

**ARIZONA STATE BOARD OF TECHNICAL REGISTRATION  
MINUTES REGULAR SESSION MEETING**

Tuesday, February 23, 2021 beginning at 9:00 a.m.  
1110 W. Washington, Conference Room #240  
Phoenix, AZ 85007

1. **CALL TO ORDER** – 9:01am
2. **ROLL CALL** –

**Present:** Jack Gilmore, Neal Jones, Clarence McAllister, Stephen Noel  
**Telephonic:** Dr. Alejandro Angel, Carmen Wykoff, Andrew Everroad  
**Four Vacancies**  
**AAG:** Scott Donald  
**Staff:** Robert Stam, Douglas Parlin, Kurt Winter

3. **CALL TO THE PUBLIC**

Jason Foose appeared before the Board.

Mr. Foose informed the Board that he would no longer be serving as a Board member because he was moving out of state. He thanked the Board and said his farewells.

4. **ADOPTION OF MINUTES**

Review, Consideration, and Possible Action on the following:

- A. Approve, modify and/or reject, January 26, 2021 Board meeting minutes.

Mr. Noel moved and Mr. McAllister seconded to approve the minutes; motion carried.  
Mr. Everroad abstained.

5. **CONSIDERATION OF CASES REFERRED FOR FORMAL HEARING**

Nothing to Discuss

6. **ENFORCEMENT MATTERS**

Review, Consideration and Possible Action on the following:

- A. Complaints Proposed for Resolution by Dismissal or Closure:
  1. P21-001, Gregory Gentsch, P.E. (Civil) #22188

Mr. Jones moved and Mr. Noel seconded to dismiss the case; motion carried unanimously.

2. P21-042, Hemant Modi, R.A. #49197 and Modi Architects, LLC, Firm #18191 (expired)

Mr. Jones moved and Mr. Noel seconded to dismiss the case; motion carried unanimously.

3. P21-038, Jeffrey Stinnett, R.A. # 53373 and Studio Stinnett, Firm #17442

Mr. Jones moved and Mr. Noel seconded to dismiss the case; motion carried unanimously.

4. P21-037, Richard Hamilton, R.A. #49054 and Hamilton Architecture, PLLC, Firm #17347

Mr. Jones moved and Mr. Noel seconded to dismiss the case; motion carried unanimously.

5. HI21-009, Michael Meske, C.H.I. #70545

Respondent appeared telephonically.

Dr. Angel stated that the Board heard this matter at its December 2020 meeting, that the allegor stated at that meeting that they would provide the Board with additional evidence, and, at the time of this meeting, that the allegor had failed to do so. Investigator Kraemer confirmed that the allegor did not submit additional evidence. Investigator Kraemer further stated that staff sent this matter to an EAC per the Board's direction and all four EAC members voted to unsubstantiate the alleged violations.

Dr. Angel moved and Mr. Jones seconded to dismiss the case; motion carried unanimously.

6. P21-033, Michael Stoll, R.L.S. #21791

Respondent appeared telephonically. Allegor, Ms. Genchev, appeared telephonically.

Dr. Angel asked how far back from the property line did Mr. Shannon, Respondent's client, place his fence. Respondent answered roughly three feet.

Ms. Genchev stated that she was concerned that Respondent's survey did not match the Genchev's survey they received when they purchased their plat in 1997 and that Respondent's survey reduced the size of their plat to their detriment and their neighbor's benefit.

Dr. Angel explained that two assessors reviewed Respondent's survey and found that it complied with the land surveyor minimum standards and that he agreed with their assessments.

Mr. Jones moved and Mr. Noel seconded to dismiss the case; motion carried unanimously.

7. P21-031, James Hart, R.L.S. #57999

Mr. Jones moved and Mr. Noel seconded to dismiss the case; motion carried unanimously.

8. P21-009, Jennifer Vitale, P.E. (Civil) #37891

Mr. Jones moved and Mr. Noel seconded to dismiss the case; motion carried unanimously.

B. Complaints Proposed for Resolution by Letters of Concern:

1. P21-010, Adam Huff, P.E. (Civil) #68082

Respondent appeared telephonically. Alleger, Mr. South, appeared telephonically.

Mr. South argued that Respondent, even when presented with evidence from another professional engineer, failed to take the appropriate action required for the level of remediation needed for Mr. South's home to be safe to live in. He asked that the Board not dismiss this matter but further investigate it.

Respondent stated that the homebuilder, Capstone, hired Respondent and company to conduct a lateral analysis of non-specific walls of the property, not a full engineering review of the property; that the contractor who built the home followed generic plans to construct the home, which Coconino County accepted since it did not require the builder to submit specific plans; and, as a result of this, he and others were tasked to review the property and they found that the property required remediation and he said remediation was completed.

Mr. Jones stated that he was surprised a contractor would use generic plans to build a home without oversight of a structural engineer. Dr. Angel asked if there was any immediate danger to those currently living in the property. Respondent answered 'no.' Mr. South opined that there was an immediate danger and stated that Respondent was backtracking on past statements he made regarding the condition of the home. Investigator Correll stated that it appeared that the homebuilder used generic plans that Epic Engineering drafted to build a number of homes, that Respondent was a bona fide employee of Epic Engineering at the time of the home construction and remediation, and that a related case against Epic Engineering was pending. Dr. Angel asked Respondent to clarify his soil calculations. Respondent obliged. Dr. Angel asked if Respondent was speaking for just himself or also for Epic Engineering. Respondent answered 'both.' Dr. Angel asked why Mr. Santos of Epic Engineering placed a seal on these specific plans. Respondent answered Mr. Santos sealed the plans, but should have sealed or noted that he was sealing the lateral analysis only. Mr. Gilmore opined pushing this matter to a future agenda or combining it with the related case. Mr. Jones

agreed. Mr. South stated that the Board should hold Respondent accountable for the remediation work. Ms. Wycoff stated Respondent stamped the plans, but if another party used the plans and did not follow them, Respondent should not be held responsible.

Ms. Wycoff moved and Mr. Noel seconded to tie this case with P21-011 and direct staff to further investigate Respondent's remediation plans; motion carried unanimously.

C. Complaints Proposed for Resolution with Signed Consent Agreements:

1. P21-019, Michael York, R.L.S. #19862

Dr. Angel asked if Respondent corrected his survey. Investigator Correll answered 'yes.'

Dr. Angel moved and Mr. Jones seconded to accept signed Consent Agreement; motion carried unanimously.

D. Complaints Proposed to Offer Consent Agreement:

1. P21-007, Jeffery Garcia, Non-Registrant and Wood River Consulting, LLC, Non-Registrant Firm

Dr. Angel asked whether Respondent applied for registration. Mr. Stam answered that Respondent did apply but the Board never registered him; Respondent firm did successfully register with the Board. Investigator Thacker stated that Respondent firm registered while this case waited to go before the Board and that Respondent, while not listed as the principal, was the business owner. Mr. Donald stated that the Board could still offer the consent agreement to Respondent and Respondent firm with the principal of the firm signing on its behalf.

Dr. Angel moved and Mr. McAllister seconded to remove Respondent from the consent agreement and offer the modified consent agreement to Respondent Firm, and if not signed in 30 days, move to hearing; motion carried unanimously.

2. P21-048, David Klepadlo, P.E. (Environmental) #37639 (Expired 6/20/2020)

Staff attempted to call Respondent, but Respondent did not answer and the Board proceeded with the matter without him.

Dr. Angel opined that Respondent's actions were egregious and he asked whether Board staff had offered a proposed consent agreement to him. Investigator Kraemer stated that staff did send a consent agreement but Respondent rejected it.

Dr. Angel moved and Mr. McAllister seconded to offer Proposed Consent Agreement and if not signed in 30 days move to hearing for revocation; motion carried unanimously.

E. Compliance and Monitoring Investigations:

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

Respondent appeared telephonically. Alleger, Mr. Rosenberg, appeared telephonically.

Mr. Rosenberg stated that the home in question in this matter was still experiencing issues due to the design plans.

Mr. Gilmore asked if Respondent prepared the structural plans for the home in this matter. Respondent answered 'no,' that he only stamped the side plan for this project. Dr. Angel stated that what Respondent stated was true of the February 2019 plans, but his stamp, along with structural calculations, was on the revised framing and side plans dated August 2019. Respondent stated that the contractor, his son, did the calculations and used his stamp without his knowledge. Dr. Angel expressed his concern that either Respondent practiced structural engineering in violation of the Board's Order restricting Respondent's practice of structural engineering or that Respondent was not in control of his seal and his son practiced structural engineering without registration. Respondent stated he had control of his seal and that he did not practice structural engineering.

Mr. Rosenberg stated that there were two sheets in the August 2019 plans that Respondent signed and sealed. Ms. Wyckoff stated that the city's request for an as-built plan meant that they were requesting Respondent to stamp and approve all changes, not just the side changes, as a structural engineer. Respondent disagreed. Mr. Jones asked if Respondent or his son stamped the plans. Respondent answered he first stamped the plans and subsequently, without his knowledge, his son wrote the calculations. Dr. Angel expressed his concern that the calculations on the plans were structural in nature and included changes beyond the side plan Respondent stated he stamped. Mr. Rosenberg stated that the calculations on the plans included framing for the laundry room and garage.

Mr. Gilmore asked Mr. Rosenberg how he was connected to this case. Mr. Rosenberg answered that he was a general contractor working for the homeowners of the house in question to help fix the issues the building plans caused. Mr. Gilmore asked if there was a structural engineer working with the homeowners now. Mr. Rosenberg answered 'no,' and stated that Respondent's company built the house.

Investigator Correll stated that this case was before the Board because Mr. Rosenberg alleged that Respondent should not have sealed the plans and that the Board's assessor of this case agreed. She further stated that she did not know the relationship between the Zarifi family and the house in question. Respondent stated that a friend of his commissioned the building of the house, which he then subsequently sold to its current owners. Mr. Rosenberg stated that he filed a complaint against the Zarifi group at the Registrar of Contractors. Investigator Correll stated that this was the first time she had heard that Respondent's son completed the calculations on the plans, that Respondent did not reply to the Board regarding this matter until January of 2021, that

communication with Respondent had been difficult, and that Respondent's statements had been inconsistent.

Mr. Noel asked if residential plans required a stamp. Investigator Correll answered 'no,' but if a professional registered with the Board did review and approve residential plans, they were required to seal them.

The Board directed staff to open a case against Respondent's son and further the investigation for this matter.

F. Reconsideration of Prior Board Action to Review, Discuss and take possible Action on Registrant's Request for Modification of Consent Agreement and Order of Discipline:

1. HI19-023, Iain Findlay, C.H.I. #43627 and The Inspection People, PLLC, Firm#18012

Mr. Findlay appeared telephonically.

Mr. Donald explained that Mr. Findlay signed the consent agreement for HI19-023 in July of 2020 and that the Board accepted that signed consent agreement at its July 2020 Board Meeting; that the consent agreement disciplined both Mr. Findlay and his business, The Inspection People, PLLC; that Mr. Findlay alleged that he was unaware that the Board's discipline would prevent him from conducting parallel inspections; and, that Mr. Findlay would like the Board to consider revising his signed consent agreement to only implicate his business and remove mention of his certification from the agreement.

Mr. Findlay stated that when he signed the consent agreement, he was under the impression that the Board would be disciplining only his firm since the Board found the alleged violations against his home inspection certification unsubstantiated.

Mr. Donald stated that any appeal rights were long overdue and that the signed consent agreement plainly cited Mr. Findlay as party to the agreement in numerous places. Mr. Findlay stated that he was confused as to why he was included in the consent agreement when, he opined, the firm, and only the firm, violated the Board's Practice Act. Mr. Donald stated that the consent agreement detailed in its factual allegations Mr. Findlay's inclusion and why.

Dr. Angle moved and Ms. Wycoff seconded to enter executive session to receive legal advice pursuant to A.R.S. § 38-431.03(A)(3) at 1:01pm; motion carried unanimously.

The Board returned to open session at 1:22pm.

Mr. Gilmore stated that the Board was sympathetic to Mr. Findlay's situation.

No action taken.

## 7. LICENSING MATTERS

Discussion, Consideration and Action on the following:

- A. Raman, Aaditya- Universal Application for registration as a Mechanical Engineer #210179

Mr. Jones moved and Mr. Noel seconded to grant registration based upon the Board's determination that the applicant's state of original registration's practice level was equivalent to Arizona, motion carried unanimously.

- B. Nuzzo, Robert- Universal Application for registration as a Home Inspector #202535

Mr. Jones moved and Mr. Noel seconded to grant registration based upon the Board's determination that the applicant's state of original registration's practice level was equivalent to Arizona, motion carried unanimously.

- C. Kane-Devries, Katelyn- Universal Application for registration as a Geologist #210068

Mr. Jones moved and Mr. Noel seconded to grant registration based upon the Board's determination that the applicant's state of original registration's practice level was equivalent to Arizona, motion carried unanimously.

- D. Martin, Kimberley- Universal Application for Registration as a Civil Engineer #210071

Mr. Jones moved and M. Noel seconded to grant registration based upon the Board's determination that the applicant's state of original registration's practice level was equivalent to Arizona, motion carried unanimously.

- E. Wang, Xuan- Application for Registration as an Electrical Engineer #210036

Dr. Angel asked that Staff provide the resumes of Mr. Wang's references at the next Board meeting for review. Mr. Stam stated he would.

The Board pushed this matter to a future meeting.

- F. Leone, Andrew- Application for Registration as a Civil Engineer #210328

Mr. Stam explained that Mr. Leone received discipline in North Carolina. Mr. Stam asked for Board guidance whether to grant Mr. Leone's registration.

Dr. Angel opined that Mr. Leone had paid his dues and that the Board should grant licensure. Ms. Wyckoff agreed.

Ms. Wyckoff moved and Dr. Angel seconded to grant registration; motion carried unanimously.

## 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;

Mr. Jones moved and Mr. McAllister seconded to cancel registrations and certifications that have been expired for one full renewal period; motion carried unanimously.

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. Executive Director's Retirement: Farewell to Melissa Cornelius

Board members stated their farewells.

B. Farewell to Board Member Jason Foose

Board members stated their farewells.

C. Pending Legislation: SB1062, SB1063, SB1151, SB1218, SB1304, HB2037, HB 2014, HB2128, HB2242, HB2243, HB2267, HB2433

Mr. Winter asked the Board if he should send a mass email to the Board's registrant population regarding SB1304. Board Members answered 'no.'

Dr. Angel updated the Board regarding SB1062 and SB1304.

D. 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)(3) [Discussion or consultation for legal advice with the attorney or attorneys of the public body.] and 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.]

Dr. Angel moved and Mr. Noel seconded to enter executive session to obtain legal advice from outside counsel and discussion or consultation with the attorneys of the public body in order to consider its position and instruct its attorney 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 at 10:08am; motion carried unanimously.

The Board reentered open session at 11:17am.

Dr. Angel moved and Mr. Noel seconded to direct outside Board counsel to proceed as discussed in the executive session; motion carried unanimously.

After the vote, Mr. Harris asked who he should direct his questions to regarding this matter since the Executive Director was retiring. Board members decided that Robert Stam would be in the best position to receive communications from outside counsel.

#### E. Possible Board Officer Election

Dr. Angel moved and Mr. Noel seconded to elect Ms. Wyckoff chairman, Mr. Gilmore vice chair and Mr. McAllister secretary; motion carried unanimously.

### 10. DIRECTOR'S REPORT

#### A. Statistics Review

Nothing Discussed

### 11. BOARD CHAIR'S REPORT

Answer to question: whether a Board member needs to be a resident of Arizona to be a Board Member

Board members were aware that Mr. Foose stepped down as a Board member shortly after his conversation with the Governor's office regarding this question, but Mr. Foose was no longer present to answer the question.

### 12. ASSISTANT ATTORNEY GENERAL'S REPORT

Update on Open Meeting Law Complaint filed against the Board

Mr. Donald stated that there were no new updates.

### **13. STANDING COMMITTEE REPORTS**

A. Legislation and Rules Committee – No new date

Nothing discussed

B. Home Inspector Rules and Standards Committee – No new date

Nothing discussed

### **14. BOARD MEMBER REPORTS/DISCUSSION ON OUTSIDE NATIONAL COUNCIL ACTIVITIES, NEWS AND MEETINGS**

A. ASBOG

B. CLARB

C. NCARB

D. NCEES

E. ABET

F. Land Surveyor Task Force

Nothing Discussed

### **15. FUTURE BOARD MEETINGS – March 23, 2021**

### **16. SUGGESTED TOPICS FOR FUTURE MEETING AGENDAS.**

Nothing discussed

### **17. EXECUTIVE DIRECTOR POSITION**

Review, Consideration, and Possible Action on the following:

*The Board may vote to enter executive session to review 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).*

A. Interim Director's Compensation and scope of employment

Mr. Noel moved and Mr. McAllister seconded to enter executive session to review confidential information pursuant to A.R.S. § 38-431.03(A)(2) and receive legal advice pursuant to A.R.S. § 38-431.03(A)(3) at 1:34pm; motion carried unanimously.

The Board reentered open session at 1:44pm.

Dr. Angel moved and Ms. Wyckoff seconded to recommend to the Governor's Office that Mr. Stam be compensated, retroactively, as interim executive director per the Board's discussion in executive session; motion carried unanimously.

The Board directed Mr. Stam to take on the roles and duties of executive director.

**B. Executive Director Hiring Process and General Questions**

See Agenda 17C

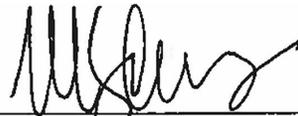
**C. Executive Director Hiring Committee – Job posting language and next steps. The discussion and possible action may include the selection of a date and time for future Committee meetings, appointing Committee members, and the Board delegating tasks to the Committee.**

Mr. Winter informed the Board that the hiring committee could create its own schedule, meeting dates and agendas. Mr. McAllister asked if those who had already applied would need to reapply when ADOA reposted the job opening. Mr. Stam answered 'no.' Ms. Wyckoff asked if the Board could announce the new job posting. Mr. Donald answered 'yes.' Mr. Winter asked if the Board wanted to direct him to send out a mass email to the Board's registrant population announcing the job opening. Board members answered 'yes.'

Board members scheduled the first EDHC meeting to take place on February 25, 2021 at 1pm.

**18. MEETING ADJOURNMENT – 1:58pm**

Signed this day March 23, 2021,



Melissa Cornelius, Executive Director



Carmen Wyckoff, Board Chair