BEFORE THE ARIZONA STATE
BOARD OF TECHNICAL REGISTRATION

In the Matter of: Case No.: HI16-020
Jeffrey Garay CONSENT AGREEMENT
Certified Home Inspector and
Registration No. 56405 ORDER OF DISCIPLINE
Respondent

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,
Jeffrey Garay ("Respondent"), holder of Registration No. 56405, 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 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
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 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 HI16-020 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. 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 Inspector in the State of Arizona.

2. Respondent is the holder of Certified Home Inspector Registration No.
56405.

3. On or about August 27, 2015, Respondent performed a home inspection and
prepared a home inspection report for the property located at 9847 E. Seven Palms Dr.
Scottsdale, AZ.

4. On or about February 8, 2016, the Board received a complaint alleging that
Respondent failed to conduct the home inspection in accordance with the Standards of
Professional Practice for Arizona Home Inspectors.

5. On April 29, 2016, the Board’s Enforcement Advisory Committee (“EAC”)
convened to review the complaint against Respondent. After interviewing the Alleged and
the Respondent, and reviewing the evidence, the committee found that Respondent’s
report failed to meet Arizona Standards of Practice for Home Inspectors in the following areas:

a. Respondent failed to accurately report the condition of insufficient insulation in the attic. (An error or omission made during the inspection or in the report that could adversely affect the client and/or failed to comply with the Standards)

b. Respondent failed to accurately observe the condition of the Casita Zone HVAC system. (An error or omission made during the inspection or in the report that could adversely affect the client and/or failed to comply with the Standards)

6. The EAC further found the following reporting deficiencies including those which were the result of Respondent not reporting certain non-adverse conditions:

a. Omitted firm address from the agreement,

b. Failed to report on the condition of structural columns on patio,

c. Failed to report in type of wall cladding,

d. Failed to report on condition of interior water supply and distribution piping,

e. Failed to report on condition of water piping supports and insulation,

f. Failed to report on condition of functional drainage,

g. Failed to report on condition of gas water heater chimneys flues and vents,

h. Failed to report on condition of gas fuel piping and supports,

i. Failed to report on condition of branch circuit wiring,

j. Failed to report on operation and condition of ground-fault circuit interrupters on the exterior, and in the kitchen and bathrooms,

k. Failed to report on the presence and condition of heating automatic safety controls,

l. Failed to report on the condition of gas furnace chimneys, flues and vents,

m. Failed to report on condition of cooling equipment,

n. Failed to report on type and condition of vapor retarder in attic and

o. Failed to report on condition of laundry room ventilation.
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 Fact constitutes grounds for discipline pursuant to A.R.S. § 32-128(C)(4); as it relates to A.A.C. R4-301.01(A), in that Respondent failed to conduct the 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, a disciplinary action that becomes a public record upon the effective date of this Consent Agreement.

2. STAYED SUSPENSION AND PROBATION. Respondent’s registration as Certified Home Inspector, No. 50421, shall be suspended for six (6) months; however, the suspension is stayed for as long as Respondent remains in compliance with this Order. During the stay of suspension, Respondent’s registration as a Certified Home Inspector is placed on probation for six (6) months. If Respondent is non-compliant with any terms of this Order during the six (6) month stayed suspension and probation period, the stay of the suspension shall be lifted and Respondent’s registration as a Professional Engineer shall be automatically suspended without a formal hearing, and remain suspended until Respondent is compliant with all terms of this Order. If Respondent completes all terms of this Order prior to the six (6) month stayed suspension and probation period, Respondent may seek an early termination of this Order by requesting a formal review by the Board. The Board may also consider Respondent’s non-compliance with this Order as a separate violation of A.R.S. § 32-150.

3. RESTITUTION. Within sixty (60) days from the effective date of this Consent Agreement, Respondent shall pay in the form of a cashier’s check or money order to: Louis Chacos, 9847 E. Seven Palms Dr. Scottsdale, AZ, restitution in the...
3. ADMINISTRATIVE PENALTY. Within six (6) months from the effective date of this Consent Agreement, Respondent shall pay an administrative penalty of Five Hundred Dollars ($500.00) by certified check or money order made payable to the State of Arizona Board of Technical Registration. Five payments of Eighty Five ($85.00) Dollars shall be made to the Board on the first of each month with a Sixth and final payment of Seventy Five ($75.00).

4. COST OF INVESTIGATION. Within six (6) months 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 Seven Hundred Forty Seven Dollars ($747.00) 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). Six (6) payments of One Hundred Twenty Four Dollars and Fifty Cents ($124.50) shall be paid to the Board on the first of each month.

5. REMEDIAL TRAINING. Within Ninety (90) days from the effective date of this Consent Agreement, Respondent shall provide proof to the Board that he has successfully completed home inspection remedial training in the following areas:
   a) Standards of Professional Practice for Arizona Home Inspectors
   b) Home Inspection Report writing

6. 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.

7. COSTS OF COMPLIANCE. Respondent shall pay all costs associated with complying with this Consent Agreement.
ACCEPTED and ORDERED this 26th day of July, 2016.

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

Consent Agreement and Order, No. HI16-020 accepted this 13th day of June, 2016.

Jeffrey Garay, Respondent

ORIGINAL filed this 26th day of July, 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. T015 3070 0000 3964 7777 and First Class mail this 27th day of July, 2016, to:

Jeffrey Garay
AZ Tech Home Inspections LLC
595 S. 219 Dr.
Buckeye, AZ 85326

By: ____________________________

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