was the challenges of reciprocity when they start using the ASBOG test.

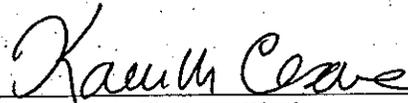
**16. FUTURE BOARD MEETINGS** – Tuesday, May 25, 2010 at 9:30 AM.

**17. FUTURE AGENDA ITEMS**

A. Sealing of As-Builts by P.E.'s when the P.E. did not oversee the construction (A.R.S. § 32-152(A)(2)).

**18. ADJOURNMENT** – Meeting adjourned at 12:56 PM.

**ARIZONA STATE BOARD OF TECHNICAL REGISTRATION**



Karen M. Cesare, Chair



Melissa Cornelius, Deputy Director

MINUTES OF THE  
ARIZONA BOARD OF TECHNICAL REGISTRATION

May 25, 2010

9:30 AM

OPEN SESSION

1. **CALL TO ORDER** – The meeting of the Board of Technical Registration was called to order at 9:30 AM by Chair Karen Cesare.
2. **ROLL CALL** - Board Members in Attendance: Karen Cesare, Harold “Hal” Epperson, Susan Schaefer Kliman, David Komm, Claudia Perchinelli, Howell “Chip” Shay, Erick Weiland, John Willett and Laurie Woodall. Board Staff: Ronald Dalrymple, Melissa Cornelius, LaVern Douglas, Kathryn Fuller, Lisa Vardian, Manuel Maltos, and Cassie Goodwin. Assistant Attorney General: Mona Baskin.
3. **CALL TO THE PUBLIC** – No members of the public addressed the Board.
4. **MINUTES**
  - A. Adopt the April 27, 2010 Minutes – Mr. Shay moved to adopt the April, 27, 2010 minutes. Mr. Epperson seconded. Mr. Weiland, Mr. Komm and Dr. Schaefer Kliman requested a minor edits. Mr. Shay amended his motion to include the minor edits. Mr. Epperson seconded. Motion Carried. (Ms. Perchinelli was not present for this vote.)
5. **ENFORCEMENT MATTERS**

Review, Consideration and Possible Vote on the following:

  - A. Proposed Consent Agreements
    - 1a. M08-008, Manuel T. Montano, RLS #16580.
    - 1b. M08-123, Manuel T. Montano, RLS #16580

The Board took action on Items 5.A.1a and 1b in one vote. Mr. Epperson moved to accept Respondent’s signed Consent Agreement encompassing the following Order: Letter of Reprimand; Restitution: Respondent shall pay restitution to Sean Washburn in the amount of \$1,000.00; and Cost of Investigation: Respondent shall pay the cost of investigation in the amount of \$265.00. Mr. Komm seconded. After discussion, Motion carried. (Ms. Perchinelli was not present for this vote.)

2. M09-087, Edgar B. Reynolds, RLS #31031 – Mr. Epperson moved to accept Respondent’s signed Consent Agreement encompassing the following Order: Letter of Reprimand; Amend the Survey: Respondent shall amend the survey, submit it to the Board for review and approval, and the record the survey in the county recorder’s office; Cost of Investigation: Respondent shall pay the cost of investigation in the amount of \$250.00. Mr. Komm seconded. After discussion, Motion carried. (Ms. Perchinelli was not present for this vote.)

3. M10-020, Marc E. Schiff, Architect #33585 – Mr. Shay moved to accept Respondent's signed Consent Agreement encompassing the following Order: Surrender of Respondent's Architect Registration #33585. Dr. Schaefer Kliman seconded. After discussion, Motion carried. (Ms. Perchinelli was not present for this vote.)

4a. M09-038, Castro Engineering, Frank G. Castro, P.E. (Civil) #15685

4b. M09-042, Castro Engineering, Frank G. Castro, P.E. (Civil) #15685

4c. M09-053, Castro Engineering, Frank G. Castro, P.E. (Civil) #15685

4d. M09-097, Castro Engineering, Frank G. Castro, P.E. (Civil) #15685

4e. M09-130, Castro Engineering, Frank G. Castro, P.E. (Civil) #15685

The Board took action on Items 5.A.4a-e in one action. Ms. Perchinelli recused herself, stating a Conflict of Interest. Mr. Komm moved to accept Respondent's signed Consent Agreement encompassing the following Order: Suspension: Respondent's P.E. (Civil) Registration, #15685, shall be suspended for one (1) year from the effective date of the Consent Agreement. After discussion, Motion Failed.

Mr. Shay moved to redirect Staff to obtain a signed Consent Agreement to include three (3) year suspension of registration, including after 24-months Respondent can show cause as to why his registration should be lifted early. Motion died for lack of a second.

Mr. Epperson moved to direct Staff to obtain a signed Consent Agreement for a stayed revocation where the registration is suspended for three (3) years during which time Respondent shall make full restitution to all parties. Respondent's failure to pay restitution in full shall result in a lifting of the stay and imposition of revocation. If Respondent fails to sign the Consent Agreement within 21-days the matter shall proceed to formal hearing for revocation. Dr. Schaefer Kliman seconded. After discussion, Motion Carried.

#### B. Review, Discussion, and Consideration

1. M09-062, NADC Architects – Andrew J. Hlavaty, Architect #40097 and Kenneth G. Hill, Architect #38028 appeared telephonically and addressed the Board in separate phone calls. Each was asked and agreed to waive any additional questions and/or right to be present to hear the other address the Board and advised they would abide by the Board's decision in this matter. After hearing both parties, Dr. Schaefer Kliman moved to dismiss the matter as the issues are a fee dispute and were not within the Board's jurisdiction, rather a civil matter. Mr. Epperson seconded. Motion Carried.

At 11:00 AM the Board took a five minute break and returned to session at 11:05 AM.

2. M09-009, Will Architects, Jeffrey S. Will, Architect #11038 – Mr. Jeffrey Will addressed the Board. Ms. Woodall moved to open this matter for discussion. Dr. Schaefer Kliman seconded. After discussion, Mr. Komm moved to table this matter until the June 22, 2010 meeting, allowing the parties additional time to reach a written/signed agreement. Dr. Schaefer Kliman seconded. Motion Carried.

**6. HOME INSPECTOR ENFORCEMENT MATTERS**

Review, Consideration, and Possible Vote on the following:

There were no Home Inspector Enforcement Matters before the Board.

**7. DRUG LABORATORY ENFORCEMENT MATTERS**

Review, Consideration, and Possible Vote on the following:

A. Approve, modify or reject proposed on-site supervisor 2-hour annual refresher training course study guide and test. Mr. Weiland moved to approve the proposed on-site supervisor 2-hour annual refresher training course study guide and test and requested that the information be made available on the Board's web site. Mr. Willett seconded. After discussion, Motion Carried.

**8. LICENSING MATTERS**

Review, Consideration, and Possible Vote on the following:

A. Irimescu, Vlad, Architect Application #080785 – Dr. Schaefer Kliman moved to approve Mr. Irimescu's Architect application and grant him registration. Ms. Woodall seconded. After discussion, Motion Carried.

B. Turner, William, Geologist Application #090720 – Mr. Weiland moved to close Mr. Turner's application file for failure to provide the required documents to make the application complete. Mr. Komm seconded. After discussion, Motion Carried.

C. Cartozian, Darryl, Architect Application #091107 – Dr. Schaefer Kliman moved to approve Darryl Cartozian's Architect application and grant him registration. Mr. Epperson seconded. After discussion, Motion Carried. (Ms. Woodall abstained.)

Dr. Schaefer Kliman moved to re-open this matter, rescind the motion to grant and request proof, within 21-days, from Mr. Cartozian that he has completed the Intern Development Program ("IDP") or the file will be closed for failure to provide the required documents to make the application complete. Mr. Epperson seconded. After discussion, Motion Carried.

D. Garg, Mohit, Civil Engineer Application #100053 – Mr. Willett moved to rescind the granting of registration made at the April 27, 2010 Board meeting, re-open application file #100053, authorize Mohit Garg to take the FE and PE examinations and, upon providing proof of passing said examinations, grant registration. Mr. Komm seconded. After discussion, Motion Carried. (Ms. Woodall voted Nay.)

E. Korpelaninen, Sami, Civil Engineer Application #090957 – Mr. Willett moved to rescind the granting of registration made at the April 27, 2010 Board meeting, re-open application file #090957, authorize Sami Korpelaninen to take the PE examination and, upon proof of passing said examination, submit a new application for registration. Ms. Perchinelli seconded. After Discussion, Motion Carried.

F. Hutchinson, Henry, Structural Enginee Application #100188 – Ms. Perchinelli moved to approve Henry Hutchinson's Structural Engineer application and grant him resgistration. Mr. Shay seconded. After discussion, Motion Carried.

## 9. 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 Cover or NCEES Model Law Engineer certifications, pursuant to A.R.S. §§ 32-122.01, 32-123;
4. 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);

Mr. Epperson moved that, with the exception of applicant Michael Marinaro #091513, under 9(A)(4) be moved to 9(A)(2), the applicants listed in 9(A)(1) be granted professional registration, certification, or in-training designation; that the applicants listed in 9(A)(2) be approved to sit for the professional or in-training examinations, and be granted registration in the appropriate category upon successful completion of the exams and a staff determination of continued eligibility; that the applicants listed in 9(A)(3) be granted professional registration; and that the application files listed in 9(A)(4) be administratively closed based upon the applicants' failure to meet the Board's licensing requirements. Dr. Schaefer Kliman seconded. After discussion, Motion Carried.

The Board considered requests from Greg V. Smith, Applicant #040348 and John M. Pierzchala, Applicant #040682 to be removed from the "closed list;" but denied them. Both cases were closed based upon Applicants' failure to meet licensing requirements.

## 10. POLICY MATTERS

Review, Consideration, and Possible Vote on the following:

- A. Professional Reciprocity between Canada and Association of State Boards of Geologist ("ASBOG") for geologists.

Mr. Weiland provided background to the Board regarding international geologists, how geology is a mobile profession and, as such, ASBOG believes the practice of geology should be as flexible as possible for geologists to apply their trade in other areas.

After discussion, the Board took no action on this Item.

- B. Possible Misuse of Professional Engineering Seal relating to "As-Built" Plans; improper supervision or work; conflict between Maricopa County and State rules.

This matter has been tabled until the June 22, 2010 meeting.

- C. Disaster Assistance and Protection of Registrants Pursuant to the "Good Samaritan" Law, A.R.S. § 32-110.

Rick L. Bright, Architect #20105 addressed the Board. After discussion, this Item was Tabled until the June 22, 2010 meeting.

- D. ASBOG Task Analysis 2010 Preliminary Results

Mr. Weiland provided statistical information resulting from the ASBOG Task Analysis 2010 to the Board. There was no action taken on this Item.

- E. The Need for Arizona Stamps and Seals on ADOT/CALTRANS Colorado River Bridge/Arizona Bridge #1488 Project.

Ms. Perchinelli recused herself, stating a Conflict of Interest.

Mr. Dalrymple advised CalTrans contacted the Board seeking information on exceptions to the Board's practice act that would allow for a temporary registration to be given to engineers working on construction of a bridge between California and Arizona. Arizona doesn't have the ability to give a temporary registration but the Board will consider expediting applications for registration from California applicants working on this bridge project.

No action was taken on this issue.

## 11. Review, Consideration, and Possible Vote on the following:

- A. Registrations that have been expired for 3 years and recommended to be lapsed: There are no individuals for this issue.

B. Certifications that have been expired for 1 year and recommended to be lapsed:  
(List of names available at the Board's office for public review.)

Mr. Epperson moved to lapse the certificates listed in 11.B. Dr. Schaefer Kliman seconded. Motion Carried.

**12. DIRECTOR'S REPORT – Mr. Dalrymple advised:**

**Finances:**

As of May 10, 2010, the Board's revenue for Fiscal Year 2010 totals \$1,547,661 and the expenditures total \$1,245,900. It is currently estimated that the Board's revenue for FY10 will exceed expenditures by approximately \$300,000.

The Board is still in the process of exploring Lexis/Nexus to assist with locating delinquent registrants with invalid record addresses and also to assist investigators in locating individuals.

**Legislation:**

The legislature approved the proposed Home Inspector bill adding pools and spas to the items to be inspected.

**Computer System:**

The Board continues to meet with representative from the Government Information Technology Agency ("GITA"); NIC and CAVU in an attempt to replace the AS/400 system with a modern licensing system. The last communication from GITA stated that they hoped to have a cost proposal before the end of the fiscal year so we would have a chance to commit funds to the project from this year's revenues.

As of March, the Arizona Department of Administration is billing the Board for all expenses associated with the AS/400 since the Board is the only agency on the system. The normal billing will be approximately \$72,000 annually, however, the Board will also be held responsible for any additional programming and repair costs associated with the system.

**13. BOARD CHAIR'S REPORT – Ms. Cesare advised she has nothing new to report.**

**14. STANDING COMMITTEE REPORT**

A. Legislation and Rules Committee ("L&R") – Dr. Schaefer Kliman advised: 1. there was discussion on possible revision to the references of applicants, however no action was taken; 2. there was discussion regarding comity applications but no action was taken; 3. there was discussion regarding public agencies requesting as-built certification/sealing of as-built drawings for which Mr. Lane will prepare an article for the quarterly newsletter explaining the Board's position on this issue.

Mr. Epperson provided a brief summary of the proposed revisions to the current Arizona Boundary Survey Minimum Standards and advised there was no action taken on this item.

The next meeting is scheduled for after the August 24, 2010 Board meeting.

B. Budget Committee – Nothing new to report.

C. Home Inspector Rules and Standards Committee (“HIRS”) – Mr. Shay advised the HIRS met on May 5, 2010 regarding the following: 1. discussed the previously submitted Substantive Policy Statement regarding Survey Type Inspections and decided this was not the correct approach and requested this item be withdrawn from consideration by the L&R Committee and the Board; 2. discussed home inspector rules or professional conduct referrals and will seek to draft a Substantive Policy Statement to address this issue; 3. discussed the issue of non-inspectors attending inspections and decided it was not an issue for the HIRS Committee; 4. discussed the issue of home inspectors being responsible for reporting non-code conforming items on the report and decided it was not part of the services defined by the Standards so it was not an issue for the Committee; 5. the 2010 Pool & Spà Inspection Bill has been passed by the legislature and added to the scope of work performed by a home inspector but the moratorium on new rules may pose a challenge; and 6. discussed revisions to the checklist supplemental & industry practices by adding requirements concerning identification of water piping materials; polybutylene water piping, and aluminum branch circuit wiring. These items will be added at the time of the annual update in the fall of 2010.

D. Environmental Remediation Rules and Standards Committee (“ERRS”) – Nothing new to report.

#### **15. BOARD MEMBER REPORTS ON OUTSIDE ACTIVITIES**

- A. National Council of Examiners for Engineering and Surveying (“NCEES”) – Mr. Epperson advised he attended the conference in Salt Lake City, Utah earlier this month. The land surveyors discussed a mandatory 4-year degree instead of the current 2-year degree before allowing licensure. California and Arizona are not in favor of this. There was also discussion on homogenizing the title to one acronym rather than the several different ones in use now.
- B. National Council of Architectural Registration Boards (“NCARB”) – Dr. Schaefer Kliman advised there is nothing new to report. There is an annual meeting scheduled to begin June 23, 2010 in San Jose, California and she will provide a report at the July 27, 2010 meeting.
- C. Council of Landscape Architectural Registration Boards (“CLARB”) – Nothing new to report. The next meeting isn’t until August 2010.

D. National Association of State Boards of Geology ("ASBOG") –Mr. Weiland advised the Board submitted the nominating form and he will notify the Board of the results.

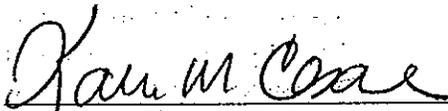
**16. FUTURE BOARD MEETINGS** – Tuesday, June 22, 2010 at 9:30 AM.

**17. FUTURE AGENDA ITEMS**

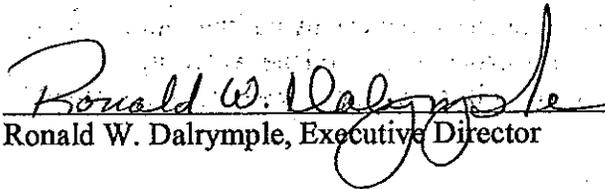
- A. Possible Misuse of Professional Engineering Seal relating to "As-Built" Plans; improper supervision or work; conflict between Maricopa County and State rules.
- B. The Need for Arizona Stamps and Seals on ADOT/CALTRANS Colorado River Bridge/Arizona Bridge #1488 Project

**18. ADJOURNMENT** – Meeting adjourned at 12:33 PM.

**ARIZONA STATE BOARD OF TECHNICAL REGISTRATION**



Karen M. Cesare, Chair



Ronald W. Dalrymple, Executive Director

MINUTES OF THE  
ARIZONA BOARD OF TECHNICAL REGISTRATION

June 22, 2010

9:30 AM

OPEN SESSION

1. **CALL TO ORDER** -- The meeting of the Board of Technical Registration was called to order at 9:30 AM by Chair Karen Cesare.
2. **ROLL CALL** - Board Members in Attendance: Karen Cesare, Harold "Hal" Epperson, Susan Schaefer Kliman, David Komm, Claudia Perchinelli, Howell "Chip" Shay, Erick Weiland, John Willett, and Laurie Woodall. Board Staff: Ronald Dalrymple, Melissa Cornelius, LaVern Douglas, Kathryn Fuller, Lisa Vardian, Manuel Maltos, and Cassie Goodwin. Assistant Attorney General: Mona Baskin.
3. **CALL TO THE PUBLIC** -- Jean Nehme, State Bridge Engineer and Pe-Shen Yang, Assistant Bridge Director, both from the Arizona Department of Transportation, addressed the Board.
4. **MINUTES**
  - A. Adopt the May 25, 2010 Minutes -- Dr. Schaefer Kliman moved to adopt the May 25, 2010 minutes. Mr. Shay seconded. Motion Carried.
5. **ENFORCEMENT MATTERS**

Review, Consideration and Possible Vote on the following:

  - A. Proposed Letters of Concern
    1. M10-062, A. J. Wadsworth, Land Surveyor #37936 -- Mr. Epperson moved to issue Respondent a Letter of Concern regarding not attaching registered land surveyor tags to found monuments and not recording the survey timely. Mr. Weiland seconded. After discussion, Motion Carried.
    - 2a. M10-065, G. Bryan Goetzenberger, Land Surveyor #31020 -- Mr. Epperson recused himself, citing a conflict of interest. Mr. Shay moved to issue Respondent a Letter of Concern regarding not attaching registered land surveyor caps to existing corners and not recording the survey timely. Mr. Komm seconded. After discussion, Motion Carried.
    - 2b. M10-013, G. Bryan Goetzenberger, Land Surveyor #31020 -- Mr. Epperson recused himself, citing a conflict of interest. Mr. Komm moved to issue Respondent a Letter of Concern regarding not setting permanent markers on existing corners on top of the wall and recording the survey timely. Dr. Schaefer Kliman seconded. After discussion, Motion Carried.

3. M10-037, Gregory R. Shinn, Landscape Architect #22405 – Ms. Cesare recused herself, citing a conflict of interest. Mr. Shay chaired the meeting for this issue. Ms. Woodall moved to dismiss this case. Mr. Weiland seconded. After discussion, Motion Carried.

**B. Proposed Consent Agreements**

1a. M07-111, Geoffrey K. Brimhall, Land Surveyor #33308

1b. M08-110, Geoffrey K. Brimhall, Land Surveyor #33308

The Board voted to resolve cases 5.B.1a and 5.B.1b in the following action:

Mr. Epperson moved to accept Respondent's signed Consent Agreement encompassing the following Order: Letter of Reprimand; Revision of Survey: Respondent shall revise the Brunner Survey and, after review and approval by the Board, record it with the county recorder's office; Prepare Survey: Respondent shall prepare the survey for the Bies Parcel Split; Cost of Investigation: Respondent shall pay cost of investigation in the amount of \$520.00. Mr. Komm seconded. After discussion, Motion Carried.

2. M09-009, Will Architects, Jeffrey S. Will, Architect #11038 – This matter was tabled.

**C. Review, Discussion, and Consideration for Non-Compliance with Consent Agreement**

1. M09-058, GCH Limited – Ms. Woodall moved to have Staff contact Respondent and advise him that as long as he is making a good faith effort to pay something each month towards the balance owed the Board is willing to work with him in complying with the Order. Staff is to keep the Board apprised of any further missed payments. Mr. Shay seconded. After discussion, Motion Carried.

**6. HOME INSPECTOR ENFORCEMENT MATTERS**

Review, Consideration, and Possible Vote on the following:

**A. Proposed Letters of Concern**

1. HI10-014, Dylan J. Bucknavich, CHI #43777 – Mr. Epperson moved to issue Respondent a Letter of Concern regarding failure to report inspector's certification number in agreement; the condition of the eaves, soffits, and facias, condition of the patio; condition of the plumbing supply pipes, supports, and insulation; automatic safety controls on the water heater; condition of the main electrical panel; and type and condition of the vapor retarder. Mr. Willett seconded. After discussion, Motion Carried.

2. HI10-019, Christian D. Horn, CHI #38581 – Mr. Shay moved to issue Respondent a Letter of Concern regarding failure to include the fee for services in the inspection agreement; make a notation the inspection was done in accordance with Arizona Standards of Professional Practice for a home inspector; report conditions of foundation, floor structure, wall, columns, and type of ceiling structure; service grounding; attic insulation, attic ventilation, and type of vapor retarder. Ms. Woodall seconded. After discussion, Motion Carried.

**B. Proposed Consent Agreements**

1. HI10-008, Larry M. Abell, CHI #40408 – This matter was tabled.
2. HI10-003, Thomas L. Culpepper, CHI #39422 – This matter was tabled.

**7. DRUG LABORATORY ENFORCEMENT MATTERS**

Review, Consideration, and Possible Vote on the following:

There were no Drug Laboratory Enforcement Matters before the Board.

**8. LICENSING MATTERS**

Review, Consideration, and Possible Vote on the following:

1. Adams, Sherman, Electrical Engineering Application #100379 – Mr. Komm moved to accept Mr. Adams's application and grant him registration. Mr. Shay seconded. Motion Carried.

2. Dickson, Donald; Control Systems Engineering Application #100321 – Mr. Dickson appeared telephonically and addressed the Board. Mr. Komm moved to accept Mr. Dickson's application and grant him registration. Ms. Woodall seconded. Motion Carried.

3. Jenkins, Frank, Electrical Engineering Application #100463 – Mr. Jenkins appeared telephonically and addressed the Board. Mr. Komm moved to accept Mr. Jenkins's application and grant him registration. Ms. Perchinelli seconded. After the discussion the Board determined that Mr. Jenkins' previous license denials were a direct result of his educational credentials and were not an issue of good moral character. Motion Carried.

At 10:25 AM the Board took a five minute break and returned to session at 10:30 AM.

4. Klinkenborg, Derek, Land Surveyor Application #100454 – Mr. Klinkenborg appeared telephonically and addressed the Board. Mr. Epperson moved to accept Mr. Klinkenborg's application to sit for the Arizona examination and, if passes, grant him registration. Mr. Willett seconded. After discussion, Motion Carried.

5. Leonard, Angela, Environmental Engineering Application #100392 – Mr. Weiland recused himself, citing a conflict of interest. Mr. Komm moved to accept Ms. Leonard’s application and grant registration. Dr. Schaefer Kliman seconded. After discussion, Motion Carried.

6. Foster, Kenneth, Civil Engineering Application #100106 – Mr. Willett moved to accept Mr. Foster’s application and grant him registration. Ms. Perchinelli seconded. After discussion, Motion Carried.

## 9. 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 Cover or NCEES Model Law Engineer certifications, pursuant to A.R.S. §§ 32-122.01, 32-123;
4. 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);

Mr. Epperson moved that applicants Damien Tonnell #050281 and Jonathan Total #050124, under 9(A)(4), be removed from the “closed list,” allowing their applications to remain “pending;” the applicants listed in 9(A)(1) be granted professional registration, certification, or in-training designation; that the applicants listed in 9(A)(2) be approved to sit for the professional or in-training examinations, and be granted registration in the appropriate category upon successful completion of the exams and a staff determination of continued eligibility; that the applicants listed in 9(A)(3) be granted professional registration; and that the application files listed in 9(A)(4) be administratively closed based upon the applicants’ failure to meet the Board’s licensing requirements. Mr. Willett seconded. After discussion, Motion Carried.

## 10. POLICY MATTERS

Review, Consideration, and Possible Vote on the following:

A. Legal advice regarding direct public communication with individual Board members regarding issues in controversy and/or on the Board’s meeting agenda.

Ms. Baskin advised the Board regarding Open Meeting Law and exparte communications; explaining Board members must be independent, neutral, and unbiased. They are not advocates, are not to independently investigate issues presented to them and that no individual member represents the Board and cannot bind the entire Board. Further, Ms. Baskin recommended that members set boundaries so they avoid talking to the public and not inject themselves in matters pending before the Board. If a breech occurs the Board members must recuse him or herself from the discussion during a Board meeting, which will diminish discussion because the member recusing takes his or her expertise away from the potential solution to the issue. Additionally, all email communications are considered public record and subject to disclosure.

Ms. Baskin cautioned the Board members to refer all inquiries regarding Board issues to Mr. Dalrymple and/or Ms. Cornelius or the Attorney General's office.

B. Sealing of bridge plans for bridges that are designed by adjacent state registrants but touch down in Arizona.

The Board members discussed, in generalities, the issues and concerns that may arise when projects such as bridges, roadways, pipe lines, etc., cross state lines. No action was taken on this issue; however, the Arizona Department of Transportation may be looking into changes in the statutes and rules and will follow up with Mr. Dalrymple.

C. Possible misuse of Professional Engineering seals related to "As-Built" plans; improper supervision or work; conflict between Maricopa county and State rules.

This matter has been tabled.

**11. Review, Consideration, and Possible Vote on the following:**

A. Registrations that have been expired for 3 years and recommended to be lapsed:  
There are no individuals for this issue.

B. Certifications that have been expired for 1 year and recommended to be lapsed:  
(List of names available at the Board's office for public review.)

Mr. Epperson moved to lapse the certificates listed in 11.B. Dr. Schaefer Kliman seconded. Motion Carried.

**12. DIRECTOR'S REPORT – Mr. Dalrymple advised:**

Finances:

As of June 7, 2010, the Board's revenue for Fiscal Year 2010 totals \$1,647,578 and the expenditures total \$1,424,022. It is currently estimated that the Board's revenue for FY10 will exceed expenditures by approximately \$300,000.

The Board has signed up for a Lexis/Nexis program to assist with locating delinquent registrants with invalid record addresses and also to assist investigators in locating individuals. Our success of delinquent renewal reactivation when we can establish contact has been high enough that we believe the effort will be worth the extra effort. The new program should assist us in establishing contact more often and in a more efficient manner.

**Computer System:**

The Board continues to meet with representatives from the Government Information Technology Agency ("GITA"), NIC and CAVU in an attempt to replace the AS/400 system with a modern licensing system. We have presented a project justification document to the Governor's office in an attempt to convince the Office of Strategic Planning and Budgeting to allow us to encumber excess funds before the end of the fiscal year for the project from this year's revenues.

As of March, the Arizona Department of Administration is billing the Board for all expenses associated with the AS/400 since the Board is the only agency on the system. The normal billing will be approximately \$72,000 annually, however, the Board will also be held responsible for any additional programming and repair costs associated with the system.

13. **BOARD CHAIR'S REPORT** – Ms. Cesare advised all Board members to file any travel and/or expense claims with the Board so payment can be processed before the end of the fiscal year on June 30<sup>th</sup>. She also reminded Board members to complete the new state withholding form if not done so already.

14. **STANDING COMMITTEE REPORT**

- A. Legislation and Rules Committee ("L&R") – Dr. Schaefer Kliman advised the next meeting is scheduled for after the August 24, 2010 Board meeting.
- B. Budget Committee – Nothing new to report.
- C. Home Inspector Rules and Standards Committee ("HIRS") – Mr. Shay advised the next meeting is scheduled for August 4, 2010.
- D. Environmental Remediation Rules and Standards Committee ("ERRS") – Nothing new to report.

15. **BOARD MEMBER REPORTS ON OUTSIDE ACTIVITIES**

- A. National Council of Examiners for Engineering and Surveying ("NCEES") – Nothing new to report.
- B. National Council of Architectural Registration Boards ("NCARB") – Dr. Schaefer Kliman advised she is leaving tomorrow for the annual meeting in San Francisco, California and she will provide a report at the July 27, 2010 meeting.

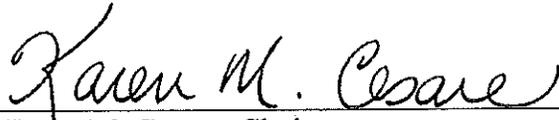
- C. Council of Landscape Architectural Registration Boards (“CLARB”) – Ms. Cesare advised she is volunteering to work on the Cut Score Committee which determines the minimally competent candidate’s pass/fail line for grading on the examinations. The next meeting isn’t until August 2010.
- D. National Association of State Boards of Geology (“ASBOG”) –Mr. Weiland advised he submitted a report regarding the Board’s thoughts on enforcement of out of state/country non-applicant geologists after Mr. Dalrymple had reviewed it. He has not heard anything regarding his application for nomination to the secretary position.

16. **FUTURE BOARD MEETINGS** – Tuesday, July 27, 2010 at 9:30 AM.

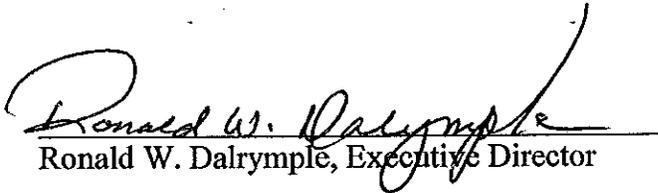
17. **FUTURE AGENDA ITEMS** – None at this time.

18. **ADJOURNMENT** – Meeting adjourned at 12:42 PM.

ARIZONA STATE BOARD OF TECHNICAL REGISTRATION



Karen M. Cesare, Chair



Ronald W. Dalrymple, Executive Director

MINUTES OF THE  
ARIZONA BOARD OF TECHNICAL REGISTRATION

July 27, 2010

9:30 AM

OPEN SESSION

1. **CALL TO ORDER** -- The meeting of the Board of Technical Registration was called to order at 9:30 AM by Chair Karen Cesare.
2. **ROLL CALL** - Board Members in Attendance: Karen Cesare, Harold "Hal" Epperson, Susan Schaefer Kliman, Claudia Perchinelli, Howell "Chip" Shay, John Willett and Laurie Woodall. Absent: David Komm and Erick Weiland. Board Staff: Ronald Dalrymple, Melissa Cornelius, LaVern Douglas, Kathryn Fuller, Lisa Vardian, Manuel Maltos, and Cassie Goodwin. Assistant Attorney General: Mona Baskin.
3. **CALL TO THE PUBLIC** -- No members of the public addressed the Board.
4. **MINUTES**
  - A. Adopt the June 22, 2010 Minutes -- Mr. Shay moved to adopt the June 22, 2010 minutes with one correction. Dr. Schaefer Kliman seconded. Motion Carried.
5. **ENFORCEMENT MATTERS**

Review, Consideration and Possible Vote on the following:

  - A. Proposed Consent Agreements
    1. M08-088, Andrew M. Lasich, P.E. (Structural) #46646 -- Dr. Schaefer Kliman recused herself, citing a conflict of interest. Mr. Shay moved to accept Respondent's signed Consent Agreement encompassing the following Order: Administrative Penalty: Respondent shall pay an administrative penalty in the amount of \$500.00; Professional Education: Respondent shall take and successfully complete a professional course in the area of wood frame elements/connections and lateral analyses which shall be pre-approved by the Board; and Cost of Investigation: Respondent shall pay the cost of investigation in the amount of \$345.00. Ms. Perchinelli seconded. After discussion, Motion Carried.

2. M08-105, John M. Ware, Land Surveyor #37937 – Mr. Epperson moved to accept Respondent’s signed Consent Agreement encompassing the following Order: Letter of Reprimand; Amend Survey: Respondent shall amend the survey at 302 E. Elwood, Phoenix, Arizona and submit it to the Board for approval before recording the survey with the Maricopa County Recorder’s office; and Cost of Investigation: Respondent shall pay the cost of investigation in the amount of \$490.00. Mr. Willett seconded. After discussion, Motion Carried.

3. M09-035, Jefferson M. Anderson, Land Surveyor #21751 – Mr. Epperson recused himself, citing a conflict of interest. Mr. Willett moved to accept Respondent’s signed Consent Agreement encompassing the following Order: Amend Survey Map: Respondent shall amend the survey and submit it to the Board for approval prior to recording with the Pima County Recorder’s office; and Cost of Investigation: Respondent shall pay the cost of investigation in the amount of \$255.00. Mr. Shay seconded. After discussion, Motion Carried.

4. M10-019, Albert B. Hammon, Land Surveyor #41142 -- Mr. Epperson moved to accept Respondent’s signed Consent Agreement encompassing the following Order: Voluntary Surrender of Respondent’s Land Surveyor Registration No. 41142. Mr. Shay seconded, After discussion, Motion Carried.

#### B. Review, Discussion, and Consideration

1. M09-009, Will Architects, Jeffrey S. Will, Architect #11038 – Jeffrey Will addressed the Board. After discussion, Dr. Schaefer Kliman moved to issue Respondent a Letter of Concern that timely payments have not been made to LAM Structural Engineering (“LAM”) for its engineering services and advises that Respondent does need to make payments to LAM for the engineering services provided. Mr. Epperson seconded. Motion Carried. Votes: Aye: Kliman, Epperson, Cesare, and Shay; Nay: Perchinelli, Willett, and Woodall.

#### 6. HOME INSPECTOR ENFORCEMENT MATTERS

Review, Consideration, and Possible Vote on the following:

There were no Home Inspector Matters before the Board.

#### 7. DRUG LABORATORY ENFORCEMENT MATTERS

Review, Consideration, and Possible Vote on the following:

There were no Drug Laboratory Enforcement Matters before the Board.

#### 8. LICENSING MATTERS

Review, Consideration, and Possible Vote on the following:

1. Begay, Otis, Civil Engineering Application #100016 – Mr. Begay appeared telephonically and addressed the Board. Mr. Willett moved to accept Mr. Begay’s application and grant him registration. Ms. Woodall seconded. After discussion, Motion Carried.

2. Blake, Jeffrey, Electrical Engineering Application #100436 -- Mr. Shay moved to accept Mr. Blake's application and grant him registration. Mr. Willett seconded. After discussion, Motion Carried.

3. Daneshvari, Massoud, Civil Engineering Application #100112 -- Mr. Daneshvari appeared telephonically and addressed the Board. Mr. Willett moved to accept Mr. Daneshvari's application and authorize him to take the exam and, upon successfully passing, grant him registration. Ms. Woodall seconded. After discussion, Motion Carried. Vote: Aye: Perchinelli, Epperson, Kliman, Woodall and Willett; Nay: Cesare and Shay.

4. Kelley, James, Fire Protection Engineering Application #100116 -- Mr. Shay moved to accept Mr. Kelley's application and grant him registration. Ms. Woodall seconded. After discussion, Motion Carried.

5. Laute, Christopher, Civil Engineering Application #100323 -- Mr. Willett moved to accept Mr. Laute's application and grant him registration. Dr. Schaefer Kliman seconded. After discussion, Motion Carried.

6. Milner, Christopher, Civil Engineering Application #100511 -- Mr. Willett moved to accept Mr. Milner's application and grant him registration. Ms. Woodall seconded. After discussion, Motion Carried.

7. Monin, Edwin, Civil Engineering Application #100545 -- Mr. Willett moved to accept Mr. Monin's application and grant him registration. Mr. Epperson seconded. After discussion, Motion Carried.

## 9. 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 Cover or NCEES Model Law Engineer certifications, pursuant to A.R.S. § 32-122.01, and § 32-123;
4. 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).

Mr. Epperson moved that the applicants listed in 9(A)(1) be granted professional registration, certification, or in-training designation; that the applicants listed in 9(A)(2) be approved to sit for the professional or in-training examinations, and be granted registration in the appropriate category upon successful completion of the exams and a staff determination of continued eligibility; that the applicants listed in 9(A)(3) be granted professional registration; and that the application files listed in 9(A)(4) be administratively closed based upon the applicants' failure to meet the Board's licensing requirements. Dr. Schaefer Kliman seconded. Motion Carried.

#### **10. POLICY MATTERS**

Review, Consideration, and Possible Vote on the following:

There were no Policy Matters before the Board.

#### **11. Review, Consideration, and Possible Vote on the following:**

A. Registrations that have been expired for 3 years and recommended to be lapsed:  
(List of names available at the Board's office for public review.)

Mr. Epperson moved to lapse the registrations listed in 11.A. Mr. Shay seconded. Motion Carried.

B. Certifications that have been expired for 1 year and recommended to be lapsed:  
(List of names available at the Board's office for public review.)

Mr. Epperson moved to lapse the certificates listed in 11.B. Dr. Schaefer Kliman seconded. Motion Carried.

#### **12. DIRECTOR'S REPORT – Mr. Dalrymple advised:**

Finances:

As of June 30, 2010, the Board's revenue for Fiscal Year 2010 totaled \$1,794,354 and the expenditures total \$1,511,002. The Board's revenue for FY10 exceeded expenditures by approximately \$283,000.

Computer System:

The Board continues to meet with representatives from the Government Information Technology Agency ("GITA"), NIC and CAVU in an attempt to replace the AS/400 system with a modern licensing system. We presented a project justification document to the Governor's office in an attempt to convince the Office of Strategic Planning and Budgeting to allow us to encumber excess funds before the end of the fiscal year for the project from the FY10's revenues. The request was denied on the grounds that the service would not be rendered by the end of June. We have subsequently applied for a supplement to the 2011 budget to allow us to use the leftover funds from FY10 to offset some of the funds needed for the replacement system. According to GITA's estimate, the cost of the system for development and operation thru FY12 will be approximately \$446,000.

As of March 2010, the Arizona Department of Administration billed the Board for all expenses associated with the AS/400 since the Board is the only agency on the system. The normal billing will be approximately \$72,000 annually, however, the Board will also be held responsible for any additional programming and repair costs associated with the system.

**13. BOARD CHAIR'S REPORT** – Ms. Cesare advised there was nothing new to report.

**14. STANDING COMMITTEE REPORT**

A. Legislation and Rules Committee (“L&R”) – Dr. Schaefer Kliman advised the next meeting is scheduled after the August 24, 2010 Board meeting.

B. Budget Committee – Nothing new to report.

C. Home Inspector Rules and Standards Committee (“HIRS”) – Mr. Shay advised the next meeting is scheduled for August 4, 2010.

D. Environmental Remediation Rules and Standards Committee (“ERRS”) – Ms. Vardian advised the ERRS Committee was scheduled to meet today at 1: 00 PM.

**15. BOARD MEMBER REPORTS ON OUTSIDE ACTIVITIES**

A. National Council of Examiners for Engineering and Surveying (“NCEES”) – Mr. Dalrymple advised Ms. Perchinelli and Mr. Willett will be attending the upcoming meeting in Denver, Colorado scheduled for August 18 – 21, 2010.

B. National Council of Architectural Registration Boards (“NCARB”) – Dr. Schaefer Kliman advised she and Misters Shay and Dalrymple attended the annual meeting in San Francisco, California June 23 – 25, 2010. The Resolutions were primarily housekeeping in nature and changes to some By-Laws in keeping with the re-organization and long range planning. All of the resolutions passed with unanimous votes. Two had to do with changes in making it easier to do updates to the Intern Development Program (“IDP”) and dealing with simple bulk credentialing of the broadly experienced foreign architect eligibility. There was a lot of time spent on long-range planning and looking to the future, regarding what NCARB will look like down the road and in the transition as the new CEO is brought in during the upcoming year.

Dr. Schaefer Kliman gave a couple of the workshops based on her experience from sitting on the IDP Committee.

Dr. Schaefer Kliman became the first representative from Arizona to be elected to the Western Conference of NCARB Board. She will be sitting on the Executive Committee of WCARB next year.

- C. Council of Landscape Architectural Registration Boards ("CLARB") – Ms. Cesare advised she just returned yesterday from Raleigh, North Carolina where she was working on the Cut-Score Committee, working on two new vignette sections of grading and drainage and site planning issues for the examination.

She also attended a meeting in Minneapolis, Minnesota on behalf of the Communication Committee. One of the things CLARB is trying to develop and put forth materials for employers/supervisors/mentors to assist the candidates in their first few years of practice, for that portion of time between when that candidate has completed their graduation and taking their test, in getting them ready to take and pass the licensing examination.

She is planning to attend the next meeting in Baltimore, Maryland, scheduled for August 26 -28, 2010 and she will provide more information next month.

- D. National Association of State Boards of Geology ("ASBOG") –Nothing new to report.
- E. Public Member News/Information – Ms. Woodall advised while attending the State Bar Convention in June she went to an 8-hour Construction Law seminar. The presenter was a nationally recognized speaker. Ms. Woodall learned a great deal about potential exposure and certified buildings. She contacted the speaker and obtained additional materials which she has submitted to the Board via Melissa Cornelius for dissemination to other Board members. She found the seminar to be extremely worthwhile.

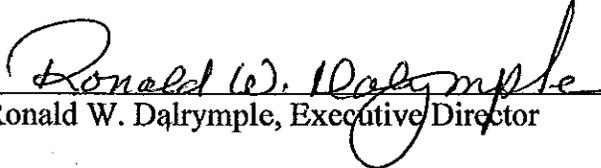
**16. FUTURE BOARD MEETINGS** – Tuesday, August 24, 2010 at 9:30 AM.

**17. FUTURE AGENDA ITEMS** – Nothing new at this time.

**18. ADJOURNMENT** – Meeting adjourned at 11:05 AM.

ARIZONA STATE BOARD OF TECHNICAL REGISTRATION

  
\_\_\_\_\_  
Karen M. Cesare, Chair

  
\_\_\_\_\_  
Ronald W. Dalrymple, Executive Director

MINUTES OF THE  
ARIZONA BOARD OF TECHNICAL REGISTRATION

August 24, 2010

9:30 AM

OPEN SESSION

1. **CALL TO ORDER** – The meeting of the Board of Technical Registration was called to order at 9:30 AM by Chair Karen Cesare.
2. **ROLL CALL** - Board Members in Attendance: Karen Cesare, Harold “Hal” Epperson, Susan Schaefer Kliman, David Komm, Claudia Perchinelli, Howell “Chip” Shay, Erick Weiland, John Willett and Laurie Woodall. Board Staff: Ronald Dalrymple, Melissa Cornelius, LaVern Douglas, Kathryn Fuller, Lisa Vardian, Manuel Maltos, and Cassie Goodwin. Assistant Attorney General: Mona Baskin.
3. **CALL TO THE PUBLIC** – Michael Fondren, RLS #35113 addressed the Board regarding land surveying disciplinary concerns.
4. **MINUTES**
  - A. Adopt the July 27, 2010 Minutes – Dr. Schaefer Kliman moved to adopt the July 24, 2010 minutes. Mr. Shay seconded. Motion Carried. Misterys Komm and Weiland abstained.
5. **ENFORCEMENT MATTERS**

Review, Consideration and Possible Vote on the following:

  - A. Proposed Letters of Concern
    1. M10-068, Arvel R. James, Land Surveyor #13179 – Mr. Epperson moved to issue Respondent a Letter of Concern regarding attaching his RLS number to monuments and recording his survey in the appropriate county recorder’s office in the required timeframe. Mr. Komm seconded. After discussion, Motion Carried.
    2. M10-094, Jon Timothy Rice, Land Surveyor #31020 – Mr. Epperson moved to issue Respondent a Letter of Concern regarding recording his survey in the appropriate county recorder’s office in the required timeframe. Ms. Perchinelli seconded. After discussion, Motion Carried.

3. M10-096, G. Bryan Goetzenberger, Land Surveyor #31020 – Mr. Epperson moved to issue Respondent a Letter of Concern regarding recording his surveys in the appropriate county recorder's office in the required timeframe. Mr. Komm seconded. After discussion, Motion Carried.

4. M10-097, Joseph R. Hughes, Land Surveyor #35835 – Mr. Epperson moved to issue Respondent a Letter of Concern regarding recording his surveys in the appropriate county recorder's office in the required timeframe. Ms. Woodall seconded. After discussion, Motion Carried.

5. M10-099, Scott Alan Warren, Land Surveyor #31610 – Mr. Epperson moved to issue Respondent a Letter of Concern regarding recording his surveys in the appropriate county recorder's office in the required timeframe. Ms. Perchinelli seconded. After discussion, Motion Carried.

6. M10-103, Richard T. Waage, Land Surveyor #39954 – Mr. Waage addressed the Board. Mr. Epperson moved to issue Respondent a Letter of Concern regarding recording his surveys in the appropriate county recorder's office in the required timeframe. Ms. Woodall seconded. After discussion, Motion Carried.

After discussion, the Board did not believe it was a violation of the Arizona Boundary Survey Minimum Standards paragraph (7) for a land surveyor to file a complaint with the Board before making any attempt to contact another land surveyor regarding a failure to record a survey.

#### B. Proposed Consent Agreements

1. M08-024, Delbert Andrew Rapier, P.E. (Civil) #35917 – Mr. Rapier was present to address the board. Mr. Shay moved to accept Respondent's signed Consent Agreement encompassing the following Order: Letter of Reprimand and Cot of Investigation: Respondent shall pay the cost of investigation in the amount of \$470.00. Ms. Perchinelli seconded. After discussion, Motion Carried.

2. M10-029, Faithful + Gould, Inc. – Dr. Schaefer Kliman moved to accept Respondent's signed Consent Agreement encompassing the following Order: Administrative Penalty: Respondent shall pay an administrative penalty in the amount of \$2,000.00 and Cost of Investigation: Respondent shall pay the cost of investigation in the amount of \$55.00. Mr. Shay seconded. After discussion, Motion Carried.

#### C. Review and Discussion

1. M08-023, Sunilkumar C. Shah, P.E. (Civil) #41720 – Dr. Schaefer Kliman moved to direct Staff to obtain a signed Consent Agreement for a Letter of Reprimand and the Cost of Investigation. If no signed Consent Agreement can be obtained within 30 days, this case will be referred for a formal hearing. Mr. Epperson seconded. After discussion, Motion Carried. Ayes: Perchinelli, Schaefer Kliman, Weiland, Epperson, Cesare, Shay, Willett; Komm; Nay: Woodall.

2. M10-012, Will Architects, Jeffrey S. Will, Architect #11038 – Mr. Epperson moved to issue Respondent a Letter of Concern that he pay the collaborating professional within the required timeframe. Mr. Komm seconded. After discussion, Motion Carried.

D. Proposed Peer Review Candidate

1. Keith L. Drunasky II, P.E. (Civil) #49794 – Mr. Komm moved to accept Mr. Drunasky's application to be an Enforcement Advisory Committee member. Ms. Perchinelli seconded. After discussion, Motion Carried.

**6. HOME INSPECTOR ENFORCEMENT MATTERS**

Review, Consideration, and Possible Vote on the following:

A. Proposed Letters of Concern

1. M05-266, Ronald C. Fillet, CHI #38567 – Mr. Shay moved to issue Respondent a Letter of Concern regarding reporting deficiencies. Ms. Woodall seconded. After discussion, Motion Carried.

2. M05-403, Ronald C. Fillet, CHI #38567 – Mr. Shay moved to issue Respondent a Letter of Concern regarding reporting deficiencies. Mr. Willett seconded. After discussion, Motion Carried.

B. Proposed Consent Agreements

1. HI09-020, Ronald C. Fillet, CHI #38567 – Dr. Schaefer Kliman moved to accept Respondent's signed Consent Agreement encompassing the following Order: Letter of Reprimand; Administrative Penalty: Respondent shall pay an administrative penalty in the amount of \$1,500.00; Respondent's home inspector certificate will be placed on probation until the following issues are met: Restitution: Respondent shall pay restitution in the amount of \$240.00 to Gail Fallis; Professional Peer Review: Respondent shall submit for review the next three (3) home inspection reports done within 90 days of the effective date of the Consent Agreement; Open Book Test: Respondent shall take and successfully complete (with a passing score of 100%) an open book test on the Board's statutes and rules within 30 days of the effective date of this Consent Agreement; and Cost of Investigation: Respondent shall pay the cost of investigation in the amount of \$165.00. Mr. Shay seconded. After discussion, Motion Carried.

2. HI10-003, Thomas L. Culpepper, CHI #39422 – Mr. Shay moved to accept the Respondent's signed Consent Agreement encompassing the following Order: Letter of Reprimand; Administrative Penalty: Respondent shall pay an administrative penalty in the amount of \$1,500.00; Respondent's home inspector certificate will be placed on probation until the following issues are met: Restitution: Respondent shall pay restitution in the amount of \$250.00 to Susan Taylor; Open Book Test: Respondent shall take and successfully complete (with a passing score of 100%) an open book test on the Board's statutes and rules within 30 days of the effective date of this Consent Agreement; and Cost of Investigation: Respondent shall pay the cost of investigation in the amount of \$165.00. Mr. Komm seconded. After discussion, Motion Carried.

3. HI10-008, Larry M. Abell, CHI #40408 – Mr. Komm moved to accept the Respondent’s signed Consent Agreement encompassing the following Order: Letter of Reprimand; Administrative Penalty: Respondent shall pay an administrative penalty in the amount of \$1,500.00; Respondent’s home inspector certificate will be placed on probation until the following issues are met: Restitution: Respondent shall pay restitution in the amount of \$275.00 to Karoline and Claude Self; Open Book Test: Respondent shall take and successfully complete (with a passing score of 100%) an open book test on the Board’s statutes and rules within 30 days of the effective date of this Consent Agreement; and Cost of Investigation: Respondent shall pay the cost of investigation in the amount of \$131.00. Mr. Shay seconded. After discussion, Motion Carried.

4. HI10-030, Bradley W. Isaly, Nonregistrant – Dr. Schaefer Kliman moved to direct Staff to attempt to obtain a signed Consent Agreement from Respondent for an Assurance of Discontinuance from offering, advertizing and the practice of home inspections until he has been granted certification from the Board; Civil Penalty in the amount of \$4,000.00; and Cost of Investigation. Mr. Weiland seconded. After discussion, Motion Carried.

**7. DRUG LABORATORY ENFORCEMENT MATTERS**

Review, Consideration, and Possible Vote on the following:

There were no Drug Laboratory Enforcement Matters before the Board.

**8. LICENSING MATTERS**

Review, Consideration, and Possible Vote on the following:

1. Poe, Brenan, EIT Application #100080 – Mr. Komm moved to approve Mr. Brenan’s application and grant him Engineer-in-Training designation. Ms. Woodall seconded. After discussion, Motion Carried.

2. Miller, Kevin, Geologist Application #100351 – Mr. Miller appeared to address the Board. Mr. Weiland moved to approve Mr. Miller’s application and grant him registration. Mr. Komm seconded. After discussion, Motion Carried.

3. Johnson, Curtlin, Civil Engineering Application #100005 – Mr. Willett moved to deny Mr. Johnson’s request for a waiver of taking the Fundamentals of Engineering Examination. Mr. Komm seconded. After discussion, Motion Carried.

4. Lind, David, Architect Applicant #100530 – Ms. Woodall moved to reopen application number 100530 and rescind the July vote granting Mr. Lind Architect registration. Mr. Epperson seconded. After discussion, Motion Carried.

Ms. Woodall moved to authorize Mr. Lind to take the ARE and, upon successful completion of the examination, grant him registration in Arizona. Dr. Schaefer Kliman seconded. After discussion, Motion Carried.

5. Shabin, Nazina, Architect Applicant #040873 – Dr. Schaefer Kliman moved to grant Ms. Shabin’s request for an extension to finish the ARE. Ms. Perchinelli seconded. After discussion, Motion Carried.

6. Johnson, Kyle, EIT Application #100115 – Mr. Willett moved to approve Mr. Johnson’s application and grant him Engineer-in-Training designation. Mr. Komm seconded. After discussion, Motion Carried.

7. Thornbrue, Michael, Civil Engineering Application #091053 – Mr. Willett moved to reopen application number 091053 and rescind the July vote to grant Mr. Thornbrue Professional Engineer (Civil) registration. Ms. Perchinelli seconded. After discussion, Motion Carried.

Mr. Willett moved to authorize Mr. Thornbrue to take the PE and upon successful completion of the examination and Board receipt of his required citizenship paperwork, grant him P.E. (Civil) registration in Arizona. Mr. Shay seconded. Motion Carried.

8. Castin, Jonathan, EIT Application #100089 – Mr. Shay moved to approve Mr. Castin’s application and grant him Engineer-in-Training designation. Ms. Woodall seconded. After discussion, Motion Carried.

9. Moulis, Dean, Civil Engineering Application #100792 – Ms. Perchinelli moved to open the mechanical engineer registration number 51154, rescind the previous vote to grant it and reissue registration number 51154 to Mr. Moulis as a civil engineer registration. Dr. Schaefer Kliman seconded. After discussion, Motion Carried.

10. Manning, Robert, Civil Engineering Application #100704 – Mr. Manning appeared and addressed the Board. Ms. Woodall moved to approve Mr. Manning’s application and grant him Arizona registration. Mr. Epperson seconded. After discussion, Motion Carried.

11. O’Day, Patrick, Land Surveyor Application #100370 – Mr. Epperson moved to deny Mr. O’Day’s request for a waiver of the required FLS and PLS examinations and approve him to sit for the FLS, PLS and Arizona specific examinations and, upon successful passing, grant him registration. Ms. Perchinelli seconded. After discussion, Motion Carried. Aye: Cesare, Epperson, Schaefer Kliman, Woodall, Komm, and Willett. Nay: Perchinelli, and Weiland, and Shay.

## **9. 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 Cover or NCBES Model Law Engineer certifications, pursuant to A.R.S. § 32-122.01, and § 32-123;
4. 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).

Mr. Epperson moved that, under 9(A)(1), Kirstin Girdner, Application #100721 be moved from Geologist Designation to P.E. (Geological) designation and the applicants listed in 9(A)(1) be granted professional registration, certification, or in-training designation; that the applicants listed in 9(A)(2) be approved to sit for the professional or in-training examinations, and be granted registration in the appropriate category upon successful completion of the exams and a staff determination of continued eligibility; that the applicants listed in 9(A)(3) be granted professional registration; and that the application files listed in 9(A)(4), with the exception of Andrew Gorski, Landscape Architect Application #091431 which was tabled, be administratively closed based upon the applicants' failure to meet the Board's licensing requirements. Mr. Willett seconded. Motion Carried.

#### 10. POLICY MATTERS

Review, Consideration, and Possible Vote on the following:

1. Clarification from the Board regarding what constitutes a "school approved by the Board," as found in A.R.S. § 32-122(A)(2).

Dr. Schaefer Kliman moved that for the professional engineering application waivers the Board approved schools would be ABET approved. Mr. Epperson seconded. After discussion, Motion Failed. Aye: Epperson, Schaefer Kliman, and Shay; Nay: Perchinelli, Cesare, Weiland, Woodall, Komm, and Willett.

This item was tabled for Staff to bring additional information to better clarify the pros and cons of the issue.

2. Review and discussion regarding A.A.C. R4-30-204(J) which requires applicants for architect registration to pass all divisions of the ARE within five years of first taking any division, in contrast with NCARB's "rolling clock."

Assistance Attorney General Baskin advised the Board that the mandatory language of A.A.C. R4-30-204(J) did not provide for an extraordinary circumstance exception.

Dr. Schaefer Kliman moved that all extension requests are reviewed on a case-by-case basis. Mr. Shay seconded. After discussion, Motion Carried. Ms. Woodall voted Nay.

**11. Review, Consideration, and Possible Vote on the following:**

- A. Certifications that have been expired for 1 year and recommended to be lapsed:  
(List of names available at the Board's office for public review.)

Mr. Epperson moved, with the exception of Denny Heidel, CHI # 39569, to lapse the registrations listed in 11.A. Dr. Schaefer Kliman seconded. Motion Carried.

**12. DIRECTOR'S REPORT – Mr. Dalrymple advised:**

**Finances:**

As of June 30, 2010, the Board's revenue for Fiscal Year 2010 totaled \$1,794,354 and the expenditures total \$1,511,002. The Board's revenue for FY10 exceeded expenditures by approximately \$283,000.

**Computer System:**

The Board continues to meet with representative from the Government Information Technology Agency ("GITA"), NIC and CAVU in an attempt to replace the AS/400 system with a modern licensing system. We presented a project justification document to the Governor's office in an attempt to convince the Office of Strategic Planning and Budgeting ("OSPB") to allow us to encumber excess funds before the end of the fiscal year for the project from the FY10's revenues. The request was denied on the grounds the service would not be rendered by the end of June. We have subsequently applied for a supplement to the 2011 budget to allow us to use the leftover funds from FY10 to offset some of the funds needed for the replacement system. According to GITA's estimate, the cost of the system for development and operation thru FY12 will be approximately \$446,000.

As of March 2010, the Arizona Department of Administration is billing the Board for all expenses associated with the AS/400 since the Board is the only agency on the system. The normal billing will be approximately \$72,000 annually, however, the Board will also be held responsible for any additional programming and repair costs associated with the system.

At a meeting called by DOA and OSPB office this month, we were informed that DOA could not guarantee that the last AS/400 programmer familiar with the Board's database program would be around much longer and that it is the Board's responsibility to fund another DOA programmer to shadow him in order to keep the system operational if he should leave and the program needs equipment or programming repair. The cost of the "shadow" will be approximately \$100,000 annually. Equipment repairs will be an additional cost.

GITA and OSPB have decided we need to bring in a consultant to go over all of our business operations relating to licensing and enforcement to avoid the same type of problems encountered by the Registrar of Contractor's replacement computer system team that resulted in a two and a half year implementation delay. They believe this action will reduce the estimated development cost of the new system.

13. **BOARD CHAIR'S REPORT** – Ms. Cesare advised there is nothing new to report.

14. **STANDING COMMITTEE REPORT**

A. Legislation and Rules Committee (“L&R”) – Dr. Schaefer Kliman advised the Committee is meeting after the Board meeting ends and she will have a report at the September Board meeting.

B. Budget Committee – Nothing new to report.

C. Home Inspector Rules and Standards Committee (“HIRS”) – Mr. Shay advised the Committee met August 4, 2010, and the following is a summary of the meeting: There is concern about the aggressive sales practices of one of the national security firms using home inspector to get referrals by having them advertise free security system inspections as part of their service. This appears to be a conflict with A.A.C. R4-30-301.01(B)(1) and will be reviewed until a Substantive Policy can be formulated.; Discussions were held over when to revise the Checklist Supplement & Industry Practice and agreement was made to be done annually, approved at the September meeting and to be posted in October on the Board’s web site; There was to be a review of the issue of Home Energy Auditing Building Performance Institute Technical Standards, however, the representative did not show at the meeting so this item will be discussed at a future meeting; The Agenda will be revised to provide more accurate description of discussion topics; and the Committee will be reviewing how to implement the 2010 Pool & Spa Inspection Bill at the September meeting.

D. Environmental Remediation Rules and Standards Committee (“ERRS”) – Ms. Vardian advised the ERRS Committee reviewed the proposed rule changes to the Drug Laboratory Remediation Best Standards and Practices and submitted a request to the Governor’s office for an exception to the current moratorium on rule filings. Ms. Cornelius advised no response to the request has been received as of yet.

15. **BOARD MEMBER REPORTS ON OUTSIDE ACTIVITIES**

A. National Council of Examiners for Engineering and Surveying (“NCEES”) – Ms. Perchinelli advised she and Mr. Willett attended the recent meeting in Denver, Colorado August 18 – 21, 2010. The new Structural Examination will be given in April 2011. It is a 16-hour exam and both parts, I and II, must be passed within 5-years or each other in order to obtain credit for licensure. It is recommended that applicants not take the exam without practical experience. NCEES is paying for another delegate as a first time Board member with 18-months or less time on the Board. She has been given the project to pick the next location for the western zone conference.

Mr. Willett advised NCEES is looking at changes to the Model Law: requiring 150 hours to obtain an engineering BS degree; needing six years of mathematics to graduate; and studying allowing PhD’s to be licensed without examination. He has been asked, and agreed, to serve on the Civil Engineering Task Commission in writing exam questions.

- B. National Council of Architectural Registration Boards (“NCARB”) – Dr. Schaefer Kliman advised she will be attending an Intern Development Program Committee meeting in Seattle next month and will provide a report at the Board’s September meeting.
- C. Council of Landscape Architectural Registration Boards (“CLARB”) – Ms. Cesare advised she will be attending the annual meeting in Baltimore, Maryland next month and will provide a report at the Board’s September meeting.
- D. National Association of State Boards of Geology (“ASBOG”) –Nothing new to report.
- E. Public Member News/Information – Nothing new to report.

16. **FUTURE BOARD MEETINGS** – Tuesday, September 28, 2010 at 9:30 AM.

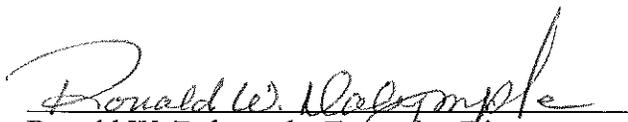
17. **FUTURE AGENDA ITEMS**

Clarification from the Board regarding what constitutes a “school approved by the Board,” as found in A.R.S. § 32-122(A)(2).

18. **ADJOURNMENT** – Meeting adjourned at 12:36 PM.

ARIZONA STATE BOARD OF TECHNICAL REGISTRATION

  
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Karen M. Cesare, Chair

  
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Ronald W. Dalrymple, Executive Director

MINUTES OF THE  
ARIZONA BOARD OF TECHNICAL REGISTRATION

September 28, 2010

9:30 AM

OPEN SESSION

1. **CALL TO ORDER** – The meeting of the Board of Technical Registration was called to order at 9:30 AM by Chair Karen Cesare.
2. **ROLL CALL** - Board Members in Attendance: Karen Cesare, Harold “Hal” Epperson, Susan Schaefer Kliman, David Komm, Claudia Perchinelli, Howell “Chip” Shay, Erick Weiland, and John Willett. Absent: Laurie Woodall. Board Staff: Ronald Dalrymple, Melissa Cornelius, LaVern Douglas, Kathryn Fuller, Lisa Vardian, Manuel Maltos, and Cassie Goodwin. Assistant Attorney General: Mona Baskin.
3. **CALL TO THE PUBLIC** – Carl Sitterly, Land Surveyor #28742, addressed the Board regarding a letter he emailed to Board members.
4. **MINUTES**
  - A. Adopt the August 24, 2010 – Mr. Shay moved to adopt the August 24, 2010 minutes. Dr. Schaefer Kliman seconded. Ms. Goodwin advised of a revision requested by Assistant Attorney General Baskin. Said revision was accepted. Motion Carried.
5. **ENFORCEMENT MATTERS**

Review, Consideration and Possible Vote on the following:

  - A. Proposed Dismissal
    1. M10-006, Vera Green, P.E. (Structural) #37959 – Ms. Perchinelli moved to dismiss the case. Mr. Shay seconded. After discussion, Motion Carried.
  - B. Proposed Letters of Concern
    1. M08-087, Vera Green, P.E. (Structural) #37959 – Dr. Schaefer Kliman recused herself, citing a conflict of interest. Ms. Perchinelli moved to issue Respondent a Letter of Concern regarding when submitting documents for review, each building should be a “stand alone” document that included a shear wall key plan, a derivation of the lateral loads, and how they were to be applied to the individual shear walls. Mr. Epperson seconded. After discussion, Motion Carried.
    2. M10-100, Guillermo L. Cortes, Land Surveyor #39692 – Mr. Epperson moved to issue Respondent a Letter of Concern regarding attaching his RLS number to monuments and recording his survey in the appropriate county recorder’s office in the required timeframe. Mr. Komm seconded. After discussion, Motion Carried.

5. Shannon, Stephanie, Architect Engineering Application #100433 – Mr. Komm moved to grant Ms. Shannon’s request for a waiver of the FE examination and grant her registration. Mr. Shay seconded. After discussion, Motion Carried.

6. Nelson, Wayne, Architect Application #100927 – Dr. Schaefer Kliman moved to approve Mr. Nelson’s application and grant him registration. Mr. Epperson seconded. After discussion, Motion Carried.

7. Jensen, Aaron, Landscape Architect Application #100614 – Ms. Cesare moved to approve Mr. Jensen’s application and grant him registration. Dr. Schaefer Kliman seconded. After discussion, Motion Carried.

8. Kraft, Bradley, Civil Engineering Application #090174 – Mr. Kraft was present and addressed the Board. Mr. Willett moved to approve Mr. Grant’s application and grant him registration. Mr. Komm seconded. After discussion, Motion Carried.

9. Hornung, Paul, Civil Engineering Application #100067 – Mr. Hornung was present and addressed the Board. Mr. Willett moved to approve Mr. Hornung’s application and grant him registration. Mr. Komm seconded. After discussion, Motion Carried.

10. Oswald, Brooklyn Jon, Landscape Architect Application #100409 – Ms. Cesare moved to approve Mr. Oswald’s application and grant him registration. Mr. Shay seconded. After discussion, Motion Carried.

11. Krauss, Sean, Engineer-in-Training Application #100131 – Mr. Krauss was present and addressed the Board. Mr. Shay moved to grant Mr. Krauss Engineer-in-Training designation. Mr. Epperson seconded. After discussion, Motion Carried.

12. Zappela, John, Land Surveyor Application #100294 – Mr. Zappela was present and addressed the Board. Mr. Epperson moved to approve Mr. Zappela’s application and grant him registration. Mr. Willett seconded. After discussion, Motion Carried. Ms. Perchinelli voted Nay.

13. Brown, Derrick, Land Surveyor Application #100786 – Mr. Epperson moved to authorize Mr. Brown to take the NCEES Principles and Practices of Land Surveying and the Arizona State Specific Land Surveyor Examination and grant registration after he successfully passes them. Mr. Willett seconded. After discussion, Motion Carried.

## **9. 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

Based on these comments, Mr. Lane is against the changes and recommends the Board not adopt the new standards as written. He suggested a possible substantive policy statement can be written to clarify any confusion.

Mr. Epperson advised this is a change that was carefully considered by APLS, was voted by a majority of the members, and APLS believes this as a "best practice" solution.

Mr. Epperson moved that, when the moratorium is lifted, the Board forward the February 6, 2010 ABSMS to the Governor's Regulatory Review Council for review and comment. Dr. Schaefer Kliman seconded. After discussion, Motion Failed. (Aye: Epperson, Shay, Komm, and Willett; Nay: Perchinelli, Cesare, Weiland, and Schaefer Kliman.)

Jason Foos, Land Surveyor #43185 addressed the Board speaking against changes to the current adopted ABSMS. He presented the Board members with a handout Local Practices for Setting Subdivision Lot Corners, summarizing his research as "an abstract of county subdivision regulations" as posted on the internet by each of the counties. Each county deals with this issue which makes it a local practices issue.

Stan Dickey, Land Surveyor #25384, addressed the Board, giving his perspective of the changes as a small business owner. He believes there is no mechanism that allows a surveyor to take over a project if the original surveyor leaves the project other than re-recording the plat, which is a large expense. He believes the Board should vote to adopt the new minimum standards.

Mr. Dalrymple suggested that the Board forward the February 2010 ABSMS to the Attorney General's office with the request that it be reviewed in conjunction with A.A.C. R4-30-301(4) and (6) and request advice of what these two rules mean in the area of practice. The Board may need legal advice on how the rules interact with each other and how they work with the cities and counties.

Michael Fondren, Land Surveyor #35113, addressed the Board advising he stands by his comments made to the L&R Committee, while this isn't a perfect fix, he believes they need to move forward and get this issue resolved as the land surveyors are being asked to violate the current minimum standards with subdivision plats.

Dr. Schaefer Kliman moved to refer this matter back to the Legislation and Rules Committee for discussion at the December 2, 2010 meeting and determine if a Substantive Policy Statement should be provided or if the Committee believes this should go to the Attorney General's office as Mr. Dalrymple suggested. Mr. Epperson seconded. Motion Carried.

Board, and the Department of Insurance. It may cost the Board a little bit more time and money but, maybe save us some problems down the road. It is estimated at this point in time the cost for the new computer system will be approximately \$494,000.00. The good news is the Board has the funds in the reserve account, which will pay for the entire project. The problem will be getting the Legislature to approve a supplement to the appropriation allowing the Board to spend the money on the project.

Legislature:

The Board is preparing the final draft of the proposed legislative changes relating to the Meth Laboratory program and investigator re-classification. It is just about ready to be sent to the legislative council soon. You will be sent a copy of the packet as soon as it is finalized and we'll let you know what happens with it.

The Board did receive an acknowledgement from the Governor's Regulatory Review Council that they had received the Board's request for an exemption to the Rule moratorium, which was sent August 4<sup>th</sup>, and the Board should have a response for us in the near future.

13. **BOARD CHAIR'S REPORT** – Ms. Cesare thanked and praised the Board members for their support during her time as Chair; advising it has been a pleasure and honor to chair the Board, she has been impressed by the hard work of the Staff and dedication of the Board members, and she looks forward to assisting Mr. Shay in his new position.

#### 14. **STANDING COMMITTEE REPORT**

A. Legislation and Rules Committee (“L&R”) – Dr. Schaefer Kliman advised the Committee met August 24, 2010 after the Board meeting. In addition to the February 2010 ABSMS the committee discussed possible changes to the application forms regarding the “reference” section. She asked that this item be placed on the next Board Agenda for further discussion and possible vote.

She also advised the ADOT bridge project has been placed on the December 2, 2010 L&R Agenda for further discussion.

B. Budget Committee – Mr. Dalrymple advised he is waiting for the final results of the first quarter renewals to determine if the Board's revenue is holding steady. It appears some there may be a slight decrease but he believes it may be due to some registrants waiting to renew until the expiration date. He won't know for sure until after the Arizona Financial Information System closes on October 7, 2010. He will send a message to the Board members.

C. Home Inspector Rules and Standards Committee (“HIRS”) – Mr. Shay advised the next meeting is scheduled for September 29, 2010 and he will provide an update at the October 25, 2010, Board meeting.

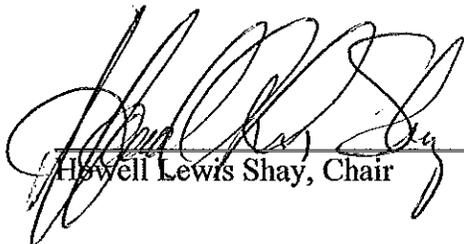
D. National Association of State Boards of Geology (“ASBOG”) – Mr. Weiland advised there is nothing new to report. The next meeting is in November and he will be in attendance and reporting at the December meeting.

16. **FUTURE BOARD MEETINGS** – Tuesday, October 26, 2010 at 9:30 AM.

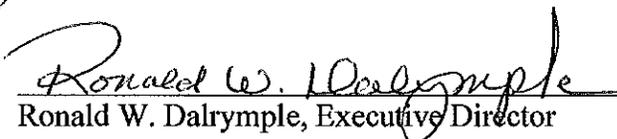
17. **FUTURE AGENDA ITEMS** – None at this time.

18. **ADJOURNMENT** – Meeting adjourned at 11:11 AM.

ARIZONA STATE BOARD OF TECHNICAL REGISTRATION



Howell Lewis Shay, Chair



Ronald W. Dalrymple, Executive Director

MINUTES OF THE  
ARIZONA BOARD OF TECHNICAL REGISTRATION

October 26, 2010

9:30 AM

OPEN SESSION

1. **CALL TO ORDER** – The meeting of the Board of Technical Registration was called to order at 9:30 AM by Chairman Howell “Chip” Shay.
2. **ROLL CALL** – Board Members in Attendance: Karen Cesare, Harold “Hal” Epperson, Susan Schaefer Kliman, David Komm, Claudia Perchinelli, Howell “Chip” Shay, Erick Weiland, John Willett, and Laurie Woodall. Board Staff: Melissa Cornelius, LaVern Douglas, Kathryn Fuller, Lisa Vardian, Manuel Maltos, Cassie Goodwin, and Patricia Sandino. Assistant Attorney General: Mona Baskin. Solicitor General’s Office: Christopher Munns (per Item 5.C.1 only). Absent: Ronald Dalrymple.
3. **CALL TO THE PUBLIC** – Carl Sitterley, Land Surveyor #2874, addressed the Board and asked the Board to consider his previously submitted September 23, 2010, letter.
4. **MINUTES**
  - A. Approve, Modify and /or reject the September 28, 2010 minutes. Dr. Schaefer Kliman moved to adopt the September 28, 2010 minutes. Mr. Weiland seconded, Motion Carried.
5. **ENFORCEMENT MATTERS**

Review, Consideration and Possible Vote on the following:

  - A. Proposed Dismissal
    1. M10-105, Vera Green, P.E. (Structural) #37959 – Mr. Komm moved to dismiss the case. Dr. Schaefer Kliman seconded. After discussion, motion carried.
    2. M10-042, Robin E Settlemyer, Land Surveyor #26932 – Mr. Epperson recused himself, citing a conflict of interest. Mr. Weiland moved to dismiss the case. Ms. Woodall seconded. After discussion, motion carried.
    3. M08-118, Richard T. Smith, P.E. (Civil) #21568 – Dr. Schaefer Kliman moved to dismiss the case. Mr. Willett second. After discussion, motion carried.

## B. Proposed Consent Agreement

1. M09-138, Jonathan L. Johns, P.E. (Civil) #28165 – Mr. Epperson recused himself, citing a conflict of interest. Mr. Komm moved to accept Respondent's signed Consent Agreement encompassing the following Order: Letter of Reprimand; Assurance of Discontinuance: Respondent shall not engage in the practice of land surveying that includes the location of land boundaries until Respondent is granted registration as a Land Surveyor by the Board; Cost of Investigation: Respondent shall pay the cost of investigation in the amount of \$335.00. Ms. Perchinelli seconded. After discussion, motion carried.

Ms. Woodall suggested that the Board write a letter to the Town of Cave Creek Subdivision Ordinance, which may be in conflict with Board's statutes and rules relating to the practice of Land Surveying.

2. M10-009, Marcellus Lisotta, P.E. (Civil) #28620 – Marcellus Lisotta appeared and addressed the Board. Ms. Woodall moved to accept Respondent's signed Consent Agreement encompassing the following Order: Letter of Reprimand and Cost of Investigation: Respondent shall pay the cost of investigation in the amount of \$480.00. Mr. Komm seconded. After discussion, motion carried.

3. M09-059, Philip Baptiste, Architect #35462 – Dr. Schaefer Kliman moved to accept Respondent's signed Consent Agreement encompassing the following Order: Administrative Penalty: Respondent shall pay an administrative penalty in the amount of \$2,000.00 and Cost of Investigation: Respondent shall pay the cost of investigation in the amount of \$85.00. Ms. Perchinelli seconded. After discussion, motion carried.

## C. Discussion and Consideration

1. M10-046, Donald C. Allen, Land Surveyor # 39258 – Donald Allen appeared telephonically and addressed the Board. Mr. Epperson moved to Deem the Allegations Admitted. Mr. Komm seconded. After a discussion, motion carried. Ms. Perchinelli - Nay.

Mr. Epperson moved to adopt the Findings and Facts and Conclusions of Law as detailed in the Complaint and Notice of Hearing. Mr. Weiland seconded. After discussion, motion carried.

Mr. Epperson moved to accept the State's recommendation to Revoke Respondent's Land Surveyor Registration No. 39258. Ms. Woodall seconded. After discussion, motion carried. Ms. Perchinilli, Dr. Schaefer Kliman, and Mr. Willett - Nay.

**6. HOME INSPECTOR ENFORCEMENT MATTERS**

Review, Consideration, and Possible Vote on the following:

There were no Home Inspector Enforcement Matters before the Board.

**7. DRUG LABORATORY ENFORCEMENT MATTERS**

Review, Consideration, and Possible Vote on the following:

- A. Mr. Weiland moved to approve Biopro, L.L.C. as an approved training provider in accordance with A.A.C. R4-30-271 (B) (4)(5) and A.A.C. R4- 30-272(B)(3). Dr. Schaefer Kliman seconded. After discussion, motion carried.

**8. LICENSING MATTERS**

Review, Consideration, and Possible Vote on the following:

1. Beichley, Douglas, Architect Application #100773 – Dr. Schaefer Kliman moved to approve Mr. Beichley application and grant him registration. Ms. Cesare seconded. After discussion, motion carried.

2. Charvat, F. Alexander, Civil Engineering Application #100570 – Mr. Willett moved to approve Mr. Charvat’s application and grant him registration. Mr. Epperson seconded. After discussion, motion carried.

3. Harris, Clint, Civil Engineering Application #100938 – Ms. Woodall moved to approve Mr. Harris’ application and grant him registration. Dr. Schaefer Kliman seconded. After discussion, motion carried.

4. Hye, William, Civil Engineering Application #100627 – Mr. Hye was present and addressed the Board. Mr. Willett moved to approve Mr. Hye’s application and grant him registration. Mr. Komm seconded. After discussion, motion carried.

5. Stanton, Francis, Mechanical Engineering Application #101064 – Mr. Weiland moved to approve Mr. Stanton’s application and grant him registration. Ms. Woodall seconded. After discussion, motion carried.

6. Viani, Steven, Civil Engineering Application #100493 – Mr. Willett moved to approve Mr. Viani’s application and grant him registration. Ms. Cesare seconded. After discussion, motion carried.

7. Yanes, Francisco, Engineer-in-Training Application #100123 – Mr. Yanes was present and addressed the Board. Ms. Woodall moved to approve Mr. Yanes EIT application and grant him EIT Designation. Mr. Weiland seconded. After discussion, motion carried.

## 9. 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 Cover or NCEES Model Law Engineer certifications, pursuant to A.R.S. §§ 32-122.01, 32-123;
4. 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);

Mr. Epperson moved that the applicants listed in 9(A)(1) be granted professional registration, certification, or in-training designation; that the applicants listed in 9(A)(2) be approved to sit for the professional or in-training examinations, and be granted registration in the appropriate category upon successful completion of the exams and a staff determination of continued eligibility; that the applicants listed in 9(A)(3) be granted professional registration; and that the application files listed in 9(A)(4) be administratively closed based upon the applicants' failure to meet the Board's licensing requirements. Board requested application #010624 to be removed from 9(A)(4). Dr. Schaefer Kliman seconded. After discussion, Motion Carried.

## 10. POLICY MATTERS

Nothing new to report

## 11. Review, Consideration, and Possible Vote on the following:

- A. Registrations that have been expired for 3 years and recommended to be lapsed: (List of names available at the Board's Office for public review.)

Mr. Epperson moved to lapse the registrations listed in 11.A. Mr. Willett seconded, motion carried.

- B. Certifications that have been expired for 1 year and recommended to be lapsed: (List of names available at the Board's Office for public review.)

Mr. Epperson moved to lapse the registrations listed in 11.B. Mr. Willett seconded, motion carried.

**12. DIRECTOR'S REPORT - Deputy Director Ms. Cornelius advised:**

Finances: Nothing new to report.

Computer System: The Board has had ongoing meetings with the proposed vendors to discuss the replacement computer system.

**13. BOARD CHAIR'S REPORT – Mr. Shay reported on the following items discussed at the Home Inspector Rules and Standards Committee Meeting:**

1. Home inspector rules of professional conduct. The Committee expressed concern about the aggressive sales practices of a national security firm using home inspectors to obtain referrals by having them advertise free security system inspections as a part of their service, which may be in conflict with A.A.C. R4-30-301.01.
2. The Committee decided to revise the Checklist Supplement and Industry Practices.
3. The Committee reviewed the issue of Home Energy Auditing Building Performance Institute Technical Standards, and determined that they do not fall under the scope of the Committee, even though it has some components similar to home inspections.
4. The Committee discussed the status of the American Society of Home Inspectors (ASHI) Pool & Spa Standards for Arizona Revision and Adoption, and will discuss it further at the November 17, 2010 committee meeting.
5. The Committee requested an update from Staff on the publication date for the previously submitted notices restricting home inspectors from receiving commission or compensation from referrals or finder's fees for termite inspections.

**14. STANDING COMMITTEE REPORT**

- A. Legislation and Rules Committee ("L&R") – Dr. Schaefer Kliman advised there was nothing new to report. The next L&R Committee meeting is scheduled for December 2, 2010, and she will provide a report at the January 25, 2011, meeting.
- B. Budget Committee – Nothing new to report.
- C. Environmental Remediation Rules and Standards Committee ("ERRS") – Mr. Weiland advised that the ERRS Committee met on October 12, 2010, and approved Biopro L.L.C. training courses required for A.A.C R4-30-271(B)(4)(5) and A.A.C. R4-30-272(B)(3).

**15. BOARD MEMBER REPORTS ON OUTSIDE ACTIVITIES**

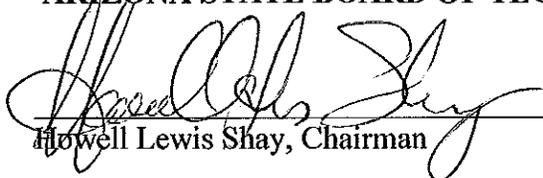
- A. National Council of Examiners for Engineering and Surveying (“NCEES”)  
Nothing new to report.
  
- B. National Council of Architectural Registration Boards (“NCARB”)  
Mr. Shay advised he and Mrs. Cornelius will be attending NCARB’s Board Chairs’ and Executive Directors’ Council in New Orleans, Louisiana, on November 3, 2010, and will provide a report at the November 23, 2010, Board meeting.
  
- C. Council of Landscape Architectural Registration Boards (“CLARB”)  
Nothing new to report.
  
- D. National Association of State Boards of Geology (“ASBOG”) – Mr. Weiland advised he will be attending the annual meeting on November 8, 2010, in St. Louis, Missouri, and will provide a full report at the November 23, 2010 Board meeting.

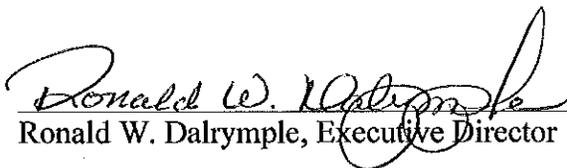
**16. FUTURE BOARD MEETINGS** –Tuesday, November 23, 2010 at 9:30 AM.

**17. FUTURE AGENDA ITEMS** –None at this time.

**18. ADJOURNMENT** –Meeting adjourned at 10:51 AM.

**ARIZONA STATE BOARD OF TECHNICAL REGISTRATION**

  
Howell Lewis Shay, Chairman

  
Ronald W. Dalrymple, Executive Director

**MINUTES OF THE  
ARIZONA BOARD OF TECHNICAL REGISTRATION**

**November 23, 2010**

**9:30 AM**

**OPEN SESSION**

1. **CALL TO ORDER** – The meeting of the Board of Technical Registration was called to order at 9:30 AM by Chairman Howell “Chip” Shay.
2. **ROLL CALL** – Board Members in Attendance, Harold “Hal” Epperson, Susan Schaefer Kliman, David Komm, Howell “Chip” Shay, Erick Weiland, John Willett, Robert Stanley and LeRoy Brady Board. Absent: Douglas Folk Staff: Ronald Dalrymple, Melissa Cornelius, LaVern Douglas, Kathryn Fuller, Lisa Vardian, Manuel Maltos, Cassie Goodwin, and Patricia Sandino. Assistant Attorney General: Mona Baskin
3. **CALL TO THE PUBLIC**
4. **MINUTES**
  - A. Approve, Modify and /or reject the October 26, 2010 minutes. Mr. Komm moved to adopt the October 26, 2010 minutes. Mr. Weiland seconded, motion carried.
5. **ENFORCEMENT MATTERS**

Review, Consideration and Possible Vote on the following:

  - A. Proposed Dismissals
    1. M10-049, Mark A. Sever, Architect #38383 – Dr. Schaefer Kliman moved for a dismissal of the case, Mr. Willett moved seconded. After discussion, motion carried.
  - B. Proposed Consent Agreement
    1. M09-126, Erik J. Koss, Architect, #40300 – Dr. Schaefer Kliman, moved to dismiss allegation (1): Respondent to prepared plans for the Hunt residence and may have failed to apply the technical knowledge and skill that would be applied by other qualified registrants practicing in the same area and at the same time; in violation of AR.S. §32-128 (C) (4) A.A.C. R4-30-301(6), Mr. Weiland seconded. After discussion, motion carried.

Dr. Schaefer Kliman moved to instruct staff to continue an investigation on allegation (2): Respondent may have submitted plans to his client that were not signed, dated and sealed or marked “Preliminary,” “draft” or “not for construction,” in violation of AR.S. §32-128 (C) (4) A.A.C. R4-30-304(D) (1). Mr. Komm seconded, motion carried.

    2. M10-041, William R. Acorn, P.E. (Mechanical) #10813 – Dr. Schaefer Kliman recused herself, citing a conflict of interest. Mr. Komm moved to find the allegation unsubstantiated and to dismiss the allegation (1): Respondent to design modifications to

solve the HVAC noise issue relating to the location of the HVAC units on the Fairfield Lodge project and may have failed to apply the technical knowledge and skill that would be applied by other qualified registrants practicing in the same area and at the same time, in violation of A.R.S. 32-128(C) (4) and A.A.C. R4-30-301(6). Mr. Stanley seconded. After discussion, motion carried.

Mr. Komm moved to issue Respondent a Letter of Concern on allegation (2) – Respondent submitted engineering design modifications to his client that were not signed, dated and sealed or marked “Preliminary, “draft” or “not for construction,” in violation of AR.S. §32-128 (C) (4) A.A.C. R4-30-304(D) (1). Mr. Stanley seconded, motion was carried.

#### C. Discussion and Consideration for Non-compliance with Consent Agreement

1. M09-058, GCH Limited # 39258 – Dr. Schaefer Kliman moved not to take further action but to continue monitoring Respondent’s compliance with the current consent agreement. Board also requested staff to monitor payments and provide the Board with an update at the January 2011 Board meeting. Mr. Epperson seconded. After a discussion, motion carried.

#### 6. HOME INSPECTOR ENFORCEMENT MATTERS

Review, Consideration, and Possible Vote on the following:

There were no Home Inspector Enforcement Matters before the Board.

#### 7. DRUG LABORATORY ENFORCEMENT MATTERS

Review, Consideration, and Possible Vote on the following:

There were no Drug Laboratory Enforcement Matters before the Board

#### 8. LICENSING MATTERS

Review, Consideration, and Possible Vote on the following:

1. McClannahan, Brandon, EIT Application, #060028 – Mr. Komm moved to reopen this EIT file, and moved that prior to granting the EIT designation, the file should be reviewed by one of the Board members. Furthermore, Komm moved to give Applicant 90 working days to submit required additional information. Dr. Schaefer Kliman seconded. After discussion, motion carried.

2. Nederbrock, Kurt, Architect Application #101624 – Mr. Nederbrock was present and addressed the Board. Dr. Schaefer Kliman moved to close this application file and recommended that Applicant submit a new professional application to the Board, that the Board merge all updated work experience with records currently on file and because he’s been in the system, that he be exempted from the IDP requirement. Mr. Epperson seconded. After discussion, motion carried. Mr. Weiland – Nay.

3. Learned, Charles, Mechanical Engineering Application, #100999 – Mr. Komm moved to approve Mr. Learned’s application and grant him registration. Mr. Stanley seconded. After discussion, motion carried.

4. Watts, Kenton, EIT Application, #100121 – Mr. Watts was present and addressed the Board. Mr. Willett moved to approve Mr. Watts’s EIT application and grant him the designation. Mr. Komm seconded. After discussion, motion carried.

5. Womble, Kevin, Land Surveyor Application, #100800 – Mr. Epperson moved to approve Mr. Womble’s request to take the PLS, Arizona Land Surveyor exam and upon successful completion, grant him registration. Dr. Schaefer Kliman seconded. After discussion, motion carried.

6. Gorski, Andrew, Landscape Architect Application #091431 – Mr. Gorski was present and addressed the Board. Mr. Brady moved to approve Mr. Gorski’s application and grant him registration. Mr. Epperson seconded. After discussion, motion carried.

## 9. 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):

Mr. Shay suggested that the Board members keep track of all their applications.

Ms. Cornelius addressed the Board and requested two names be removed from the following list.

- 1) Hahn, Su Yung, Application, #101059 – “ ARE Exam” list, item 2 on page 5
- 2) Kellogg, Kevin, Architecture Application, #091534 – “Closed List”, page 8

1. Hahn, Su Yung, ARE Exam, Application, #101059 – Staff to conduct further to determine whether applicant has already taken the test. Mr. Weiland moved to have Mr. Hahn removed from the ARE listing. Mr. Komm seconded the motion. After discussion, motion was carried.

2. Kellogg, Kevin Architecture, Application, #091534 – Mr. Kellogg responded to the Board’s notice informing him that his application file would be closed at the November 2010 Board meeting for failure to complete the requirements for registration. Mr. Kellogg sent in a letter and explained the reason he failed to file on time was because he attended an eighteen month Fellowship program at ASU, and resides only part-time in Phoenix, Arizona and part-time in California. He requested an additional ninety day extension to give NCARB enough time to respond to his certification request and send the Board his required documents. Mr. Weiland moved to leave Mr. Kellogg on the list, Mr. Komm seconded the motion. After discussion, motion was carried.

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 Cover or NCEES Model Law Engineer certifications, pursuant to A.R.S. §§ 32-122.01, 32-123;

4. 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);

Mr. Epperson moved that the applicants listed in 9(A)(1) be granted professional registration, certification, or in-training designation; that the applicants listed in 9(A)(2) be approved to sit for the professional or in-training examinations, and be granted registration in the appropriate category upon successful completion of the exams and a staff determination of continued eligibility; that the applicants listed in 9(A)(3) be granted professional registration; and that the application files listed in 9(A)(4) be administratively closed based upon the applicants' failure to meet the Board's licensing requirements. Dr. Schaefer Kliman seconded. After discussion, motion carried.

## 10. POLICY MATTERS

Mr. Shay moved to elect Dr. Schaefer Kliman as the new Secretary to the Board. Mr. Weiland seconded. After discussion, motion carried.

## 11. Review, Consideration, and Possible Vote on the following:

- A. Registrations that have been expired for (1) years and recommended to be lapsed: (List of names available at the Board's Office for public review.)

Mr. Komm moved to lapse the registrations listed in 11.A. Mr. Stanley seconded, motion carried.

## 12. DIRECTOR'S REPORT – Executive Director, Mr. Dalrymple advised:

**New Board Members:** The governor appointed the following new Board members: Robert Stanley, P.E. (Structural), P.E. (Civil) replaced Claudia Perchinelli, LeRoy Brady, Registered Landscape Architect, replaced Karen Cesare, and Douglas Folk, Public Member, replaced Laurie Woodall.

**Rule Changes:** Rule making activity is still on hold until June 2012.

The Board requested an exemption to the Rules Moratorium to amend 9 rules. The Governor's office granted the request on November 16, 2010. The Board will work with the Governor's Regulatory Rule Council (GRRC) to have them presented to the council as quickly as possible.

The Board requested that Staff include rules describing the standards for pool and spa inspection since the legislature approved the Home Inspector Bill that added pools and spas to the Home Inspection Program.

**Finances:** The latest estimates for the State Budget shortfall places it in the \$800 million area for this fiscal year. Legislators advised there will have to be additional cuts made to agency budgets to address the shortfall. Next year's shortfall is estimated at over 1.4 billion dollars.

Dr. Schaefer Kliman questioned whether it was possible that the Board funds be swept again by the Legislation and if so, was there anything the Board can do to prevent it. She added her

concern that it was unfair to put the burden on the registrants and have to deal with the State's inability to get a budget approved. Mr. Dalrymple reported that it was a strong possibility that the Legislature would sweep the Board's fund again. He also added the law suits against the legislature did not prevail, meaning that the legislature can sweep the fund.

Mr. Dalrymple reported that the Board currently has over a million dollars in its fund and hopes to use it to replace the AS400 computer. The Board is the only agency who still functions with the AS400 and pays a minimum of \$72,000.00 a year to maintain the program. The Arizona Department of Administration (ADOA) proposed a cost of \$100,000.00 to pay for a person to shadow the only individual who knows how to program the AS400 and he plans to retire.

**13. BOARD CHAIR'S REPORT** -- Mr. Shay reported on the following items discussed at the Home Inspector Rules and Standards Committee Meeting:

1. The Committee discussed Home Inspector rules of professional conduct and determined that the practice of allowing home inspectors to offer warranties for their work paid for by home security companies in exchange for referrals for a free security system inspection would be in conflict with A.A.C. R 4-30-301.01.B.1 and will be reviewed until a Substantive Policy Statement can be formulated. Representatives in attendance from Brinks Security and Arizona American Society of Home Inspectors (AZASHI) were so informed and further dissemination of this position will be made.
2. The Committee reviewed Home Inspector rules of professional conduct and determined that if a company was licensed as a home inspection company, a termite inspection company and termite treatment company, it would not be in conflict with ACCR4-30-301. B.1 to contract to treat the structure for termites.
3. The Committee reviewed whether it was a conflict of interest to allow home inspectors to include payment for their service under escrow payment since it might be concluded they would prepare a biased report to facilitate the closing. It was determined that this was not an inherent conflict of interest, although it might not be a good business decision.
4. The Committee discussed whether there was a violation of standards for a home inspector to refer tradesmen to repair defects, even though there were no fees involved. It was determined that this was not a violation, and in some communities, it might be a service to help the homeowner not engage a disreputable tradesman.
5. The Committee reviewed and approved the annual revisions to the Checklist Supplement & Industry Practices (water heater controls, aluminum wiring, polybutylene piping) and instructed staff to post it in November on the BTR web site, in a readily accessible format.
6. The Committee reviewed the status of the ASHI pool & spa standards for Arizona revision and adoption. This is still in progress and will be reviewed in the February meeting.

#### 14. STANDING COMMITTEE REPORT

- A. Legislation and Rules Committee (“L&R”) – Dr. Schaefer Kliman advised there was nothing new to report. The next L&R Committee meeting is scheduled for December 2, 2010, and she will provide a report at the January 25, 2011, meeting.
- B. Budget Committee – Nothing new to report.
- C. Environmental Remediation Rules and Standards Committee (“ERRS”) – Mr. Weiland advised there was nothing new to report.

#### 15. BOARD MEMBER REPORTS ON OUTSIDE ACTIVITIES

- A. National Council of Examiners for Engineering and Surveying (“NCEES”) Nothing new to report.
- B. National Council of Architectural Registration Boards (“NCARB”) Mr. Shay stated he attended the NCARB’s Board Chairs’ and Executive Directors’ Council in New Orleans, Louisiana, on November 3, 2010 and reported the following:
  - 1. Representation: Out of 54 jurisdictions 48 (90%) board chairs and 36 (67%) executives.
  - 2. Value of Architecture and NCARB (similar issues in all technical professions)
    - a. They control registration through National Association of Home Builders (NAAB), Intern Development Program (IDP), and Architect Registration Examination (ARE)
    - b. Less motivation for graduates to become licensed
    - c. 38,000 out of 105,000 Architects (1/3)
    - d. Currently 15, 000 interns. (1/2 of NCARB) (IDP)
    - e. Value is related to reciprocity and recognition (currently American Institute of Architect (AIA) is primary recognition)
  - 3. Threats to reciprocity (this is what NCARB is all about)
    - a. Registration standards are not uniform
    - b. Lack of uniform continuing education standards (Model Law)
    - c. 20 (37%) of Jurisdictions do not require NAAB education. Illinois and Massachusetts will require it in 2011 (33%)
    - d. Many boards do not accept NCARB, Broadly Experienced Architect (BEA), and Broadly Experienced Foreign Architect (BEFA) Certification
    - e. Other impediments: e.g. Business license
  - 4. Funding Model: Cost is born by states and registrants who subsidize interns and examination.
  - 5. Ms. Cornelius met with the Member Board Executives; the national trend is to require Continuing Education. Whether the Board will hear legislation proposed on the issue to require Continuing Education is currently unknown at this time. The AIA might decide to have Continuing Education in Arizona. The argument that NCARB proposed is that we should have Continuing Education to make reciprocity easier for our licensees to obtain. Mr. Dalrymple strongly disagrees with this argument.

The MBE's reported that it is very hard to regulate and audit Continuing Education because of the differing standards for the courses.

6. Dr. Schaefer Kliman reported attending a meeting with NCARB on behalf of Western Conference of Architectural Registration Boards (WCARB). WCARB is very adamant about Continuing Education deployment, but is becoming more and more difficult for the states and their Board Members to travel due to funding. WCARB is looking to promote Continuing Education which people can use for their licenses but can also benefit the Board members as well. WCARB is assembling a program which will be run by Darlene Frost, from Minnesota, the program is called "How to be a better Board Member of the Regulatory Board."

The other two items that were discussed at the Regional: Region Six, is a very large region, but some of the smaller regions are having a difficult time getting individuals to volunteer for our National Board. There has been some discussion of not having a region based election but allowing any candidate to run and be on a National Board. Region Six felt very strongly about this and sent a letter to the National Board letting them know these discussions are going on and that it is important that the National Board have some regional presentation.

The other issue discussed was how the board officers are being elected and about a lot of campaigning that occurs at these regional meetings. The region felt this was an inappropriate use of NCARB funds. If those delegates wanted to campaign and attend these meetings, they should fund their own way or have their region pay for them. So a letter was sent to the National Board, reviewed, acknowledged and will be discussed on the next WCARB Board meeting.

Region Six will be hosting the next 2012 Regional Meeting held in Seattle, Washington, in early March.

- C. Council of Landscape Architectural Registration Boards ("CLARB")  
Nothing new to report.
- D. National Association of State Boards of Geology ("ASBOG") – Mr. Weiland reported for ASBOG, Annual Meeting in St. Louis, Missouri.

The Council of Experts reviewed the October 2009 test on Thursday and the May test on Friday. The October 2009 test retained the 2005 task analysis allocations, while the May 2010 test will be given under the new 2010 task analysis allocations. During the COE period several of us reviewed questions from the data bank that were classified with tasks that no longer apply with the new 2010 task template to see if they fit into one of the new categories.

ASBOG held its annual meeting of Board Members. Several states have gone to multi-year renewals from yearly. Several states attempted to have Continuing Education added to registration requirements, but failed in their attempt. The Budget appears to be the most controversial item, as it remains in the red for this year. The proposed budget for 2011 and 2012 were presented with negative balances, which led to a significant debate.

Mr. Weiland pointed out a “savings” of over \$70K could easily be obtained based on an increase of the 2009 actuals that were provided, rather than continually budgeting based on the prior budgets. Mr. Weiland made a motion that the 2011 budget be approved, but that the 2012 budget be re-evaluated based on 2009- 2010 actuals prior to the 2011 Annual General meeting for adoption prior to 2012. The motion was passed.

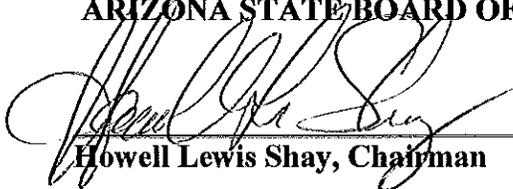
The other item that arose during discussion with ASBOG is comity with Canada; several states now have agreements with the Canadian agencies. Mr. Weiland has been assigned to work with the Canadian agencies to develop a questionnaire that would be distributed to the States and Provinces in order to determine what is currently on the books to allow for this, and what obstacles might exist within the legislation and rules. Mr. Weiland will provide progress reports to the Board meeting.

16. **FUTURE BOARD MEETINGS** –Tuesday, December 21, 2010 at 9:30 AM.

17. **FUTURE AGENDA ITEMS** –None at this time.

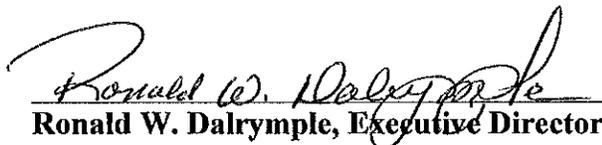
18. **ADJOURNMENT**–Meeting adjourned at 11:37 AM.

**ARIZONA STATE BOARD OF TECHNICAL REGISTRATION**



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Howell Lewis Shay, **Chairman**



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Ronald W. Dalrymple, **Executive Director**

**MINUTES OF THE  
ARIZONA BOARD OF TECHNICAL REGISTRATION**

**December 21, 2010**

**9:30 AM**

**OPEN SESSION**

1. **CALL TO ORDER** – The meeting of the Board of Technical Registration was called to order at 9:30 AM by Chairman Howell “Chip” Shay.
2. **ROLL CALL** – Board Members in Attendance, Harold “Hal” Epperson, Susan Schaefer Kliman, David Komm, Howell “Chip” Shay, Erick Weiland, John Willett, Robert Stanley and LeRoy Brady, Douglas Folk Staff: Ronald Dalrymple, Melissa Cornelius, LaVern Douglas, Kathryn Fuller, Lisa Vardian, Manuel Maltos, and Patricia Sandino. Absent: Mona Baskin, Assistant Attorney General.
3. **CALL TO THE PUBLIC**
4. **MINUTES**
  - A. Approve, Modify and /or reject the November 23, 2010 minutes. Mr. Weiland moved to adopt the November 23, 2010 minutes. Dr. Schaefer Kliman seconded, motion carried.
5. **ENFORCEMENT MATTERS**

Review, Consideration and Possible Vote on the following:

  - A. Proposed Dismissals
    1. M09-126, Erik J. Koss, Architect #40300 – Dr. Schaefer Kliman moved to dismiss Allegation (2): Respondent submitted plans to his client that were not signed, dated and sealed or marked “preliminary”, “draft” or “not for construction. (This allegation to be addressed with Sever Design Group Architects.) Mr. Epperson moved seconded. After discussion, motion carried.
  - B. Proposed Letters of Concern
    1. M11-032, Sever Design Group Architects – Dr. Schaefer Kliman, moved to issue a Letter of Concern to Respondent for providing plans to a client that were not signed, dated and sealed or marked “preliminary”, “draft” or “not for construction. Mr. Willett seconded. After discussion, motion carried. Mr. Shay - Nay
  - C. Discussion and Consideration for Non-compliance with Consent Agreement
    1. M10-046 Donald C Allen, Land Surveyor #3925 – Mr. Allen, appeared telephonically. Mr. Epperson moved to deny Respondent’s request for a rehearing, Mr. Weiland seconded. Mr. Allen requested written advice from the Board regarding

what he could do to reapply for a license. After discussion, motion carried. Dr. Schaefer Kliman –Nay

#### D. Review, Discussion, and Consideration

1. M10-084, SBBL Architecture + Planning – Mr. Folk recused himself, citing a conflict of interest. The Board noted that SBBL has been making monthly payments to Monrad Engineering and eventually did pay Monrad in full for its engineering services. Dr. Schaefer Kliman moved to issue Respondent a Letter of Concern regarding receiving payment from its client, and not paying Monrad Engineering within the required time. Mr. Komm seconded. After discussion, motion carried. Mr. Epperson - Nay
  2. M10-108, Merzproject Urban Design, Inc. – The Board noted that Merzproject Urban Design had merged with another firm and Merzproject thought Woodward Engineering had been paid. Merzproject did eventually pay Woodward Engineering in full for its engineering services. Mr. Willett moved to issue Respondent a Letter of Concern regarding receiving payment from its client, and not paying Woodward Engineering within the required time. Mr. Komm seconded. After discussion, motion carried.
  3. M10-024, Headwaters Architecture, P.C. – The Board noted that Headwater had been making payments to KS Design and did eventually pay KS Design in full for its engineering services. Mr. Komm moved to issue Respondent a Letter of Concern regarding receiving payment from its client, and not paying KS Design within the required time. Mr. Willett seconded. After discussion, motion carried.
  - 4a. M10-015, e group Landscape Architecture/Environmental Design, Inc. – The Board noted that e group made partial payments to Danelowitz and that Danelowitz had eventually been paid in full for its engineering services. Mr. Weiland moved to refer case back to staff to offer Respondent a consent agreement to include a Letter of Reprimand for receiving payment from its client and failing to pay Danelowitz & Associates within the required time. Mr. Komm seconded. After discussion, motion carried. Shay - Nay
  - 4b. M10-072, e group Landscape Architecture/Environmental Design, Inc. – The Board noted the e group made payments to Gookin Engineering. Gookin eventually received payment in full for its engineering services. Mr. Folk moved to refer case back to staff to offer Respondent a consent agreement to include a Letter of Reprimand for receiving payment from its client and failing to pay Gookin Engineers Ltd. Inc., within the required time. Mr. Epperson seconded. After discussion, motion carried. Shay and Kliman - Nay
6. **HOME INSPECTOR ENFORCEMENT MATTERS**  
Review, Consideration, and Possible Vote on the following:

#### A. Proposed Letters of Concern

1. HI10-007, Thurston Lee III, CHI #40317 – Mr. Folk moved to issue Respondent a Letter of Concern, for failing to report on condition of wall structure and roof flashings; the type of plumbing supply piping presented; the condition of plumbing supports and waste and vent piping; the electrical service ground, attic and laundry ventilation. Mr. Komm seconded. After discussion, motion carried.

#### B. Proposed Consent Agreement

1. HI10-021, Joseph D. Aloisio, CHI #49811 – Mr. Weiland moved to accept Respondent's signed consent agreement encompassing the following order: Letter of Reprimand, pay an Administrative Penalty in the amount of \$1,000.00 and Probation until the following is met: Pay restitution to Lisa McKinney in the amount of \$255.00, and to take an Open Book Test on the Board's Statutes and Rules within 30 days, passing with a 100% score, and the cost of an investigation in the amount of \$143.00. Mr. Komm seconded. After discussion, motion carried.
2. HI10-022, Norier Shirvanian, CHI #38976 – Dr. Schaefer Kliman moved to accept Consent Respondent's signed consent agreement encompassing the following order: Letter of Reprimand, pay an Administrative Penalty in the amount of \$500.00, and Probation until the following is met: Pay restitution to James & Brenda Phillips in the amount of \$370.00, and to take an Open Book Test on the Board's Statutes and Rules within 30 days, passing with a 100% score, and the cost of an investigation in the amount of \$147.00. Mr. Weiland seconded. After discussion, motion carried.

#### C. Discussion and Consideration

1. HI09-013, John M. O'Coin, CHI #39184 – Mr. Chris Sterbenz, allegor, was present and addressed the Board. After discussion, Mr. Epperson moved to refer case to a Formal Administrative Hearing. Dr. Schaefer Kliman seconded. After discussion, motion carried.
2. HI10-005, Thurston Lee III, CHI #40317 – After discussion, Dr. Schaefer Kliman moved to refer the case to a Formal Administrative Hearing. Mr. Epperson seconded. After discussion, motion carried.

#### 7. **DRUG LABORATORY ENFORCEMENT MATTERS**

Review, Consideration, and Possible Vote on the following:

There were no Drug Laboratory Enforcement Matters before the Board

#### 8. **LICENSING MATTERS**

Review, Consideration, and Possible Vote on the following:

1. Alvarez, Antonio, Civil Engineering Application #101105 – Mr. Alvarez was present and addressed the Board. Mr. Willett moved to approve Mr. Alvarez's application and grant him registration. Dr. Schaefer Kliman seconded. After discussion, motion carried.
2. Patterson, Glenn, Architect In -Training Application #100153 – Mr. Patterson was present and addressed the Board. Dr. Schaefer Kliman moved to approve Mr. Patterson's

request to sit for the Architectural Registration Examination (“ARE”). Mr. Folk seconded. After discussion, motion carried.

3. Flora, Stephen, Geologist Application #091453 – Mr. Flora was present and addressed the Board. Mr. Weiland moved to approve Mr. Flora’s application and grant him registration. Mr. Stanley seconded. After discussion, motion carried.
4. Bashford, Howard, Civil Engineering Application #101068 – Mr. Bashford was present and addressed the Board. Mr. Willett moved to approve Mr. Bashford’s application and grant him registration. Dr. Schaefer Kliman seconded. After discussion, motion carried.
5. Moosavi, Taraneh, Architect Application #100697 – Ms. Moosavi was present and addressed the Board. Dr. Schaefer Kliman moved to approve Ms. Moosavi’s application and grant her registration, by waiver of the ARE. Mr. Folk seconded. After discussion, motion carried.

## **9. 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 Cover or NCEES Model Law Engineer certifications, pursuant to A.R.S. §§ 32-122.01, 32-123;
4. 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);

Mr. Epperson moved that the applicants listed in 9(A)(1) be granted professional registration, certification, or in-training designation; that the applicants listed in 9(A)(2) be approved to sit for the professional or in-training examinations, and be granted registration in the appropriate category upon successful completion of the exams and a staff determination of continued eligibility; that the applicants listed in 9(A)(3) be granted professional registration; and that the application files listed in 9(A)(4) be administratively closed based upon the applicants’ failure to meet the Board’s licensing requirements. Dr. Schaefer Kliman seconded. After discussion, motion carried.

## **10. POLICY MATTERS**

Board considered and voted to modify the language on the Certificate of Experience reference form (page 2), to read as follows:

“Do you have any concerns/reservations about granting the registration/certification to this individual? If yes, please explain those concerns”

Dr. Schaefer Kliman explained that the reason for the change is the hope that the Board will receive more clarification on the given answer. Dr. Schaefer Kliman moved to accept the language modification on the reference form. Mr. Komm seconded. After discussion, motion carried.

**11. REVIEW, CONSIDERATION, AND POSSIBLE VOTE ON THE FOLLOWING:**

- A. Registrations that have been expired for three (3) years and recommended to be cancelled: (List of names available at the Board's office for public review.)

There were no issues for this Item.

- B. Certifications that have been expired for one (1) year and recommended to be cancelled: (List of names available at the Board's office for public review.)

Mr. Epperson moved to cancel the certificates listed in 11.B. Mr. Willett seconded, motion carried.

**12. DIRECTOR'S REPORT** – Executive Director, Mr. Dalrymple advised:

Rule Changes: Rule making activity is still on hold until June 2012.

The Board requested an exemption to the rules moratorium to make changes to 9 rules, including to the Meth Lab, rules and the architect rule regarding Intern Development Program ("IDP"). The Governor's office granted the exemption in November 2010. The Board filed a notice of rulemaking with the Secretary of State as the first official step of the rule making process.

The Board will request another exemption from the Governor's Office to draft the standards for pool and spa inspection, since the legislature approved the Home Inspector Bill that added pools and spas to the Home Inspection Program last session.

Finances: The latest estimates for the State Budget shortfall places it in the \$800 million area for this fiscal year. Legislators advised there will have to be additional cuts made to agency budgets to address the shortfall. Next year's shortfall is estimated at over 1.4 billion dollars.

AS400 Database Computer System: The first phase of the replacement activity has begun. NIC staff has been meeting with our staff members for the last two weeks to identify the staff action taken in each phase of our daily operations to determine what information should be captured within the database program. This phase is estimated at \$81,000.00. The entire system is estimated to cost us approximately \$494,000 over the next two fiscal years.

The Board currently has approximately \$1,000,000 in reserve that needs to be defended from the legislative sweeps. Professional association assistance in protecting those reserves could be very beneficial.

Mr. Shay made a recommendation to the other Board members to talk with their legislators, professional associations, and other special organizations to support the funds to be sanctioned for the new database computer system.

### 13. BOARD CHAIR'S REPORT

There were no issues for this Item.

### 14. STANDING COMMITTEE REPORT

1. Legislation and Rules Committee ("L&R") – Mr. Shay, Chairman, welcomed Mr. Folk to the L&R Committee. Dr. Schaefer Kliman reported on the following items and issues that were discussed on December 2, 2010, at the L&R Committee meeting.

The Arizona Minimum Boundary Survey Standard: was moved to the next L&R Committee meeting scheduled for February 3, 2011.

The Electronic Signature Issues: Dr. Schaefer Kliman reported that an individual requested clarification on what was or wasn't correct, and stated that "We are currently in a situation where technology and our practices don't necessarily match." At the time when the statutes and rules were created, this item wasn't addressed. There are other states that are currently having the same problem. The general consensus of the L& R Committee was if someone really wants to copy your seal and signature, they can do it right now.

The Committee advocated that registrants should do everything they can to protect their seals and signatures. The most important thing to do is to practice the custody chain, to be able to prove that those documents did or didn't come from your office. This way, if your seal and signature is out there in the field, you will be able to prove with documentation from your office that they belong to you or not. Also, if a case is brought before the Board, it could be considered in mitigation.

Dr. Schaefer Kliman reported staff is currently working on drafting a revision to the 2002 Substantive Policy Statement for the L &R Committee to review. Once approved, it will be addressed at the February Board Meeting.

Mr. Sitterley, a registered Land Surveyor, attended the L&R Committee meeting and expressed his dissatisfaction with how complaints are being processed. Dr. Schaefer Kliman expressed her thoughts that he had a procedure and a communication issue with staff. The L&R Committee concluded that this issue wasn't an L&R Committee item, and referred Mr. Sitterley to the full Board.

2. Budget Committee – Nothing new to report.
3. Home Inspector Rules and Standards Committee ("HIRS") – Nothing new to report.
4. Environmental Remediation Rules and Standards Committee ("ERRS") – Mr. Weiland reported he will be attending the ERRS Committee meeting on January 25, 2011. He is also currently working on preparing for Enforcement Advisory Committee ("EAC") activities and will be attending both meetings which are scheduled on January 27, 2011.

## **15. BOARD MEMBER REPORTS ON OUTSIDE ACTIVITIES**

1. National Council of Examiners for Engineering and Surveying (“NCEES”) Mr. Willett reported he will be attending an NCEES Committee meeting. He was also invited to attend the NCEES Western Zone Interim Meeting, in May 26 - 28, 2011, Spokane, Washington.

Mr. Komm reported he will be attending the NCEES 2011 Board Presidents’ Assembly on February 11-12, 2011 in Atlanta, Georgia. The committee will meet to discuss activities in Engineering. Mr. Komm’s initial concern for Arizona is on Continuing Education requirements and reciprocity with Canada. Mr. Komm reported that he has had contact with other states, (Wyoming, Montana, and Washington,) on how they handled licensees. Our general policy is, if you are educated and certified in Canada, then the State of Arizona grants you reciprocity.

2. National Council of Architectural Registration Boards (“NCARB”). Nothing new to report.
3. Council of Landscape Architectural Registration Boards (“CLARB”). Nothing new to report.
4. National Association of State Boards of Geology (“ASBOG”) – Mr. Weiland reported he is still working with the association and working on a questionnaire that will go to all the states, to determine exactly what the status is for registering more Geologists. The questionnaire should be completed early next month. Once finalized, Mr. Weiland will give Mr. Dalrymple a copy to make sure all the questions we need are there.
5. Public Member New/Information – Nothing new to report

**16. FUTURE BOARD MEETINGS** –Tuesday, January 25, 2011 at 9:30 AM.

## **17. FUTURE AGENDA ITEMS –**

- (1) Substantive Policy Statement – Review of Electronic Signature Substantive Policy Statement
- (2) Mr. Sitterley – Complaint
- (3) Continuing Education – To be discussed at the February, 22, 2011, Board Meeting

**18. ADJOURNMENT** – Meeting adjourned at 11:50 AM.

## **ARIZONA STATE BOARD OF TECHNICAL REGISTRATION**

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**Howell Lewis Shay, Chairman**

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**Ronald W. Dalrymple, Executive Director**