BEFORE THE ARIZONA STATE
BOARD OF TECHNICAL REGISTRATION

In the Matter of: Case No.: HI16-008

Lynn Reber
Home Inspector
Certification No. 40415

Southwest Inspections AZ
Non-Registered Firm

CONSENT AGREEMENT and
ORDER OF DISCIPLINE

Respondents

In the interest of a prompt and judicious resolution of the above-captioned matter before the Arizona State Board of Technical Registration ("Board") and consistent with the public interest, statutory requirements, and the responsibilities of the Board, and pursuant to A.R.S. § 32-101 et seq., and A.A.C. R4-30-120(G), the undersigned party, Lynn Reber ("Respondent"), holder of Certification No. 40415, and Southwest Inspections AZ, Non-Registrant Firm, ("Respondent"), and the Board enter into the following Recitals, Findings of Fact, Conclusions of Law and Order ("Consent Agreement") as a final disposition of this matter.

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1. Respondent has read and understands this Consent Agreement and has had the opportunity to discuss this Consent Agreement with an attorney, or has waived the opportunity to discuss this Consent Agreement with an attorney.

2. Respondent understands that he has a right to a public administrative hearing concerning this case. He further acknowledges that at such formal hearing he could present evidence and cross-examine witnesses. By entering into this Consent Agreement, Respondent knowingly, voluntarily, and irrevocably waives his right to such an administrative hearing, as well as rights of rehearing, review, reconsideration, appeal, judicial review or any other administrative and/or judicial action concerning the matters set forth herein.

3. Respondent affirmatively agrees that this Consent Agreement shall be
4. Respondent understands that this Consent Agreement or any part of the agreement may be considered in any future disciplinary action by the Board against him.

5. The Consent Agreement, any record prepared in this matter, all investigative materials prepared or received by the Board and all related exhibits and materials, are public records (as defined in A.R.S. § 41-158.18) upon acceptance by the Board of this Consent Agreement and may be retained in the Board’s files pertaining to this matter.

6. Respondent understands this Consent Agreement deals with Board case number HI16-008 involving allegations that Respondent engaged in conduct that would subject him to discipline under the Board’s statutes and rules. The investigation into these allegations against Respondent shall be concluded upon the Board’s adoption of this Consent Agreement.

7. Respondent understands that this Consent Agreement does not constitute a dismissal or resolution of any other matters currently pending before the Board, if any, and does not constitute any waiver, express or implied, of the Board’s statutory authority or jurisdiction regarding any other pending or future investigation, action or proceeding.

8. Respondent also understands that acceptance of this Consent Agreement does not preclude any other agency, subdivision, or officer of this State from instituting any other civil or criminal proceedings with respect to the conduct that is the subject of this Consent Agreement.

9. Respondent acknowledges and agrees that, upon signing this Consent Agreement and returning this document to the Board’s Executive Director, he may not revoke his acceptance of the Consent Agreement or make any modifications to the document regardless of whether the Consent Agreement has been signed on behalf of the Board. Any modification to this original document is ineffective and void unless mutually agreed by the parties in writing.

10. This Consent Agreement is subject to the approval of the Board and is effective only when accepted by the Board and signed on behalf of the Board.
Board does not accept this Consent Agreement, the Board retains its authority to hold a
formal administrative hearing pursuant to A.R.S. § 32-128(E). In the event that the
Board does not approve this Consent Agreement, it is withdrawn and shall be of no
evidentiary value and shall not be relied upon nor introduced in any action by any party,
except that the parties agree that should the Board reject this Consent Agreement and this
case proceeds to hearing, Respondent shall assert no claim that the Board was prejudiced
by its review and discussion of this document or any records relating thereto.

11. If a court of competent jurisdiction rules that any part of this Consent
Agreement is void or otherwise unenforceable, the remainder of the Consent Agreement
shall remain in full force and effect.

12. Respondent understands that any violation of this Consent Agreement may
result in disciplinary action, including suspension or revocation of the registration under
A.R.S. § 32-150.

13. Respondent agrees that the Board will adopt 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
Certified Home Inspectors in the State of Arizona.

2. Respondent is the holder of Arizona Certified Home Inspector No. 40415,
which became delinquent as of January 31, 2015.

3. Respondent firm registration has been expired since April 30, 2014.

4. On August 6, 2015, the Respondent performed a home inspection and
prepared a home inspection report under Respondent firm, for the property located at 138
E. Pebble Ct., Casa Grande, AZ.

5. On August 19, 2015, the Board received a complaint for a home inspection
that was performed by Respondent at a residence that alleged the Respondent failed to
conduct a home inspection in accordance with Standards of Professional Practice and
under while Respondent’s certification was delinquent and Respondent firm registration
was expired. Based upon this complaint, the Board initiated an investigation.

6. On June 9, 2016, an Enforcement Advisory Committee reviewed the case,
and found the following:

a. Respondent conducted a home inspection in the State of Arizona with
an expired certification

b. Respondent conducted a home inspection in the State of Arizona
through the unregistered firm, Southwest Inspections AZ

c. Respondent failed to accurately observe the condition of the stem wall
foundation. (AZSOP 4.1.A.1)

d. Respondent failed to observe the condition of the floor structure
(AZSOP 4.1.A.2)

e. Respondent failed to observe the condition of the wall structure
(AZSOP 4.1.A.3)

f. Respondent failed to observe the condition of the roof flashings
(AZSOP 6.1.C)

g. Respondent used ambiguous terms for the condition of various items
throughout the report, failing to accurately observe their condition. (AZSOP 2.1.)

CONCLUSIONS OF LAW

1. The Board has jurisdiction in this matter pursuant to A.R.S. § 32-101, et seq.

2. The conduct alleged in the Findings of Facts constitutes grounds for
discipline pursuant to A.R.S. § 32-127 (D), in that Respondent conducted a home
inspection on August 6, 2015, on an invalid certificate that expired on January 31, 2015.

3. The conduct alleged in the Findings of Facts constitutes grounds for
discipline pursuant to A.R.S. § 32-121, and A.R.S. § 32-141(A), in that Respondent
conducted a home inspection through the unregistered firm Southwest Inspections AZ.

4. The conduct alleged in the Findings of Fact, constitutes grounds for discipline
pursuant to A.R.S. § 32-128(C)(4) as it relates to; A.A.C. R4-301.1(A), in that
Respondent failed to conduct home inspection in accordance with the Standards of Professional Practice for Arizona Home Inspectors.

ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, the Board issues the following Order:

1. LETTER OF REPRIMAND. Respondent is hereby issued a Letter of Reprimand.

2. ASSURANCE OF DISCONTINUANCE. Respondent Firm shall not practice, offer to practice, or by any implication hold themselves out as qualified to practice Home Inspection as defined by A.R.S. § 32-101(25), until such time as the firm is registered by the Board and is in full compliance with the Board’s Statutes and Rules. Respondent Firm shall not display any card, sign or other device that may indicate to the public that the firm Southwest Inspections AZ is a registered firm or is qualified to practice as such in the State of Arizona until such time as Southwest Inspections has been granted registration by the Arizona Board of Technical Registration and is in full compliance with the Board’s Statutes and Rules.

3. ADMINISTRATIVE PENALTY. Within ninety (90) days from the effective date of this Consent Agreement, Respondent shall pay an administrative penalty of One Thousand Dollars ($1,000.00) by certified check or money order made payable to the State of Arizona Board of Technical Registration.

4. COST OF INVESTIGATION. Within ninety (90) days from the effective date of this Consent Agreement, Respondent shall pay the cost of investigation of this case to the Board in the amount of Six Hundred Ninety-Nine Dollars ($699.00) by certified check or money order made payable to the State of Arizona Board of Technical Registration, according to the provisions of A.R.S. § 32-128(H).

5. OBEY ALL LAWS. Respondent shall obey all federal, state and local laws, as well as, all rules governing the practice of Home Inspections in the State of Arizona. The Board shall consider any violation of this paragraph to be a separate
violation of the rules and statues governing the Arizona Board of Technical Registration.

6. RENEWAL OF REGISTRATION. Respondent shall timely renew his Arizona registration as a Home Inspector and timely pay all required registration fees.

7. EFFECTIVE DATE. The effective date of this Consent Agreement is the date the Respondent and Board sign the Consent Agreement. If the dates are different, the effective date is the later of the two dates.

8. COSTS OF COMPLIANCE. Respondent shall pay all costs associated with complying with this Consent Agreement.

9. NONCOMPLIANCE. If Respondent violates this Order in any way or fails to fulfill the requirements of this Order, the Board, after giving notice and the opportunity to be heard, may revoke, suspend or take other disciplinary actions against the registration. The issue at such a hearing will be limited solely to whether this Order has been violated.

ACCEPTED and ORDERED this 27th day of September, 2016.

E. Leroy Brady
Chairman
Arizona State Board of Technical Registration

Consent Agreement and Order, No. HI16-008 accepted this 27th day of September, 2016.

Lynn Reber, Personally and on behalf of South West Inspections AZ, Respondents

ORIGINAL filed this 27th day of September, 2016, with:

Arizona State Board of Technical Registration
1110 W. Washington, Suite 240
Phoenix, AZ 85007

COPY of the foregoing mailed via Certified Mail
No. 7016 0750 0000 2510 B604 and
First Class mail this __30__ day of __September__, 2016, to:

Lynn Reber
Southwest Inspections AZ
1017 S Del Rancho
Mesa, AZ 85208

By: __________________________