

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

**In the Matter of:**

**Larry Swanson  
Home Inspector  
Certification No. 50101**

**Respondent**

**Case No.: HI18-001**

**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, Larry Swanson ("Respondent"), holder of Certification No.50101, 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 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 HI18-001 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 Inspection in the State of Arizona.

18 2. Respondent is the holder of Home Inspector Certification No.50101.

19 3. On or about March 30, 2016, Respondent conducted a Home Inspection at  
20 10421 W. Deanne Drive, Sun City, Arizona.

21 4. On or about June 27, 2017, the Board received a complaint alleging that  
22 Respondent failed to conduct a home inspection in the accordance with the Standards of  
23 Professional Practice by failing to accurately report on the condition of the interior  
24 bedroom wall.

25 5. On or about March 6, 2018, the Board's Enforcement Advisory Committee  
26 ("EAC") convened to review the complaint against Respondent. After reviewing the  
27 evidence, and interviewing both the Allegor and Respondent, the committee determined  
28 that Respondent failed to conduct a home inspection in accordance with the Standard of

1 Professional Practice for Arizona Home Inspectors (“S.O.P”) and found that:

- 2 a) Respondent failed to accurately report on the condition of the interior
- 3 bedroom wall as required in S.O.P#11.1,
- 4 b) Respondent failed to include his address in the agreement as required in
- 5 S.O.P #2.2,
- 6 c) Respondent failed to report on the condition of foundation structure as
- 7 required in S.O.P #4.1,
- 8 d) Respondent failed to report on the condition of floor structure as required
- 9 in S.O.P #4.1,
- 10 e) Respondent failed to report on the condition of wall structure as required
- 11 in S.O.P #4.1,
- 12 f) Respondent failed to report on the condition of column structure as
- 13 required in S.O.P #4.1,
- 14 g) Respondent failed to report on the condition of roof and ceiling structure
- 15 as required in S.O.P #4.1,
- 16 h) Respondent failed to report on the condition of patio roof covering as
- 17 required in S.O.P #6.1,
- 18 i) Respondent failed to report on the method used to observe roof as
- 19 required in S.O.P #6.2,
- 20 j) Respondent failed to report on the condition of laundry faucet as required
- 21 in S.O.P #7.1,
- 22 k) Respondent failed to report on the functional drainage as required in
- 23 S.O.P #7.1,
- 24 l) Respondent failed to report on the condition of service conductor as
- 25 required in S.O.P #8.1,
- 26 m) Respondent failed to report on the compatibility of amperage and voltage
- 27 of circuit conductors required in S.O.P #8.1,
- 28

- n) Respondent failed to report on the condition of fire separation walls and ceilings as required by S.O.P #11.1,
- o) Respondent failed to report on the presence or absence of vapor retarder as required in S.O.P #12.2.

**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. R4-30-301.01, in that Respondent failed to conduct a Home Inspection in accordance with the Standards of Professional Practice for Arizona Home Inspectors.

**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, Mary Harrison, in the amount of Three Hundred Ninety Dollars (\$390.00) for the cost of the home inspection fee related to case HI18-001. Respondent shall provide proof of payment made 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 thirty (30) days from the effective date of this Consent Agreement, Respondent shall pay an administrative penalty of Five Hundred Dollars (\$500.00) 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 Six Hundred One Dollars (\$601.00) by certified check or

1 money order made payable to the State of Arizona Board of Technical Registration,  
2 according to the provisions of A.R.S. § 32-128(H).

3 5. OBEY ALL LAWS. During the probationary period, Respondent shall obey  
4 all federal, state and local laws, as well as, all rules governing the practice of Home  
5 Inspections in the State of Arizona. The Board shall consider any violation of this  
6 paragraph to be a separate violation of the rules and statues governing the Arizona Board  
7 of Technical Registration. The Board may also consider Respondent's non-compliance  
8 with this Order as a separate violation of A.R.S. § 32-150.

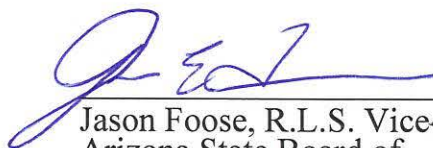
9 6. RENEWAL OF REGISTRATION. During the probationary period,  
10 Respondent shall timely renew his Arizona certification as a Home Inspector, and timely  
11 pay all required registration fees.

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

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

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

22  
23 ACCEPTED and ORDERED this 24<sup>TH</sup> day of APRIL, 2018.

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25   
26 Jason Foose, R.L.S. Vice-Chairman  
27 Arizona State Board of  
28 Technical Registration

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Consent Agreement and Order, No. HI18-001 accepted this 12 day of April, 2018.

  
Larry Swanson, Respondent

**ORIGINAL** filed this 27<sup>th</sup> day of APRIL, 2018, with:

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

**COPY** of the foregoing mailed via Certified Mail  
No. 9214 8901 9434 4600 0352 84 and  
First Class mail this 27<sup>th</sup> day of APRIL, 2018, to:

Larry Swanson  
Arizona Superior Home Inspection, LLC  
8846 E. Riviera Dr.  
Scottsdale, AZ 85260

By: 