BEFORE THE ARIZONA STATE
BOARD OF TECHNICAL REGISTRATION

In the Matter of:
Fidelity Inspection & Consulting Services
Non-Registrant

Case No: HI16-016
CONSENT AGREEMENT
and
ORDER OF DISCIPLINE

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, Fidelity Inspection & Consulting Services ("Respondent"), Non-Registrant, 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.

RECITALS

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 Respondent 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
irrevocable.

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 Respondent.

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 HI16-016 involving allegations that Respondent engaged in conduct that would subject Respondent 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, Respondent 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. If the 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 the practice of Home Inspection in the State of Arizona.

2. Respondent is not registered with the Board as a Home Inspection firm. Respondent’s primary business specializes in providing inspection coordination and information services to third party relocation companies.

3. On November 10th, 2015, the Board received a complaint alleging that the Respondent conducted a residential Home Inspection at a residence in Mesa, Arizona. Based on this complaint, the Board initiated an investigation.

4. On November 23, 2015, Board staff reviewed the Respondent’s cover sheet for what was entitled a Home Inspection for a property located at 616 East Jensen #50,
Mesa, Arizona.

5. Further review of the Respondent’s Home Inspection report showed that the Home Inspection occurred on October 12, 2015, and the client was listed as American International Relocation Solutions in Pittsburgh, PA. The Home Inspection report failed to identify the Home Inspector who conducted the Home Inspection.

6. Respondent firm was not registered at the time of the inspection. The Certified Home Inspector with whom Respondent firm contracted to conduct the home inspection as part of a relocation service offered by Respondent firm was certified at the time of the home inspection. Respondent had been engaged in the practice of inspection and information services within the state of Arizona for the past two years.

CONCLUSIONS OF LAW

1. The Board has jurisdiction in this matter pursuant to A.R.S. § 32-101, et seq, including A.R.S. § 32-106.02(A).

2. The conduct alleged in the Findings of Fact constitutes grounds for discipline pursuant to A.R.S. § 32-121, in that the Respondent failed to obtain a firm registration required for the practice of Home Inspection.

3. The conduct alleged in the Findings of Fact constitutes grounds for discipline pursuant to A.R.S. § 32-141, in that Respondent firm engaged in the practice of a Board regulated occupation without registration with the Board.

ORDER

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

1. ASSURANCE OF DISCONTINUANCE. Respondent firm shall not practice, offer to practice or by any implication hold itself out as qualified to practice Home Inspection as defined by A.R.S. § 32-101(B)(23), until such time as the Respondent is registered by the Board and is in full compliance with the board’s Statutes and Rules.

2. CIVIL PENALTY. Within Sixty (60) days from the effective date of this Consent Agreement, Respondent shall pay a Civil Penalty of Four Thousand Dollars
($4,000.00) by cashier’s check or money order made payable to the Arizona State Board of Technical Registration, according to the provisions of A.R.S.32-106.02(B).

3. COST OF INVESTIGATION. Within Sixty (60) 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 and Twenty Two Dollars ($622.00) by certified check or money order made payable to the State of Arizona Board of Technical Registration, according to the provision of A.R.S. 32-128(h).

4. 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.

5. COST OF COMPLIANCE. Respondent shall pay all cost associated with complying with this Consent Agreement.

ACCEPTED and ORDERED this 28th day of JUNE, 2016.

E. Leroy Brady, Chairman
Arizona State Board of Technical Registration

Consent Agreement and Order, No. HI16-016 accepted this ___ day of ____, 2016.

Tine K. H. Dickey, on behalf of Fidelity Inspection & Consulting Services, Respondent

ORIGINAL filed this 28 day of JUNE, 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. 2016 3010 0000 3864 7733 And
First Class mail this 29 day of June, 2016, to:

Fidelity Inspection & Consulting Services
Doylestown Commerce Center
2003 S. Easton Road, Suite 208
Doylestown, PA 18901

By D. [Signature]