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BEFORE THE ARIZONA STATE BOARD OF TECHNICAL REGISTRATION

In the Matter of:
IAIN FINDLAY,
Home Inspection Registration No. 43627,

Respondent;

and

THE INSPECTION PEOPLE, PLLC,
Firm Registration No. 18012,

Respondent Firm.

Case No. HI19-023

**CONSENT AGREEMENT AND
ORDER OF DISCIPLINE**

GENERAL PROVISIONS

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, Ian Findlay (“Respondent”), holder of Registration No. 43627, The Inspection People, PLLC (“Respondent Firm”), holder of Firm Registration No. 18012, 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. Respondents have read and understand this Consent Agreement and have had the opportunity to discuss this Consent Agreement with an attorney, or have waived the opportunity to discuss this Consent Agreement with an attorney.
2. Respondents understand that they have a right to a public administrative hearing concerning this case at which they could present evidence and cross-examine witnesses. By entering into this Consent Agreement, Respondents knowingly, voluntarily, and

1 irrevocably waive the right to such an administrative hearing, as well as rights of
2 rehearing, review, reconsideration, appeal, judicial review or any other administrative
3 and/or judicial action concerning the matters set forth herein.

4 3. Respondents affirmatively agree that this Consent Agreement shall be irrevocable.

5 4. Respondents understand that this Consent Agreement or any part of the agreement
6 may be considered in any future disciplinary action by the Board.

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

11 6. Respondents understand this Consent Agreement deals with Board case number
12 HI19-023, involving allegations that Respondents engaged in conduct that would subject
13 them to discipline under the Board's statutes and rules. The investigation into these
14 allegations shall be concluded upon the Board's adoption of this Consent Agreement.

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

19 8. Respondents understand that acceptance of this Consent Agreement does not
20 preclude any other agency, subdivision, or officer of this State from instituting any other
21 civil or criminal proceedings with respect to the conduct that is the subject of this
22 Consent Agreement.

23 9. Respondents acknowledge and agree that the acceptance of this Consent
24 Agreement is solely to settle Arizona Board of Technical Registration case number HI19-
25 023. This settlement does not preclude the Board from instituting any other proceedings
26 as may be appropriate now or in the future. Furthermore, and notwithstanding any

1 language in this Consent Agreement, this Consent Agreement does not preclude in any
2 way any other state agency or officer or political subdivision of this state from instituting
3 proceedings, investigating claims, or taking legal action as may be appropriate now or in
4 the future relating to this matter or other matters concerning Respondents, including but
5 not limited to violations of Arizona's Consumer Fraud Act. Respondents acknowledge
6 that, other than with respect to the Board, this Consent Agreement makes no
7 representations, implied or otherwise, about the views or intended actions of any other
8 state agency or officer or political subdivision of the state relating to this matter or other
9 matters concerning Respondents.

10 10. Respondents acknowledge and agree that, upon signing this Consent Agreement
11 and returning this document to the Board's Executive Director, they may not revoke
12 acceptance of the Consent Agreement or make any modifications to the document
13 regardless of whether the Consent Agreement has been signed on behalf of the Board.
14 Any modification to this original document is ineffective and void unless mutually agreed
15 by the parties in writing.

16 11. This Consent Agreement is subject to the approval of the Board and is effective
17 only when accepted by the Board and signed on behalf of the Board. If the Board does
18 not accept this Consent Agreement, the Board retains its authority to hold a formal
19 administrative hearing pursuant to A.R.S. § 32-128(E). In the event that the Board does
20 not approve this Consent Agreement, it is withdrawn and shall be of no evidentiary value
21 and shall not be relied upon nor introduced in any action by any party, except that the
22 parties agree that should the Board reject this Consent Agreement and this case proceeds
23 to hearing, Respondents shall assert no claim that the Board was prejudiced by its review
24 and discussion of this document or any records relating thereto.

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1 12. If a court of competent jurisdiction rules that any part of this Consent Agreement
2 is void or otherwise unenforceable, the remainder of the Consent Agreement shall remain
3 in full force and effect.

4 13. Respondents understand that any violation of this Consent Agreement may result
5 in disciplinary action, including suspension or revocation of the registration under A.R.S.
6 § 32-150.

7 14. Respondents agree that the Board will adopt the following Findings of Fact,
8 Conclusions of Law and Order

9 **FINDINGS OF FACT**

10 1. At all times relevant to the allegations of this Complaint, Respondent was sole Member
11 and Organizer of, and Statutory Agent for, Respondent Firm.

12 2. On January 5, 2018, Firm Registration No. 18012 expired.

13 3. On or about September 6, 2018, while Firm Registration No. 18012 was expired,
14 Respondent performed a home inspection of 1480 E. Gary Drive, Chandler, AZ, 85225.
15 Respondent issued the Home and Termite Inspection Report (“Inspection Report”) through
16 Respondent Firm.

17 4. On May 28, 2019, the Board voted to offer a consent agreement in resolution of the case
18 for unlicensed practice through performance of an inspection and issuance of a report while
19 Respondent Firm held an expired registration, with the matter to otherwise be referred to hearing
20 if consent were not obtained within thirty days of the vote.

21 **CONCLUSIONS OF LAW**

22 5. The Board possesses jurisdiction over the subject matter hereof and over Respondents
23 pursuant to A.R.S. § 32-101, *et seq.*

24 6. A.R.S. § 32-121 provides, in part, that “[e]xcept as otherwise provided in this section, a
25 person or firm desiring to practice any board-regulated profession or occupation shall first secure
26 a certificate or registration...”

1 7. A.R.S. § 32-101(B)(26) defines "Person" in part as any "...individual, firm, partnership
2 ...or other organization."

3 8. A.R.S. § 32-106.02(A) provides, in part, that "[t]he board may initiate a hearing pursuant
4 to title 41, chapter 6, article 10 on receipt of a complaint that a person who is not exempt from
5 this chapter and is not registered or certified under this chapter is practicing, offering to practice
6 or by implication purporting to be qualified to practice any board regulated profession or
7 occupation." A.R.S. § 32-106.02(B) provides, in part, the Board "shall issue an order that
8 imposes a civil penalty of no more than two thousand dollars per violation."

9 9. A.R.S. § 32-128(C)(4) provides that the Board may take disciplinary action as provided
10 in A.R.S. § 32-128(A), "in combination or alternatively" including revocation or suspension as
11 well as any other disciplinary action, including imposition of an administrative penalty of no
12 more than two thousand dollars for each violation, with regards to a holder of a certificate or
13 registration for "[v]iolation of this chapter or board rules."

14 10. A.A.C. R4-30-301(20) provides, in part, "[a] registrant who is designated as a responsible
15 registrant shall be responsible for the firm or corporation. The Board may impose disciplinary
16 action on the responsible registrant for any violation of Board statutes or rules that is committed
17 by a non-registrant... firm..."

18 11. The conduct and circumstances in the Factual Allegations above constitute a violation of
19 A.R.S. § 32-106.02(A) by Respondent Firm through A.R.S. § 32-121.

20 12. The conduct and circumstances in the Factual Allegations above constitute a violation of
21 A.R.S. § 32-128 by Respondent through A.A.C. R4-30-301(20).

22 **ORDER**

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

25 1. LETTER OF REPRIMAND. Respondents are hereby issued a Letter of Reprimand.
26

1 2. ADMINISTRATIVE PENALTY. Within Sixty (60) Days from the effective date of this
2 Consent Agreement, Respondents shall pay an administrative penalty of Two Hundred Fifty
3 Dollars (\$250.00) by certified check or money order made payable to the State of Arizona Board
4 of Technical Registration. Respondents shall be jointly and severally responsible for the entire
5 amount of this administrative penalty.

6 3. COST OF INVESTIGATION. Within Thirty (30) days from the effective date of this
7 Consent Agreement, Respondents shall pay the cost of investigation of this case to the Board in
8 the amount of One Hundred Dollars (\$100.00) by certified check or money order made payable
9 to the State of Arizona Board of Technical Registration, according to the provisions of A.R.S. §
10 32-128(H). Respondents shall be jointly and severally liable for the entire amount of these costs.

11 4. OBEY ALL LAWS. Respondents shall obey all federal, state and local laws, as well as,
12 all rules governing the practice of Home Inspections in the State of Arizona. The Board shall
13 consider any violation of this paragraph to be a separate violation of the rules and statutes
14 governing the Arizona Board of Technical Registration. The Board may also consider
15 Respondents' non-compliance with this Order as a separate violation of A.R.S. § 32-150.

16 5. RENEWAL OF REGISTRATION. Respondent and Respondent Firm shall timely renew
17 their Arizona registration as an Home Inspector and Home Inspection Firm, and timely pay all
18 required registration fees.

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

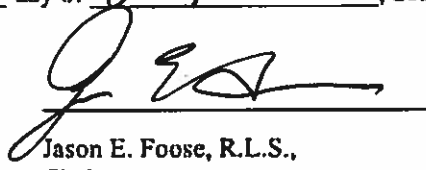
22 7. COSTS OF COMPLIANCE. Respondents shall pay all costs associated with complying
23 with this Consent Agreement.

24 8. NONCOMPLIANCE. If Respondents violate this Order in any way or fail to fulfill the
25 requirements of this Order, the Board, after giving notice and the opportunity to be heard, may
26

1 revoke, suspend or take other disciplinary actions against either license or registration. The issue
2 at such a hearing will be limited solely to whether this Order has been violated.

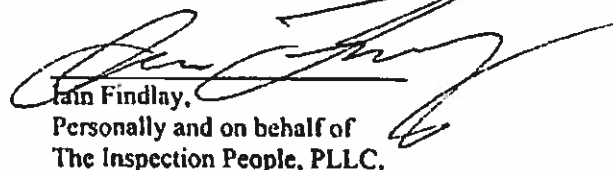
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ACCEPTED and ORDERED this 28th day of July, 2020.



Jason E. Foose, R.L.S.,
Chairman
Arizona State Board of Technical Registration

Consent Agreement and Order, No. HI19-023, accepted this 3rd day of July, 2020.



Iain Findlay,
Personally and on behalf of
The Inspection People, PLLC,

ORIGINAL filed this
20 day of July, 2020, 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 PNI 9434 4600 0719 PL
and First Class mail this 25 day of July, 2020, to:

Iain Findlay
Inspection People, PLLC
3823 N 12th Ave
Phoenix, AZ 85013

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By: 