

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

Tuesday, September 29, 2015
9:00 a.m.
OPEN SESSION

1. CALL TO ORDER – 9:04

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

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 August 25, 2015 Board meeting minutes.

Mr. Brady moved to approve the August 2015 minutes. Mr. Foose seconded the motion. The Chair abstained. No further discussion; motion carried.

B. Reopen and modify July 28, 2015 minutes regarding Pancrazio, Steven, Structural Engineer Application #142204

Mr. Brady moved to approve the minutes with the proposed modifications. Mr. Foose seconded the motion. No further discussion; motion carried.

5. FORMAL HEARINGS:

A. Review, Consideration and Vote on the following Formal Hearings:

1. Case No. H11-001, Frank H. Long, non-registrant

Mr. Marley opened the hearing. Mr. Michael Raine, Assistant Attorney General, represented the State of Arizona. Respondent was present and was not represented by legal counsel. Mr. Raine presented the evidence regarding the allegations in this matter, including testimony from former Board investigator, Lisa Pagent, and current Board investigator, Doug Kraemer.

Mr. Folk moved that the Board find paragraphs 1-4 of the Complaint, Parties and

Jurisdiction section, and paragraphs 1-17 of the Factual Allegations as Findings of Fact. Mr. Brady seconded the motion. No further discussion; motion carried.

Conclusions of Law: Mr. Foose moved that the Board adopt the alleged Violations of Law in the Complaint as Conclusions of Law. Mr. Folk seconded the motion subject to discussion. Mr. Folk stated that line 17 describes respondent as having performed two inspections without a license, but there was no proof of a second inspection. Mr. Foose modified his motion to adopt the performance of one inspection and one offer of an inspection as Conclusions of Law. Mr. Jones seconded the motion. No further discussion; motion carried.

Mr. Folk moved that the Board impose a civil penalty in the amount of \$2,000 plus the cost of the investigation and an Assurance of Discontinuance of the practice of home inspections. Mr. Brady seconded the motion. No further discussion; motion carried.

2. Case No. P14-047, Omar Rodriguez, Architect #354321
Mr. Marley opened the hearing. Mr. Michael Raine, Assistant Attorney General, represented the State of Arizona. Respondent was not present and was not represented by legal counsel. Mr. Folk moved to grant the State's Motion to Deem the Allegations as admitted. Mr. Foose seconded the motion. No further discussion; motion carried.

Mr. Folk moved to adopt the Complaint's allegations as Finding of Fact and the Complaint's alleged Violations of Law as Conclusions of Law in this matter. Mr. Brady seconded the motion. No further discussion; motion carried.

Mr. Madison moved for revocation of Mr. Rodriguez's license. Mr. Folk seconded the motion. No further discussion; motion carried.

6. ENFORCEMENT MATTERS

A. Complaints Proposed for Resolution by Dismissal or Closure:

1. P15-025, Paul Scardina, Non-Registrant

Mr. Madison moved to dismiss the complaint against Mr. Scardina. Mr. Jones seconded the motion. No further discussion; motion carried.

B. Complaints Proposed for Resolution by Letters of Concern:

1. HI16-004, Elbert Blume, C.H.I. #50227

Mr. Blume appeared to address the Board. Mr. Stanley moved to issue a Letter of Concern regarding the reporting deficiencies. Mr. Folk seconded the motion. No further discussion; motion carried.

C. Complaints Proposed to Offer Consent Agreement:

1. HI15-030, Mark Kenney, C.H.I. #50338

Mr. Kenney appeared to address the Board. Mr. Folk moved that the Board direct

staff to modify the proposed Consent Agreement to delete the reporting deficiencies concerning the condition, as those were answered by the definition. Mr. Folk also moved that the substantive violation regarding the aluminum wire be retained and the order of restitution be dropped, as staff was provided proof that the fee was refunded. This motion also encompassed the proposal of an administrative penalty of \$500, plus the cost of the investigation in the amount of \$900. If the Consent Agreement is not signed within 30 days, the matter will proceed to Formal Hearing. Mr. Marley seconded the motion. No further discussion; motion carried.

2. HI15-032, Dennis Pinkerton, C.H.I. #58078

Mr. Stanley moved to issue the Consent Agreement as shown. If the Consent Agreement is not signed within 30 days, the matter will proceed to Formal Hearing. Mr. Folk seconded the motion. No further discussion; motion carried.

D. Complaints Proposed for Resolution with Signed Consent Agreements:

1. P16-007, Darren J. Curtis, Registered Geologist #49068

2. AL16-001, Enrique Olivares, Alarm Controlling Person #58669

Mr. Stanley moved to accept Mr. Olivares' signed Consent Agreement. Mr. Foose seconded the motion. No further discussion; motion carried.

3. P16-008, Dennis Hustead, R.L.S. #16840

4. P15-042, David B. Zinkand, Non-Registrant

5. HI16-005, Francisco Montano, Non-Registrant

Mr. Madison moved to consent 6(D) items 1,3,4 and 5. Mr. Jones seconded the motion. No further discussion; motion carried.

E. Complaints Proposed for Formal Hearing:

1. P15-091 & P15-092, Hadley Design Group, Firm #13047

Mr. Stanley moved to proceed with staff recommendations. Mr. Brady seconded the motion. Mr. Stanley amended his motion to direct the Assistant Attorney General to seek an injunction against Hadley Design Group prohibiting the firm from practicing and advertising landscape architecture in the state of Arizona. Mr. Brady seconded the motion. No further discussion; motion carried.

7. LICENSING MATTERS

Discussion, Consideration and Vote on the following:

Whether to Grant Requests for Extension of Licensing Time Frames:

A. Lu, Yutong

Engineer-in-Training Application #150621

Mr. Brady moved to grant Ms. Lu an extension through December 31, 2015. Mr. Stanley seconded the motion. No further discussion; motion carried.

- C. Establishing the Calendar for the Board's Meetings in 2016.
Mr. Jones moved to accept the Board meeting dates for 2016. Mr. Stanley seconded the motion. No further discussion; motion carried.
- D. NCARB's Proposed Changes to the Intern Development Program (IDP.)
The Board discussed the proposed changes. No action was taken.
- E. Dialog with interested stakeholders regarding the possible sunset of the assaying profession.
Mr. Jacobs, Mr. Lemming, Mr. Endres and Mr. D'Avila appeared before the Board to discuss their stance on the importance of licensing assayers. Mr. Folk suggested Ms. Cornelius and Ms. Pritzl research the Canadian association that licenses assayers. The Board deferred action on this item until the October meeting agenda.
- F. Proposed Modifications to the Board's Practice Act (Statutes) for a possible Board sponsored Omnibus bill this coming Legislative Session.
Ms. Cornelius opened the dialog and explained that she and Mr. Harris, an attorney and lobbyist for the agency, met to discuss the proposed changes to the Board's Practice Act. Ms. Cornelius and Mr. Harris drafted an 'A' list for statues to be addressed for modification this year and a 'B' list for the statues that will be addressed the following year in order to further promote the Board's mission and best help protect the public. According to Ms. Cornelius, the most pressing items on the 'A' list are the provisions in the Board's statues that propose to deregulate certain professions and occupations. Mr. Harris and Mr. Moortel appeared before the Board to further discuss the proposed modifications. Mr. Folk requested that Mr. Harris draft a sample bill for review at the upcoming Legislations and Rules Committee meeting.

10. DIRECTOR'S REPORT

- A. Budget Update
Ms. Cornelius reported that with 17% of our budget year elapsed, we have spent 20% of our appropriation and 84% of our revenue. She also reported that the agency had to request an extension for the RFP for the new computer program because the Arizona State Procurement Office has not finished reviewing the best and final offers.
- B. Staff Update – Nothing to report.
- C. Previous Meeting Follow-Up
The Board received one response regarding the sunset audit from Mr. Muth representing the surveying community. There were informal follow-up email responses to Ms. Cornelius informing her that Mr. Muth does not represent all surveyors in Arizona.

Ms. Cornelius also reported that ADEQ is planning to run the bill to transfer the drug lab program to their jurisdiction. ADEQ's plan is to bolster the legislation in order to allow them the ability to utilize the funds to clean up the 31 properties.

D. Director's Meetings – Nothing to report.

11. **BOARD CHAIR'S REPORT**– Mr. Marley reported that he attended the NCARB National Board of Directors' dinner in Sedona.

12. **STANDING COMMITTEE REPORTS**

A. Legislation and Rules Committee August 11, 2015 Meeting – Nothing to report.

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

A. ASBOG – Mr. Weiland will attend the upcoming meeting this November in Delaware.

B. CLARB – Mr. Brady reported on the national meeting held in New Orleans earlier this month. Nationally, there were continued efforts by CLARB to improve the landscape architect exam. Regionally, there was a great deal of discussion and apprehension concerning boards that are solely comprised of landscape architects moving toward multidisciplinary boards.

C. NCARB – Mr. Marley reported that NCARB is focusing on how they can contribute to continuing education efforts in order to streamline the renewal process. Ms. Cornelius reported that NCARB issued a press release regarding their proposed integrated path to licensure that would allow licensure upon graduation.

D. NCEES – Nothing to report.

14. **FUTURE BOARD MEETINGS** – Tuesday, October 27, 2015 at 9:00 a.m.

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

- Election of Board Officers: Chairman, Vice-Chairman, and Secretary.
- Continued dialog with assayers.

16. **MEETING ADJOURNMENT – 3:02**



Edward Marley, Chairman



Melissa Cornelius, Executive Director