BEFORE THE ARIZONA STATE
BOARD OF TECHNICAL REGISTRATION

In the Matter of: Case No.: HI18-006
Craig Garfield Consent Agreement
Home Inspector and
Certification No. 57513 and
ORDER OF DISCIPLINE
Pillar to Post Home Inspections
Firm No. 18706

Respondents

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, Craig Garfield ("Respondent"), holder of Certification No. 57513, Pillar to Post Home Inspections ("Respondent Firm") registration No. 18706, 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
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 HI18-006, 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 Inspectors in the State of Arizona.

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


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

5. On July 20, 2017, the Board received a complaint alleging that Respondent
failed to conduct a home inspection in accordance with Standards of Professional Practice
for Arizona Home Inspectors (“AZ SOP”).
6. On September 24, 2017, the Board received an assessment from members of the Board’s Enforcement Advisory Committee (“EAC”) who reviewed the case and found Respondent failed to conduct a Home Inspection in accordance with the Standards of Professional Practice for Arizona Home Inspectors.

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

   A. Respondent’s license was not in the agreement as required in SOPP 2.2,

   B. Respondent failed to observe safety rails for the balcony and front porch as required in SOPP 5.1,

   C. Respondent failed to report on pipe supports, insulation Functional flow, fuel distribution lines and supports as required in SOPP 7.1,

   D. Respondent failed to report on the compatibility of the circuit breakers to the conductors (Ampacity) or operation was not given. Also, a representative number of receptacles or GFCI receptacles were not reported on, nor condition given as required in SOPP 8.1,

   E. Respondent failed to report on the condition of the heater automatic safety controls or presence of a heat source in each room and the type and condition of the ducting was not reported upon as required in SOPP 9.1,

   F. Respondent failed to report on the presence of a cooling source in each room as required in SOPP 10.1,

   G. Respondent failed to report on the condition of the interior steps, rails and balconies as required in SOPP 11.1.
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. R4-301.1(A), in that Respondent failed to conduct home inspection in accordance with the Standards of Professional Practice for Arizona Home Inspectors.
3. 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(4), in that Respondent engaged in the practice of Home Inspection through an unregistered firm.

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. STAYED SUSPENSION AND PROBATION. Respondent’s registration as Certified Home Inspector No. 57513, shall be suspended for (120) days; however, the suspension is stayed for as long as Respondent remains in compliance with this Order. During the stay of suspension, Respondent’s registration as a Certified Home Inspector is placed on probation for (120) days. If Respondent is non-compliant with any terms of this Order during the (120) days stayed suspension and probation period, the stay of the suspension shall be lifted and Respondent’s registration as a Professional Engineer shall be automatically suspended without a formal hearing, and remain suspended until Respondent is compliant with all terms of this Order. If Respondent completes all terms of this Order prior to end of the (120) day stayed suspension and probation period, Respondent may be eligible for early termination of probation.
3. PEER REVIEW. Within sixty (60) days of the effective date of this Consent Agreement, Respondent shall accompany a supervising Certified Home Inspector ("Peer Reviewer") on Two (2) Home Inspections, and perform inspections at the same time and location as the Peer Reviewer. Respondent shall write a Home Inspection Report, and submit the written report to the Peer Reviewer for review. Respondent may select his Peer Reviewer who shall be in good standing with the Board and shall not have received any disciplinary action from the Board within the last 3-years. The Peer Reviewer shall have been continuously certified by the Board as a Home Inspector for at least five (5) years and shall have conducted at least two hundred and fifty (250) Home Inspections in the State of Arizona. The Respondent shall cause the Peer Reviewer to sign an Affidavit and Agreement to Conduct Peer Review with the Board affirming that the Peer Reviewer has met the Peer Review selection criteria prior to conducting any Peer Reviews. At the conclusion of each peer reviewed Home Inspection, Respondent will submit his work product, specifically a Home Inspection Report, to the Peer Reviewer who will review and make all corrections to the Respondent’s Home Inspection Report necessary for the report to meet the Standards of Professional Practice for Arizona Home Inspectors. **Respondent shall not perform any Home Inspections or provide any client with a Home Inspection Report for a fee, until all Peer Reviews are completed.** Respondent shall ensure that the Peer Reviewer provides a written report to the Board after each peer reviewed Home Inspection, detailing any deficiencies in the Respondent's practice, and certifying that the deficiencies have been explained and corrected, in so far as the peer reviewed Home Inspection is concerned. Respondent shall retain the Peer Reviewer at his own expense.

4. ADMINISTRATIVE PENALTY. Within sixty (60) 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.
5. COST OF INVESTIGATION. Within Ninety (90) 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 Seven Hundred Thirty – Three Dollars ($733.00) 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).

6. OBEY ALL LAWS. During the probationary period, Respondent shall obey all federal, state and local laws, as well as, all rules governing the practice of Home Inspector 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.

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

8. 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.

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

10. 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 23rd day of January, 2018.

Alejandro Angel, P.E., Chairman
Arizona State Board of Technical Registration

Consent Agreement and Order, No. HI18-006, accepted this 4th day of January, 2018.

Craig Garfield, C.H.I., Respondent

ORIGINAL filed this 24th day of January, 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 948444600 0279 98 and
First Class mail this 24th day of January, 2018, to:

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

By:

RECEIVED
JAN 8 2018
B.T.R.