

BEFORE THE ARIZONA STATE
BOARD OF TECHNICAL REGISTRATION

In the Matter of:

Case No.: HI16-024

Kenneth Austin
Home Inspector
Registration No. 50444

CONSENT AGREEMENT
and
ORDER OF DISCIPLINE

Ken's Quality Home Inspections
Registrant Firm
Firm Registration No. 16239

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, Kenneth Austin ("Respondent"), holder of Registration No.50444, Ken's Quality Home Inspections, Registrant Firm, ("Respondent"), holder of Firm Registration No.16239, 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. Respondents have 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. Respondents understand that he has a right to a public administrative hearing concerning this case. They further acknowledge that at such formal hearing he could present evidence and cross-examine witnesses. By entering into this Consent Agreement, Respondents 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.

1 3. Respondents affirmatively agrees that this Consent Agreement shall be
2 irrevocable.

3 4. Respondents understand that this Consent Agreement or any part of the
4 agreement may be considered in any future disciplinary action by the Board against them.

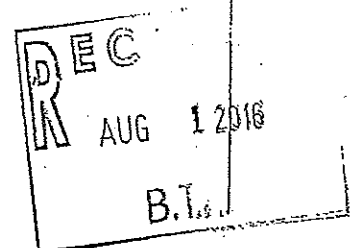
5 5. The Consent Agreement, any record prepared in this matter, all investigative
6 materials prepared or received by the Board and all related exhibits and materials, are
7 public records (as defined in A.R.S. § 41-158.18) upon acceptance by the Board of this
8 Consent Agreement and may be retained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

9 6. Respondents understands this Consent Agreement deals with Board case
10 number HI16-024, involving allegations that Respondents engaged in conduct that would
11 subject him to discipline under the Board's statutes and rules. The investigation into
12 these allegations against Respondents shall be concluded upon the Board's adoption of
13 this Consent Agreement.

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

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

22 9. Respondents acknowledge and agree that, upon signing this Consent
23 Agreement and returning this document to the Board's Executive Director, they may not
24 revoke the acceptance of the Consent Agreement or make any modifications to the
25 document regardless of whether the Consent Agreement has been signed on behalf of the
26 Board. Any modification to this original document is ineffective and void unless
27 mutually agreed by the parties in writing.
28



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

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

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

16 13. Respondents agrees that the Board will adopt the following Findings of Fact,
17 Conclusions of Law and Order.

18 **FINDINGS OF FACT**

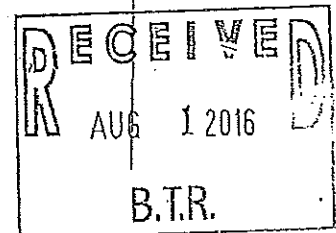
19 1. The Board is the duly constituted authority for the regulation and control of
20 the practice of Home Inspections in the State of Arizona.

21 2. Respondent is the holder of Home Inspector Registration No. 50444.

22 3. Respondent Firm Registration expired on March 31, 2015.

23 4. Respondent through Respondent Firm, performed a home inspection in
24 Waddell, Arizona, March 1, 2016.

25 5. On March 4, 2016, Board staff received a Home Inspection Report for
26 investigation. The home inspection was done at a residence in Goodyear, Arizona,
27 displaying the firm. Ken's Quality Home Inspections, No. 16238, which had expired on
28 March 31, 2015, with the home inspection performed by Kenneth Austin, C.H.I..



1 No.50444, on March 1, 2016.

2 6. On March 18 2016, Respondent renewed the registration of Respondents Firm,
3 Through March 31, 2017.

4 CONCLUSIONS OF LAW

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

6 2. The conduct alleged in the Findings of Fact constitutes grounds for discipline
7 pursuant to A.R.S. § 32-141(A) and A.R.S. § 32-121, in that Respondents engaged in the
8 practice of home inspections through a firm that was not registered with the Arizona
9 Board of Technical Registration.

10 ORDER

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

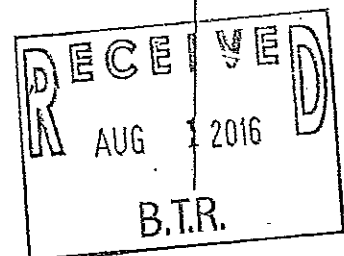
13 1. LETTER OF REPRIMAND. Respondents are hereby issued a Letter of
14 Reprimand.

15 2. ADMINISTRATIVE PENALTY. Within ninety (90) days from the
16 effective date of this Consent Agreement, Respondents shall pay an administrative
17 penalty of Five Hundred Dollars (\$500.00) by certified check or money order made
18 payable to the State of Arizona Board of Technical Registration.

19 3. COST OF INVESTIGATION. Within ninety (90) days from the effective
20 date of this Consent Agreement, Respondents shall pay the cost of investigation of this
21 case to the Board in the amount of Two Hundred Four Dollars (\$204.00) by certified
22 check or money order made payable to the State of Arizona Board of Technical
23 Registration, according to the provisions of A.R.S. § 32-128(H).

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

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1 5. RENEWAL OF REGISTRATION. Respondents shall timely renew his
2 Arizona registration as a Home Inspector and timely pay all required registration fees.

3 6. EFFECTIVE DATE. The effective date of this Consent Agreement is the
4 date the Respondents and Board sign the Consent Agreement. If the dates are different,
5 the effective date is the later of the two dates.

6 7. COSTS OF COMPLIANCE. Respondents shall pay all costs associated
7 with complying with this Consent Agreement.

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

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14 ACCEPTED and ORDERED this 23RD day of AUGUST, 2016.

15
16 E. LeRoy Brady

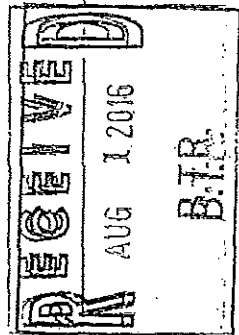
17 E. Leroy Brady, Chairman
18 Arizona State Board of
19 Technical Registration

20
21 Consent Agreement and Order, No. HJ16-024 accepted this 15th day of
22 AUGUST, 2016.

23 Kenneth Austin
24 Kenneth Austin, Personally and on
25 behalf of Ken's Quality Home
26 Inspection, Respondents

27 ORIGINAL filed this 23 day of
28 AUGUST, 2016, with:

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



1 COPY of the foregoing mailed via Certified Mail
2 No. 7015 3010 0000 3064-7870 and
3 First Class mail this 29 day of AUGUST, 2016, to:

4 Kenneth Austin
5 Ken's Quality Home Inspections
6 18551 Wes Cheryl Drive
7 Waddell, AZ 85355

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By: D. Therman

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AUG 1 2016
B.I.R.