

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

<p>In the Matter of:</p> <p>Anthony Chiarello Home Inspector Certification No. 61655</p> <p>Buyer's Home Inspection Services Firm Registration No. 22450</p> <p style="text-align: center;">Respondents</p>	<p style="text-align: center;">Case No. HI20-027</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, Anthony Chiarello, ("Respondent"), holder of Certification No. 61655, and Buyer's Home Inspection Services, LLC, ("Respondent Firm"), holder of Firm Registration No. 22450, 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 HI20-027, 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 Certified Home Inspectors in the State of Arizona.

16 2. Respondent is the holder of Arizona Certified Home Inspector No.61655, and is
17 Firm Principal for Respondent Firm.

18 3. On February 14, 2020, The Board received a complaint alleging that Respondent
19 and Respondent Firm advertised home inspection services through Respondent Firm's website
20 without Firm Registration with the Board.

21 4. On February 24, 2020, Board staff observed Respondent Firm's website,
22 www.buyershis.com, advertising to the public home inspection services, without the benefit of
23 Firm Registration. Board staff sent Respondent Notice of Investigation.

24 5. On March 2, 2020, Respondent Firm became registered with the Board and issued
25 registration No. 22450.

26 6. On March 5, 2020, Respondent contacted Board staff and admitted that Respondent
27 Firm did not have registration at the time of complaint. Respondent stated that he was unaware
28 that Firm Registration was required to operate within Arizona.

1 **CONCLUSIONS OF LAW**

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. § 32-141, in that Respondent Firm offered to practice Home Inspections
5 without firm registration when advertising on www.buyershis.com.

6 3. The conduct alleged in the Findings of Fact constitutes grounds for discipline
7 pursuant to A.R.S. § 32-128(C)(4) as it relates to A.A.C. R4-30-301(4) in that Respondent failed
8 to comply with state, municipal, and county laws, codes, ordinances and regulations pertaining to
9 his area of practice.

10 **ORDER**

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

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

14 2. **ADMINISTRATIVE PENALTY.** Within Thirty (30) Days from the effective
15 date of this Consent Agreement, Respondent shall pay an administrative penalty of Two Hundred
16 Fifty Dollars (\$250.00) by certified check or money order made payable to the State of Arizona
17 Board of Technical Registration.

18 3. **COST OF INVESTIGATION.** Within thirty (30) days from the effective date of
19 this Consent Agreement, Respondent shall pay the cost of investigation of this case to the Board
20 in the amount of One Hundred Nineteen Dollars (\$119.00) by certified check or money order
21 made payable to the State of Arizona Board of Technical Registration, according to the
22 provisions of A.R.S. § 32-128(H).

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

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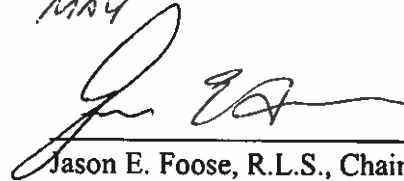
1 5. RENEWAL OF REGISTRATION. Respondent and Respondent Firm shall timely
2 renew their Arizona registration as an Certified Home Inspector and an Home Inspection Firm,
3 and timely pay all required registration fees.

4 6. 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.

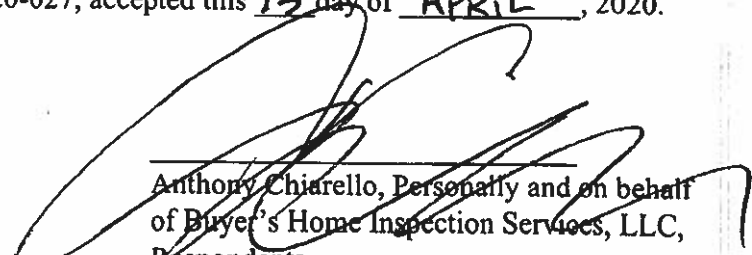
7 7. COSTS OF COMPLIANCE. Respondent shall pay all costs associated with
8 complying with this Consent Agreement.

9 8. NON COMPLIANCE. 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.

13
14 ACCEPTED and ORDERED this 13 day of APRIL, 2020.
15 26TH MAY

16
17 
18 _____
19 Jason E. Foose, R.L.S., Chairman
20 Arizona State Board of
21 Technical Registration

22 Consent Agreement and Order, No.HI20-027, accepted this 13 day of APRIL, 2020.

23
24 
25 _____
26 Anthony Chiarello, Personally and on behalf
27 of Buyer's Home Inspection Services, LLC,
28 Respondents

1 ORIGINAL filed this ²⁶ ~~23~~ day of

2 ~~APRIL~~, 2020, with:
3 MAY

4 Arizona State Board of Technical Registration
5 1110 W. Washington, Suite 240
6 Phoenix, AZ 85007

7 COPY of the foregoing mailed via Certified Mail
8 No. 9214 8901 9454 4600 0699 37 and
9 First Class mail this 24 day of MAY, 2020, to:

10 Anthony Chiarello
11 Buyer's Home Inspection Services, LLC
12 13211 N. 93rd Way,
13 Scottsdale, AZ 85260

14 By: _____

15 
16 
17  5/24/2020