BEFORE THE ARIZONA STATE
BOARD OF TECHNICAL REGISTRATION

In the Matter of:
Matt Davison
Home Inspector
Certification No. 39086

A-Z Home Inspections
Firm Registration No. 12115

Respondents

Case No.: HI17-004

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, Matt Davison ("Respondent"), holder of Certification No. 39086, and A-Z Home Inspections, firm registration No. 12115 ("Respondent Firm"), 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
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 H17-004, 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 Certified Home Inspectors in the State of Arizona.

2. Respondent is the holder of Arizona Certified Home Inspector No. 39086.

3. Between March 31, 2016, and September 16, 2016, Respondent Firm was not registered with the Board.

4. On or about June 9, 2016, the Respondent performed a home inspection and prepared a home inspection report through Respondent Firm, for the property located at 1140 W. Panorama Lane, Tucson, AZ.

5. On August 30, 2016, the Board received a complaint alleging that Respondent failed to conduct a home inspection in accordance with Standards of Professional Practice for Arizona Home Inspectors ("AZ SOP") and while Respondent Firm’s registration was expired.
6. On April 20, 2017, an Enforcement Advisory Committee reviewed the case, and found the following:

   a. Respondent conducted a home inspection in the State of Arizona through the unregistered firm, A-Z Home Inspections.

   b. Respondent failed to accurately observe/or report on the condition of the patio door in violation of AZSOP No. 5.1.B and 5.2.B.

   c. Respondent failed to include the Firm address and Home Inspection Certification number in the Home Inspection Agreement, in violation of AZSOP No. 2.2. A.3.

   d. Respondent failed to observe the condition of floor structure, in violation of AZSOP No. 4.1.A.4 and 4.2.A.4.

   e. Respondent failed to observe the condition of the foundation structure, in violation of AZSOP No. 4.1.A.1.

   f. Respondent failed to observe the condition of the of the wall structure, in violation of AZSOP No. 4.1.A.3.

   g. Respondent failed to observe the condition of the condition of the ceiling structure, in violation of AZSOP No. 4.1.A.5.

   h. Respondent failed to observe the condition of the of the roof structure, in violation of AZSOP No. 4.1.A.6.

   i. Respondent failed to accurately describe the type of the ceiling structure, in violation of AZSOP No. 4.2.A.5.

   j. Respondent failed to observe the condition of the skylights, in violation of AZSOP No. 6.1.D.

   k. Respondent failed observe the condition of plumbing supports, in violation of AZSOP No. 7.1.A.1.

   l. Respondent failed to observe the condition of functional flow, in violation of AZSOP No. 7.1.A.3.

   m. Respondent failed to observe the operation of the gas furnace, in
violation of AZSOP No. 9.2.B.

n. Respondent failed to observe the condition of the heating system automatic safety controls, in violation of AZSOP No. 9.1.A.3.
o. Respondent failed to observe the condition of the heating and cooling source in each room, in violation of AZSOP No. 9.1.A.7.
q. Respondent failed to describe the type and observe the condition of the vapor retarders in the attic, in violation of AZSOP No. 12.1.A and 12.2.A.
r. Respondent failed to accurately observe the condition of the attic insulation, in violation of AZSOP No. 12.1.A.

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. § 32-121, and A.R.S. § 32-141(A), in that Respondent conducted a home inspection on or about June 9, 2016, through A-Z Home Inspections, a firm that was not registered with the Board.
3. 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. STAYED SUSPENSION AND PROBATION. Respondent's certification as Home Inspector, Certification No. 39086, 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 certification as a Home Inspector is placed on probation. If Respondent is non-compliant with any terms of this Order, the stay of the suspension shall be lifted and Respondent’s certification as a Home Inspector shall be automatically suspended without a formal hearing, and remain suspended until Respondent is compliant with all terms of this Order. The Board may also consider Respondent’s non-compliance with this Order as a separate violation of A.R.S. § 32-150.

3. RESTITUTION TO CLIENT. Within thirty (30) days from the effective date of this Consent Agreement Respondent shall pay the client, Micah Blatt, the amount of Three Hundred Dollars ($300.00) by check or money order. If Respondent fails to pay the client, Micah Blatt, within thirty (30) days from the effective date of this Consent Agreement and Order, Respondent’s registration shall be suspended until such time payment is made in full. Within ten (10) days of the payment to the client, Micah Blatt, Respondent shall provide the Board with written proof that payment has been made.

4. PEER REVIEW. Within thirty (30) days of the effective date of this Consent Agreement, Respondent shall accompany a supervising Certified Home Inspector (“Peer Reviewer”) for one Home Inspection, and perform the inspection at the same time and location as the Peer Reviewer. Respondent shall write a Home Inspection Report, and submit the written report to the Peer Reviewer for review. The Respondent may select his Peer Reviewer who shall be in good standing with the Board and shall not have received any disciplinary action from the Board within the last 3-years. The Peer Reviewer shall have been continuously certified by the Board as a Home Inspector for at least five (5) years and shall have conducted at least two hundred and fifty (250) Home Inspections in the State of Arizona. The Respondent shall cause the Peer Reviewer to sign an Affidavit and Agreement to Conduct Peer Review with the Board affirming that the Peer Reviewer has met the
Peer Review selection criteria prior to conducting any Peer Reviews. At the conclusion of each peer reviewed Home Inspection, Respondent will submit his work product, specifically a Home Inspection Report, to the Peer Reviewer who will review and make all corrections to the Respondent's Home Inspection Report necessary for the report to meet the Standards of Professional Practice for Arizona Home Inspectors. **Respondent shall not perform any Home Inspections or provide any client with a Home Inspection Report for a fee, until all Peer Reviews are completed.**

Respondent shall ensure that the Peer Reviewer provides a written report to the Board after each peer reviewed Home Inspection, detailing any deficiencies in the Respondent's practice, and certifying that the deficiencies have been explained and corrected, in so far as the peer reviewed Home Inspection is concerned. Respondent shall retain the Peer Reviewer at his own expense.

5. **ADMINISTRATIVE PENALTY.** Within six (6) months from the effective date of this Consent Agreement, Respondent shall pay an administrative penalty of One Thousand Two Hundred Dollars ($1,200.00) by certified check or money order made payable to the State of Arizona Board of Technical Registration. The Respondent shall make six monthly payments of Two Hundred Fifty Dollars ($200.00), with the first payment to be submitted on the first of the month following the Board’s acceptance of the agreement.

6. **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 Four Hundred Sixty-Five Dollars ($465.00) 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).

7. **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 statutes governing the Arizona Board of Technical Registration.

8. RENEWAL OF REGISTRATION. Respondent and Respondent Firm shall timely renew their Arizona registration as a Home Inspector and Home Inspection Firm, and timely pay all required registration fees.

9. 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.

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

ACCEPTED and ORDERED this 27th day of JUNE, 2017.

[Signature]
Jason Madison, Chairman
Arizona State Board of Technical Registration

Consent Agreement and Order, No. HD17-004 accepted this 19th day of JUNE, 2017.

[Signature]
Matt Davison, Personally and on behalf of A-Z Home Inspections, Respondents

ORIGINAL filed this 27 day of JUNE, 2017, with:

Arizona State Board of Technical Registration
COPY of the foregoing mailed via Certified Mail No. 9214 8701 9443 4600 0000 0195 and First Class mail this 28 day of June, 2017, to:

Matt Davison
A-Z Home Inspections
7730 E. Manor Place
Tucson, AZ 85750

By: [Signature]