

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

<p>In the Matter of:</p> <p>Paul Stratton Home Inspector Registration No. 50867</p> <p>Stratton Inspection Services, LLC Firm Registration No. 15892(expired)</p> <p style="text-align: center;">Respondents</p>	<p style="text-align: center;">Case No. HI20-002</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, Paul Stratton ("Respondent"), holder of Registration No. 50867, and Stratton Inspections Services, LLC ("Respondent Firm"), holder of Registration No. 15892 (expired), 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

1 administrative and/or judicial action concerning the matters set forth herein.

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

3 4. Respondent understands that this Consent Agreement or any part of the agreement
4 may be considered in any future disciplinary action by the Board against him.

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

9 6. Respondent understands this Consent Agreement deals with Board case number
10 HI20-002 involving allegations that Respondent engaged in conduct that would subject him to
11 discipline under the Board's statutes and rules. The investigation into these allegations against
12 Respondent shall be concluded upon the Board's adoption of this Consent 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 Inspection in the State of Arizona.

16 2. Respondent is the holder of Arizona Home Inspector Certification No. 50867.

17 3. Respondent Firm is holder of Firm Registration No. 15892, which expired on
18 January 31, 2016.

19 4. On or about March 28, 2019, Respondent conducted a Home Inspection at 17212
20 E. Alta Loma Fountain Hills, Arizona under Respondent Firm which had expired on January 31,
21 2016.

22 5. On or about July 8, 2019, the Board received a complaint alleging that Respondent
23 failed to conduct a home inspection in accordance with the Standards of Professional Practice by
24 failing to report on the adverse condition of the flooring during his home inspection. It is further
25 alleged that Respondent Firm engaged in the practice of home inspection without current firm
26 registration with the Board.

27 6. On or about August 6, 2019, Respondent renewed Respondent Firm and was
28 assigned a new registration number, Registration No. 22042.

1 7. On November 18, 2019, the Board's Enforcement Advisory Committee ("EAC")
2 convened to review the complaint against Respondent. After reviewing the evidence and
3 interviewing Respondent, the Committee determined that Respondent failed to conduct a home
4 inspection in accordance with the Standards of Professional Practice for Arizona Home
5 Inspectors ("S.O.P") and found that:

- 6 a. Respondent failed to include the purpose of the inspection as required in
7 S.O.P. #2.2,
- 8 b. Respondent failed to include the date of the inspection as required in S.O.P.
9 #2.2,
- 10 c. Respondent failed to include the name of the person performing the
11 inspection as required in S.O.P. #2.2,
- 12 d. Respondent failed to include the firm address as required in S.O.P. #2.2,
- 13 e. Respondent failed to include the AZ Standards of Professional Practice as
14 required in S.O.P. #2.2,
- 15 f. Respondent failed to report on the condition of the floor as required in
16 S.O.P. #4.1,
- 17 g. Respondent failed to report on the condition of the columns as required in
18 S.O.P. #4.1,
- 19 h. Respondent failed to report on the condition of the roof/ceiling as required
20 in S.O. P. #4.1,
- 21 i. Respondent failed to report on the flashing and trim as required in S.O.P.
22 #5.1,
- 23 j. Respondent failed to report on all entry doors as required in S.O.P. #5.1,
- 24 k. Respondent failed to report on the condition of drainage as required in
25 S.O.P. #5.1,
- 26 l. Respondent failed to report on the condition of the drainage system as
27 required in S.O.P #6.1,
- 28 m. Respondent failed to report on the condition of interior supply and

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distribution piping as required in S.O.P. #7.1,

- n. Respondent failed to report on the fixtures and faucets as required in S.O.P. #7.1,
- o. Respondent failed to report on the type and condition of the waste and vent piping as required in S.O.P. #7.1 and #7.2,
- p. Respondent failed to report on the condition of the circuit breakers as required in S.O.P. #8.1,
- q. Respondent failed to report on the location of the main panel and on the condition of the main and sub panel as required in S.O.P. #8.1 and #8.2,
- r. Respondent failed to report on the condition of branch circuit conductors as required in S.O.P. #8.1,
- s. Respondent failed to report on the type of energy source as required in S.O.P. #9.2,
- t. Respondent failed to report on the type of energy source as required in S.O.P. #10.2,
- u. Respondent failed to report on the type and condition of insulation as required in S.O.P. #12.1 and #12.2,
- v. Respondent failed to report on the type and condition of the vapor retarder as required in S.O.P. #12.1 and #12.2.

8. During the EAC Meeting, the Committee also found that Respondent failed to report on the S.O.P. for swimming pools and spas as noted:

- a. Respondent failed to report on the condition of interior finish materials as required in S.O.P. #3.1,
- b. Respondent failed to report on the condition of filters as required in S.O.P. #3.1,
- c. Respondent failed to report on the presence of cross connections as required in S.O.P. #3.1,
- d. Respondent failed to report on electrical components as required in S.O.P.

1 #3.1,

2 e. Respondent failed to report on the automatic safety controls on the heater as
3 required in S.O.P. #3.1,

4 f. Respondent failed to report on the condition of the heater as required as
5 required in S.O.P. #3.2

6 **CONCLUSIONS OF LAW**

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

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

12 2. The conduct alleged in the Findings of Fact constitutes grounds for discipline
13 pursuant to A.R.S. § 32-141 in that Respondent Firm conducted a Home Inspection without
14 Board registration.

15 **ORDER**

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

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

19 2. STAYED SUSPENSION AND PROBATION. Respondent's registration as a
20 Home Inspector, No. 50867, shall be suspended for 12 months; however, the suspension is stayed
21 for as long as Respondent remains in compliance with this Order. During the stay of suspension,
22 Respondent's registration as a Home Inspector is placed on probation for 12 months. If
23 Respondent is non-compliant with any terms of this Order during the 12 months stayed
24 suspension and probation period, the stay of the suspension shall be lifted and Respondent's
25 registration as a Professional Home Inspector shall be automatically suspended without a formal
26 hearing, and remain suspended until Respondent is compliant with all terms of this Order.

27 3. PEER REVIEW. Within three (3) months of the effective date of this Consent
28 Agreement, Respondent shall accompany a supervising Certified Home Inspector ("Peer

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

19 4. ADMINISTRATIVE PENALTY. Within Six (6) months from the effective
20 date of this Consent Agreement, Respondent shall pay an administrative penalty of Eight
21 Hundred and Twenty Five Dollars (\$825.00) by certified check or money order made payable to
22 the State of Arizona Board of Technical Registration. Respondent shall make monthly payments
23 of One Hundred Thirty Seven Dollars and Fifty Cents (\$137.50).

24 5. COST OF INVESTIGATION. Within sixty (60) days from the effective date of
25 this Consent Agreement, Respondent shall pay the cost of investigation of this case to the Board
26 in the amount of Four Hundred Twenty-Nine Dollars (\$429.00) by certified check or money
27 order made payable to the State of Arizona Board of Technical Registration, according to the
28 provisions of A.R.S. § 32-128(H).

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

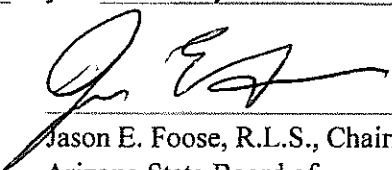
7. RENEWAL OF REGISTRATION. Respondent and Respondent Firm shall timely renew their Arizona registration as a Home Inspector and Home Inspection Firm, and timely pay all required registration fees.

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

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

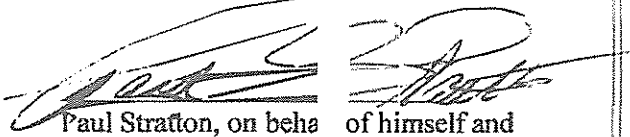
10. NONCOMPLIANCE. If Respondent violates this Order in any way or fails to fulfill the requirements of this Order, the Board, after giving notice and the opportunity to be heard, may revoke, suspend or take other disciplinary actions against the registration. The issue at such a hearing will be limited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

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



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

Consent Agreement and Order, No. HI20-002 accepted this 13 day of December, 2019.



Paul Stratton, on beha of himself and
Stratton Inspections Services, LLC,
Respondents

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ORIGINAL filed this 30th day of January, 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 8901 9434 4600 0661 96 and First Class mail this 30th
day of January, 2020, to:

Paul Stratton
Stratton Inspections Services, LLC
1242 S. Nassau
Mesa, AZ 85206

By: 