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

<p>In the Matter of:</p> <p>Kristopher Rosser Home Inspector #63806</p> <p style="text-align: center;">Respondent</p>	<p style="text-align: center;">Case No. HI19-029</p> <p style="text-align: center;">CONSENT AGREEMENT and ORDER OF DISCIPLINE</p>
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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, Kristopher Rosser (“Respondent”), holder of Registration No. 63806, 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.

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RECITALS

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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.

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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.

1 3. Respondent affirmatively agrees that this Consent Agreement shall be irrevocable.

2 4. Respondent understands that this Consent Agreement or any part of the agreement
3 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 public
6 records (as defined in A.R.S. § 41-158.18) upon acceptance by the Board of this Consent
7 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 number
9 HI19-029 involving allegations that Respondent engaged in conduct that would subject him to
10 discipline under the Board's statutes and rules. The investigation into these allegations against
11 Respondent shall be concluded upon the Board's adoption of this Consent Agreement.

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

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

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

24 10. This Consent Agreement is subject to the approval of the Board and is effective
25 only when accepted by the Board and signed on behalf of the Board. If the Board does not accept
26 this Consent Agreement, the Board retains its authority to hold a formal administrative hearing
27 pursuant to A.R.S. § 32-128(E). In the event that the Board does not approve this Consent
28 Agreement, it is withdrawn and shall be of no evidentiary value and shall not be relied upon nor

1 introduced in any action by any party, except that the parties agree that should the Board reject
2 this Consent Agreement and this case proceeds to hearing, Respondent shall assert no claim that
3 the Board was prejudiced by its review and discussion of this document or any records relating
4 thereto.

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

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

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

12 **FINDINGS OF FACT**

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

15 2. Respondent is the holder of Arizona Home Inspector, Registration No. 63806.

16 3. On or about September 19, 2018 Respondent conducted a home inspection at 4944
17 East Greenway Circle, Mesa, Arizona.

18 4. On November 30, 2018 the Board received a complaint alleging that Respondent
19 failed to conduct a home inspection in accordance with the Standards of Professional Practice by
20 failing to accurately report on the adverse condition of a loose fitting in the drain pipe located in
21 the basement.

22 5. On May 30, 2019, the Board's Enforcement Advisory Committee ("EAC")
23 convened to review the complaint against Respondent. After reviewing the evidence and
24 interviewing the Respondent, the committee determined that Respondent failed to conduct a
25 home inspection in accordance with the Standard of Professional Practice for Arizona Home
26 Inspectors ("S.O.P") and found that:

27 a. Respondent failed to report on observation method of attic as required in S.O.P #4.2

28 b. Respondent failed to report on condition of flashing and trim as required in S.O.P #5.1

- c. Respondent failed to report on supports and insulation as required in S.O.P #7.1
- d. Respondent failed to report on functional drainage as required in S.O.P #7.1
- e. Respondent failed to report on type of vent piping system as required in S.O.P #7.2
- f. Respondent failed to report on condition of service ground as required in S.O.P #8.1
- g. Respondent failed to report on main and distribution panels as required in S.O.P #8.1
- h. Respondent failed to report on service voltage as required in S.O.P #8.2
- i. Respondent failed to report on compatibility of breakers and conductors as required in S.O.P #8.1
- j. Respondent failed to report on heat source presence in each room as required in S.O.P #9.1
- k. Respondent failed to report on cooling source presence in each room as required in S.O.P #10.1
- l. Respondent failed to report on condition of vapor retarder as required in S.O.P #12.1

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. R4-30-301.01, in that Respondent failed to conduct a Home Inspection in accordance with the Standards of Professional Practice for Arizona Home Inspectors.

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. ADMINISTRATIVE PENALTY. Within sixty (60) days from the effective date of this Consent Agreement, Respondent shall pay an administrative penalty of Two Hundred Fifty Dollars (\$250.00) by certified check or money order made payable to the State of Arizona Board of Technical Registration.
3. COST OF INVESTIGATION. Within thirty (30) days from the effective date of

1 this Consent Agreement, Respondent shall pay the cost of investigation of this case to the Board
2 in the amount of Two Hundred Ninety Eight Dollars (\$298.00) by certified check or money order
3 made payable to the State of Arizona Board of Technical Registration, according to the provisions
4 of A.R.S. § 32-128(H).

5 4. RESTITUTION. Within thirty (30) days from the effective date of this Consent
6 Agreement, Respondent shall pay restitution to the client, Cynthia Moreno, in the amount of
7 Three Hundred and Fifty Five Dollars (\$355.00) for the cost of the home inspection fee related to
8 case HI19-029. Respondent shall provide proof of payment made to the client, such as a copy of
9 the check, to the Board of Technical Registration showing payment was made to the client.

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

15 6. RENEWAL OF REGISTRATION. Respondent shall timely renew his Arizona
16 registration as a Home Inspector, and timely pay all required registration fees.

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

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

22 9. NONCOMPLIANCE. If Respondent violates this Order in any way or fails to
23 fulfill the requirements of this Order, the Board, after giving notice and the opportunity to be
24 heard, may revoke, suspend or take other disciplinary actions against the registration. The issue
25 at such a hearing will be limited solely to whether this Order has been violated.
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1 ACCEPTED and ORDERED this 30th day of August, 2019.

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3 Jason E. Foose

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

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8 Consent Agreement and Order, No. HI19-029 accepted this 29 day of Aug., 2019.

9
10 Kris Rosser

11 Kristopher Rosser, Respondent

12 ORIGINAL filed this 6th day of
13 SEPTEMBER, 2019, with:

14
15 Arizona State Board of Technical Registration
16 1110 W. Washington, Suite 240
17 Phoenix, AZ 85007

18 COPY of the foregoing mailed via Certified Mail
19 No. 9214 8901 9434 4600 0608 73 and
20 First Class mail this 6th day of SEPTEMBER, 2019, to:

21
22 Kristopher Rosser
23 8430 W Grovers Ave
24 Peoria, AZ 85382

25
26
27 By: [Signature]