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**BEFORE THE ARIZONA STATE  
BOARD OF TECHNICAL REGISTRATION  
IN THE OFFICE OF ADMINISTRATIVE HEARINGS**

**In the Matter of:**

} Case No. HI18-024

THOMAS CULPEPPER  
Home Inspector No. 39422,

} Respondent.

} **FINDINGS OF FACT,  
CONCLUSIONS OF LAW  
AND ORDER**

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This matter came before the Arizona Board of Technical Registration ("Board") on September 24, 2019. Thomas Culpepper ("Respondent") was not present and was not represented by an attorney. Assistant Attorney General Deanie Reh appeared on behalf of the State. The Board received independent legal advice from Assistant Attorney General Marc Harris. After hearing evidence and arguments from the State and Respondent and Respondent Firm, the Board issues the following Findings of Fact, Conclusions of Law and Order:

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**FINDINGS OF FACT**

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1. The Board is the duly constituted authority for the regulation and control of the practice of home inspection, etc., and the firms under which registrants practice pursuant to A.R.S. § 32-101, et seq.
  2. Respondent, Thomas Culpepper holds active registration number 39422 to practice home inspection in Arizona.
  3. On June 21, 2017, Respondent performed a home inspection and prepared a home inspection report for the property located at 14510 E. Yellow Sage Lane, in Vail, Arizona.
  4. On or about January 28, 2018, the Board received a complaint alleging that Respondent failed to conduct the home inspection at 14510 E. Yellow Sage Lane in accordance with the Standards of Professional Practice for Arizona Home Inspectors by failing to enter and inspect the home's attic, and failing to report on the evidence of a rodent infestation.
  5. Board investigation staff sent Respondent written notice of the complaint to his last known address of record, and requested an answer to it on January 31, 2018. In March and in

1 April 2018, staff made two telephonic attempts to contact Respondent to discuss the complaint  
2 and left messages on his voicemail. Staff also sent Respondent an email in April 2018.  
3 Respondent failed to respond to these Board attempts to discuss this complaint.

4 6. On July 10, 2018, Board staff emailed Respondent with a request that he return the call to  
5 discuss the complaint. He responded and indicated that he would call the Board the next day. On  
6 July 11, 2018, Board staff called Respondent and left a message regarding the complaint.  
7 Respondent failed to respond.

8 7. On August 30, 2018, the Board's Enforcement Advisory Committee ("EAC") convened  
9 to review the complaint, the available evidence, including two investigative assessment reports  
10 from the certified home inspectors against Respondent. The EAC found that Respondent did not  
11 enter and inspect the home's attic. Furthermore, the EAC determined that Respondent failed to  
12 conduct the home inspection in accordance with the Standards of Professional Practice for  
13 Arizona Home Inspectors ("SOP") and found that his report was deficient in the following areas:

- 14 a. Respondent failed to include a signed agreement between the client or their  
15 authorized agent as required in S.O.P. #22;
- 16 b. Respondent failed to report the methods used to observe the attic as required in  
17 S.O.P. #4.2;
- 18 c. Respondent failed to report on the presence and condition of the water heater  
19 automatic safety controls, as required in S.O.P. #7.1;
- 20 d. Respondent failed to report on air filters for system 1, as required in S.O.P. #10.1;
- 21 e. Respondent failed to identify the energy source for air conditioning as required in  
22 S.O.P. #10.2;
- 23 f. Respondent failed to report on the presence and condition of attic ventilation as  
24 required in S.O.P. #12.2;
- 25 g. Respondent failed to report on the type and condition of vapor retarder as required  
26 in S.O.P. #12.2.
- 27 h. Respondent failed to report on the type and condition of vapor retarder as required  
28 in S.O.P. #12.2.

1 8. On September 11, 2018, Board investigative staff mailed Respondent a proposed Consent  
2 Agreement and a cover letter requesting his response to his last known address of record, in an  
3 attempt to resolve this complaint informally. Respondent failed to respond. On October 5, 2018,  
4 staff checked ConnectSuite, the United States Postal Service mail-tracking website, to determine  
5 whether Respondent received the mailed consent agreement. According to the tracking  
6 information, service of the consent agreement was attempted, but no authorized recipient was  
7 available to claim it. It was subsequently returned to the Board as 'unclaimed' in April 2019.

#### 8 **CONCLUSIONS OF LAW**

9 9. The conduct alleged above constitutes grounds for discipline pursuant to A.R.S. § 32-  
10 128(C)(4) as it relates to A.A.C. R4-30-301.01, in that Respondent, Thomas Culpepper, failed to  
11 conduct a home inspection in accordance with the Standards of Professional Practice for Arizona  
12 Home Inspectors.

#### 13 **ORDER**

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

16 1. **ADMINISTRATIVE PENALTY.** Respondent shall pay a civil penalty in the  
17 amount of one-thousand dollars (\$1,000) by certified check or money order made payable to the  
18 State of Arizona Board of Technical Registration. Respondent.

19 2. **COST OF INVESTIGATION** –Respondent shall pay the costs of investigation in  
20 the amount of five-hundred sixty-three dollars (\$563) by certified check or money order made  
21 payable to the State of Arizona Board of Technical Registration.

22 3. **COST OF ATTORNEY'S FEES AND HEARING.** - Respondent shall pay  
23 attorney's fees in the amount of eighty-eight dollars and forty cents (\$88.40) by certified check  
24 or money order made payable to the State of Arizona Board of Technical Registration.

25 4. **RESTITUTION.** Respondent shall pay restitution for the cost of the home  
26 inspection of the property located at 14510 E. Yellow Sage Lane in the amount of four-hundred  
27 twenty dollars (\$420).

28 5. **LETTER OF REPRIMAND.** Respondent is hereby issued a Letter of Reprimand.

1           **6. PEER REVIEW.** Respondent shall accompany a supervising Certified Home  
2 Inspector (“Peer Reviewer”) for one Home Inspection, and perform an inspection at the same  
3 time and location as the Peer Reviewer. Respondent shall prepare a Home Inspection Report, and  
4 submit the written report to the Peer Reviewer for review. The Respondent may select his Peer  
5 Reviewer who shall be in good standing with the Board and shall not have received any  
6 disciplinary action from the Board as a Home Inspector for at least five (5) years and shall have  
7 conducted at least two hundred fifty (250) Home Inspections in the State of Arizona. The  
8 Respondent shall cause the Peer Reviewer to sign an ‘Affidavit and Agreement to Conduct Peer  
9 Review’ with the Board affirming that the Peer Reviewer has met the Peer Review selection  
10 criteria prior to conducting any Peer Reviews. At the conclusion of each peer reviewed home  
11 inspection, Respondent will submit his work product, specifically a Home Inspection Report, to  
12 the Peer Reviewer who will review and make all corrections to the Respondent’s Home  
13 Inspection Report necessary for the report to meet the Standards of Professional Practice for  
14 Arizona Home Inspectors. Respondent shall ensure that the Peer Reviewer provides a written  
15 report to the Board after each peer reviewed Home Inspection, detailing any deficiencies in the  
16 Respondent’s practice, and certifying that the deficiencies have been explained and corrected, in  
17 so far as the per reviewed Home Inspection is concerned. Respondent shall retain the Peer  
18 Reviewers at his own expense.

19           **7. REMEDIAL TRAINING.** Respondent shall provide proof to the Board that he has  
20 successfully completed Board Staff approved home inspection professional education in the  
21 following area:

22                   a. Home Inspection Report Writing

23           **8. STAY OF REVOCATION AND INDEFINITE SUSPENSION OF HOME**  
24 **INSPECTION CERTIFICATION.** Respondent’s certification as a Home Inspector, No. 39422  
25 shall be revoked; however, the revocation is stayed and Respondent’s certification as a Home  
26 Inspector, No. 39422, shall be suspended indefinitely. During the stayed revocation and  
27 indefinite suspension period, Respondent is prohibited from engaging in the practice of Home  
28 Inspection. Upon proof that Respondent has complied with all terms and conditions of this

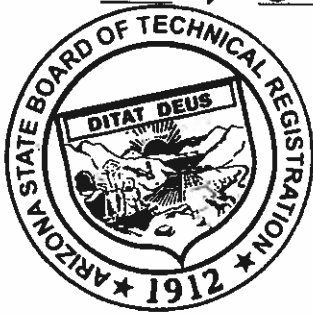
1 Order, Respondent may file a request with the Board to restore his certification as a home  
2 inspector to an active status. If Respondent fails to comply with any of the terms or conditions of  
3 this Order within sixty (60) days of the effective date of this Order, the stay of revocation shall  
4 be lifted and Respondent's certification as a home inspector, No. 39422, shall be revoked.

5 **Right to Petition for Rehearing or Review**

6 Respondent is notified that he has the right to file a motion for rehearing or review of this  
7 Order. Pursuant to A.R.S. § 41-1092.09(B) and A.A.C. R4-30-126(A), the motion for rehearing  
8 or review must be filed with the Board's Executive Director within 30 days after service of this  
9 Order. Service of this Order is defined as five calendar days after mailing.

10 The motion for rehearing or review must set forth legally sufficient reasons for granting a  
11 rehearing or review. A.A.C. R4-30-126(C). If a petition for rehearing or review is not filed, the  
12 Board's Order becomes effective thirty-five (35) days after it is mailed to Respondent and  
13 Respondent Firm. Respondent and Respondent Firm are further advised that the filing of a  
14 motion for rehearing or review is required to preserve any rights of appeal to Superior Court.

15 DATED this 3RD day of OCTOBER, 2019.



Arizona State Board of  
Technical Registration

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Jason Foose, Chairman

23 ORIGINAL filed this 3 day of October, 2019, with:

24 Arizona State Board of Technical Registration  
25 1110 W. Washington, Ste. 240  
26 Phoenix, AZ 85007  
27  
28

1 **COPY** mailed via Certified Mail

2 First Class mail this 3 day of October, 2019, to:

3 Thomas Culpepper  
4 4400 W. Mountain Side Dr.  
5 Tucson, AZ 85754

6 thom@tlcproinspections.com

7 **COPY** of the foregoing mailed this 3 day of October, 2019, to:

8 Deanie Reh  
9 Deani.reh@azag.gov

10 **COPY** of the foregoing mailed this 3 day of October, 2019, to:

11 Marc Harris  
12 marc.harris@azag.gov

13 By: Kurt Winter

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