



**State of Arizona**

**BOARD OF TECHNICAL REGISTRATION**

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

Tuesday, August 24, 2021 beginning at 9:00 a.m.  
1110 W. Washington, Conference Room #250  
Phoenix, AZ 85007

1. **CALL TO ORDER – 9:02 a.m.**

2. **ROLL CALL**

**BOARD MEMBERS PRESENT**

Carmen Wyckoff – Chairperson  
Jack Gilmore – Vice Chairperson  
Clarence McAllister – Secretary  
Stephen Noel

**BOARD MEMBERS PARTICIPATING TELEPHONICALLY**

Andrew Everroad  
Helmuth Hack

**BOARD MEMBERS ABSENT**

Dr. Alejandro Angel  
Neal Jones

**BOARD STAFF PRESENT**

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

**ASSISTANT ATTORNEY GENERAL PRESENT**

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. July 27, 2021, Board meeting minutes

Mr. Gilmore made a motion, seconded by Mr. Noel, to approve the July 27, 2021, minutes as drafted. The motion carried unanimously, 6-0.

#### 4. CONSIDERATION OF CASES REFERRED FOR FORMAL HEARING

Nothing to Discuss

#### 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)-(C).*

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

###### 1. P21-071, Najib Monsif, P.E. (Civil) #47525

Mr. Monsif was present, introduced himself and offered to answer any questions the Board may have. The Allegor was not present. The Board deliberated case number P21-071. After deliberation, Mr. McAllister made a motion, seconded by Mr. Gilmore, to dismiss case number P21-071 as there were no violations of statute or rule. The motion carried unanimously, 6-0 on a roll call vote.

###### 2. P21-064, Jeffrey Flahart, R.L.S. #34711

Mr. Flahart was not present. The Allegor, Bill Csencsits, was present, requested to speak, made a statement and answered Board members' questions. The Board's Investigator, Douglas Kraemer, was present and summarized the case for the Board. The Board deliberated case number P21-064. After deliberation, Mr. Noel made a motion, seconded by Mr. McAllister, to dismiss case number P21-064 as there were no violations of statute or rule. The motion carried unanimously, 6-0 on a roll call vote.

###### 3. P21-066, David Beard, P.E. (Civil) #58566

Mr. Beard was present, introduced himself and offered to answer any questions the Board may have. The Allegor was not present. The Board deliberated case number P21-066. After deliberation, Mr. Gilmore made a motion, seconded by Mr. Noel, to dismiss case number P21-066 as there were no violations of statute or rule. The motion carried unanimously, 6-0 on a roll call vote.

###### 4. HI21-014, Peggy DeCocq, C.H.I. #67211

Ms. DeCocq was present, introduced herself and offered to answer any questions the Board may have. The Allegor was not present. The Board deliberated case number HI21-014. After deliberation, Mr. Gilmore made a motion, seconded by Mr. McAllister, to dismiss case number HI21-014 as there were no violations of statute or rule. The motion carried unanimously, 6-0 on a roll call vote.

B. Complaints Proposed for Resolution by Letters of Concern:

1. HI21-030, Stephen Wasden, C.H.I. #68545

Neither Mr. Wasden nor the Alleger were present. The Board deliberated case number HI21-030. After deliberation Mr. Gilmore made a motion, seconded by Mr. Noel, to issue the proposed Letter of Concern to Mr. Wasden. The motion carried unanimously, 6-0 on a roll call vote.

C. Complaints Proposed to Offer Consent Agreement:

1. P21-055, Joseph Zeimet, R.L.S. #45086 and East Valley Surveying and Mapping, LLC, Firm #16100

Mr. Zeimet was present telephonically, requested to speak, made a statement and answered Board members' questions. The Alleger was not present. The Board's Investigator, Douglas Kraemer, was present and provided a summary to the Board. The Board deliberated case number P21-055. After deliberation, Mr. Gilmore made a motion, seconded by Mr. Noel, to offer the proposed Consent Agreement to Mr. Zeimet. The motion failed 0-6 on a roll call vote. Ms. Wyckoff made a motion, seconded by Mr. Hack, to offer a modified Consent Agreement in which the cost of the investigation will be decreased. The motion carried unanimously, 6-0 on a roll call vote.

Mr. Gilmore made a motion, seconded by Mr. Hack, to issue the proposed Letter of Concern to Mr. Zeimet for entering a property without consent and for removing stakes. The motion carried unanimously, 6-0 on a roll call vote.

2. AL21-006, Patrick Flannagan, Controlling Person #58626 and Function By Design Communications, LLC, Alarm Business #18752

Neither Mr. Flannagan nor the Alleger were present. The Board's Investigator, Shawn Thacker, was present and provided a summary to the Board. The Board deliberated case number AL21-006. After deliberation, Mr. Gilmore made a motion, seconded by Mr. Noel, to offer the proposed Consent Agreement with an increase in the penalty fee. The motion carried unanimously, 6-0 on a roll call vote.

3. P21-067, Tammy Adams, Non-Registrant

Ms. Adams was not present. The Alleger, Ronnie Litchfield, was present, requested to speak, made a statement and answered Board members' questions. The Board's Investigator, Daniel Carthel, was present and provided a summary to the Board. The Board deliberated case number P21-067. After deliberation, Mr. Hack made a motion, seconded by Mr. Noel, to offer the proposed Consent Agreement. If Ms. Adams does not sign the proposed Consent Agreement within 30 days the matter will be forwarded to hearing. The motion carried unanimously, 6-0 on a roll call vote.

Mr. Hack made a motion, seconded by Mr. Gilmore, to forward case number P21-067 to the Attorney General's Office for potential criminal investigation. The motion carried unanimously, 6-0 on a roll call vote.

4. P21-075, Stanford Lake, P.E. (Civil) #41946

Neither Mr. Lake nor the Allegor were present. The Board's Investigator, Gregory Roehm was present. The Board deliberated case number P21-075. After deliberation, Mr. Gilmore made a motion, seconded by Mr. McAllister, to accept the signed Consent Agreement. The motion carried unanimously, 6-0 on a roll call vote.

5. P21-018, William Bixler, P.E. (Structural) #46644

The Allegers, Joseph Geruasio and Jack Gordon, were present telephonically, requested to speak, made a statement and answered Board members' questions. Mr. Bixler and his attorney, John Condry, were present, requested to speak, made a statement and answered Board members' questions. Mr. Condry expressed concern with the Enforcement Advisory Committee procedures. The Board's Investigator, Douglas Kraemer, was present and provided a summary to the Board. The Board deliberated case number P21-018. After deliberation, Mr. Hack made a motion to dismiss case number P21-018. The motion failed due to lack of a second.

Mr. Gilmore made a motion, seconded by Mr. McAllister, to refer this matter to a second Enforcement Advisory Committee. The recommendations of the second Enforcement Advisory Committee will be reviewed at a future Board meeting. The motion carried, 5-1 with Mr. Hack voting nay on a roll call vote.

6. P21-076, James D. Smith, Non-Registrant

Mr. Smith was present telephonically, requested to speak, made a statement and answered Board members' questions. The Allegor was not present. The Board's Investigator, Douglas Kraemer, was present and provided a summary to the Board. The Board deliberated case number P21-076. After deliberation, Mr. Gilmore made a motion, seconded by Mr. Noel, to offer the proposed Consent Agreement. The motion carried 5-1 with Mr. Hack voting nay on a roll call vote.

## 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)-(D).*

### A. Application for Registration/In-Training Designation

1. Liggett, Chase – Application for registration as a Civil Engineer #211684

Mr. Liggett was present telephonically, introduced himself and provided a summary of his misdemeanor to the Board. The Board reviewed Mr. Liggett's application. After review, Mr. McAllister made a motion, seconded by Mr. Gilmore, to grant Mr. Liggett the requested registration as the application meets the requirements of statute and rule. The motion carried unanimously, 6-0.

2. Robley, Ryan – Application for registration as a Structural Engineer #211559

Ms. Wyckoff stated she knows the applicant and indicated no conflict as she could be fair and impartial.

Mr. Robley was not present. The Board reviewed Mr. Robley's application and noted the misdemeanor charge reported on his application. After review, Mr. Gilmore made a motion, seconded by Mr. Hack, to grant the requested registration as the application meets the requirements of statute and rule. The motion carried unanimously, 6-0.

3. Tran, Hung – Application for registration as a Civil Engineer #211841

Mr. Tran was not present. The Board reviewed Mr. Tran's application and noted the misdemeanor charge reported on his application. After review, Mr. Gilmore made a motion, seconded by Mr. Hack, to grant the requested registration as the application meets the requirements of statute and rule. The motion carried unanimously, 6-0.

4. Elliot, Thomas – Application for registration as a Control Systems Engineer #211217

Mr. Elliot was not present. The Board reviewed Mr. Elliot's application and noted the misdemeanor charge reported on his application. After review, Mr. Gilmore made a motion, seconded by Mr. McAllister, to grant the requested registration as the application meets the requirements of statute and rule. The motion carried unanimously, 6-0.

5. Daniel, David – Application for registration as an Architect #211652

Mr. Daniel was not present. The Board reviewed Mr. Daniel's application and noted the misdemeanor charge reported on his application. After review, Mr. Gilmore made a motion, seconded by Mr. McAllister, to grant the requested registration as the application meets the requirements of statute and rule. The motion carried unanimously, 6-0.

6. Alexander, Todd – Application for registration as Structural Engineer #211910

Mr. Alexander was not present. The Board's Licensing Manager, Julie Pham, was present and provided a summary of the application to the Board. Ms. Pham stated that Mr. Alexander is requesting registration as a structural engineer but he has only taken

part 1 of the exam for structural engineering. The Board noted the misdemeanor Mr. Alexander reported on his application. The Board expressed concern that Mr. Alexander has not taken the second exam for structural engineering. The Board directed Board staff to contact Mr. Alexander to discuss the option of withdrawing his application or, submitting a different application.

7. Evans, Ronald – Application for registration as an Electrical Engineer #211447

Mr. Evans was not present. The Board noted that Mr. Evans did not answer the question regarding misdemeanors on the application appropriately. The Board expressed concern that Mr. Evans did not answer the question appropriately as he was sentenced to jail time. It was the consensus of the Board to continue Mr. Evan's application to obtain additional information regarding his misdemeanor and to request that he provide an explanation regarding his answer to the misdemeanor question on the application.

8. Oliver, Stephen – Application for registration as an Architect #211952

Mr. Oliver was present telephonically, requested to speak and provided a summary of the disciplinary action in another jurisdiction to the Board. The Board reviewed Mr. Oliver's application. After review, Mr. Gilmore made a motion, seconded by Mr. Noel, to grant the requested registration as the application meets the requirements of statute and rule. The motion carried unanimously, 6-0.

9. Mitchell, Stephen – Application for registration as a Civil Engineer #211507

Mr. Mitchell was not present. The Board reviewed Mr. Mitchell's application and noted the misdemeanor charge he reported on his application. After review, Mr. Gilmore made a motion, seconded by Mr. Noel, to grant the requested registration as the application meets the requirements of statute and rule. The motion carried unanimously, 6-0.

10. Kaligotla, Phani Sasank – Application for registration as a Civil Engineer #211682

Mr. Kaligotla was not present. The Board's Licensing Manager, Julie Pham, was present and provided a summary to the Board. Ms. Pham stated that one of Mr. Kaligotla's references is not a registrant. The Board reviewed Mr. Kaligotla's application. After review, Mr. Mcallister made a motion, seconded by Mr. Noel, to grant the requested registration as the application meets the requirements of statute and rule. The motion carried unanimously, 6-0.

11. Welch, Kenneth - Application for registration as a Home Inspector #211760

Mr. Welch was present telephonically, requested to speak and provided a summary to the Board. The Board's Executive Director, Judith Stapley, provided a timeline of Mr. Welch's renewal application, financial assurance expiration and Board staff communication with Mr. Welch. The Board noted that pursuant to A.R.S. §32-

122.02(A) (6) it cannot statutorily grant a Home Inspector certification to Mr. Welch at this time. The Board took no action in this matter.

#### B. Extension Request

1. Bluvstein, Wesley – Application for PG Exam Authorization #210634

After Board review of Mr. Bluvstein's extension request, Mr. Noel made a motion, seconded by Mr. Gilmore, to grant the requested extension. The motion carried unanimously, 6-0.

2. Aldi, Alexander – Application for registration as a Civil Engineer #211647

After Board review of Mr. Aldi's extension request, Mr. Noel made a motion, seconded by Mr. Gilmore, to grant the requested extension. The motion carried unanimously, 6-0.

#### C. Exam Waivers

1. Edwards, Melissa – Application for FE Exam waiver #211433

The Board reviewed Ms. Edwards request to waive the fundamental exam (FE) requirement. After review, Mr. Gilmore made a motion, seconded by Mr. Noel, to deny the exam waiver request due to lack of Board for Engineering and Technology accreditation. The motion carried unanimously, 6-0.

2. Caporali, Carl – Application for FE Exam waiver #211554

The Board reviewed Mr. Caporali's request to waive the fundamental exam (FE) requirement. The Board noted Mr. Caporali may not have acquired enough work experience to waive the fundamental exam requirement. It was the consensus of the Board to continue Mr. Caporali's request to obtain additional information regarding his work experience.

3. Hossain, Md Mossarrof – Application for PE Exam waiver #211297

The Board reviewed Mr. Hossain's request to waive the professional examination (PE) requirement and noted that his request meets the requirements of statute and rule. After review, Mr. Gilmore made a motion, seconded by Mr. Noel, to grant the requested waiver of the professional exam (PE). The motion carried unanimously, 6-0.

4. Fulton, Richard – Application for PE Exam waiver #211644

The Board reviewed Mr. Fulton's request to waive the professional examination (PE) requirement and noted that his request meets the requirements of statute and rule. After review, Mr. Gilmore made a motion, seconded by Ms. Wyckoff, to grant the requested

waiver of the professional exam (PE). The motion carried, 5-1 with Mr. McAllister voting nay.

#### D. Renewal Application

##### 1. Stover, Paul R.A. #35136

Mr. Stover was present, requested to speak, made a statement and answered Board members' questions. The Board deliberated Mr. Stover's renewal application. After deliberation, Mr. Hack made a motion, seconded by Mr. McAllister, to approve Mr. Stover's renewal application. The motion carried unanimously, 6-0 on roll call vote.

### 7. CONSENT AGENDA

Ms. Wyckoff made a motion, seconded by Mr. Gilmore, to approve the items on the Consent Agenda including granting the Enforcement Advisory Committee appointments, cancelling registrations and certifications, granting registration to the Universal Recognition applications and granting the exam extension. The motion carried unanimously, 6-0.

Any item under consent may be removed by a Board member for independent discussion and action.

Review, Consideration, and Action on Staff Recommendations for 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)-(B).*

#### A. ENFORCEMENT

1. Review and Approval for EAC Membership:  
*See Addendum #1 for list of names*

#### B. LICENSING

1. Cancellation of registrations and certifications that have been expired for one full renewal period.  
*See Addendum #2 for list of names*
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.  
*See Addendum #3 for list of names*
3. Universal Applications for professional registration or certification.
  - a. Shedroff, Steven – Application for registration as a Civil Engineer #211221



- b. Spellman, Catherine – Application for registration as an Architect #211916
  - c. Einwaechter, James – Application for registration as a Mechanical Engineer #211970
  - d. Pham, Phong – Application for registration as a Civil Engineer #211879
4. NCARB ARE Rolling Clock Extension – Board approval of existing ARE exam applicants to receive same extension

## 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-C). 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

Board Counsel Gregory Harris, was present and provided a summary to the Board. Mr. Harris summarized the Court of Appeals ruling and stated the Court ruled in the Board's favor. Mr. Harris stated that Mr. Mills has requested an extension of time to file his appeal. After Board review, Ms. Wyckoff made a motion, seconded by Mr. McAllister, to grant Mr. Mills extension request.

B. Public submitted request to update Substantive Policy Statement 1

Ms. Wyckoff provided a brief summary. After Board review, Ms. Wyckoff made a motion, seconded by Mr. Gilmore, to forward this matter to the Board's Laws and Rules Committee. The Board will review the Laws and Rules Committee recommendation at a future Board meeting. The motion carried 5-1 with Mr. Hack voting no.

C. Continued Discussion from previous meeting: ADEQ Questions submitted to the Board:

1. Under A.R.S. § 32-101(11), is designing onsite wastewater treatment facilities "engineering practice" given that the purpose of regulating onsite facilities is intended to protect groundwater and surface water for the public health, safety, and welfare?

2. Under the exemption in A.R.S. § 32-144(A) (6), does an onsite wastewater treatment facility qualify as a “wastewater treatment plant”?

3. Ask the following question (i) if under A.R.S. § 32-144(A) (6), ASBTR interprets onsite wastewater treatment facilities to qualify as “wastewater treatment plant[s]”:

a. In determining whether the A.R.S. § 32-144(A)(6) exemption applies, should the cost of an extension, addition, modification, or revision to a WWTP stand alone as the "total cost of such construction" OR should the original cost of the WWTP be included in addition to the subsequent action?

i. For example, can a \$10K modification to a \$100K WWTP be designed by a nonregistrant?

4. Is the scope of the language “a detached single family dwelling” in A.R.S. § 32-144(A) (3) (a) broad enough to include design of an onsite wastewater treatment facility OR is it confined to the designing of, altering of or adding to the dwelling?

Ms. Wycoff provided a brief summary. After Board review, Ms. Wycoff made a motion, seconded by Mr. Gilmore, to forward this matter to the Board’s Laws and Rules Committee. The Board will review the Laws and Rules Committee recommendation at a future Board meeting. The motion carried 5-1 with Mr. Hack voting nay.

## 9. DIRECTOR’S REPORT

- A. Budget
- B. Transition to an E-licensing Platform
- C. Board Composition and Member Update
- D. Digitization
- E. Licensing Numbers
- F. Enforcement Numbers

This matter was not heard due to lack of a quorum

## 10. BOARD CHAIR’S REPORT

This matter was not heard due to lack of a quorum

## 11. ASSISTANT ATTORNEY GENERAL’S REPORT

- A. Board Member Training on Arizona Open Meeting Law

This matter was not heard due to lack of a quorum

## 12. STANDING COMMITTEE REPORTS

This matter was not heard due to lack of a quorum

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

- A. National Association of State Board of Geology (ASBOG) – Annual meeting in Little Rock, Arkansas week of October 25, 2021
- B. Council of Landscape Architectural Registration Boards (CLARB) – Annual meeting in Phoenix, AZ September 22-24, 2021
- C. National Council of Architectural Registration Boards (NCARB) – Annual meeting June 24-26<sup>th</sup> virtual. Edward Marley elected NCARB Secretary.
- D. National Council of Examiners for Engineering and Surveying (NCEES) – Annual meeting in New Orleans August 19-20, 2021

This matter was not heard due to lack of a quorum

**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.

This matter was not heard due to lack of a quorum

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

This matter was not heard due to lack of a quorum

**16. FUTURE BOARD MEETINGS – September 28, 2021**

**17. MEETING ADJOURNMENT – The Board adjourned at 1:27 p.m. due to lack of a quorum**

  
Carmen Wyckoff, Board Chairperson

  
Judith Stapley, Executive Director