

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

3 **In the Matter of:**

Case No.: HI18-006

4 **Craig Garfield**
5 **Home Inspector**
6 **Certification No. 57513**

CONSENT AGREEMENT
and
ORDER OF DISCIPLINE

7 **Pillar to Post Home Inspections**
8 **Firm No. 18706**

9 **Respondents**

10 In the interest of a prompt and judicious resolution of the above-captioned matter
11 before the Arizona State Board of Technical Registration ("Board") and consistent with
12 the public interest, statutory requirements, and the responsibilities of the Board, and
13 pursuant to A.R.S. § 32-101 et seq., and A.A.C. R4-30-120(G), the undersigned party,
14 Craig Garfield ("Respondent"), holder of Certification No. 57513, Pillar to Post Home
15 Inspections ("Respondent Firm") registration No. 18706, and the Board enter into the
16 following Recitals, Findings of Fact, Conclusions of Law and Order ("Consent
17 Agreement") as a final disposition of this matter.

18 **RECITALS**

19 1. Respondent has read and understands this Consent Agreement and has had
20 the opportunity to discuss this Consent Agreement with an attorney, or has waived the
21 opportunity to discuss this Consent Agreement with an attorney.

22 2. Respondent understands that he has a right to a public administrative hearing
23 concerning this case. He further acknowledges that at such formal hearing he could
24 present evidence and cross-examine witnesses. By entering into this Consent Agreement,
25 Respondent knowingly, voluntarily, and irrevocably waives his right to such an
26 administrative hearing, as well as rights of rehearing, review, reconsideration, appeal,
27 judicial review or any other administrative and/or judicial action concerning the matters
28 set forth herein.

3. Respondent affirmatively agrees that this Consent Agreement shall be

1 irrevocable.

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

4 5. The Consent Agreement, any record prepared in this matter, all investigative
5 materials prepared or received by the Board and all related exhibits and materials, are
6 public records (as defined in A.R.S. § 41-158.18) upon acceptance by the Board of this
7 Consent Agreement and may be retained in the Board's files pertaining to this matter.

8 6. Respondent understands this Consent Agreement deals with Board case
9 number HI18-006, involving allegations that Respondent engaged in conduct that would
10 subject him to discipline under the Board's statutes and rules. The investigation into
11 these allegations against Respondent shall be concluded upon the Board's adoption of
12 this Consent Agreement.

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

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

21 9. Respondent acknowledges and agrees that, upon signing this Consent
22 Agreement and returning this document to the Board's Executive Director, he may not
23 revoke his acceptance of the Consent Agreement or make any modifications to the
24 document regardless of whether the Consent Agreement has been signed on behalf of the
25 Board. Any modification to this original document is ineffective and void unless
26 mutually agreed by the parties in writing.

27 10. This Consent Agreement is subject to the approval of the Board and is
28 effective only when accepted by the Board and signed on behalf of the Board. If the

1 Board does not accept this Consent Agreement, the Board retains its authority to hold a
2 formal administrative hearing pursuant to A.R.S. § 32-128(E). In the event that the
3 Board does not approve this Consent Agreement, it is withdrawn and shall be of no
4 evidentiary value and shall not be relied upon nor introduced in any action by any party,
5 except that the parties agree that should the Board reject this Consent Agreement and this
6 case proceeds to hearing, Respondent shall assert no claim that the Board was prejudiced
7 by its review and discussion of this document or any records relating thereto.

8 11. If a court of competent jurisdiction rules that any part of this Consent
9 Agreement is void or otherwise unenforceable, the remainder of the Consent Agreement
10 shall remain in full force and effect.

11 12. Respondent understands that any violation of this Consent Agreement may
12 result in disciplinary action, including suspension or revocation of the registration under
13 A.R.S. § 32-150.

14 13. Respondent agrees that the Board will adopt the following Findings of Fact,
15 Conclusions of Law and Order.

16 **FINDINGS OF FACT**

17 1. The Board is the duly constituted authority for the regulation and control of
18 the practice of Certified Home Inspectors in the State of Arizona.

19 2. Respondent is the holder of Arizona Home Inspector Certification No.
20 57513.

21 3. On March 30, 2016, Respondent Firm Registration No. 18709, Expired.

22 4. On or about May 12, 2017, Respondent performed a home inspection for the
23 property located at 8194 W. Circulo De Los Morteros, Tucson, AZ, through Respondent
24 Firm.

25 5. On July 20, 2017, the Board received a complaint alleging that Respondent
26 failed to conduct a home inspection in accordance with Standards of Professional Practice
27 for Arizona Home Inspectors ("AZ SOP").

28 ////

1 6. On September 24, 2017, the Board received an assessment from members of
2 the Board's Enforcement Advisory Committee ("EAC") who reviewed the case and
3 found Respondent failed to conduct a Home Inspection in accordance with the Standards
4 of Professional Practice for Arizona Home Inspectors.

5 7. On December 6, 2017, an Enforcement Advisory Committee reviewed the
6 case, and determined that Respondent did not accurately report on the condition of
7 several pillars located on the property. The Committee also determined that
8 Respondent's Home Inspection report failed to meet the Standards of Professional
9 Practice for Arizona Home Inspectors ("SOPP") in the following areas:

- 10 A. Respondent's license was not in the agreement as required in
11 SOPP 2.2,
- 12 B. Respondent failed to observe safety rails for the balcony and front porch as
13 required in SOPP 5.1,
- 14 C. Respondent failed to report on pipe supports, insulation Functional flow,
15 fuel distribution lines and supports as required in SOPP 7.1,
- 16 D. Respondent failed to report on the compatibility of the circuit breakers to
17 the conductors (Ampacity) or operation was not given. Also, a
18 representative number of receptacles or GFCI receptacles were not reported
19 on, nor condition given as required in SOPP 8.1,
- 20 E. Respondent failed to report on the condition of the heater automatic safety
21 controls or presence of a heat source in each room and the type and
22 condition of the ducting was not reported upon as required in SOPP 9.1,
- 23 F. Respondent failed to report on the presence of a cooling source in each
24 room as required in SOPP 10.1,
- 25 G. Respondent failed to report on the condition of the interior steps, rails and
26 balconies as required in SOPP 11.1.

CONCLUSIONS OF LAW

1 1. The Board has jurisdiction in this matter pursuant to A.R.S. § 32-101, et seq.

2 2. The conduct alleged in the Findings of Fact, constitutes grounds for
3 discipline pursuant to A.R.S. § 32-128(C)(4) as it relates to; A.A.C. R4-301.1(A), in that
4 Respondent failed to conduct home inspection in accordance with the Standards of
5 Professional Practice for Arizona Home Inspectors.

6 3. The conduct alleged in the Findings of Fact, constitutes grounds for discipline
7 pursuant to A.R.S. 32-128(C)(4) as it relates to A.A.C. R4-30-301(4), in that Respondent
8 engaged in the practice of Home Inspection through an unregistered firm.

9 4. The conduct alleged in the Findings of Fact, constitutes grounds for discipline
10 pursuant to A.R.S. 32-141, in that Respondent Firm practiced a Board regulated
11 occupation without firm registration in possible violation of A.R.S. 32-141.
12

13 **ORDER**

14 Based on the foregoing Findings of Fact and Conclusions of Law, the Board issues
15 the following Order:

16 1. LETTER OF REPRIMAND. Respondent is hereby issued a Letter of
17 Reprimand.

18 2. STAYED SUSPENSION AND PROBATION. Respondent’s registration
19 as Certified Home Inspector No. 57513, shall be suspended for (120) days; however, the
20 suspension is stayed for as long as Respondent remains in compliance with this Order.
21 During the stay of suspension, Respondent’s registration as a Certified Home Inspector is
22 placed on probation for (120) days. If Respondent is non-compliant with any terms of
23 this Order during the (120) days stayed suspension and probation period, the stay of the
24 suspension shall be lifted and Respondent’s registration as a Professional Engineer shall
25 be automatically suspended without a formal hearing, and remain suspended until
26 Respondent is compliant with all terms of this Order. If Respondent completes all terms
27 of this Order prior to end of the (120) day stayed suspension and probation period,
28 Respondent may be eligible for early termination of probation.

1 3. PEER REVIEW. Within sixty (60) days of the effective date of this
2 Consent Agreement, Respondent shall accompany a supervising Certified Home
3 Inspector (“Peer Reviewer”) on Two (2) Home Inspections, and perform inspections
4 at the same time and location as the Peer Reviewer. Respondent shall write a Home
5 Inspection Report, and submit the written report to the Peer Reviewer for review.
6 Respondent may select his Peer Reviewer who shall be in good standing with the Board
7 and shall not have received any disciplinary action from the Board within the last 3-years.
8 The Peer Reviewer shall have been continuously certified by the Board as a Home
9 Inspector for at least five (5) years and shall have conducted at least two hundred and
10 fifty (250) Home Inspections in the State of Arizona. The Respondent shall cause the
11 Peer Reviewer to sign an Affidavit and Agreement to Conduct Peer Review with the
12 Board affirming that the Peer Reviewer has met the Peer Review selection criteria prior
13 to conducting any Peer Reviews. At the conclusion of each peer reviewed Home
14 Inspection, Respondent will submit his work product, specifically a Home Inspection
15 Report, to the Peer Reviewer who will review and make all corrections to the
16 Respondent’s Home Inspection Report necessary for the report to meet the Standards
17 of Professional Practice for Arizona Home Inspectors. **Respondent shall not**
18 **perform any Home Inspections or provide any client with a Home Inspection**
19 **Report for a fee, until all Peer Reviews are completed.** Respondent shall ensure
20 that the Peer Reviewer provides a written report to the Board after each peer reviewed
21 Home Inspection, detailing any deficiencies in the Respondents practice, and certifying
22 that the deficiencies have been explained and corrected, in so far as the peer reviewed
23 Home Inspection is concerned. Respondent shall retain the Peer Reviewer at his own
24 expense.

25 4. ADMINISTRATIVE PENALTY. Within sixty (60) days from the effective
26 date of this Consent Agreement, Respondent shall pay an administrative penalty of Five
27 Hundred Dollars (\$500.00) by certified check or money order made payable to the State
28 of Arizona Board of Technical Registration.

1 5. **COST OF INVESTIGATION.** Within Ninety (90) days from the effective
2 date of this Consent Agreement, Respondent shall pay the cost of investigation of this
3 case to the Board in the amount of Seven Hundred Thirty – Three Dollars (\$733.00) by
4 certified check or money order made payable to the State of Arizona Board of Technical
5 Registration, according to the provisions of A.R.S. § 32-128(H).

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

12 7. **RENEWAL OF REGISTRATION.** During the probationary period,
13 Respondent and Respondent Firm shall timely renew their Arizona registration as a
14 Home Inspector and a Home Inspection Firm, and timely pay all required registration
15 fees.

16 8. **EFFECTIVE DATE.** The effective date of this Consent Agreement is the
17 date the Respondent and Board sign the Consent Agreement. If the dates are different, the
18 effective date is the later of the two dates.

19 9. **COSTS OF COMPLIANCE.** Respondent shall pay all costs associated with
20 complying with this Consent Agreement.

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

26 ////

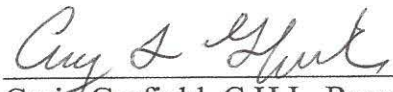
27 ////

28 ////

1 ACCEPTED and ORDERED this 23rd day of January, 2018.

2
3
4 
5 Alejandro Angel, P.E., Chairman
6 Arizona State Board of
7 Technical Registration

8 Consent Agreement and Order, No. HI18-006, accepted this 21st day of
9 JANUARY, 2018

10 
11 Craig Garfield, C.H.I., Respondent

12 ORIGINAL filed this 24th day of
13 JANUARY, 2018, with:

14 Arizona State Board of Technical Registration
15 1110 W. Washington, Suite 240
16 Phoenix, AZ 85007

17 COPY of the foregoing mailed via Certified Mail
18 No. 9214 8901 9434 4600 0299 93 and
19 First Class mail this 24th day of JANUARY, 2018, to:

20 Craig Garfield
21 Pillar to Post Home Inspections
22 8071 E. Calle Navarrete
23 Tucson, AZ 85715

24 By: 

