BEFORE THE ARIZONA STATE
BOARD OF TECHNICAL REGISTRATION

In the Matter of:
John G. Thorp C.H.I. Registration No.
40941
Lake Havasu Home Inspections
Non-registrant Firm

Respondents

Case No.: HI17-012

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, Lake Havasu Home Inspections ("Respondent"), Non-Registrant Firm, and John G. Thorp (Respondent) holder of Certified Home Inspector # 40941 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 H117-012, 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 Inspections in the State of Arizona.

2. Respondent is the holder of Arizona Home Inspection Certification No. 40941.

3. Respondent firm, Lake Havasu Home Inspections, is not, nor has ever been, registered with the Board.

4. On November 14, 2016, Respondent conducted a Home Inspection and prepared a Home Inspection report for a property located at 1490 Sea Lancer Dr., Lake Havasu City, AZ, through Respondent firm.

5. On or about November 11, 2016, Respondent sent emails to numerous recipients that contained advertising and offers to conduct home inspections through Respondent Firm.
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. R4-30-301(4), in that Respondent engaged in the practice of Home Inspection through an unregistered firm.
3. The conduct alleged in the Findings of Fact constitutes grounds for discipline pursuant to A.R.S. § 32-121 and A.R.S. § 32-141 in that Respondent Firm engaged in the practice of a Home Inspection without firm registration with the Board.

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. ASSURANCE OF DISCONTINUANCE. Respondent firm, shall not engage in the practice, offer to practice or by any implication hold itself out as qualified to practice home inspections as defined by A.R.S. § 32-101(B)(23), and shall not display any card, sign or other device that may indicate to the public that it is a registered home inspection firm or is qualified to practice as such in the State of Arizona until such time as the Respondent firm has been granted registration by the Board or is in full compliance with the Board’s Statutes and Rules.
3. ADMINISTRATIVE PENALTY. Within sixty (60) days from the effective date of this Consent Agreement, Respondent shall pay an administrative penalty of Two Hundred and Fifty Dollars ($250.00) by certified check or money order made payable to the State of Arizona Board of Technical Registration.
4. COST OF INVESTIGATION. Within thirty (30) 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 Two Hundred and Ninety-Nine Dollars ($299.00) 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).

5. OBEY ALL LAWS. Respondent shall obey all federal, state and local laws, as well as, all rules governing the practice of Home Inspection 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.

6. RENEWAL OF REGISTRATION. Respondent shall timely renew his Arizona registration as a Home Inspector and timely pay all required registration fees.

7. 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.

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

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

ACCEPTED and ORDERED this 24 day of January, 2017.

Jason Madison, Chairman
Arizona State Board of Technical Registration

Consent Agreement and Order, No. HI17-012 accepted this 3rd day of January, 2017.

John G. Thorp, and, on behalf of
Lake Havasu Home Inspectors, Respondents

ORIGINAL filed this 24 day of
January 2017, with:

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

COPY of the foregoing mailed via Certified Mail
No. 2214 8901 9434 4600 0076 49 and
First Class mail this 27 day of January, 2017, to:

John G. Thorp, C.H.I.
1700 Topaz Drive
Lake Havasu City, AZ 86403

By: _______