

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

3 **In the Matter of:**

Case No.: HI18-002

4 **Steve Gillespie**
5 **Home Inspector**
6 **Certification No. 47256**

CONSENT AGREEMENT
and
ORDER OF DISCIPLINE

7 **Respondent**

8
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 Steve Gillespie (“Respondent”), holder of Certification No. 47256, and the Board enter
14 into the following Recitals, Findings of Fact, Conclusions of Law and Order (“Consent
15 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 HI18-002, 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 Certified Home Inspector in the State of Arizona.

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

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

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

26 5. On January 1, 2018 and January 2, 2018, the Board received assessments,
27 from two members of the Board's Enforcement Advisory Committee ("EAC") who
28 reviewed the case and recommended that and an EAC meeting occur to further review the

1 evidence in the case.

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

- 19 A. Respondent failed to use the correct Standards in his Agreement as required
20 in S.O.P. # 2.2,
21 B. Respondent failed to report on the condition of the foundation pier supports
22 not addressed as required in S.O.P. #4.2,
23 C. Respondent failed to report on the condition of Floor Structure not
24 addressed as required in S.O.P. #4.2,
25 D. Respondent failed to report on the condition of Wall Structure as required
26 in S.O.P. #4.2,
27 E. Respondent failed to observe the condition paver tile landings at the stairs
28

- 1 and a concrete pad at the rear of the house as required in S.O.P. #5.1,
2 F. Respondent failed to report on the condition of Overcurrent Protection
3 devices as required in S.O.P. #8.1,
4 G. Respondent failed to report on the condition of Main and Distribution
5 Panels as required in S.O.P. #8.1,
6 H. Respondent failed to observe the condition automatic safety controls on the
7 heating unit as required in S.O.P. #9.1
8 I. Respondent failed to report on the presence or absence of a vapor barrier as
9 required in S.O.P. #12.1,
10 J. Respondent failed to observe the attic ventilation as required in S.O.P.
11 #12.1,
12 K. Respondent failed to report on the Under-floor Crawl Space Ventilation as
13 required in S.O.P. #12.1.
14

15 **CONCLUSIONS OF LAW**

- 16 1. The Board has jurisdiction in this matter pursuant to A.R.S. § 32-101, et seq.
17 2. The conduct alleged in the Findings of Fact constitutes grounds for discipline
18 pursuant to A.R.S. 32-128(C)(4) as it relates to A.A.C. R4-30-301(6), in that Respondent
19 failed to apply the appropriate technical knowledge and skill while practicing a Board
20 regulated occupation.
21 3. The conduct alleged in the Findings of Fact constitutes grounds for discipline
22 pursuant to ARS 32-128(C)(4) as it relates to R4-30-301.01, in that Respondent failed to
23 conduct a Home Inspection in accordance with the Standards of Professional Practice for
24 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.

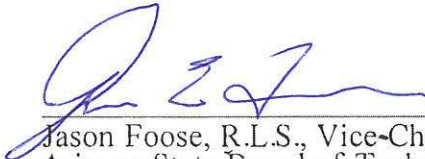
5. EFFECTIVE DATE. The effective date of this Consent Agreement is the date the Respondent and Board sign the Consent Agreement. If the dates are different, the effective date is the later of the two dates.

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

1 registration. The issue at such a hearing will be limited solely to whether this Order has
2 been violated.

3 ACCEPTED and ORDERED this 24TH day of APRIL, 2018.

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6 
7 Jason Foose, R.L.S., Vice-Chairman
8 Arizona State Board of Technical
9 Registration

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13 Consent Agreement and Order, No. Case HI18-002 accepted this 5 day of
14 APRIL, 2018.

15 
16 Steven Gillespie, Respondent

17 ORIGINAL filed this 27th day of
18 APRIL, 2018, with:

19 Arizona State Board of Technical Registration
20 1110 W. Washington, Suite 240
21 Phoenix, AZ 85007

22 COPY of the foregoing mailed via Certified Mail
23 No. 9214 8901 9434 4600 0352 91 and
24 First Class mail this 27th day of APRIL, 2018, to:

25 Steven Gillespie
26 Inside Out Home Inspections
27 1595 N San Pedro Ranch Road
28 Benson, AZ 85602

By: 

RECEIVED
APR 12 2018