BEFORE THE ARIZONA STATE
BOARD OF TECHNICAL REGISTRATION

In the Matter of: Steve Gillespie Home Inspector Certification No. 47256

Case No.: HI18-002

Respondent

CONSENT AGREEMENT
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, Steve Gillespie ("Respondent"), holder of Certification No. 47256, 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.

REQUITALS

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 HI18-002, 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 Certified Home Inspector in the State of Arizona.

2. Respondent is the holder of Arizona Certified Home Inspector No. 47256.

3. On May 10, 2017, the Respondent performed a home inspection for the property located at 10228 W. Massingale Road, Tucson, Arizona.

4. On July 12, 2017, the Board received a complaint from the home seller alleging that Respondent, after testing for and discovering a valve leak in the laundry room, failed to turn off the water supply which resulted in a flood and water damage inside the home while conducting a home inspection at the address of 10228 W. Massingale Road, Tucson, Arizona.

5. On January 1, 2018 and January 2, 2018, the Board received assessments, from two members of the Board’s Enforcement Advisory Committee (“EAC”) who reviewed the case and recommended that and an EAC meeting occur to further review the
6. On March 22, 2018, an Enforcement Advisory Committee met to review the evidence in this case. The Committee addressed the original allegations received that Respondent, after testing for and discovering a valve leak in the laundry room, failed to turn off the water supply resulting in water damage inside the home. Based on the review of the documentation presented by the Alleger, Respondent, and Assessors, along with information gathered through the Committee’s interview with the Respondent, the Committee determined that Respondent did not exercise the appropriate standard of care during his home inspection at 10228 W. Massingale Road in Tucson, Arizona. The Committee concluded that Respondent created the problem when he unnecessarily tested and broke the valve and then failed to take adequate steps to mitigate the problem. The Committee members opined that Respondent should have been more diligent in making the buyers, agents and the owners aware of the leak, and should have used a cap or other device that was more suitable to prevent the leak from causing damage to the home. The Committee also addressed the Home Inspection Report deficiencies that were identified through the assessment process. The Committee determined that the Respondent’s Home Inspection report failed to meet the Standards of Professional Practice for Arizona Home Inspectors (“S.O.P”) and found the following:

A. Respondent failed to use the correct Standards in his Agreement as required in S.O.P. #2.2,
B. Respondent failed to report on the condition of the foundation pier supports not addressed as required in S.O.P. #4.2,
C. Respondent failed to report on the condition of Floor Structure not addressed as required in S.O.P. #4.2,
D. Respondent failed to report on the condition of Wall Structure as required in S.O.P. #4.2,
E. Respondent failed to observe the condition paver tile landings at the stairs
and a concrete pad at the rear of the house as required in S.O.P. #5.1,

F. Respondent failed to report on the condition of Overcurrent Protection devices as required in S.O.P. #8.1,

G. Respondent failed to report on the condition of Main and Distribution Panels as required in S.O.P. #8.1,

H. Respondent failed to observe the condition automatic safety controls on the heating unit as required in S.O.P. #9.1

I. Respondent failed to report on the presence or absence of a vapor barrier as required in S.O.P. #12.1,

J. Respondent failed to observe the attic ventilation as required in S.O.P. #12.1,


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) as it relates to A.A.C. R4-30-301(6), in that Respondent failed to apply the appropriate technical knowledge and skill while practicing a Board regulated occupation.

3. The conduct alleged in the Findings of Fact constitutes grounds for discipline pursuant to ARS 32-128(C)(4) as it relates to 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.

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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. ADMINISTRATIVE PENALTY. Within Ninety (90) days from the effective date of this Consent Agreement, Respondent shall pay an administrative penalty of Seven Hundred Dollars ($700.00) by certified check or money order made payable to the State of Arizona Board of Technical Registration.

3. COST OF INVESTIGATION. Within Sixty (60) 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 Four Hundred Seventeen Dollars ($417.00) 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).

4. OBEY ALL LAWS. Respondent shall obey all federal, state and local laws, as well as, all rules governing the practice of Home Inspections, in the State of Arizona. The Board shall consider any violation of this paragraph to be a separate violation of the rules and statues 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.

5. 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.

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

7. 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 20th day of April, 2018.

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

Consent Agreement and Order, No. Case HI18-002 accepted this 5th day of April, 2018.

Steven Gillespie, Respondent

ORIGINAL filed this 27th 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 7901 9134 4600 0352 91 and
First Class mail this 27th day of April, 2018, to:

Steven Gillespie
Inside Out Home Inspections
1595 N San Pedro Ranch Road
Benson, AZ 85602

By: [Signature]