

Minutes
ARIZONA STATE BOARD OF TECHNICAL REGISTRATION
1110 West Washington, Conference Room #240
Phoenix, AZ 85007

Tuesday, December 15, 2015

9:00 a.m.

OPEN SESSION

1. CALL TO ORDER – 9:03am

2. ROLL CALL - Board Members in attendance: Edward Marley, LeRoy Brady, Douglas Folk, Jason Madison, Jason Foose, Alejandro Angel, Neal Jones and Stephen Noel. Staff: Melissa Cornelius, Michelle Fleming, Douglas Parlin and Julie Armour. Assistant Attorney General: Michael Raine.

3. CALL TO THE PUBLIC – No one addressed the Board.

4. ADOPTION OF MINUTES

Review, Consideration, and Possible Action on the following:

- A. Approve, modify and/or reject November 17, 2015 Board meeting minutes.
Mr. Noel moved to approve the November 2015 minutes. Mr. Marley seconded the motion. No further discussion; motion carried.

5. FORMAL HEARINGS OR MOTION FOR REHEARING/REVIEW:

- A. None this month

6. ENFORCEMENT MATTERS

Review, Consideration and Possible Vote on the following:

A. Complaints Proposed for Resolution by Dismissal or Closure:

1. HI16-012, Arthur Collins, C.H.I. #52882

Mr. Foose moved to dismiss the allegations against Mr. Collins. Mr. Jones seconded the motion. No further discussion; motion carried.

2. P16-014, Jacob Vinton, P.E. (Civil) #58976

Dr. Angel moved to dismiss the allegations against Mr. Vinton and that the Board open a complaint against Mr. Murphree-Roberts for failure to apply appropriate technical knowledge and skill while practicing as an engineer. Mr. Marley seconded the motion. No further discussion; motion carried.

B. Complaints Proposed for Resolution by Letters of Concern:

1. P16-026, Mitchell A. Miller, R.A. #27765
Dr. Angel moved to dismiss the complaint against Mr. Miller. Mr. Folk seconded the motion. No further discussion; motion carried.

C. Complaints Proposed to Offer Consent Agreement:

1. P16-015, Michael W. Bostic, R.G. #35021
Mr. Noel recused himself from the case. Mr. Marley moved to offer a Consent Agreement encompassing a Letter of Reprimand, suspension as per ARS 32-128(A)(2), administrative penalty in the amount of \$1500, and the cost of investigation in the amount of \$520. The matter will move to Formal Hearing if not signed within 30 days. Mr. Foose seconded the motion. No further discussion; motion carried.
2. P16-024, Mark Walth, Non-Registrant, Complete Architectural Services, LLC, Non-Registrant Firm
Mr. Walth appeared and addressed the Board informing the members that he changed the name of his firm to avoid future violations of the Practice Act. Mr. Marley moved to offer the proposed Consent Agreement encompassing an Assurance of Discontinuance, a civil penalty in the amount of \$250 and the cost of the investigation in the amount of \$262. If the agreement is not signed within 30 days, the matter will proceed to Formal Hearing. Mr. Noel seconded the motion. No further discussion; motion carried.
3. P16-023, Christopher Alexander, Non-Registrant
Dr. Angel moved that the Board accept and offer the Respondent the proposed consent agreement as drafted by staff. Mr. Marley seconded the motion. No further discussion; motion carried.
4. P16-027, Sam Fratantoni, Non-Registrant
Mr. Marley moved to accept Respondent's signed Consent Agreement. Mr. Jones seconded the motion. Mr. Folk asked that staff refer this case to the Registrar of Contractors due to the fact that Mr. Fratantoni represented himself as a licensed contractor with no record of a contractor's license. No further discussion; motion carried.
5. P16-003, Dejan Knezevic, R.L.S. #57279, Miller Land Surveying, Non-Registrant Firm
Mr. Marley moved to accept the Respondent's signed Consent Agreement. Mr. Jones seconded the motion. Mr. Marley amended his motion in order to modify the Consent Agreement to state that the Respondent may select a Board-approved peer reviewer. Mr. Marley also noted that all EAC members are considered pre-approved peer reviewers by the Board. No further discussion; motion carried.
6. P15-065, Michael P. Johnson, Non-Registrant, Michael P. Johnson Design Studios LTD, Non-Registrant Firm
Mr. Jones recused himself from the case. Mr. Johnson appeared and addressed the

Board. Mr. Marley moved to defer action at this time in order to allow the investigation team to gather more information on this case. Dr. Angel seconded the motion. No further discussion; motion carried.

D. Complaints Proposed for Resolution with Signed Consent Agreements:

1. P16-021, Barry Houseal, Non-Registrant, BLH2. Inc., Non-Registrant Firm

Dr. Angel moved to accept Mr. Houseal's signed Consent Agreement. Mr. Marley seconded the motion. Dr. Angel amended his motion to include direction to staff that an investigation be opened against Mr. Uzman, P.E., #37789, for possible violation of Board statutes. Mr. Marley seconded the amended motion. No further discussion; motion carried.

E. Complaints Requiring Board Guidance:

1. P16-025, Scott E. Jacobs, P.E. (Civil) #38513

Mr. Jacobs' Texas attorney and local counsel, Mr. Edmunds, appeared to address the Board. Mr. Madison moved to dismiss the case. Mr. Marley seconded the motion, Mr. Folk opposed the motion and clarified his position was not based on whether Mr. Jacobs reported the discipline on a renewal but rather on the concern of fitness to practice. No further discussion; motion carried.

F. Review and Approval of Appointment for EAC Membership:

1. Laura South, Member of the Public

Mr. Folk moved that the Board approve Ms. South as a Public Member of the Enforcement Advisory Committee. Mr. Jones seconded the motion. No further discussion; motion carried.

7. LICENSING MATTERS

Discussion, Consideration and Vote on the following:

Whether to Grant Requests for Extension of Licensing Time Frames:

A. Dalton, Chad

Civil Engineer Application #152216

Mr. Dalton appeared before the Board. Mr. Stanley moved to grant an extension for 90 days. Dr. Angel seconded the motion. No further discussion; motion carried.

B. Li, Yi

EIT Application #152118

Mr. Marley moved to grant a 60 day extension. Mr. Foose seconded the motion. No further discussion; motion carried.

Board to Review Applicant's Experience:

C. Dalton, Chad

Civil Engineer Application #152216

(See packet from agenda item A)

Mr. Madison moved that Dr. Angel further review Mr. Dalton's application and experience to determine if he meets the requirements of law to sit for the PE exam. Mr. Folk seconded the motion. No further discussion; motion carried.

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;

Dr. Angel moved to cancel the registrations and certifications that have been expired for one full renewal period. Mr. Folk seconded the motion. No further discussion; motion carried.

B. 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. The Home Inspection Report Checklist

Mr. Madison moved to approve the revised Home Inspection Report Checklist. Mr. Folk seconded the motion. No further discussion; motion carried.

B. ASBOG's Draft Model Cooperative Licensure Agreement

The Board reviewed and discussed the Draft Model Cooperative Licensure Agreement. Ms. Cornelius will respond to ASBOG, indicating that Arizona cannot legally enter into such agreements.

10. DIRECTOR'S REPORT

A. Budget Update – Ms. Cornelius reported that with 42% of the budget year elapsed, we have spent 42% of our appropriation and 74% of our revenue. She also reported that the best and final offers for the new computer program RFP will be ready by next week, according to the State Procurement Office.

B. Staff Update – The Board's new investigator, Paul Warner, started on November 23, 2015.

C. Previous Meeting Follow-Up – Ms. Cornelius reported that BTR's data was housed on an "E-Tenant" server rather than the required government server. All of our data has since

migrated over to the government server, which offers more protection for our data. ASET has also fixed several website issues we had previously been experiencing.

Ms. Cornelius also reported that the Santa Cruz Community College Board has written a demand letter to its landlord, requesting that code violations the Board discovered during its action in the Calza case be required in order to protect the public.

Additionally, Ms. Cornelius reported that the Assayers have hired a lobbyist to aid their opposition to the sunset of the profession.

- D. Director's Meetings – Ms. Cornelius reported that BTR has been approved to run for 8 more years. She also reported that she and Ms. Pritzl met with ADEQ regarding assuming responsibility for the Drug Lab Program. They do not want to take over the responsibilities but support the sunset of the program by the Board.

11. BOARD CHAIR'S REPORT – Nothing to report.

12. STANDING COMMITTEE REPORTS

None this month

13. BOARD MEMBER REPORTS ON OUTSIDE ACTIVITIES

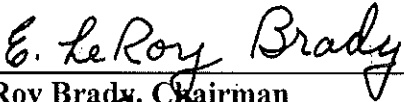
- A. ASBOG – Nothing to report.
- B. CLARB – Nothing to report.
- C. NCARB – Ms. Cornelius met with Philip Horton at ASU in order to discuss NCARB's Integrated Path to Licensure. ASU and NAU are interested in being sponsor schools for the program. Additionally, Mr. Marley attended the WCARB meeting in Palm Springs and Ms. Cornelius reported that the Regional meeting will be in Savannah in March 2016.
- D. NCEES – Nothing to report.

14. FUTURE BOARD MEETINGS – Tuesday, January 26, 2016


15. SUGGESTED TOPICS FOR FUTURE MEETING AGENDAS.

- Legislation Update
- Construction in Other States

16. MEETING ADJOURNMENT – 11:42am



E. LeRoy Brady, Chairman



Melissa Cornelius, Executive Director