BEFORE THE ARIZONA STATE
BOARD OF TECHNICAL REGISTRATION

In the Matter of:

Matthew Jenks
Home Inspector
Registration No. 44033

First Step Home Inspectors, LLC
Firm Registration No. 14905

CONSENT AGREEMENT
and
ORDER OF DISCIPLINE

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, Matthew Jenks ("Respondent"), holder of Registration No. 44033, First Step Home Inspectors ("Respondent Firm"), holder of Registration No. 14905 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.

RE bâtals

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
irrevocable.

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 HI17-031 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 Inspection in the State of Arizona.

2. Respondent is the holder of Certified Home Inspector Registration No. 44033.

3. Respondent Firm registration expired on January 31, 2015 and was not renewed until April 25, 2017.

4. On or about January 3, 2017, Respondent conducted a Home Inspection at 27355 N. 130th Dr., Peoria, AZ. Respondent conducted the Home Inspection through an unregistered Firm.

4. On or about April 17, 2017, the Board received a complaint alleging that Respondent failed to conduct a home inspection in accordance with the Standards of Professional Practice by failing to make the client aware of termite damage to the living
room floor, that there was no cold water in the powder room and laundry room, that the air conditioning was not fully functional, that there was ice in the back of the refrigerator, and that two picture windows in the living room had broken seals. It was also alleged that Respondent and Respondent Firm provided a Home Inspection through an unregistered firm.

5. On October 2, 2017, the Board’s Enforcement Advisory Committee (“EAC”) convened to review the complaint against Respondent. After interviewing both the Alleger and Respondent, the committee found that Respondent failed to conduct a home inspection in accordance with the Standards of Professional Practice for Arizona Home Inspectors (“Standards”) in the following areas:

   a) Agreement failed to state license number, firm address and that inspection is conducted in accordance with standards (Item 2.2.A.2, 3 & 5),
   b) Failed to observe and report on type and condition of columns (Item 4.1.A(4) and 4.2.A(4)),
   c) Failed to observe and report on condition of walkways (Item 5.1.F),
   d) Failed to observe and report on presence and condition of fuel piping supports (Item 7.1.D(1)),
   e) Failed to observe and report on the condition of the electrical service (Item 8.2.A(3)),
   f) Failed to observe and report on the type and condition of the service conductors (Item 8.1.A & 8.2.A(2)),
   g) Failed to report on condition of the Heating System Automatic Safety Controls (Item 9.1.A(3)),
   h) Failed to report on the condition of the heating & cooling air filters (Items 9.1.A(6) & 10.1.B(1)),
   i) Failed to report on presence of heating and cooling source in each room (Items 9.1.A(7) & 10.1.B(2)),
   j) Failed to report on cooling system energy source (Item 10.2.A(1)),
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) (violation of Board rules) as it relates to A.A.C. R4-30-301.01(A), in that Respondent failed to conduct a home inspection in accordance with the Standards of Professional Practice for Arizona Home Inspectors.

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. R4-30-301(4), in that Respondent engaged in the practice of Home Inspection through an unregistered firm.

4. The conduct alleged in the findings of fact constitutes grounds for discipline pursuant to A.R.S. § 32-141, in that Respondent Firm practiced a Board regulated occupation without firm registration.

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. RESTITUTION. Within thirty (30) days from the effective date of this Consent Agreement, Respondent shall pay restitution to the client, Sondra Fox and Theodore Brauer, in the amount of Three Hundred Fifty Dollars ($350.00) for the cost of the home inspection fee related to case HI 17-031. Respondent shall provide proof of payment to the client, such as a copy of the check, to the Board of Technical Registration showing payment was made to the client.

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

5. COST OF INVESTIGATION. Within ninety (90) 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 Six Hundred Twenty-Three Dollars ($623.00).
Payments are to be made to the Board 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).

6. 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.

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

8. 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.

9. 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. The Board may
also consider Respondent’s non-compliance with this Order as a separate violation of
A.R.S. § 32-150.

10. 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.
ACCEPTED and ORDERED this 16 day of January, 2017.

Alejandro Angel, P.E., Chairman
Arizona State Board of Technical Registration

Consent Agreement and Order, No. HI17-031 accepted this 23 day of December, 2017.

Matthew Jenks, Respondent

ORIGINAL filed this _____ day of ________, 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. ________________________ and First Class mail this _______ day of ____________, 2017, to:

Matthew Jenks
First Step Home Inspectors, LLC
27508 N. 22nd Lane
Phoenix, AZ 85085

By: __________________________