



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 HI18-007 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3 Board does not approve this Consent Agreement, it is withdrawn and shall be of no  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 Home Inspectors in the State of Arizona.

19 2. Respondent is the holder of Arizona Certified Home Inspector Registration  
20 No. 40585.

21 3. Respondent is the Principal for Respondent Firm, a non-registered firm.

22 4. On July 12, 2017, Respondent performed a home inspection for the property  
23 located at 4451 W. Keating Cir. Glendale, AZ.

24 5. On August 2, 2017, the Board received a complaint alleging Respondent  
25 damaged a glass cook top during his home inspection.

26 6. On October 22 and October 24, 2017, the Board received assessments from  
27 two members of the Board's Enforcement Advisory Committee ("EAC") who reviewed  
28 the case and recommended that an EAC meeting should be held to further review the

1 evidence.

2           7. On April 30, 2018, an Enforcement Advisory Committee met to review the  
3 evidence in this case. The Committee addressed the original allegation received with the  
4 complaint. Based on the review of the documentation presented by the Allegor,  
5 Respondent and Assessors, along with information gathered through interviews, the  
6 Committee unsubstantiated the allegation. The Committee also determined that  
7 Respondent's Home Inspection report failed to meet the Standards of Professional  
8 Practice for Arizona Home Inspectors ("S.O.P.") in the following areas:

- 9           A. Respondent failed to include his name and certification number in his home  
10           inspection report as required in S.O.P. #2.2
- 11           B. Respondent failed to include the inspection fee in the agreement as required  
12           in S.O.P #2.2
- 13           C. Respondent failed to include the Standards of Professional Practice for  
14           Arizona Home Inspectors in the agreement as required in S.O.P #2.2
- 15           D. Respondent failed to report on the condition of driveway and walks as  
16           required in S.O.P #5.1
- 17           E. Respondent failed to report on the condition of flashings and penetrations  
18           as required in S.O.P #6.1
- 19           F. Respondent failed to report on the condition of plumbing supports as  
20           required in S.O.P #7.1
- 21           G. Respondent failed to report the condition of the heat distribution system as  
22           required in S.O.P. #9.1
- 23           H. Respondent failed to observe and report on the heat source present in each  
24           room as required in S.O.P. #9.1
- 25           I. Respondent failed to report the condition of the cooling distribution system  
26           as required in S.O.P. #10.1
- 27           J. Respondent failed to observe and report on the cooling source present in  
28           each room as required in S.O.P. #10.1

1 K. Respondent failed to observe and report on the type and condition of vapor  
2 retarder as required in S.O.P. #12.1

3 L. Respondent failed to report on the condition of pool decks, steps and  
4 coping as required in Pools and Spa S.O.P. #1

5 M. Respondent failed to report on the condition of electrical components vapor  
6 retarder as required in Pools and Spa S.O.P. #7

7 N. Respondent failed to report on the presence of entrapment prevention  
8 components as required in Pools and Spa S.O.P. #13

9 8. Respondent established and has been the sole proprietor of AZ Inspections  
10 Inc. since 2013. Respondent stated that he was unaware of the Board's firm registration  
11 requirement.

### 12 CONCLUSIONS OF LAW

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

14 2. The conduct alleged in the Findings of Fact constitutes grounds for discipline  
15 pursuant to A.R.S. § 32-128(C)(4) as it relates to A.A.C. R4-30-301.1(A), in that  
16 Respondent failed to conduct a home inspection in accordance with the Standards of  
17 Professional Practice for Arizona Home Inspectors.

18 3. The conduct alleged in the Findings of Fact constitutes grounds for discipline  
19 pursuant to A.R.S. § 32-141 in that a Respondent Firm practiced a Board regulated  
20 occupation without firm registration.

### 21 ORDER

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

24 1. LETTER OF REPRIMAND. Respondent is hereby issued a Letter of  
25 Reprimand.

26 2. STAYED SUSPENSION AND PROBATION. Respondent's registration as  
27 a Certified Home Inspector, No. 40585, shall be suspended for Five (5) months; however,  
28 the suspension is stayed for as long as Respondent remains in compliance with this

1 Order. During the stay of suspension, Respondent's registration as a Certified Home  
2 Inspector, is placed on probation for Five (5) months. If Respondent is non-compliant  
3 with any terms of this Order during the Five (5) month stayed suspension and probation  
4 period, the stay of the suspension shall be lifted and Respondent's registration as a  
5 Certified Home Inspector shall be automatically suspended without a formal hearing, and  
6 remain suspended until Respondent is compliant with all terms of this Order. If  
7 Respondent completes all terms of this Order prior to end of the Five (5) month stayed  
8 suspension and probation period, Respondent may be eligible for early termination of  
9 probation.

10 3. ADMINISTRATIVE PENALTY. Within Five (5) months from the effective  
11 date of this Consent Agreement, Respondent shall pay an administrative penalty of Five  
12 Hundred Dollars (\$500.00) by certified check or money order made payable to the State  
13 of Arizona Board of Technical Registration. Monthly payments of One Hundred Dollars  
14 (\$100.00) shall be made to the Board by the first of each month.

15 4. COST OF INVESTIGATION. Within Five (5) months from the effective  
16 date of this Consent Agreement, Respondent shall pay the cost of investigation of this  
17 case to the Board in the amount of Five Hundred Dollars (\$500.00) by certified check or  
18 money order made payable to the State of Arizona Board of Technical Registration,  
19 according to the provisions of A.R.S. § 32-128(H). Monthly payments of One Hundred  
20 Dollars (\$100.00) shall be made to the Board by the first of each month.

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

27 6. RENEWAL OF REGISTRATION. During the probationary period,  
28 Respondent and Respondent Firm shall timely renew their Arizona registration as a

1 Home Inspector and a Home Inspection Firm, and timely pay all required registration  
2 fees.

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

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

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

13  
14 ACCEPTED and ORDERED this 3rd day of July, 2018.

15  
16   
17 \_\_\_\_\_  
18 Alejandro Angel, P.E., Chairman  
19 Arizona State Board of  
20 Technical Registration

20 Consent Agreement and Order, No. HI18-007 accepted this 26 day of  
21 June, 2018.

22   
23 \_\_\_\_\_  
24 Kent Lamb, Respondent

23 ORIGINAL filed this 3 day of  
24 July, 2018, with:

25 Arizona State Board of Technical Registration  
26 1110 W. Washington, Suite 240  
27 Phoenix, AZ 85007

28 COPY of the foregoing mailed via Certified Mail  
No. 9214 8901 9484 4600 0386 50 and  
First Class mail this 3 day of July, 2018, to:

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Kent Lamb  
AZ Inspections Inc.  
769 Aloe Pl.  
Chandler, AZ 85248

By: \_\_\_\_\_

