

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

<p>In the Matter of:</p> <p>Derick Greene Certified Home Inspector Certification No. 68684</p> <p>True Home Inspections, LLC Firm Registration No. 22506</p> <p>Respondents</p>	<p>Case No. HI20-028</p> <p>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, Derick Greene (“Respondent”), holder of Certification No. 68684, True Home Inspections, LLC (“Respondent Firm”) holder of Firm Registration No. 22506, 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 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 HI20-028 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 occupation of Home Inspection in the State of Arizona.

15 2. Respondent is the holder of Arizona Home Inspector Certification No. 68684.

16 3. Respondent Firm is holder of Arizona Home Inspector Firm Registration No.
17 22506, effective March 23, 2020.

18 4. On February 27, 2020 the Board received a complaint alleging that Respondent and
19 Respondent Firm advertised home inspection services through Respondent Firm's website and
20 marketing material without firm registration with the Board.

21 5. On March 13, 2020 Respondent contacted Board staff and stated he was unaware
22 his firm needed to be registered with the Board. Respondent stated his firm had only been
23 operational for approximately one month and had not completed any home inspections to date.

24 6. On March 13, 2020 Respondent emailed Board staff his written response to the
25 complaint and included evidence that his firm had completed an application and paid the fee
26 associated with being registered with the Board.

27 7. On March 23, 2020 Respondent's Firm was officially registered with the Board.
28

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 and Respondent Firm offered to practice a Board
5 regulated profession without Firm registration with the Board.

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 and
8 Respondent Firm failed to comply with state, municipal, and county laws, codes, ordinances and
9 regulations pertaining to 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. **ADMINISTRATIVE PENALTY.** Within Sixty (60) days from the effective
14 date of this Consent Agreement, Respondent shall pay an administrative penalty of Two Hundred
15 Fifty Dollars (\$250.00) by certified check or money order made payable to the State of Arizona
16 Board of Technical Registration.

17 2. **COST OF INVESTIGATION.** Within thirty (30) days from the effective date of
18 this Consent Agreement, Respondent shall pay the cost of investigation of this case to the Board
19 in the amount of Eighty-Five Dollars (\$85.00) by certified check or money order made payable to
20 the State of Arizona Board of Technical Registration, according to the provisions of A.R.S. §
21 32-128(H).

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

27 4. **RENEWAL OF REGISTRATION.** Respondent and Respondent Firm shall timely
28 renew their Arizona registration as a Home Inspector and Home Inspection Firm and timely pay

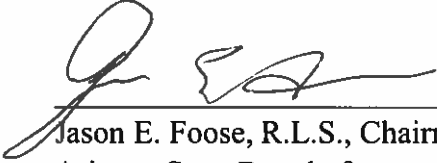
1 all required registration fees.

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

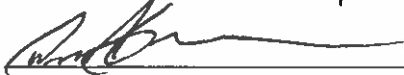
5 6. COSTS OF COMPLIANCE. Respondent shall pay all costs associated with
6 complying with this Consent Agreement.

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

11
12 ACCEPTED and ORDERED this 26TH day of MAY, 2020.

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

19 Consent Agreement and Order, No. HI20-028 accepted this 1 day of MAY, 2020.

20
21 
22 Derick Greene, on behalf of himself and on
23 behalf of True Home Inspections, LLC
24 Respondents

25
26 ORIGINAL filed this 24 day of
27 MAY, 2020, with:

28
Arizona State Board of Technical Registration
1110 W. Washington, Suite 240
Phoenix, AZ 85007

1 **COPY** of the foregoing mailed via Certified Mail

2 No. 9214 8901 9434 4600 069944 and

3 First Class mail this 24 day of MAY, 2020, to:

4 Derick Greene

5 True Home Inspections, LLC

6 1912 E. Park Avenue

7 Gilbert, AZ 85234

8 By:  _____