



State of Arizona
BOARD OF TECHNICAL REGISTRATION

1110 W. Washington Street, Suite 240, Phoenix, Arizona 85007
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Jack Gilmore, Acting Chairperson, Landscape Architect • Helmuth Hack, Land Surveyor •
Clarence McAllister, Secretary, Electrical Engineer • Stephen Noel, Geologist • Michael Kolejka, Architect •
Dr. Clinton Campbell, Public Member • Jennifer Hobik, Public Member • Kileen Lindgren, Public Member •
Stacy Skankey, Public Member • Aaron Green, Public Member • Lucas “Kent” Wilson, Public Member

MINUTES FOR REGULAR SESSION MEETING
1110 W. Washington Street, Suite 240 Phoenix, Arizona 85007
Tuesday, November 2, 2021 –9:00am

1. CALL TO ORDER – 9:00am

2. ROLL CALL

PRESENT

Jack Gilmore
Stephen Noel
Helmuth Hack
Stacy Skankey, Esq. (left the meeting at 1:01pm)
Aaron Green, Esq.
Michael Kolejka
Jennifer Hobik, Esq. (left meeting at 10:59am and returned at 11:54am)

TELEPHONIC

Kent Wilson
Clarence McAllister (left the meeting at 11:18am)

ABSENT

Kileen Lindgren
Dr. Clinton Campbell

BOARD STAFF

Judith Stapley
Kurt Winter
Julie Pham
Douglas Parlin

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. September 28, 2021, Board meeting minutes

Mr. McAllister moved and Mr. Hack seconded to approve the minutes as drafted; motion carried unanimously, 9-0.

2. October 21, 2021, Board meeting minutes

Mr. McAllister moved and Mr. Hack seconded to approve the minutes as drafted; motion carried unanimously, 9-0.

4. **CALL TO THE PUBLIC**

No one appeared before the Board.

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)-(F).

Review, Consideration and Possible Vote on the following:

A. Complaints Proposed for Resolution by Dismissal or Closure:

1. P22-013, Robby Marvin, Non-Registrant and R2 Construction, LLC, Non-Registrant Firm

Ms. Skankey moved and Mr. Kolejka seconded to dismiss the case; motion carried unanimously, 9-0.

B. Complaints Proposed for Resolution by Letters of Concern:

1. P21-070, Andrew Clark, R.L.S. #51130

Mr. Hack moved and Mr. Noel seconded to issue a letter of concern to Respondent; motion carried unanimously, 9-0.

C. Complaints Proposed to Offer Consent Agreement:

1. P21-073, Bruce Ensor, P.E (Structural) #58595 and BE Structural, PC, Firm # 23278

Alleger was not present. Mr. Hanson, Respondent's counsel, was present, requested to speak, made a statement and answered Board members' questions. Respondent appeared telephonically, requested to speak, made a statement and answered Board members' questions. The Board's Investigator, Douglas Kraemer, was present telephonically and provided a summary of the matter to the Board. The Board deliberated.

Mr. Green moved and Mr. Noel seconded to send this matter back to Enforcement Advisory Committee for further evaluation; motion carried 5-4. Mr. Gilmore, Mr. Hack, Mr. Kolejka and Ms. Skankey voted Nay.

2. P21-049, Don Holt, Non-Registrant

Alleger was not present. Respondent appeared telephonically, requested to speak, made a statement and answered Board members' questions.

Board's Investigator, Gregory Roehm, was present and provided a summary of the matter to the Board. The Board deliberated.

Mr. Hack moved and Ms. Skankey seconded to dismiss the case; motion carried, 7-2. Mr. Green and Mr. McAllister voted Nay.

3. P21-072, Monica Acuna Arizmendi, Non-Registrant

The Board's Investigator, Gregory Roehm, was present and provided a summary of the matter to the Board. The Board deliberated.

Mr. Hack moved and Ms. Skankey seconded to accept the signed Consent Agreement; motion carried. 8-1. Mr. Green voted Nay.

Mr. Green moved and Ms. Skankey seconded to forward this matter to the prosecutor's office for possible criminal prosecution; motion carried, 8-1. Mr. Hack voted Nay.

The Board directed staff to open two cases for aiding and abetting a non-registrant.

D. Complaints Requiring Board Guidance:

1. P22-006, Brandon Skalshy, P.E. (Civil) #66327

Alleger was not present. Respondent appeared telephonically, requested to speak, made a statement and answered Board members' questions.

Mr. Hack moved and Mr. Kolejka seconded to dismiss the case; motion carried unanimously, 9-0.

2. P22-007, Paul O'Connor, R.A. #15952

Mr. Gilmore moved and Mr. Kolejka seconded to issue a letter of concern to Respondent; motion carried unanimously, 8-0.

E. Review and Approval for Enforcement Advisory Committee Membership:

1. Stephen Judge, R.A. #34411

Applicant appeared telephonically.

Mr. Hack moved and Mr. Kolejka seconded to approve appointment; motion carried unanimously, 7-0.

2. Derek Deutscher, P.E. (Civil) #71544

Applicant appeared telephonically.

Ms. Skankey moved and Mr. Hack seconded to approve appointment; motion carried unanimously, 7-0.

F. Review of previously omitted materials to determine whether to reopen the following cases:

1. P21-056, Sarisha Kalluri, P.E. (Civil), #58144*
2. P21-057, Richard Schuller, P.E. (Civil) #34537*

*Cases are related

The Alleger, Kevin Greif, was present, requested to speak, made a statement and answered Board members' questions. The Respondents, Sarisha Kalluri and Richard Schuller, were present, requested to speak, made a statement and answered Board members' questions. The Board's Deputy Director, Kurt Winter was present and provided a summary of the matter to the Board. The Board deliberated.

Mr. Hack moved and Mr. Green seconded to take no action; motion carried unanimously, 7-0. Ms. Kobik was absent from the discussion and abstained.

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)-(E).

A. Application for Registration/Certification

1. Bluth, Christian - Application for certification as an Alarm Agent #212427

Applicant was present, requested to speak, made a statement and answered Board members' questions. Greg Hine, ADT's large volumes manager, was present, requested to speak, and made a statement regarding Applicant. The Board deliberated.

Mr. Kolejka moved and Mr. Green seconded to move forward with certification; motion carried unanimously 8-0.

2. Casler, William - Application for Reactivation of registration as an Architect #34194

Mr. Hack moved and Mr. Kolejka seconded to grant Applicant's application for reactivation of registration; motion carried unanimously, 8-0.

B. Exam Waivers

1. Krug, David - Application to waive PE Architectural exam and for registration as an Architectural Engineer #212225

Mr. Kolejka moved and Mr. Hack seconded to approve Applicant's exam waiver; motion carried unanimously, 8-0.

2. Joyner III, Clarence - Application to waive PE Civil exam and for registration as a Civil Engineer #212284

Mr. Kolejka moved and Ms. Skankey seconded to approve Applicant's exam waiver; motion carried unanimously, 8-0.

3. Duffy, Lawrence - Application to waive SE II exam and for registration as a Structural Engineer #212080

Ms. Skankey moved and Mr. Kolejka seconded to approve Applicant's exam waiver; motion carried unanimously, 8-0.

4. Rohrwasser, Lawrence - Application to waive PE Civil exam and for registration as a Civil Engineer #211311

Mr. Green moved and Ms. Hobik seconded to approve Applicant's exam waiver; motion carried unanimously, 8-0.

5. Utomo, Pontjo – Application to waive FE and SE exams and for registration as a Structural Engineer #212428

Mr. Kolejka moved and Mr. Hack seconded to have Board staff request additional information from the Applicant and continue this matter to a future meeting; motion carried unanimously, 8-0.

6. Roland, Kenneth - Application to waive PE Electrical exam and for registration as an Electrical Engineer #211907

Mr. Kolejka moved and Mr. Hack seconded to approve exam waiver; motion carried unanimously, 8-0.

7. Sharbono, Douglas - Application to waive SE II exam and for registration as a Structural Engineer #212153

Mr. Kolejka moved and Mr. Hack seconded to approve exam waiver; motion carried unanimously, 8-0.

C. Certificates of Experience

1. Charoen, Raymond - Application for registration as an Electrical Engineer #212172

Mr. Kolejka moved and Mr. Green seconded to accept Applicant's COE; motion carried unanimously, 8-0.

2. Thomas, Ricky – Application for registration as a Mining Engineer #212221

Mr. Kolejka moved and Mr. Green seconded to accept Applicant's COE; motion carried unanimously, 8-0.

3. Franco, Manuel - Application for registration as a Mechanical Engineer #211423

Mr. Kolejka moved and Mr. Green seconded to approve Applicant's COE; motion carried unanimously, 8-0.

4. Linn, Joseph - Application for registration as a Chemical Engineer #212306

Mr. Kolejka moved and Mr. Green seconded to accept Applicant's COE; motion carried unanimously, 8-0.

D. Council Records – verified experience

1. Suttich, Christy – Application for registration as a Civil Engineer #212480

Mr. Hack moved and Mr. Kolejka seconded to accept Applicant's council record verified experience; motion carried unanimously, 8-0.

E. FE exam waiver and PE exam authorization/Certificates of Experience

1. Mezquita, Fernando - Application to waive FE exam and authorization for PE Control Systems exam #211990

Mr. Kolejka moved and Mr. Hack seconded to accept Applicant's certification of experience, approve Applicant's FE exam waiver and authorize Applicant to sit for the NCEES PE Control Systems examination; motion carried unanimously, 8-0.

7. CONSENT AGENDA

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).

Mr. Kolejka moved and Ms. Hobik seconded to approve/accept/grant all items in the consent agenda, with exception of 7b5b; motion carried unanimously 8-0.

A. ENFORCEMENT

1. Review and Approval for Enforcement Advisory Committee Membership:
See agenda item 5E – no items to consent

B. LICENSING

1. Cancellation of registrations and certifications that have been expired for one full renewal period.
See Addendum #1 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 #2 for list of names
3. Universal Applications for professional registration or certification.
 - a. Clark, Chelsea – Application for registration as a Chemical Engineer #212394
 - b. Cordiak, Kayleen - Application for registration as a Civil Engineer #212231
 - c. Estrada-Stephen, Nicolas - Application for registration as a Civil Engineer #212243
 - d. Gerard, Anissa - Application for registration as a Civil Engineer #212294
 - e. Smith, Brian - Application for registration as a Mechanical Engineer #212111
4. Extension Request
 - a. Monty, Noah - Application for ARE exam authorization #210484
 - b. Nieves, Cristina - Application for PE exam authorization #192791
 - c. Philips, Eyn - Application for FG exam authorization #201250
5. Applications for registration/in-training for background review
 - a. Al-Sulaihim, Mishary - Application for registration as an Architect #212273
 - b. Berry, Erick - Application for registration as a Civil Engineer #211786

The Board requested this item be taken out of the consent agenda for discussion.

Applicant was present telephonically and answered the Board's questions.

Mr. Green moved and Mr. Kolejka seconded to grant registration; motion carried unanimously, 8-0.

- c. Colby, John – Application for registration as an Architect #212442
- d. Greenwald, Daniel – Application for registration as a Land Surveyor #212119
- e. Jones, Burnell – Application for Engineer-in-Training Designation #212319
- f. Schwarzer, Ryan - Application for registration as a Landscape Architect #212296
- g. Van Duzer, Alexander - Application for registration as a Civil Engineer #212292
- h. Bergherr, Scott - Application for registration as a Land Surveyor #212166
- i. Studney, Michael - Application for registration as a Civil Engineer #212325

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-E). 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

Mr. Kolejka moved and Mr. Hack seconded to enter executive session at 9:38am to receive legal advice and 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; motion carried unanimously, 9-0.

The Board returned to open session at 10:11am.

Mr. Noel moved and Mr. Green seconded to direct counsel to proceed as discussed in executive session; motion carried, 8-1. Ms. Skankey voted Nay.

B. Approve 2022 Board Meeting Dates

Mr. Hack moved and Mr. Green seconded to approve the meeting dates; motion carried unanimously, 7-0.

C. Vote and Appointment of Board Chairperson, Vice Chair and Secretary pursuant to A.R.S. § 32-105

Mr. Noel moved and Mr. Kolejka seconded to appoint Jack Gilmore Board Chairman; motion carried unanimously, 7-0.

Mr. Gilmore moved and Ms. Hobik seconded to appoint Mr. Kolejka Board Vice Chairman; motion carried unanimously, 7-0.

Mr. Noel moved and Mr. Hack seconded to appoint Mr. Wilson Board Secretary; motion carried unanimously, m7-0.

D. Vote to Appoint Board Members to the Home Inspector Rules and Standards Committee pursuant to A.R.S. § 32-111

Mr. Gilmore moved and Mr. Noel seconded to appoint Mr. Kolejka as the professional member of the HIRSC; motion carried unanimously, 7-0.

Mr. Gilmore moved and Mr. Hack seconded to appoint Mr. Green as the public member of the HIRSC; motion carried unanimously, 7-0.

E. Plan December Board Holiday Luncheon

Deputy Director Kurt Winter explained the Board's tradition of holding a holiday luncheon with Staff and asked if the Board wanted to continue the tradition. The Board indicated that it wished to continue the tradition.

9. DIRECTOR'S REPORT

- A. Budget
- B. Digitization of Board's Physical Documents
- C. Online Transition
- D. Board Staff Update
- E. Board Composition and Member Update
- F. Licensing Numbers
- G. Enforcement Numbers

Executive Director Judith Stapley reported on the Board's digitization project, future online transition to an e-licensing platform and Board composition and member updates.

10. BOARD CHAIR'S REPORT

Nothing to discuss

11. ASSISTANT ATTORNEY GENERAL'S REPORT

Nothing to discuss

12. STANDING COMMITTEE REPORTS

- A. Home Inspector Rules and Standards Committee – Next meeting November 18, 2021
- B. Legislation and Rules Committee – No new meeting date

Nothing discussed

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)
- C. National Council of Architectural Registration Boards (NCARB)
- D. National Council of Examiners for Engineering and Surveying (NCEES)

Executive Director Judith Stapley reported that Dr. Alejandro Angel's status as an active NCEES member would be changed to emeritus Member status since he was no longer a serving Board Member.

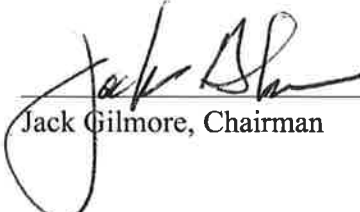
14. SUGGESTED TOPICS FOR FUTURE MEETING AGENDAS.

L&R Committee discussion regarding Alarm Rules and continuing education, Violations / Lying to Staff

15. FUTURE BOARD MEETINGS – December 7, 2021

16. MEETING ADJOURNMENT – 1:42pm

Signed on this date 7 December, 2021.



Jack Gilmore, Chairman



Judith Stapley, Executive Director