

ARIZONA STATE BOARD OF TECHNICAL REGISTRATION NOTICE AND AGENDA FOR REGULAR SESSION MEETING

Tuesday, December 8, 2020 beginning at 9:00 a.m.
1110 W. Washington, Conference Room #240
Phoenix, AZ 85007

The Arizona Board of Technical Registration will hold a regular meeting, open to the public at the Board's office, located at 1110 W. Washington, Suite 240, Phoenix, AZ 85007.

Please note that the cases on this agenda are categorized with staff recommendations for resolution. The Board has the authority to accept, reject, or modify any recommendation listed on the agenda. These recommendations are merely suggested Board actions; the Board may not adopt them, and may decide cases differently.

The Board may discuss, consider or take action on any item on the agenda, and at the discretion of the Board, agenda items may be taken out of order, except for those items set at a specific time.

The majority or a quorum of the Board may vote to hold an Executive Session to review confidential records exempt by law from public inspection, pursuant to A.R.S. § 38-431.03(A)(2); to obtain legal advice regarding any of the items on the agenda, pursuant to A.R.S. § 38-431.03(A)(3); or to discuss or consult with the attorneys of the public body in order to consider its position and instruct its attorneys regarding the public body's position regarding contracts that are the subject of negotiations, in pending or contemplated litigation or in settlement discussions conducted in order to avoid or resolve litigation pursuant to A.R.S. § 38-431.03(A)(4). All examination material, transcripts education records, reference forms and applications are confidential pursuant to A.R.S. § 32-129(A), and all investigation files are confidential and not subject to inspection until the matter is final and a hearing notice is issued (A.R.S. § 32-129(B)).

Pursuant to the Americans with Disabilities Act, people with disabilities may request a reasonable accommodation by contacting Kurt Winter at (602) 364-4883. Requests for reasonable accommodations should be made as early as possible to allow time to accommodate the request. The Board may not be able to accommodate requests made less than 36 hours prior to the scheduled meeting.

Concerns Relating to Meetings held at the Board and COVID-19

At this time, the Board will proceed with all scheduled public meetings and the public is still welcome to attend in person. However, COVID-19 may prevent those otherwise wishing to attend from doing so. The Board is therefore allowing individuals to attend remotely to ensure the public's right to attend and listen to the Board's deliberations and proceedings per A.R.S. § 38-431.01(A) and A.R.S. § 38-431(4).

In order to maintain a cohesive meeting, the Board asks that those wishing to attend remotely make Board staff aware in advance. The Board utilizes Google Meetups for its remote meetings, which requires the meeting host (the Board) to 'invite' members to participate, hence the need for Board staff to know who wishes to attend in advance.

If you wish to attend a meeting remotely, please contact Kurt Winter via email at:

kurt.winter@azbtr.gov

Board staff posts meeting agendas on its website, the AZBTR's lobby (suite 240) and the meeting board located in the main entrance of the ADEQ building (1110 W. Washington St. Phoenix AZ 85007) in accordance with 38-431.02. The Board suggests reviewing any meeting agenda before requesting a Google Meetup invitation.

Please note that all meetings are recorded and the recordings posted on the Board's website within three working days after the meeting in accordance with A.R.S. § 38-431.01(E).

1. CALL TO ORDER

2. ROLL CALL

3. CALL TO THE PUBLIC

Members of the public may address the Board during this Call to the Public for no more than **3 minutes**. Pursuant to A.R.S. § 38-431.01(H), the Board members are not allowed to discuss or take legal action on matters raised during an open call to the public unless the matters are properly noticed for discussion and legal action. However, members may ask staff to review a matter or may ask that a matter be placed on a future agenda.

4. ADOPTION OF MINUTES

Review, Consideration, and Possible Action on the following:

- A. Approve, modify and/or reject, October 27, 2020 Board meeting minutes.
- B. Approve, modify and/or reject, October 27, 2020 executive session Board meeting minutes.

5. CONSIDERATION OF CASES REFERRED FOR FORMAL HEARING

Formal Hearings or Related Proceedings will begin at 9:30 a.m.

A. Review, Discuss and Take Possible Action on Signed Consent Agreement in lieu of Hearing

- 1. AL20-004 Mitchell, Ronald and The Alarm Crew, Inc
- 2. HI20-012, Berry, David and DJ's Horizona Home Inspection, LLC

B. Review, Discuss and Take Possible Action on State's Motion to Rescind

- 1. HI20-033, Vallone, Frank and Arizona Executive Home Inspections LLC

C. Review, Discuss and Take Possible Action on ALJ's Recommended Order

- 1. P19-023 & P20-031, Halhber, Ahler aka James Halarewicz

6. ENFORCEMENT MATTERS

Review, Consideration and Possible Vote on the following:

A. Complaints Proposed for Resolution by Dismissal or Closure:

- 1. P21-026, Gregory Dunnan, P.E. (Civil) #333300 and DKG Civil, LLC, Firm #16266
- 2. P21-027, Milo Meacham, R.A. #51169 and Milo Meacham/Architect, PLLC, Firm #16484
- 3. AL21-002, Michael Wilbur, Non-Registrant and Wise Home Solutions, Non-Registrant Alarm Business

4. P21-021, Buckley Blew, R.S.L. #59542
5. P20-044, Michael Willis, P.E. (Civil) #35750
6. HI21-009, Michael Meske, C.H.I. #70545

B. Complaints Proposed for Resolution with Signed Consent Agreements:

1. HI21-010, Galen Folsom, C.H.I. #69731 and Penny Brook Home Inspections, Firm #22840
2. P20-039, David Swinghamer, Non-Registrant and 3DDD/Third Dimension Design, LLC, Non-Registrant Firm
3. HI21-012, Erik Diener, C.H.I. #57902 and A 'N' B Home Inspections, Firm #18787
4. HI20-032, Steve Tinsley, C.H.I. #62662 and Platinum Property Inspections, Firm #22590
5. P21-023, Dennis Shirley, R.G. #26393 and Synergy Environmental, LLC, Firm #16318

C. Complaints Proposed to Offer Consent Agreement:

1. P21-004, Susan Link, R.A. #43079 and Link Architecture, PC, Firm #15078
2. P21-007, Jeffery Garcia, Non-Registrant and Wood River Consulting, LLC, Non-Registrant Firm
3. HI21-002, Kent Lamb, C.H.I. #40585 and Arizona Inspections, Inc., Firm #21076
4. HI20-034, Harry Jim Bacon, C.H.I. #44513 and Pillar to Post, Inc., Firm #16623
5. HI20-035, Steven Callahan, C.H.I. #39079 and Canyon State Property Inspections, Firm #12603
6. HI21-003, Anthony Harms, Non-Registrant and Allsafe Home Inspections, LLC, Non-Registrant Firm
7. P21-003, Martin Kuhn, P.E. (Metallurgy) #10560 and Minerals Advisory Group, LLC, Firm #14952

D. Compliance and Monitoring Investigations:

1. P20-054, Ahmad Zarifi, P.E. (Civil) #41872
2. P21-013, Gary Hokanson, R.A. #51987

E. Complaints Requiring Board Guidance:

1. P21-009, Jennifer Vitale, P.E. (Civil) #37891
2. P19-056, Mills, Greg and Southwest Engineering Concepts, LLC.

7. LICENSING MATTERS

Discussion, Consideration and Vote on the following:

Universal Licensure - Whether to Grant or Close Application after Full Board Review

- A. Holderman, Timothy- Application for Registration as a Civil Engineer #202123
- B. Fernandez, Richard- Application for Registration as a Civil Engineer #202024
- C. Ranney, Thomas- Application for Registration as a Home Inspector #202105

Whether to Grant or Deny Registration after Full Board Review

D. Feight, Austin- Application for Registration as a Home Inspector #202009

8. LICENSING CONSENT AGENDA

A. Review, Consideration, and Action on Staff Recommendations for the following:

1. Cancellation of registrations and certifications that have been expired for one full renewal period;
2. 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. CV 2019-013509 – Mills v. Arizona State Board of Technical Registration: upon motion and vote, the Board may hold an executive session to receive legal advice pursuant to A.R.S. § 38-431.03(A)(4) [Discussion or consultation with the attorneys of the public body in order to consider its position and instruct its attorneys regarding the public body's position regarding contracts that are the subject of negotiations, in pending or contemplated litigation or in settlement discussions conducted in order to avoid or resolve litigation.]
- B. Whether to send a letter addressed to Arizona's plat reviewing authorities regarding the removal of factual information from submitted plats prior to acceptance
- C. Election of Officers

10. DIRECTOR'S REPORT

- A. Budget Update
 - a. Office of Strategic Planning and Budgeting quarterly meeting
- B. Previous Meeting Follow-Up
 - a. NCARB
 - i. Remote Proctoring
 - ii. NCARB Disciplinary Database
 - b. NCEES
 - i. Board President's Assembly
 - ii. Western Zone Update
 - c. CLARB
 - i. Legislative Webinar
 - d. ASBOG
 - i. Annual Meeting Nov. 4, 2020
 - ii. Spring Meeting April 8-9
 - iii. 2021 Annual Meeting October

- e. AZSLS
 - i. November and December Candidates
 - f. Board Composition Update
 - g. Land Surveyor Standards of Practice Update
 - h. Staff Update
- C. Statistics Review

11. BOARD CHAIR'S REPORT

Nothing to Consider

12. ASSISTANT ATTORNEY GENERAL'S REPORT

Nothing to Consider

13. STANDING COMMITTEE REPORTS

A. Legislation and Rules Committee

November 17, 2020 L&R meeting

B. Home Inspector Rules and Standards Committee

November 10, 2020 meeting cancelled.

14. FUTURE BOARD MEETINGS – January 26, 2021

15. SUGGESTED TOPICS FOR FUTURE MEETING AGENDAS.

16. MEETING ADJOURNMENT