

1 irrevocable.

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

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

8 6. Respondent understands this Consent Agreement deals with Board case
9 number HI17-004, involving allegations that Respondent engaged in conduct that would
10 subject him to discipline under the Board's statutes and rules. The investigation into
11 these allegations against Respondent shall be concluded upon the Board's adoption of
12 this Consent Agreement.

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

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

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

27 10. This Consent Agreement is subject to the approval of the Board and is
28 effective only when accepted by the Board and signed on behalf of the Board. If the

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3 Board does not approve this Consent Agreement, it is withdrawn and shall be of no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

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

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

14 13. Respondent agrees that the Board will adopt the following Findings of Fact,
15 Conclusions of Law and Order.

16 **FINDINGS OF FACT**

17 1. The Board is the duly constituted authority for the regulation and control of
18 Certified Home Inspectors in the State of Arizona.

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

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

22 4. On or about June 9, 2016, the Respondent performed a home inspection and
23 prepared a home inspection report through Respondent Firm, for the property located at
24 1140 W. Panorama Lane, Tucson, AZ.

25 5. On August 30, 2016, the Board received a complaint alleging that
26 Respondent failed to conduct a home inspection in accordance with Standards of
27 Professional Practice for Arizona Home Inspectors ("AZ SOP") and while Respondent
28 Firm's registration was expired.

1 6. On April 20, 2017, an Enforcement Advisory Committee reviewed the case,
2 and found the following:

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

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

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

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

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

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

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

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

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

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

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

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

28 m. Respondent failed to observe the operation of the gas furnace, in

1 violation of AZSOP No. 9.2.B.

2 n. Respondent failed to observe the condition of the heating system
3 automatic safety controls, in violation of AZSOP No. 9.1.A.3.

4 o. Respondent failed to observe the condition of the heating and cooling
5 source in each room, in violation of AZSOP No. 9.1.A.7.

6 p. Respondent failed to observe the condition of the HVAC distribution
7 system, in violation of AZSOP No. 9.1.A.6 and 10.1.B.1.

8 q. Respondent failed to describe the type and observe the condition of the
9 vapor retarders in the attic, in violation of AZSOP No. 12.1.A and 12.2.A.

10 r. Respondent failed to accurately observe the condition of the attic
11 insulation, in violation of AZSOP No. 12.1.A.

12 CONCLUSIONS OF LAW

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

14 2. The conduct alleged in the Findings of Facts constitutes grounds for
15 discipline pursuant to A.R.S. § 32-121, and A.R.S. § 32-141(A), in that Respondent
16 conducted a home inspection on or about June 9, 2016, through A-Z Home Inspections, a
17 firm that was not registered with the Board.

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

22 ORDER

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

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

27 2. STAYED SUSPENSION AND PROBATION. Respondent's
28 certification as Home Inspector, Certification No. 39086, shall be suspended for Six

1 (6) months; however, the suspension is stayed for as long as Respondent remains in
2 compliance with this Order. During the stay of suspension, Respondent's certification
3 as a Home Inspector is placed on probation. If Respondent is non-compliant with any
4 terms of this Order, the stay of the suspension shall be lifted and Respondent's
5 certification as a Home Inspector shall be automatically suspended without a formal
6 hearing, and remain suspended until Respondent is compliant with all terms of this
7 Order. The Board may also consider Respondent's non-compliance with this Order as
8 a separate violation of A.R.S. § 32-150.

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

17 4. PEER REVIEW. Within thirty (30) days of the effective date of this
18 Consent Agreement, Respondent shall accompany a supervising Certified Home
19 Inspector ("Peer Reviewer") for one Home Inspection, and perform the inspection
20 at the same time and location as the Peer Reviewer. Respondent shall write a
21 Home Inspection Report, and submit the written report to the Peer Reviewer for
22 review. The Respondent may select his Peer Reviewer who shall be in good standing
23 with the Board and shall not have received any disciplinary action from the Board
24 within the last 3-years. The Peer Reviewer shall have been continuously certified by
25 the Board as a Home Inspector for at least five (5) years and shall have conducted at
26 least two hundred and fifty (250) Home Inspections in the State of Arizona. The
27 Respondent shall cause the Peer Reviewer to sign an Affidavit and Agreement to
28 Conduct Peer Review with the Board affirming that the Peer Reviewer has met the

1 Peer Review selection criteria prior to conducting any Peer Reviews. At the
2 conclusion of each peer reviewed Home Inspection, Respondent will submit his
3 work product, specifically a Home Inspection Report, to the Peer Reviewer who
4 will review and make all corrections to the Respondent's Home Inspection Report
5 necessary for the report to meet the Standards of Professional Practice for Arizona
6 Home Inspectors. **Respondent shall not perform any Home Inspections or**
7 **provide any client with a Home Inspection Report for a fee, until all Peer**
8 **Reviews are completed.**

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

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

21 6. COST OF INVESTIGATION. Within sixty (60) days from the effective
22 date of this Consent Agreement, Respondent shall pay the cost of investigation of this
23 case to the Board in the amount of Four Hundred Sixty-Five Dollars (\$465.00) by
24 certified check or money order made payable to the State of Arizona Board of Technical
25 Registration, according to the provisions of A.R.S. § 32-128(H).

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

1 violation of the rules and statues governing the Arizona Board of Technical Registration.

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

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

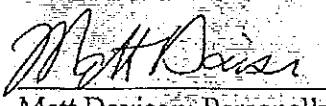
8 10. COSTS OF COMPLIANCE. Respondent shall pay all costs associated
9 with complying with this Consent Agreement.

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

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Jason Madison, Chairman
Arizona State Board of
Technical Registration

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32 Consent Agreement and Order, No. HI17-004 accepted this 19th day of
JUNE, 2017.


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

33
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35
36 ORIGINAL filed this 27 day of
37 JUNE, 2017, with:

38 Arizona State Board of Technical Registration

RECEIVED
JUN 19 2017
BTD

1 1110 W. Washington, Suite 240
2 Phoenix, AZ 85007

3 **COPY** of the foregoing mailed via Certified Mail⁰⁵
4 No. 9214 8901 9434 4600 0000 0195 and

5 First Class mail this 28 day of JUNE, 2017, to:

6 Matt Davison
7 A-Z Home Inspections
8 7730 E. Manor Place
9 Tucson, AZ 85750

10 By: D. Haema