



State of Arizona

BOARD OF TECHNICAL REGISTRATION

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MINUTES FOR REGULAR SESSION MEETING

Tuesday, June 22, 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**

BOARD MEMBERS PRESENT

Dr. Alejandro Angel
Stephen Noel
Clarence McAllister - Secretary
Helmuth Hack
Neal Jones
Jack Gilmore – Vice Chairperson

BOARD MEMBERS ABSENT

Carmen Wyckoff – Chairperson
Andrew Everroad

BOARD STAFF PRESENT

Judith Stapley – Executive Director
Kurt Winter – Assistant Director
Julie Pham – Licensing Manager
Douglas Parlin – Enforcement Manager

ASSISTANT ATTORNEY GENERAL – Scott Donald, Esq.

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

Mr. Noel made a motion, seconded by Mr. McAllister, to approve the May 25, 2021, Regular Session Minutes as drafted. The motion carried unanimously, 6-0.

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

Mr. Noel made a motion, seconded by Mr. Hack, to approve the May 25, 2021 Executive Session Minutes as drafted. The motion carried unanimously, 6-0.

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

Mr. Jones made a motion, seconded by Mr. Hack, to dismiss case P21-061, Dale Farmas. The motion carried unanimously, 6-0.

2. P21-060, David Klein, R.L.S. #42137 R.A. #49197

Mr. Klein was present telephonically.

Dr. Angel made a motion, seconded by Mr. Hack, to dismiss case P21-060, David Klein. The motion carried unanimously, 6-0.

3. HI21-024, Jason Farrier, C.H.I. #38071

Mr. Farrier was present telephonically.

Mr. Jones made a motion, seconded by Mr. Hack, to dismiss case HI21-024, Jason Farrier. The motion carried unanimously, 6-0.

4. P21-068, Andrew Myszak, Non-Registrant and Real Estate Authority, Non-Registrant Firm

Mr. Jones made motion, seconded by Mr. Hack, to dismiss case P21-068, Andrew Myszak. The motion carried unanimously, 6-0.

5. P21-054, Ivo Buddeke, R.L.S. #32230 and Rimrock Land Surveys, LLC #12048

A Board member expressed concern that a member of the public may have removed monuments. Board members deliberated whether to open an investigation or potentially forward this matter to a city or county prosecutor. The Board's Assistant Attorney General, Scott Donald, reminded Board members of Board jurisdiction.

Mr. Hack made a motion, seconded by Mr. Noel, to dismiss the case P21-054, Ivo Buddeke and Rimrock Land Surveys. The motion carried unanimously, 6-0.

Dr. Angel made a motion, seconded by Mr. Hack, to direct Board staff to send a letter to the City of Sedona and Yavapai County regarding the removal of monuments. The motion carried unanimously, 6-0.

6. HI21-005, David Berry, C.H.I. #38633

Mr. Berry was present telephonically.

Mr. Hack made a motion, seconded by Mr. Jones, to dismiss case HI21-005, David Berry and C.H.I. #38633. The motion carried unanimously, 6-0.

B. Complaints Proposed for Resolution by Letters of Concern:

1. HI20-020, Valentin Minchev, C.H.I. #68439

Mr. Jones made a motion, seconded by Mr. Hack, to issue a letter of concern to Valentin Minchev. The motion carried unanimously, 6-0.

2. HI21-032, Eric Spears, C.H.I. #43458 and Industry Standard Home Inspection, LLC #13729

Mr. Spears was present telephonically.

Mr. Spears stated that he believed his renewal fee was submitted and was unaware that there were issues.

Board members deliberated and determined that this matter was a communication error between Mr. Spears and Board staff. After deliberation, Dr. Angel made a motion, seconded by Mr. Hack, to dismiss case HI21-032. The motion carried unanimously, 6-0.

3. HI21-018, Vernon Sandt, C.H.I. #61579

Mr. Sandt and his attorney, Bryck Guibor, Esq., were present telephonically, requested to speak and made a statement indicating that the issues in question were remedied and any potential violations would be de minimis. They requested that the Board dismiss the case.

Mr. Noel made a motion, seconded by Mr. Hack, to dismiss case HI21-018. The motion carried unanimously, 6-0.

C. Complaints Proposed for Resolution with Signed Consent Agreements:

1. HI21-019, Joseph Tobin, C.H.I. #65563

Mr. Tobin was present telephonically, requested to speak and made a statement. He explained his difficulty in acquiring a peer reviewer due to his location. The Board's Executive Director, Ms. Stapley, provided the Board its option of continuing this matter to a future Board meeting to allow Mr. Tobin time to obtain a peer reviewer. The Board's Assistant Director, Mr. Winter, indicated that Mr. Tobin has the option to search the American Society of Home Inspections (ASHI) website for a peer reviewer. A Board member stated the Board may strike the language requiring Mr. Tobin to complete his peer reviews prior to any paid home inspection.

Dr. Angel made a motion, seconded by Mr. Hack, to amend and accept the signed Consent Agreement, striking the language requiring Mr. Tobin to complete his peer reviews prior to any paid home inspection. The motion carried unanimously, 6-0.

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

Mr. Huff was present telephonically. The Alleger, Mr. South, was present telephonically.

See discussion under agenda item 5. C. 3.

Mr. Gilmore made a motion, seconded by Mr. Hack, to accept the signed Consent Agreement. The motion carried unanimously, 6-0.

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

Mr. Santos was present telephonically and answered Board members questions. The Alleger, Mr. South, was present telephonically, requested to speak, made a statement and answered Board members' questions.

Mr. South requested that the Board provide more assistance to individuals that are in a similar situation as his. Additionally, he opined that Epic Engineering should not be allowed to practice in Arizona.

Board members asked the Board Investigator, Ms. Correll, how she calculated the restitution amounts within both Consent Agreements. Ms. Correll stated that the amounts were consistent with the egregiousness of the violations in these matters. She further stated that both Mr. Santos and Epic Engineering were cooperative during the investigation. Board members deliberated sending a letter to Coconino County to address the possibility that other homes in Mr. South's subdivision may have similar

issues. Ms. Correll provided the Board its option to refer this matter to the Registrar of Contractors (ROC) regarding Capstone Homes. Board members deliberated the Consent Agreements.

After deliberation, Dr. Angel made a motion, seconded by Mr. Hack, to accept the signed Consent Agreements and to forward this matter to the ROC. The motion carried unanimously, 6-0.

The Board recessed at 10:14 a.m. Open session reconvened 10:24 a.m.

D. Compliance and Monitoring Investigations:

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

Mr. Zarifi was present telephonically, requested to speak, made a statement and answered Board members' questions. The Alleger, Mr. Rosenberg, appeared telephonically, requested to speak, made a statement and answered Board members' questions.

The Investigator, Ms. Correll, provided a summary to the Board. She indicated that she received additional evidence that Mr. Zarifi was sealing structural work with a restriction on his practice. Mr. Zarifi stated that he was not provided any new evidence.

Board members asked Mr. Zarifi if he signed the calculations dated February 2019. Mr. Zarifi answered "no". Board members asked Mr. Zarifi if he allowed his son to use his stamp in August 2019. Mr. Zarifi answered "no". Board members asked Mr. Zarifi to explain his delayed response to Board staff communications. Mr. Zarifi stated he had medical issues which delayed his response time to Board staff. Board members asked Mr. Zarifi if he sealed his calculations prior to the Board restricting his practice. Mr. Zarifi answered 'yes.'

Mr. Rosenberg opined that Mr. Zarifi was not being candid and that he had not seen a special report for the Sakla residence. Mr. Zarifi stated he never completed a special inspection for the Sakla residence. Board members asked the Board's Assistant Attorney General, Mr. Donald, if the Board could consider any new evidence not included in the original complaint. Mr. Donald answered that the Board could consider the new information when deciding on whether to offer the proposed Consent Agreement or, the Board could direct staff to investigate further.

After deliberation, Dr. Angel made a motion, seconded by Mr. Jones, to offer the Consent Agreement as drafted with the following additions: Respondent must complete a 4 hour ethics course within 90 days and, if Mr. Zarifi does not sign within 30 days, to forward case P20-054 to a Formal Hearing for revocation. The motion carried unanimously, 6-0.

E. Review and Approval for EAC Membership:

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

Mr. Hack made a motion, seconded by Mr. Jones, to approve Mr. Skaggs's appointment. The motion carried unanimously, 6-0.

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

Dr. Angel made a motion, seconded by Mr. Jones, to grant Mr. O'Dear registration based upon the Board's determination that the practice level of Mr. O'Dear's state of original registration is equivalent to Arizona. The motion carried unanimously, 6-0.

2. Bradsby, Bruce - Universal Application for Registration as an Architect #210729

Dr. Angel made a motion, seconded by Mr. Jones, to grant Mr. Bradsby registration based upon the Board's determination that Mr. Bradsby's state of original registration practice level is equivalent to Arizona. The motion carried unanimously, 6-0.

3. Drake, Brandon - Universal Application for Registration as a Home Inspector #211304

Dr. Angel made a motion, seconded by Mr. Jones, to grant Mr. Drake registration based upon the Board's determination that Mr. Drake's state of original registration practice level is equivalent to Arizona. The motion carried unanimously, 6-0.

B. Application for Registration

1. Johnson II, Nicholas - Application for Land Surveyor In-Training Designation #211426

Mr. Johnson was present.

The Board deliberated Mr. Johnson's felony charge and noted that the charge is more than twenty years old. After deliberation, Dr. Angel made a motion, seconded by Mr. Hack, to grant Mr. Johnson registration. The motion carried unanimously, 6-0.

2. Reff, Kevin - Application for Landscape Architect Registration #210682

Mr. Gilmore made a motion, seconded by Dr. Angel, to grant Mr. Reff registration. The motion carried unanimously, 6-0.

C. Extension Request

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

Dr. Angel made a motion, seconded by Mr. Hack, to grant Ms. Nieves the extension request. The motion carried unanimously, 6-0.

D. Fundamental Exam (FE) Waiver and approval to sit for the Professional Exam (PE)

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

Board members noted that Mr. Hani did not complete a program, or an equivalent program, that is accredited by the Board for Engineering Technology (ABET). Board members noted that it is required that an individual complete an ABET, or equivalent program, in order for the FE to be waived. After deliberation, Dr. Angel made a motion, seconded by Mr. Noel to deny Mr. Hani's waiver request. The motion carried unanimously, 6-0.

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

Dr. Angel made a motion, seconded by Mr. Jones, to deny the waiver request. The motion carried unanimously, 6-0.

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;

Mr. Jones made a motion, seconded by Mr. Noel, to cancel registrations and certifications that have been expired for one full renewal period. The motion carried unanimously, 6-0.

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

Nothing discussed.

9. DIRECTOR'S REPORT

A. AZBTR 100 Years Old

Ms. Stapley reported that the Board was created 100 Years ago this month and provided interesting facts to the Board.

B. Statistics Review

- a. Monthly Numbers
- b. Budget

Ms. Stapley reported on the monthly numbers and budget.

C. Previous Meeting Follow-up

- a. National Council and Exam Updates
 - i. National Council of Architectural Registration Boards (NCARB) – Annual Meeting in Los Angeles June 24-26, 2021
 - ii. National Council of Examiners for Engineering and Surveying (NCEES) – Resolution of Cooperation. Annual Meeting in New Orleans August 19-20, 2021

Ms. Stapley requested that the Board determine whether it will sign NCEES Resolution of Cooperation memo. Board members determined it would sign the document since it is non-binding.

The Board directed staff to sign document and send the Resolution of Cooperation to NCEES.

- iii. CLARB – Annual Meeting September 22-24, 2021

iv. ASBOG – Meeting Little Rock October 25, 2021

b. Board Composition

Ms. Stapley reported that only one Board member is serving a current term. All other Board member terms have expired.

c. 90/10 Director's Meeting

Ms. Stapley reported that the Board will need to designate a security officer and privacy officer. She summarized the need to implement policies and procedures for drug and alcohol testing of employees due to the passing of Proposition 207.

d. Staff and Member Update

i. New Assistant and Deputy Director

Ms. Stapley reported that Kurt Winter is the new Assistant Director and Heather Broaddus is the new Deputy Director of the Board.

ii. Additional Staff

Ms. Stapley reported that the Board will be conducting interviews to hire additional staff for operations, licensing and enforcement.

iii. Staff equipment

Nothing discussed.

10. BOARD CHAIR'S REPORT

Nothing to discuss

11. ASSISTANT ATTORNEY GENERAL'S REPORT

Update on Open Meeting Law Complaint filed against the Board

Nothing discussed.

12. STANDING COMMITTEE REPORTS

A. Home Inspector Rules and Standards Committee (HIRSC) – September 14, 2021

Board members suggested that the HIRSC discuss report software at its next meeting.

B. Legislation and Rules Committee – No new meeting date

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

- A. National Association of State Boards of Geology (ASBOG) – Ms. Broaddus will attend the October 25, 2021, meeting as Mr. Noel has scheduling conflicts.
- B. The Council of Landscape Architectural Registration Boards (CLARB) – nothing discussed
- C. National Council of Architectural Registration Boards (NCARB) – nothing discussed
- D. National Council of Examiners for Engineering and Surveying (NCEES) – nothing discussed

14. CALL TO THE PUBLIC

No one appeared before the Board.

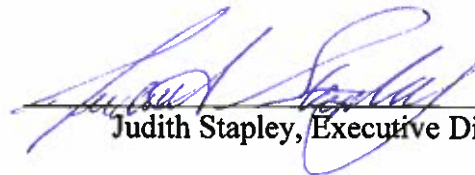
15. SUGGESTED TOPICS FOR FUTURE MEETING AGENDAS.

16. FUTURE BOARD MEETINGS – July 27, 2021

17. MEETING ADJOURNMENT – 12:05pm



Carmen Wyckoff, Board Chairperson



Judith Stapley, Executive Director