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

Received
B.T.R.
JUL 23 REC'D
 Allegor Respondent
 Other

In the Matter of:
John Bell
Home Inspector
Certification No. 51003

Respondent

Case No.: HI18-025

**CONSENT AGREEMENT
and
ORDER OF DISCIPLINE**

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, John Bell (“Respondent”), holder of Registration No. 51003, 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 irrevocable.
4. Respondent understands that this Consent Agreement or any part of the

1 agreement may be considered in any future disciplinary action by the Board against him.

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

6 6. Respondent understands this Consent Agreement deals with Board case
7 number HI18-025 involving allegations that Respondent engaged in conduct that would
8 subject him to discipline under the Board's statutes and rules. The investigation into
9 these allegations against Respondent shall be concluded upon the Board's adoption of
10 this Consent Agreement.

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

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

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

25 10. This Consent Agreement is subject to the approval of the Board and is
26 effective only when accepted by the Board and signed on behalf of the Board. If the
27 Board does not accept this Consent Agreement, the Board retains its authority to hold a
28 formal administrative hearing pursuant to A.R.S. § 32-128(E). In the event that the

1 Board does not approve this Consent Agreement, it is withdrawn and shall be of no
2 evidentiary value and shall not be relied upon nor introduced in any action by any party,
3 except that the parties agree that should the Board reject this Consent Agreement and this
4 case proceeds to hearing, Respondent shall assert no claim that the Board was prejudiced
5 by its review and discussion of this document or any records relating thereto.

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

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

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

14 **FINDINGS OF FACT**

15 1. The Board is the duly constituted authority for the regulation and control of
16 the practice of Home Inspection in the State of Arizona.

17 2. Respondent is the holder of Certified Home Inspector Registration No.
18 51003.

19 3. On or about March 14, 2017, Respondent conducted a Home Inspection at
20 2063 N. 80th Place, Mesa, AZ.

21 4. On or about January 30, 2018, the Board received a complaint alleging that
22 Respondent failed to conduct a home inspection in accordance with the Standards of
23 Professional Practice by failing to accurately report on the condition of the roof tiles and
24 eaves, the laundry room door frame, a non-functioning electrical outlet near the breaker
25 box, a leaking hose bib and a hole in the pantry door.

26 5. On April 26, 2018, the Board's Enforcement Advisory Committee ("EAC")
27 convened to review the complaint against Respondent. After interviewing both the
28 Allegor and Respondent, the committee found that Respondent failed to conduct a home

1 inspection in accordance with the Standards of Professional Practice for Arizona Home
2 Inspectors (“S.O.P.”) in the following areas:

- 3 a) Respondent failed to list inspection fee, inspector’s name and license number, firm
4 address and failed to mention that the report was being performed in accordance
5 with the Arizona Standards of Professional Practice in the inspection agreement,
6 as required in S.O.P #2.2,
- 7 b) Respondent failed to report on the condition of floor structure, as required in S.O.P
8 #4.1,
- 9 c) Respondent failed to report the condition of the roof tiles and eaves, as required in
10 S.O.P. #5.1
- 11 d) Respondent failed to observe and report on the condition of flashing and trim, as
12 required in S.O.P. #5.1,
- 13 e) Respondent failed to observe and report on the condition of all visible plumbing
14 supports and insulation, as required in S.O.P. #7.1,
- 15 f) Respondent failed to observe and report on the condition and operation of all
16 fixtures and faucets, as required in S.O.P. #7.1,
- 17 g) Respondent failed to observe and report on the plumbing supply system functional
18 flow and describe the method used to determine, as required in S.O.P. #7.1,
- 19 h) Respondent failed to describe the condition of the plumbing functional drainage,
20 as required in S.O.P #7.1,
- 21 i) Respondent failed to observe and report on fuel storage and distribution system
22 (gas piping), as required in S.O.P. #7.1,
- 23 j) Respondent failed to observe and report on the type and condition of the electrical
24 service conductor, as required in S.O.P #8.1,
- 25 k) Respondent failed to observe and report on the condition of the electrical system
26 branch circuit conductors, as required in S.O.P #8.1,
- 27 l) Respondent failed to observe and report on the condition of the electrical system
28 compatibility, as required in S.O.P #8.1,

- 1 m) Respondent failed to observe and report on the condition of the electrical system
2 receptacles, polarity and ground, as required in S.O.P #8.1,
- 3 n) Respondent failed to observe and report on the presence and visible condition of
4 the heating system automatic safety controls, as required in S.O.P #9.1,
- 5 o) Respondent failed to describe the type of heating distribution system, as required
6 in S.O.P. #9.1,
- 7 p) Respondent failed to observe and report on the presence of a heat source in each
8 room, as required in S.O.P #9.1,
- 9 q) Respondent failed to describe the type of cooling distribution system, as required
10 in S.O.P. #10.1,
- 11 r) Respondent failed to observe and report on the presence of a cooling source in
12 each room, as required in S.O.P #10.1,
- 13 s) Respondent failed to observe and report on garage fire separation walls and
14 ceilings and their condition, as required in S.O.P. #11.1,
- 15 t) Respondent failed to observe and report on the type and condition of vapor
16 retarder, as required in S.O.P. #12.1.

17 **CONCLUSIONS OF LAW**

- 18 1. The Board has jurisdiction in this matter pursuant to A.R.S. § 32-101, et seq.
- 19 2. The conduct alleged in the findings of fact constitutes grounds for discipline
20 pursuant to A.R.S. § 32-128(C) (4) (violation of Board rules) as it relates to A.A.C. R4-
21 30-301.01(A), in that Respondent failed to conduct a home inspection in accordance with
22 the Standards of Professional Practice for Arizona Home Inspectors.

23 **ORDER**

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

- 26 1. **LETTER OF REPRIMAND.** Respondent is hereby issued a Letter of
27 Reprimand.
- 28 2. **RESTITUTION.** Within thirty (30) days from the effective date of this

1 Consent Agreement, Respondent shall pay restitution to the client, Romulo Martinez, in
2 the amount of Three Hundred Sixty Dollars (\$360.00) for the cost of the home inspection
3 fee related to case HI18-025. Respondent shall provide proof of payment to the client,
4 such as a copy of the check, to the Board of Technical Registration showing payment was
5 made to the client.

6 3. REMEDIAL TRAINING. Within thirty (30) days from the effective date
7 of this Consent Agreement, Respondent shall provide proof to the Board that he has
8 successfully completed Board Staff approved home inspection remedial training in the
9 following area:

10 a. Home Inspection Report Writing

11 4. ADMINISTRATIVE PENALTY. Within ninety (90) days from the
12 effective date of this Consent Agreement, Respondent shall pay an administrative penalty
13 of Five Hundred Dollars (\$500.00) by certified check or money order made payable to
14 the State of Arizona Board of Technical Registration.

15 5. COST OF INVESTIGATION. Within ninety (90) days 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 Six Hundred Twenty-Three Dollars (\$623.00).
18 Payments are to be made to the Board by certified check or money order made payable to
19 the State of Arizona Board of Technical Registration, according to the provisions of
20 A.R.S. § 32-128(H).

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

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

26 8. NONCOMPLIANCE. If Respondent violates this Order in any way or fails
27 to fulfill the requirements of this Order, the Board, after giving notice and the opportunity
28 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 9. OBEY ALL LAWS. Respondent shall obey all federal, state and local laws,
4 as well as, all rules governing the practice of Home Inspection in the State of Arizona.
5 The Board shall consider any violation of this paragraph to be a separate violation of the
6 rules and statutes governing the Arizona Board of Technical Registration. The Board may
7 also consider Respondent's non-compliance with this Order as a separate violation of
8 A.R.S. § 32-150.

9 10. RENEWAL OF REGISTRATION. Respondent shall timely renew his
10 Arizona registration as a Home Inspector and Home Inspection Firm, and timely pay all
11 required registration fees.

12
13 ACCEPTED and ORDERED this 24TH day of JULY, 2018.

14
15 Jason Foose
16 Jason Foose, R.L.S.
Vice Chairman Arizona State
Board of Technical Registration

17 Consent Agreement and Order, No. HI18-025 accepted this 18 day of JULY,
18 2018.

19 John Bell
20 John Bell, Respondent

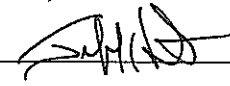
21 ORIGINAL filed this 30 day of

22 July, 2018, with:

23 Arizona State Board of Technical Registration
24 1110 W. Washington, Suite 240
Phoenix, AZ 85007

25
26 COPY of the foregoing mailed via Certified Mail
27 No. 9214 8901 9434 4600 0400 11 and
28 First Class mail this 30 day of July, 2018, to:

1 John Bell
10226 N 54th Lane
2 Glendale, AZ 85302

3 By:  _____

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