

1 **BEFORE THE ARIZONA STATE**  
2 **BOARD OF TECHNICAL REGISTRATION**

3 **In the Matter of:**

**Case No.: HI17-022**

4 **Martin Rosso**  
5 **Certified Home Inspector No. 50623**

**CONSENT AGREEMENT**  
6 **and**  
7 **ORDER OF DISCIPLINE**

8 **Respondent**

9 In the interest of a prompt and judicious resolution of the above-captioned matter  
10 before the Arizona State Board of Technical Registration (“Board”) and consistent with  
11 the public interest, statutory requirements, and the responsibilities of the Board, and  
12 pursuant to A.R.S. § 32-101 et seq., and A.A.C. R4-30-120(G), the undersigned party,  
13 Martin Rosso (“Respondent”), holder of C.H.I. Registration No. 50623, and the Board  
14 enter into the following Recitals, Findings of Fact, Conclusions of Law and Order  
15 (“Consent Agreement”) as a final disposition of this matter.

16 **RECITALS**

17 1. Respondent has read and understands this Consent Agreement and has had  
18 the opportunity to discuss this Consent Agreement with an attorney, or has waived the  
19 opportunity to discuss this Consent Agreement with an attorney.

20 2. Respondent understands that he has a right to a public administrative hearing  
21 concerning this case. He further acknowledges that at such formal hearing he could  
22 present evidence and cross-examine witnesses. By entering into this Consent Agreement,  
23 Respondent knowingly, voluntarily, and irrevocably waives his right to such an  
24 administrative hearing, as well as rights of rehearing, review, reconsideration, appeal,  
25 judicial review or any other administrative and/or judicial action concerning the matters  
26 set forth herein.

27 3. Respondent affirmatively agrees that this Consent Agreement shall be  
28 irrevocable.

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

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

7           6. Respondent understands this Consent Agreement deals with Board case  
8 number HI17-022 involving allegations that Respondent engaged in conduct that would  
9 subject him to discipline under the Board's statutes and rules. The investigation into  
10 these allegations against Respondent shall be concluded upon the Board's adoption of  
11 this Consent Agreement.

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

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

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

26           10. This Consent Agreement is subject to the approval of the Board and is  
27 effective only when accepted by the Board and signed on behalf of the Board. If the  
28 Board does not accept this Consent Agreement, the Board retains its authority to hold a

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

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

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

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

15 **FINDINGS OF FACT**

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

18 2. Respondent is the holder of Arizona Certified Home Inspectors Registration  
19 No. 50623.

20 3. On February 17 & 18, 2017, Respondent performed a Home Inspection and  
21 prepared a home inspection report for the property located at 21960 N. 59<sup>th</sup> Lane,  
22 Glendale, AZ.

23 4. Board records show that Respondent's certification as a Home Inspector  
24 expired on December 31, 2016, and was not renewed until March 20, 2017.

25 5. On March 6, 2017, the Board received a complaint against Respondent  
26 related to a non-technical allegation. During the investigation of the complaint, no  
27 evidence was gathered to support a violation related to the non-technical concern,  
28 however, it was determined that at the time of the February, 2017 inspection in Glendale,

1 Arizona, Respondent's certification as a Home Inspector was expired and therefore  
2 invalid.

3 **CONCLUSIONS OF LAW**

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

5 2. The conduct alleged in the Findings of Fact constitutes grounds for discipline  
6 pursuant to A.R.S. § 32-145(1) and A.R.S. § 32-127(D), in that Respondent practiced a  
7 Board regulated occupation without an active and valid certificate.

8 **ORDER**

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

11 1. **LETTER OF REPRIMAND.** Respondent is hereby issued a Letter of  
12 Reprimand.

13 2. **ADMINISTRATIVE PENALTY.** Within ninety (90) days from the  
14 effective date of this Consent Agreement, Respondent shall pay an administrative penalty  
15 of Two Hundred and Fifty Dollars (\$250.00) by certified check or money order made  
16 payable to the State of Arizona Board of Technical Registration.

17 3. **COST OF INVESTIGATION.** Within sixty (60) days from the effective  
18 date of this Consent Agreement, Respondent shall pay the cost of investigation of this  
19 case to the Board in the amount of Two Hundred Dollars (\$200.00) by certified check or  
20 money order made payable to the State of Arizona Board of Technical Registration,  
21 according to the provisions of A.R.S. § 32-128(H).

22 4. **OBEY ALL LAWS.** Respondent shall obey all federal, state and local  
23 laws, as well as, all rules governing the practice of Home Inspections in the State of  
24 Arizona. The Board shall consider any violation of this paragraph to be a separate  
25 violation of the rules and statues governing the Arizona Board of Technical Registration.  
26 The Board may also consider Respondent's non-compliance with this Order as a separate  
27 violation of A.R.S. § 32-150.

28 5. **RENEWAL OF REGISTRATION.** Respondent and Respondent Firm shall

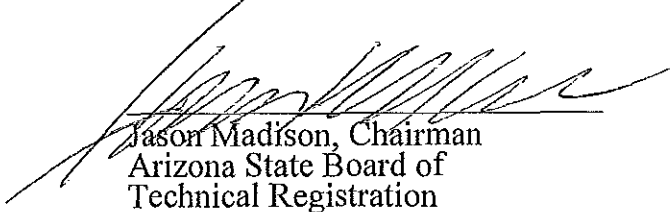
1 timely renew their Arizona registration as a Home Inspector and Home Inspection Firm,  
2 and timely pay all required registration fees.

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

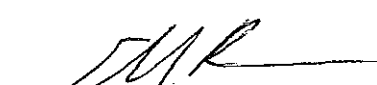
6 7. COSTS OF COMPLIANCE. Respondent shall pay all costs associated  
7 with complying with this Consent Agreement.

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.

13 ACCEPTED and ORDERED this 23 day of MAY, 2017.

14  
15   
16 Jason Madison, Chairman  
17 Arizona State Board of  
18 Technical Registration

19 Consent Agreement and Order, No. HI17-022 accepted this 8 day of  
20 May, 2017.

21   
22 Martin Rosso, Respondent

23 ORIGINAL filed this 23 day of  
24 MAY, 2017, with:

25 Arizona State Board of Technical Registration  
26 1110 W. Washington, Suite 240  
27 Phoenix, AZ 85007  
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**COPY** of the foregoing mailed via Certified Mail  
No. 9214 8901 9434 4600 0172 28 and  
First Class mail this 25 day of MAY, 2017, to:

Martin Rosso  
Arizona Building Inspections LLC  
1300 S. Watson Rd.  
Buckeye, AZ 85326

By: *D. Braemer*