

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

Tuesday, April 27, 2021 beginning at 9:00 a.m.  
1110 W. Washington, Conference Room #240  
Phoenix, AZ 85007

1. **CALL TO ORDER – 9:00am**

2. **ROLL CALL –**

**Present:** Neal Jones, Jack Gilmore, Carmen Wyckoff, Stephen Noel, Hemuth Hack

**Telephonic:** Alejandro Angel, Andrew Everroad

**Absent:** Clarence McAllister

**Staff:** Melissa Cornelius, Robert Stam, Douglas Parlin, Julie Pham, Kurt Winter

**AAG:** Scott Donald, Deanie Reh, Sunita Krishna

3. **CALL TO THE PUBLIC**

Ben Lepley appeared before the Board.

Mr. Lepley requested that the Board consider allowing licensees to change their license numbers.

4. **ADOPTION OF MINUTES**

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 4(B),(D).*

A. Approve, modify and/or reject, Board meeting minutes.

1. March 23, 2021 Board meeting

Mr. Gilmore moved and Dr. Angel seconded to approve the minutes; motion carried. Mr. Hack abstained.

B. Approve, modify and/or reject, Executive Session minutes.

1. March 23, 2021 Executive Session A

Mr. Gilmore moved and Dr. Angel seconded to approve the minutes; motion carried. Mr. Hack abstained.

2. March 23, 2021 Executive Session B

Mr. Gilmore moved and Dr. Angel seconded to approve the minutes; motion carried. Mr. Hack abstained.

3. March 23, 2021 Executive Session C

Mr. Gilmore moved and Dr. Angel seconded to approve the minutes; motion carried. Mr. Hack abstained.

4. March 23, 2021 Executive Session D

Mr. Gilmore moved and Dr. Angel seconded to approve the minutes; motion carried. Mr. Hack abstained.

5. March 23, 2021 Executive Session E

Mr. Gilmore moved and Dr. Angel seconded to approve the minutes; motion carried. Mr. Hack abstained.

**5. 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 items 5(A),(B).*

A. Review, Consideration and Possible Action on Signed Consent Agreement in Lieu of Formal Hearing

1. P21-003, Kuhn, Martin and Minerals Advisory Group, LLC

A.A.G. Deanie Reh appeared telephonically representing the State. A.A.G. Sunita Krishna appeared telephonically to provide legal advice to the Board. Respondent appeared telephonically, but was unable to participate due to technical difficulties. The Board proceeded without him.

Dr. Angel moved and Mr. Jones seconded to accept the signed consent agreement; motion carried unanimously.

B. Review, Consideration and Possible Action on Request to Continue Hearing

1. P18-070; P19-031, Takach Peter

A.A.G. Scott Donald appeared before the Board representing the State. A.A.G. Sunita Krishna appeared telephonically to provide legal advice to the Board.

Mr. Donald stated that the State did not have any issues with Respondent's request for a continuance. Ms. Wyckoff stated that she wished to see this matter before the Board at its next meeting.

Mr. Noel moved and Mr. Gilmore seconded to approve Respondent's request to continue the hearing; motion carried unanimously.

## 6. 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 6(A)-(E).*

### A. Complaints Proposed for Resolution by Dismissal or Closure:

1. P21-017, Robert Rogers, P.E (Structural) #49872 and Schaefer, Inc., Firm #15924

Registrant and Registrant's counsel, Mr. Packard, appeared telephonically.

Dr. Angel asked why the plans in question were not sealed. Registrant explained that the plans were for reporting purposes only, that another firm created the plans originally and that Registrant firm staff specified on the plans that they were not final. Dr. Angel stated that, per A.R.S. 32-125, all plans should be sealed by a registrant. Ms. Wyckoff suggested that the Board issue a letter of concern instead of dismissing the case.

Dr. Angel moved and Mr. Hack seconded to issue a letter of concern; motion carried unanimously.

2. P21-051, Harvey Bryan, R.A. #34448 (Delinquent)

The Alleger, Mr. Augspurger, appeared before the Board and presented his concerns.

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

3. HI21-015, Dylan Bucknavich, C.H.I #43777

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

4. HI21-013, Jonathan Hughett, C.H.I. #61594

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

B. Complaints Proposed for Resolution with Signed Consent Agreements:

1. P20-053, Alan C. Nichols, P.E. (Mechanical) #20344 and Al Nichols Engineering, Firm #19429

Mr. Jones moved and Mr. Gilmore seconded to accept the signed consent agreement; motion carried unanimously.

2. HI21-007, Hector Suppici, aka Elbio H. Suppici, C.H.I. #65564 and Regal Choice, Firm #23078

Mr. Jones moved and Mr. Gilmore seconded to accept the signed consent agreement; motion carried unanimously.

3. P21-050, Consulting Engineers, Corp, DBA: IDES International Design & Engineering Solutions, Firm #23005

Mr. Jones moved and Mr. Gilmore seconded to accept the signed consent agreement; motion carried unanimously.

4. P21-047, Thomas Reuter, R.A. #53268

Mr. Jones moved and Mr. Gilmore seconded to accept the signed consent agreement; motion carried unanimously.

## 7. 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 7(A)-(J).*

### A. Universal Application for registration

1. Blake, Kenneth – Universal Application for registration as a Civil Engineer #210430

Mr. Gilmore moved and Mr. Jones 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.

2. Guenther, Christopher – Universal Application for certification as a Home Inspector #210284

Mr. Gilmore moved and Mr. Jones 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.

3. Lantz, Karen - Universal Application for registration as an Architect #210876

Mr. Gilmore moved and Mr. Jones 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. Extension requests

1. Bell, Justan – Extension request for FG exam #193031

Mr. Gilmore moved and Mr. Jones seconded to grant Mr. Bell's request for a six month extension; motion carried unanimously.

2. Morales, Gustavo – Extension request for FE exam #191865

Mr. Gilmore moved and Mr. Jones seconded to grant Mr. Morales request for a six month extension; motion carried unanimously.

3. Neundorff, Jeremy – Extension request for FG exam #191999

Mr. Gilmore moved and Mr. Jones seconded to grant Mr. Neundorff's request for a six month extension; motion carried unanimously.

4. Thomas, Helen – Extension request for PG exam #200610

Mr. Gilmore moved and Mr. Jones seconded to grant Ms. Thomas's request for a six month extension; 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. Gilmore moved and Mr. Noel seconded to cancel registration and certifications that have been expired for one full renewal period but omit John Alexander 38756; 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:

*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 9(A)-(D). 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 9(C).*

- A. Pending Legislation: SB1062, SB1063, SB1151, SB1218, SB1272, SB1304, HB2037, HB 2014, HB2128, HB2242, HB2243, HB2267, HB2433

Ms. Cornelius reported that the Governor was likely to sign into law legislation re-defining moral turpitude and that SB1304 still had not moved forward in the legislature.

- B. Question from the Public: clarification regarding exemptions (A.R.S. § 32-144)

Mr. Mangels appeared telephonically.

Mr. Mangels asked the Board to clarify A.R.S. § 32-144. Mr. Donald informed the Board and Mr. Mangels that the Board could not speak to hypothetical situations. Mr. Hack and Dr. Angel gave their opinions regarding what they considered non-exemptions. Dr. Angel suggested that the Board discuss creating a substantive policy statement to clarify the statute at a future board meeting.

## 10. DIRECTOR'S REPORT

- A. Statistics Review

- a. Budget

Ms. Cornelius reported that the Board was within its budget; that the Board's savings were intact and could be utilized to pay for a new online licensing system; and, that the Governor's office was looking to downsize office spaces of various agencies.

- B. Previous Meeting Follow-up

- a. National Council and Exam Updates

- i. NCARB – Annual meeting June 24-26, 2021

- ii. NCEES – Western Zone Meeting May 13, 2021; Annual Meeting August 19-20, 2021

Ms. Cornelius reported that NCEES would allow only a small number of in person members to physically participate in the meeting. Mr. Hack stated he would like to participate remotely.

- iii. CLARB – Annual Meeting September 2021

Ms. Cornelius reported that the CLARB meeting would take place in Phoenix in September.

- iv. ASBOG – Teleconference April 26, 2021
- v. AZSLS – 5 candidates to take exams this month

b. Board Composition

Ms. Cornelius reported that the Board was still waiting for Governor's office to appoint new members.

c. Staff and Member Update

Ms. Cornelius reported that Deputy Director Robert Stam was leaving the State to pursue personal projects.

d. Recruitment of Application Evaluators

Ms. Cornelius reported that the Board had reached out to its EAC members, particularly geologists, land surveyors and landscape architects, to recruit more evaluators.

e. Land Surveyor Boundary Minimum Standards

Ms. Cornelius reported that the Governor's office still has not approved the Board's request to enter the rulemaking process. Mr. Hack opined that the standards did not need updating and that the Board or another professional entity should offer an educational program or course on the minimum standards for new licensees.

C. Director's Meetings and Correspondence

Nothing discussed.

**11. BOARD CHAIR'S REPORT**

Nothing to discuss

## **12. ASSISTANT ATTORNEY GENERAL'S REPORT**

### **A. Update on Open Meeting Law Complaint filed against the Board**

Mr. Donald reported that a new prosecutor from the county was taking over the complaint.

### **B. Board training on loss of absolute immunity through acting in an arbitrary and capricious manner.**

Mr. Donald made a presentation to Board members and staff regarding loss of immunity through acting in an arbitrary and capricious manner.

## **13. STANDING COMMITTEE REPORTS**

*The Board may vote to enter executive session pursuant to A.R.S. § 38-431.03(A)(1) (Personnel Matters), 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 13(A).*

### **A. Home Inspector Rules and Standards Committee – May 4, 2021 Meeting**

## **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

Ms. Cornelius asked if the Board wished to keep ABET on future agendas.

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

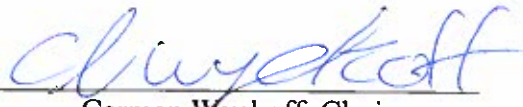
Record stamping, substantive policy discussion 32-144, computer system, Mills matter



16. **FUTURE BOARD MEETINGS** – May 25, 2021

17. **MEETING ADJOURNMENT** – 11:12am

Signed May 25, 2021

  
Carmen Wyckoff, Chairperson

  
Judith Stapley, Executive Director