

1 MARK BRNOVICH  
2 Attorney General  
3 Firm Bar No. 14000

4 DEANIE REH  
5 Assistant Attorney General  
6 State Bar No. 005170  
7 2005 N. Central Ave.  
8 Phoenix, Arizona 85004  
9 Telephone (602) 542-8322  
10 Facsimile (602) 542-4385  
11 LicensingEnforcement@azag.gov  
12 Attorney for the State

13 **BEFORE THE ARIZONA STATE**  
14 **BOARD OF TECHNICAL REGISTRATION**

15 In the Matter of:

16 **Case No.: HI17-035**

17 **Robert Walsh,**  
18 Home Inspector Certification No. 62775,

19 **CONSENT AGREEMENT**

20 Respondent.

21 In the interest of a prompt and judicious resolution of the above-captioned matter  
22 before the Arizona State Board of Technical Registration (the "Board") and consistent  
23 with the public interest, statutory requirements, and the responsibilities of the Board, and  
24 pursuant to Arizona Revised Statutes ("A.R.S.") § 32-101, *et seq.*, and Arizona  
25 Administrative Code ("A.A.C.") R4-30-120(G), the Board and the undersigned party,  
26 Robert Walsh, Certification No. 62775 ("Respondent"), enter into the following Recitals,  
27 Findings of Fact, Conclusions of Law and Order ("Consent Agreement") as a final  
28 disposition of this matter.

29 **RECITALS**

30 1. Respondent has read and understands this Consent Agreement and has had  
31 the opportunity to discuss this Consent Agreement with an attorney, or has waived the  
32 opportunity to discuss this Consent Agreement with an attorney.

33 2. Respondent understands that he has a right to a public administrative

1 hearing concerning this case. He further acknowledges that, at such formal hearing, he  
2 could present evidence and cross-examine witnesses. By entering into this Consent  
3 Agreement, Respondent knowingly, voluntarily, and irrevocably waives his right to such  
4 an administrative hearing, as well as rights of rehearing, review, reconsideration, appeal,  
5 judicial review or any other administrative and/or judicial action concerning the matters  
6 set forth herein.

7 3. Respondent affirmatively agrees that this Consent Agreement shall be  
8 irrevocable.

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

11 5. The Consent Agreement, any record prepared in this matter, all  
12 investigative materials prepared or received by the Board and all related exhibits and  
13 materials, are records (as defined in A.R.S. § 41-151.18) upon acceptance by the Board  
14 of this Consent Agreement and may be retained in the Board's files pertaining to this  
15 matter.

16 6. Respondent understands this Consent Agreement deals with Board case  
17 number HI17-035 involving allegations that Respondent engaged in conduct that would  
18 subject him to discipline under the Board's statutes and rules. The investigation into  
19 these allegations against Respondent shall be concluded upon the Board's adoption of  
20 this Consent Agreement.

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

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



1 Tucson, Arizona for potential home-buyers, Roger and Stephen McLean. Respondent  
2 drafted an inspection report and included the following observation:

3 "Polybutylene piping observed. This type of piping has been recalled due to  
4 possible leaking or failure. Recommend a system-wide plumbing evaluation to  
5 determine the need for repair/replacement of piping by a qualified plumber.  
6 Vanguard Thermoguard MANABLOC system with 3/8 inch tubing. PB2110.  
Note: Large water PEX supply lines were also noted in attic."

7 After reading the report, the McLeans determined not to purchase the property.

8 5. On June 8, 2017, the owner of the property, Dan Anderson, filed a  
9 complaint against Respondent with the Board. The complaint alleged that Respondent's  
10 report for the McLeans was "false," specifically the remarks made about the polybutylene  
11 plumbing. Anderson alleged that he had replaced all the plumbing in the house the  
12 previous year. Furthermore, Anderson alleged that Respondent's report "cost" him the  
13 sale of his house.

14 6. Board staff began investigating this complaint on June 23, 2017, sending  
15 Respondent notice of the complaint and asking that he send a written response, contracts,  
16 plans, agreements, photos and other relevant documents to the Board for review by July  
17 10, 2017.

18 7. On August 17, 2017, Respondent provided the Board with a written  
19 statement about the complaint, in which he wrote that his inspection of the plumbing  
20 piping in the home was visual only. He explained that inspections of piping within the  
21 home under sinks, by the toilets and hose bibs gave no clear indication of the piping used.  
22 Furthermore, he stated that when he noticed polybutylene and PEX piping in the home,  
23 he drafted the note in the report and recommended that the potential buyers hire a  
24 qualified plumber to conduct a system-wide plumbing evaluation to determine the type of  
25 piping actually present in the home.  
26

27 8. Two Board assessors, Michael Williams, C.H.I. #38045, and Robert Kille,  
28 C.H.I. #38351, reviewed Respondent's report, along with the complaint and all the

1 available evidence to assist the Board in determining whether Respondent's report met  
2 the minimum standards of professional practice for Arizona home inspectors.

3 9. On September 11, 2017, Michael Williams sent the Board his assessment.  
4 In it, he identified several deficiencies in Respondent's home inspection report. On  
5 November 20, 2017, the Board received Robert Kille's assessment, which also noted  
6 several deficiencies in Respondent's report. Mr. Kille recommended that the Board hold  
7 an Enforcement Advisory Committee ("EAC") meeting to discuss the evidence in greater  
8 detail and interview witnesses, including Respondent.

9 10. On November 24, 2017, Board staff contacted Respondent and informed  
10 him of the results of the assessments. Staff also informed him that an EAC meeting had  
11 been recommended to further review the complaint.

12 11. On January 30, 2018, the EAC meeting convened. Respondent attended by  
13 telephone. The EAC members did not substantiate the plumbing allegation, but voted to  
14 substantiate a finding that Respondent's report and documentation fell below the  
15 Standards of Professional Practice for Arizona Home Inspectors ("S.O.P"), because of the  
16 following deficiencies:

17 a. The contract failed to list the Respondent's name, license number, or firm  
18 address; and did not cite the Arizona standards of professional practice in agreement, as  
19 required in S.O.P #2.2;

20 b. Respondent failed to report on the condition of the foundation, as required  
21 in S.O.P #4.1 and #4.2;

22 c. Respondent failed to report the type of exterior wall structure, as required  
23 in S.O.P #4.1 and #4.2;

24 d. Respondent failed to report the method used to view the attic structure, as  
25 required in S.O.P #4.2;

26 e. Respondent failed to report the condition of the windows, as required in  
27 S.O.P #5.2;  
28

1 f. Respondent failed to report on the condition of the safety reverse for the  
2 garage door, as required in S.O.P #5.2;

3 g. Respondent failed to report on compatibility of the amperage and voltage,  
4 as required in S.O.P #8.1;

5 h. Respondent failed to report on the type of electrical service conductor, as  
6 required in S.O.P #8.2;

7 i. Respondent failed to report on the location of main and distribution  
8 electrical panels, as required in S.O.P #8.2;

9 j. Respondent failed to report on the type of heating equipment, as required in  
10 S.O.P #9.2;

11 k. Respondent failed to report the presence and condition of any fire  
12 separation wall, ceiling, or door, as required in S.O.P #11.1;

13 l. Respondent failed to report on the presence and condition of laundry dryer  
14 ventilation as required by S.O.P #12.1; and

15 m. Respondent failed to state the presence and type of vapor barrier as required  
16 by S.O.P #12.2.

17  
18 12. The EAC recommended that the Board issue Respondent a Letter of  
19 Concern. The Board reviewed the EAC's recommendation to resolve this complaint by  
20 issuing a letter of concern to Respondent at its February 27, 2018 meeting. After  
21 discussion and consideration of the evidence, the Board decided to send the case back to  
22 staff for further evaluation and investigation.

23 13. On March 6, 2018, Peter Leeds, C.H.I. # 38044 and long-time member of  
24 the Board's Home Inspector Rules and Standards Committee, reviewed all the evidence in  
25 this complaint. He determined that Respondent's report, as a whole, fell below the S.O.P.,  
26 and that the violations found by the committee would warrant action more severe than a  
27 letter of concern. Mr. Leeds recommended that Respondent should be subject to peer  
28 review through a consent agreement.



1 Board shall consider any violation of this paragraph to be a separate violation of the rules  
2 and statues governing the Arizona Board of Technical Registration.

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

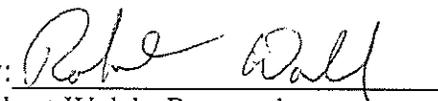
8 6. EFFECTIVE DATE. The effective date of this Consent Agreement is the  
9 date it was last executed by the Respondent or the Board.

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

12 ACCEPTED and ORDERED this 20 day of January, 2020.

13  
14   
15 Jason E. Foose, RLS, Chairman  
16 Arizona State Board of  
17 Technical Registration

17 CONSENT AGREEMENT and Order, Number HI17-035 accepted this 20 day  
18 of January, 2020.

19  
20  
21 By:   
22 Robert Walsh, Respondent  
23  
24  
25  
26  
27  
28

1 ORIGINAL filed this 30<sup>th</sup> day of January, 2020, with:

2 Arizona State Board of Technical Registration  
3 1110 W. Washington, Suite 240  
4 Phoenix, AZ 85007

5 COPY of the foregoing mailed/e-mailed this 30<sup>th</sup> day of January, 2020 to:

6 Robert M. Walsh,  
7 6909 E. Kingston Dr.  
8 Tucson, AZ 85710  
9 going2az@gmail.com  
10 *Respondent*

Cert. Mail: 9214 8901 9434 4600 0661 89

11 Deanie Reh  
12 deanie.reh@azag.gov  
13 *Counsel for the State*

14 By: 