

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

Tuesday, June 22, 2021 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. ADOPTION OF MINUTES

Review, Consideration, and Possible Action on the following:

- A. Approve, modify and/or reject, Board meeting minutes.
 - 1. May 25, 2021 Board meeting minutes
- B. Approve, modify and/or reject, Board executive session meeting minutes.
 - 1. May 25, 2021 Board executive session meeting minutes

4. CONSIDERATION OF CASES REFERRED FOR FORMAL HEARING

The Board may vote to enter executive session pursuant to A.R.S. § 38-431.03(A)(2) (to discuss confidential information), A.R.S. § 38-431.03(A)(3) (to receive legal advice) on agenda item 4(A).

Nothing to Consider

5. ENFORCEMENT MATTERS

Review, Consideration and Possible Action on the following:

The Board may vote to enter executive session pursuant to A.R.S. § 38-431.03(A)(2) (to discuss confidential information), A.R.S. § 38-431.03(A)(3) (to receive legal advice) on agenda items 5(A)-(E).

- A. Complaints Proposed for Resolution by Dismissal or Closure:
 - 1. P21-061, Dale Farmas, R.L.S. #27738
 - 2. P21-060, David Klein, R.L.S. #42137 R.A. #49197
 - 3. HI21-024, Jason Farrier, C.H.I. #38071
 - 4. P21-068, Andrew Myszak, Non-Registrant and Real Estate Authority, Non-Registrant Firm
 - 5. P21-054, Ivo Buddeke, R.L.S. #32230 and Rimrock Land Surveys, LLC #12048
 - 6. HI21-005, David Berry, C.H.I. #38633
- B. Complaints Proposed for Resolution by Letters of Concern:
 - 1. HI20-020, Valentin Minchev, C.H.I. #68439
 - 2. HI21-032, Eric Spears, C.H.I. #43458 and Industry Standard Home Inspection, LLC #13729
 - 3. HI21-018, Vernon Sandt, C.H.I. #61579
- C. Complaints Proposed for Resolution with Signed Consent Agreements:
 - 1. HI21-019, Joseph Tobin, C.H.I. #65563
 - 2. P21-010, Adam Huff, P.E. (Civil) #68082

3. P21-011, Joseph Santos, P.E. (Civil) #49003 and Epic Engineering, #22810

D. Compliance and Monitoring Investigations:

1. P20-054, Ahmad Zarifi, P.E. (Civil) #41872

E. Review and Approval for EAC Membership:

1. Roger Skaggs, C.H.I. #38213

6. LICENSING MATTERS

Discussion, Consideration and Action on the following:

The Board may vote to enter executive session pursuant to A.R.S. § 38-431.03(A)(2) (to discuss confidential information), A.R.S. § 38-431.03(A)(3) (to receive legal advice) on agenda items 6(A)-(C).

A. Universal Application for registration

1. O'Dear, David - Universal Application for Registration as a Civil Engineer #210745
2. Bradsby, Bruce - Universal Application for Registration as an Architect #210729
3. Drake, Brandon - Universal Application for Registration as a Home Inspector #211304

B. Application for Registration

1. Johnson II, Nicholas - Application for Land Surveyor In-Training Designation #211426
2. Reff, Kevin - Application for Landscape Architect Registration #210682

C. Extension Request

1. Nieves, Cristina - Extension Request for PE Exam #192791

D. FE Waiver and approval to sit for the PE exam

1. Hani, Sayeed - Application to waive FE and authorize PE Exam #211524
2. Ranjbaran, Laleh - Application to waive FE and authorize PE Exam #211240

7. 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.

8. POLICY MATTERS

Review, Consideration, and Possible Action on the following:

The Board may vote to enter executive session pursuant to A.R.S. § 38-431.03(A)(2) (to discuss confidential information), A.R.S. § 38-431.03(A)(3) (to receive legal advice) on agenda item 8(A). Additionally, the Board may vote to enter executive session 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) on agenda item 8(A).

- A. 1 CA-CV 20-0510 & CV 2019-013509 – Mills v. Arizona State Board of Technical Registration

9. DIRECTOR'S REPORT

- A. AZBTR 100 Years Old
- B. Statistics Review
 - a. Monthly Numbers
 - b. Budget
- C. Previous Meeting Follow-up
 - a. National Council and Exam Updates
 - i. NCARB – Annual Meeting in Los Angeles June 24-26, 2021
 - ii. NCEES – Resolution of Cooperation. Annual Meeting in New Orleans August 19-20, 2021
 - iii. CLARB – Annual Meeting September 22-24, 2021
 - iv. ASBOG – Meeting Little Rock October 25, 2021
 - b. Board Composition
 - c. 90/10 Director's Meeting
 - d. Staff and Member Update
 - i. New Assistant and Deputy Director
 - ii. Additional Staff
 - iii. Staff equipment

10. BOARD CHAIR'S REPORT

Nothing to discuss

11. ASSISTANT ATTORNEY GENERAL'S REPORT

Update on Open Meeting Law Complaint filed against the Board

12. STANDING COMMITTEE REPORTS

- A. Home Inspector Rules and Standards Committee – September 14, 2021
- B. Legislation and Rules Committee – No new meeting date

13. BOARD MEMBER REPORTS/DISCUSSION ON OUTSIDE NATIONAL COUNCIL ACTIVITIES, NEWS AND MEETINGS

- A. ASBOG
- B. CLARB
- C. NCARB
- D. NCEES

14. 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.

15. SUGGESTED TOPICS FOR FUTURE MEETING AGENDAS.

16. FUTURE BOARD MEETINGS – July 27, 2021

17. MEETING ADJOURNMENT