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BEFORE THE ARIZONA STATE
BOARD OF TECHNICAL REGISTRATION



<p>In the Matter of:</p> <p>Jeremy Noland Certified Home Inspector Registration No. 67537</p> <p style="text-align: center;">Respondent</p>	<p style="text-align: center;">Case Nos. HI19-044 and HI19-047</p> <p style="text-align: center;">CONSENT AGREEMENT and ORDER OF DISCIPLINE</p>
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12 In the interest of a prompt and judicious resolution of the above-captioned matter before
13 the Arizona State Board of Technical Registration ("Board") and consistent with the public
14 interest, statutory requirements, and the responsibilities of the Board, and pursuant to A.R.S. §
15 32-101 et seq., and A.A.C. R4-30-120(G), the undersigned party, Jeremy Noland
16 ("Respondent"), holder of Registration No. 67537, and the Board enter into the following
17 Recitals, Findings of Fact, Conclusions of Law and Order ("Consent Agreement") as a final
18 disposition of this matter.

19 **RECITALS**

20 1. Respondent has read and understands this Consent Agreement and has had the
21 opportunity to discuss this Consent Agreement with an attorney, or has waived the opportunity to
22 discuss this Consent Agreement with an attorney.

23 2. Respondent understands that he has a right to a public administrative hearing
24 concerning this case. He further acknowledges that at such formal hearing he could present
25 evidence and cross-examine witnesses. By entering into this Consent Agreement, Respondent
26 knowingly, voluntarily, and irrevocably waives his right to such an administrative hearing, as well
27 as rights of rehearing, review, reconsideration, appeal, judicial review or any other administrative
28 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 HI19-044 & HI19-047 involving allegations that Respondent engaged in conduct that would
10 subject him to discipline under the Board's statutes and rules. The investigation into these
11 allegations against Respondent shall be concluded upon the Board's adoption of this Consent
12 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, and does
15 not constitute any waiver, express or implied, of the Board's statutory authority or jurisdiction
16 regarding any other pending or future investigation, action or proceeding.

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

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

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

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

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

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

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

13 **FINDINGS OF FACT**

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

16 2. Respondent is the holder of Arizona Certified Home Inspector, Registration No.
17 67537.

18 3. On or about March 22, 2019, Respondent conducted a home inspection at 1747
19 Pacific Avenue in Prescott, Arizona.

20 4. On or about June 12, 2019, Respondent conducted a home inspection at 6244 North
21 Keeney Circle in Prescott Valley, Arizona.

22 5. On June 18, 2019, the Board received a complaint related to the Pacific Avenue
23 inspection, alleging Respondent failed to address an adverse condition of the outside deck railing,
24 a non-functioning light fixture, the condition of the piping supports in the crawl space, the rate of
25 flow at the kitchen sink, no power to a light fixture and under counter light fixture and a loose
26 toilet seat.

27 6. On June 23, 2019, the Board received a complaint related to the Keeney Circle
28 inspection, alleging Respondent voided the warranties on the home owner's roof and HVAC

1 system by running the air conditioning system at 55 degrees while the windows and doors were
2 open to the house and while the outside temperature was 88 degrees. It was also alleged that
3 Respondent left fingerprints and shoe prints in the house, operated the microwave while empty
4 and ran the oven at 400 degrees for two hours.

5 6. On October 3, 2019, the Board's Enforcement Advisory Committee ("EAC")
6 convened to review the Pacific Ave complaint against Respondent. After reviewing the evidence,
7 the committee determined Respondent failed to conduct a home inspection in accordance with the
8 Standards of Professional Practice for Arizona Home Inspectors ("S.O.P.P.") and found that:

- 9 a. Respondent failed to report on the condition of the interior plumbing as required in
10 S.O.P.P. #7.1,
- 11 b. Respondent failed to report on functional flow as required in S.O.P.P. #7.1,
- 12 c. Respondent failed to report on safety controls as required in S.O.P.P. #9.1,
- 13 d. Respondent failed to report on the condition of the water heater flu as required in
14 S.O.P.P. #9.1,
- 15 e. Respondent failed to report on the fuel piping supports regarding gas lines as
16 required in S.O.P.P. #9.2,
- 17 f. Respondent failed to report on the condition of filters as required in S.O.P.P. #10.1,
- 18 g. Respondent failed to report on heating and cooling source in each room as required
19 in S.O.P.P. #9.1 and 10.1,
- 20 h. Respondent failed to report on bathroom ventilation as required in S.O.P.P. #12.1,
- 21 i. Respondent failed to report on laundry room venting and ventilation as required in
22 S.O.P.P. #12.1.

23 7. Two assessments were conducted on Respondent's Keeney Circle inspection report.
24 The assessments found no violations associated with the allegations received with the complaint,
25 however several reporting deficiencies were identified as violations of the Standards of
26 Professional Practice for Arizona Home Inspectors. The assessments noted violations similar to
27 those found during the Board's October 3, 2019, Enforcement Advisory Committee meeting, and
28 which had already been addressed with Respondent.

CONCLUSIONS OF LAW

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

3 2. The conduct alleged in the Findings of Fact constitutes grounds for discipline
4 pursuant to A.R.S. § 32-128(C)(4) as it relates to A.A.C. R4-30-301.0.1, in that Respondent
5 failed to conduct a Home Inspection in accordance with the Standards of Professional Practice for
6 Arizona Home Inspectors while conducting a home inspection at 1747 Pacific Avenue in
7 Prescott, Arizona and 6288 North Keeney Circle in Prescott Valley, Arizona.

ORDER

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

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

12 2. STAYED SUSPENSION AND PROBATION. Respondent's registration as a
13 Certified Home Inspector, No. 67537, shall be suspended for Ninety (90) days; however, the
14 suspension is stayed for as long as Respondent remains in compliance with this order. During the
15 stay of suspension, Respondent's registration as a Certified Home Inspector, is placed on
16 probation for Ninety (90) days. If Respondent is non-compliant with any terms of this order
17 during the Ninety (90) days stayed suspension and probation period, the stay of the suspension
18 shall be lifted and Respondent's registration as a Home Inspector shall be automatically
19 suspended without formal hearing, and remain suspended until Respondent is compliant with all
20 terms of this order.

21 3. PEER REVIEW. Within Ninety (90) days of the effective date of this Consent
22 Agreement, and before Respondent conducts any fee paid home inspections, Respondent shall
23 accompany a supervising Certified Home Inspector ("Peer Reviewer") for one Home Inspection,
24 and perform the inspection at the same time and location as the Peer Reviewer. Respondent shall
25 write a Home Inspection Report, and submit a written report to the Peer Reviewer for review.
26 The Respondent may select his Peer Reviewer who shall be in good standing with the Board and
27 shall not have received any disciplinary action from the Board within the last 3-years. The Peer
28 Reviewer shall have been continuously certified by the Board as a Home Inspector for at least

1 five (5) years and shall have conducted at least two hundred and fifty (250) Home Inspections in
2 the State of Arizona.

3 The Respondent shall cause the Peer Reviewer to sign an Affidavit and Agreement to Conduct
4 Peer Review with the Board affirming that the Peer Reviewer has met the Peer Review selection
5 criteria prior to conducting any Peer Reviews.

6 At the conclusion of each peer reviewed Home Inspection, Respondent will submit his work
7 product, specifically a Home Inspection Report, to the Peer Reviewer who will review and make
8 all corrections to the Respondent's Home Inspection Report necessary for the report to meet the
9 Standards of Professional Practice for Arizona Home Inspectors. Respondent shall not perform
10 any Home Inspections or provide any client with a Home Inspection Report for a fee, until all
11 Peer Reviews are completed. Respondent shall ensure that the Peer Reviewer provides a written
12 report to the Board after each peer reviewed Home Inspection, detailing any deficiencies in the
13 Respondents practice, and certifying that the deficiencies have been explained and corrected, in
14 so far as the peer reviewed Home Inspection is concerned. Respondent shall retain the Peer
15 Reviewer at his own expense.

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

20 5. COST OF INVESTIGATION. Within Ninety (90) days from the effective date of
21 this Consent Agreement, Respondent shall pay the cost of investigation of this case to the Board
22 in the amount of Nine Hundred Dollars (\$900.00) by certified check or money order made
23 payable to the State of Arizona Board of Technical Registration, according to the provisions of
24 A.R.S. § 32-128(H).

25 6. OBEY ALL LAWS. Respondent shall obey all federal, state and local laws, as
26 well as, all rules governing the practice of Home Inspectors in the State of Arizona. The Board
27 shall consider any violation of this paragraph to be a separate violation of the rules and statutes
28 governing the Arizona Board of Technical Registration. The Board may also consider

1 Respondent's non-compliance with this Order as a separate violation of A.R.S. § 32-150.

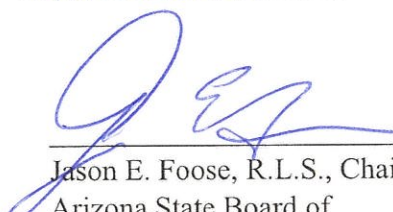
2 7. RENEWAL OF REGISTRATION. Respondent shall timely renew his Arizona
3 registration as a Certified Home Inspector, and timely pay all required registration fees.

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

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

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

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14 ACCEPTED and ORDERED this 10TH day of DECEMBER, 2019.

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

21 Consent Agreement and Order, No. HI19-044 & HI19-047 accepted this ____ day of
22 10/23/2019, 2019.

23 Jeremy Noland
24 Jeremy Noland, Respondent

25 ORIGINAL filed this 16th day of
26 DECEMBER, 2019, with:
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28

1 Arizona State Board of Technical Registration
2 1110 W. Washington, Suite 240
3 Phoenix, AZ 85007

4 **COPY** of the foregoing mailed via Certified Mail
5 No. 9214 8761 9434 4600 0645 36 and
6 First Class mail this 16th day of DECEMBER, 2019, to:

7 Jeremy Noland
8 Silver Hammer Inspections
9 2522 Shadow Valley Ranch Rd
10 Prescott, AZ 86305

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