

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

Tuesday, October 27, 2015
9:00 a.m.
OPEN SESSION

1. **CALL TO ORDER** – 9:07am
2. **ROLL CALL** - Board Members in attendance: Edward Marley, LeRoy Brady, Douglas Folk, Neal Jones, Jason Madison, Jason Foose, Alejandro Angel and Stephen Noel. Staff: Melissa Cornelius, Michelle Fleming, Douglas Parlin and Julie Armour. Assistant Attorney General: Michael Raine. Absent: Robert Stanley

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

4. **ADOPTION OF MINUTES**

Review, Consideration, and Possible Action on the following:

- A. Approve, modify and/or reject September 29, 2015 Board meeting minutes.
Mr. Brady moved to approve the September 2015 Board meeting minutes. Mr. Foose seconded the motion. No further discussion; motion carried.

5. **FORMAL HEARINGS OR MOTION FOR REHEARING/REVIEW:**

- A. Case No. HI10-027, Robert W. Garrard, non-registrant.
The Board considered Respondent's request for a rehearing and the response presented by Mr. John Tellier, Assistant Attorney General on behalf of the State of Arizona. Mr. Folk opined that Mr. Garrard established grounds for relief under AAC R4-30-126 C(3) as there was accident or surprise which could not have been prevented by ordinary prudence in this case. Mr. Folk moved that Mr. Garrard be granted a rehearing on this complaint. Dr. Angel seconded the motion. No further discussion; motion carried.

6. **ENFORCEMENT MATTERS**

Review, Consideration and Possible Vote on the following:

A. Complaints Proposed for Resolution by Dismissal or Closure:

1. HI16-003, Benjamin Schern, C.H.I. #50397

Dr. Angel moved to have an additional assessment of the November home inspection. Mr. Noel seconded the motion. No further discussion; motion carried.

2. P16-004, William Nau, Non-Registrant
3. P16-010, Emmett Brinkerhoff, Non-Registrant
4. P15-086, Frank Boxberger, P.E. (Civil) #20887

B. Complaints Proposed for Resolution by Letters of Concern:

1. HI15-024, Albert J. Silva, C.H.I. #41817
2. HI15-010, Parrish Gillilea, C.H.I. #54708
3. HI15-033, William Gray, C.H.I. #52250

Mr. Madison moved to consent 6(A) items 2-4 and 6(B) items 1-3. Mr. Noel seconded the motion. No further discussion; motion carried.

C. Complaints Proposed to Offer Consent Agreement:

1. P15-051, Gerardo Calza, P.E. (Civil) #37847, G. Calza Engineering, Non-Registrant Firm

Mr. Calza was present and addressed the Board. Mr. Folk moved that staff redraft the Consent Agreement to clarify that the Assurance of Discontinuance is directed to the firm until it is registered. The consent must include a practice restriction, prohibiting the firm and Mr. Calza from practicing architectural mechanical engineering and electrical engineering in the state of Arizona. The consent order must include a reprimand, stayed suspension/probation, a civil penalty in the amount of \$2,500, and the cost of the investigation of \$1,100. If the Consent Agreement is not signed within 30 days, the matter will proceed to Formal Hearing. Mr. Brady seconded the motion. The Board also explored opening an investigation into ACA and asked staff to send a letter to the City of Nogales. After discussion on the motion, Mr. Folk amended his motion to increase the civil penalty to \$4,000 due to the presence of multiple violations. Mr. Brady seconded the amended motion. No further discussion; motion carried.

2. AL16-002, Heidi Collins, Alarm Agent #57345

Ms. Collins appeared and addressed the Board. Mr. Madison moved to issue a Letter of Concern regarding Respondent's omission of a DUI conviction on the application. Mr. Foose seconded the motion. No further discussion; motion carried.

3. P15-074, Glen Drexler, R.L.S. #49612

Mr. Foose recused himself from this case. Mr. Drexler and his supervisor appeared before the Board to give their testimony. Board investigator, Doug Kraemer, appeared before the Board to provide more information regarding the EAC Committee's recommended action to offer a Consent Agreement. Dr. Angel moved

that the Board offer two Letters of Concern: one to Mr. Drexler and one to his supervisor, Mr. Greg Kent, for failing to adhere to the Arizona Boundary Survey Minimum Standards while locating a property line. Mr. Brady seconded the motion. Motion carried.

4. HI15-017, Jeff Arellano, C.H.I. #52571

Mr. Arellano was not present to address the Board. Mr. Madison moved to offer the Consent Agreement as recommended by staff. If not signed within 30 days, the matter will proceed to Formal Hearing. Mr. Foose seconded the motion. No further discussion; motion carried.

5. P14-029, Ed Lycas, P.E. (Structural) #37925

Mr. Lycas was not present to address the Board. Mr. Noel moved to issue a Consent Agreement encompassing a Letter of Reprimand, stayed suspension/probation, the Assurance of Discontinuance of the practice of architecture, mechanical engineering and electrical engineering, the completion of a professional ethics course, an administrative penalty in the amount of \$5,000 and the cost of investigation of \$996. If the Consent Agreement is not signed within 30 days, the matter will proceed to Formal Hearing. Mr. Foose seconded the motion. No further discussion; motion carried.

6. P15-055, Forrest Richardson Non-Registrant, Golf Group Ltd., Non-Registrant Firm

Mr. Richardson appeared to address the Board and was represented by legal counsel. Mr. Foose recused himself from this case. After hearing Mr. Richardson's testimony, Mr. Jones moved to dismiss the complaint. Mr. Folk seconded the motion. Dr. Angel voted nay. Motion carried.

7. P15-072, Victor Fontes, Non-Registrant

Mr. Fontes was not present to address the Board. Mr. Foose moved to accept the Respondent's signed Consent Agreement. Mr. Jones seconded the motion. No further discussion; motion carried.

D. Complaints Proposed for Resolution with Signed Consent Agreements:

1. P16-013, Chao Yan, Non-Registrant

2. P16-012, Aaron Holden, Non-Registrant

Mr. Holden appeared before the Board. Dr. Angel moved to accept Respondent's signed Consent Agreement. Mr. Noel seconded the motion. No further discussion; motion carried.

3. HI15-036, Steve Gillespie, C.H.I #47256

Mr. Jones moved to consent 6(D) items 1 and 3. Mr. Foose seconded the motion. No further discussion; motion carried.

E. Complaints Requiring Board Guidance:

1. Cancellation of registrations and certifications that have been expired for one full renewal period;

No items to consider.

- B. Review of the List of registrations and certifications granted by the Executive Director pursuant to A.R.S. § § 32-122.05, 32-122.06, and A.R.S. § 32-123.
List available for public review upon request.

9. POLICY MATTERS

Review, Consideration, and Possible Action on the following:

- A. Election of Board Officers: Chairman, Vice-Chairman, and Secretary.
Chairman: Dr. Angel nominated Mr. Brady for Chairman. Mr. Noel seconded the nomination. Mr. Brady was unanimously elected Chairman.

Vice-Chairman: Mr. Jones nominated Mr. Marley as Vice-Chairman. Mr. Brady seconded the nomination. Mr. Marley was unanimously elected Vice-Chairman.

Secretary: Mr. Folk nominated Dr. Angel for Secretary. Mr. Foose seconded the nomination. Dr. Angel was unanimously elected Secretary.
- B. Legislation and Rules Committee Suggested Revisions to the Possible Omnibus Bill.
Mr. Brady moved to accept the suggested revisions to the possible Omnibus Bill. Mr. Folk seconded the motion. No further discussion; motion carried.
- C. Whether to Include Assayers in the Possible Omnibus Bill to Sunset.
Registered Assayer, Mr. D'Avila appeared to address the Board in order to proclaim his opposition to including assayers in the possible Omnibus Bill to Sunset. Ms. Pritzl gave background information regarding the manner in which assaying is regulated in other states and Canada. She reported that assayers are not registered in other jurisdictions, but there are laws in place and international standards to ensure minerals are properly assayed. After hearing Mr. D'Avila's position, reviewing the materials from staff, and a thorough dialog amongst the Board members, Dr. Angel moved that the Board continue to move forward with the statute modifications to include assayers in the possible Omnibus Bill to Sunset. Mr. Noel seconded the motion. Mr. Jones voted nay. The motion carried.
- D. Whether to Include the Alarm Industry in the Possible Omnibus Bill to Amend Statutory Authority.
The Board moved to include the alarm industry in the possible Omnibus Bill to amend statutory authority in a previous motion made on agenda item 9(B), which accepted the suggested revisions to the Omnibus Bill.

- E. Proposed Newsletter for Publication.
Mr. Noel moved to accept the draft of the November newsletter. Mr. Jones seconded the motion. No further discussion; motion carried.
- F. Recommended Reappointment of Randy West, C.H.I., to Continue Serving on the Home Inspector Rules and Standards Committee.
Mr. Madison moved to reappoint Mr. West to the Home Inspector Rules and Standards Committee. Mr. Foose seconded the motion. No further discussion; motion carried.

10. DIRECTOR'S REPORT

- A. Budget Update – Ms. Cornelius reported that with 25% of our budget year elapsed, we have spent 29% of our appropriation and 83% of our revenue. She also reported that the RFP for a new computer program is still being reviewed by the State Procurement Office. BTR has not received updates as to the chosen vendor, but the agency is working diligently to ensure SPO relays the best and final offers in a timely manner.
- B. Staff Update - Ms. Cornelius reported that Board Investigator Vernon Lewis will be retiring this month. He plans to run for elected office following his retirement.
- C. Previous Meeting Follow-Up - Ms. Cornelius reported that on October first, she gave a lecture regarding exams and registration with the Board to civil engineering seniors at the University of Arizona.

Ms. Cornelius reported that the Governor's survey of Boards and Commissions is due by October 30.
- D. Director's Meetings – Ms. Cornelius also reported that she has been meeting with legislators who are on the Committee of Reference. They have given positive feedback regarding the projected results of our sunset. A sunset committee meeting is tentatively scheduled for December 3, 2015.

- 11. **BOARD CHAIR'S REPORT** – Mr. Marley expressed his gratitude for the honor to serve as Board Chairman for past two years.

12. STANDING COMMITTEE REPORTS

- A. Legislation and Rules Committee October 6, 2015 Meeting
Discussion regarding this L&R meeting took place during the dialog regarding agenda item 9(B). The next L&R meeting will take place in January 2016.

13. BOARD MEMBER REPORTS ON OUTSIDE ACTIVITIES

- A. ASBOG – Mr. Weiland will attend the upcoming annual meeting this November in Delaware.
- B. CLARB – Nothing to report.
- C. NCARB – Ms. Cornelius met with the ethics committee task force for NCARB regarding possible modifications to the ethics standards for architects. Mr. Marley will attend a regional meeting in December.
- D. NCEES – Nothing to report.

14. FUTURE BOARD MEETINGS – Tuesday, November 17, 2015

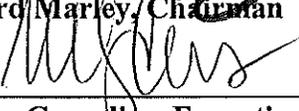
15. SUGGESTED TOPICS FOR FUTURE MEETING AGENDAS.

- Holiday Party Planning

16. MEETING ADJOURNMENT – 2:36pm



Edward Marley, Chairman



Melissa Cornelius, Executive Director