BEFORE THE ARIZONA STATE
BOARD OF TECHNICAL REGISTRATION

In the Matter of:

MATTHEW BERRY
Non-registrant, and

PARKER HOME INSPECTIONS,
Non-Registrant Firm

Respondents.

Case No. H15-023

On October 25, 2016, this matter came before the Arizona Board of Technical Registration ("Board") for consideration of the State’s Motion to Deem Allegations Admitted regarding the Complaint and Notice of Hearing in this matter and the imposition of the appropriate disciplinary action(s) pursuant to A.R.S. § 32-128(F).

Matthew Berry ("Respondent") was not present and was not represented by legal counsel. Assistant Attorney General Scott Donald appeared on behalf of the State. The Board received independent legal advice from Assistant Attorney General Marc Harris. The Board, after considering the State’s Motion, granted the Motion to Deem the Allegations Admitted and issued the following Findings of Fact, Conclusions of Law and Order.

FINDINGS OF FACT

1. The Board is the duly constituted authority for the regulation and control of the practices of Home Inspection in the State of Arizona.


3. Respondent Firm’s Registration with the Board was dissolved on April 30, 2012.

4. On February 4, 2015, the Board received a complaint alleging that Respondent provided a Home Inspection service that failed to meet the standard of practice of Arizona Home Inspectors. Based upon this complaint, the Board initiated an
investigation.

5. On February 4, 2015, Board staff reviewed a copy of a home inspection conducted by Respondent that occurred on February 13, 2014, at the address of 4222 West Barbara Ave., Phoenix, Arizona. After checking Board records, Board staff learned that Respondent and Respondent firm were not registered with the Board at the time of Respondent’s home inspection.

6. Respondent displayed a device (Home Inspection Report) that would indicate to the public that he was certified or qualified to practice home inspections, without Board certification.

7. During the course of the investigation, Board staff made numerous attempts to contact Respondent, through mailings, telephone calls, and visits to Respondent’s addresses. Respondent failed to respond.

CONCLUSIONS OF LAW

1. The conduct and circumstances described in the Findings of Fact constitutes grounds for discipline pursuant to A.R.S. § 32-106.02, which authorizes the Board to investigate and impose a civil penalty for violation of A.R.S. § 32-145 (making it unlawful to practice a Board regulated profession without proper certification). Respondent engaged in the practice of home inspection by conducting a home inspection on February 13, 2014 without a current certification.

2. The conduct and circumstances described in the Findings of Fact constitutes grounds for discipline pursuant to A.R.S. § 32-141(A) and A.R.S. § 32-121, in that Respondent Firm engaged in the practice of board regulated occupation, without Board registration.

ORDER

Based on the Board's adoption of the Findings of Fact and Conclusions of Law, the Board issues the following Order:

ADMINISTRATIVE PENALTY. Within twelve months (12) months from the effective date of this Order, Respondent shall pay an administrative penalty of two
thousand five hundred dollars ($2,500.00) by certified check or money order made payable to the State of Arizona Board of Technical Registration.

**COST OF INVESTIGATION.** Within (12) months from the date of this Order, Respondent shall pay to the Board the cost of investigation in the amount of six-hundred and eighty dollars ($680.00), by certified check or money order made payable to the State of Arizona Board of Technical Registration.

**RIGHT TO PETITION FOR REHEARING OR REVIEW**

Pursuant to A.R.S. § 41-1092.09, Respondent may file, in writing, a motion for rehearing or review within 30 days after service of this decision with the Board’s Executive Director. The motion for rehearing or review must set forth legally sufficient reasons for granting a rehearing or review. A.A.C. R4-30-126. Service of this Order is effective the date of mailing. If a motion for rehearing is not filed, the Board’s Order becomes effective thirty (30) days after it is mailed to Respondent.

Respondent is further notified that the filing of a motion for rehearing or review is required to preserve any rights of appeal to the Superior Court.

DATED this 3rd day of **November**, 2016.

[Signature]

Edward Marley, Vice Chairman
Arizona Board of Technical Registration

**ORIGINAL** filed this 4th day of **November**, 2016 with:

Arizona State Board of Technical Registration
1110 W. Washington, Suite 240
Phoenix, AZ 85007
COPY mailed via Certified Mail
No. 4214 9401 9434 4100 9010 81/98 and
First Class mail this 4th day of
November, 2016 to:

Matthey Berry
Park Home Inspections
10225 N 12 Pl #3
Phoenix, AZ 85020

Respondents

Matthey Berry
Park Home Inspections
10551 W. Ruth Ave.
Peoria, AZ 85345
parkerhomeinspection@yahoo.com

Respondents

COPY of the foregoing mailed this
4th day of November, 2016 to:

Scott Donald
Assistant Attorney General
1275 W. Washington, SGD/LES
Phoenix, AZ 85007
Attorney for State of Arizona

COPY of the foregoing mailed this
4th day of November, 2016 to:

Marc Harris
Assistant Attorney General
Independent Attorney Advisor
1275 W. Washington SGD/LES
Phoenix, AZ 85007

By: [signature]
DOC#5416958