

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

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



<p><b>In the Matter of:</b></p> <p><b>Terrell Abbott Non-Registrant</b></p> <p><b>Bluejay Home Services Non-Registered Firm</b></p> <p><b>Respondents</b></p>	<p style="text-align: center;"><b>Case No. HI20-029</b></p> <p style="text-align: center;"><b>CONSENT AGREEMENT and ORDER OF DISCIPLINE</b></p>
---	---

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, Terrell Abbott, Non-Registrant, (“Respondent”) and Bluejay Home Services, Non-Registrant Firm (“Respondent Firm”) 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 HI20-029 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 occupation of Home Inspection in the State of Arizona.

15 2. Respondent is not certified with the Board as a Home Inspector.

16 3. Respondent Firm (Bluejay Home Services) is not registered with the Board.

17 4. On May 22, 2019 Respondent was sent notification that his certification as a Home  
18 Inspector had been revoked due to failure to provide the Board with Proof of Financial  
19 Assurance. Respondent was previously certified with the Board as a Home Inspector under  
20 certification number 65818.

21 5. In October of 2019 Alleger contacted Bluejay Home Services through  
22 Nextdoor.com, identified as Respondent Firm, to complete a home inspection at 10231 E.  
23 Michigan, Sun Lakes, Arizona. Respondent and Respondent Firm agreed to complete the home  
24 inspection for Alleger and provided Alleger with a Confidential Inspection Report dated  
25 November 1, 2019.

26 6. On February 27, 2020 the Board received a complaint regarding the Respondent  
27 and Respondent Firm practicing a Board regulated profession without certification.

28 7. On March 9, 2020 Board staff received a copy of the Home Inspection report

1 provided to Allegor by Respondent.

2 8. On March 19, 2020 Respondent provided a written response to Board staff. In his  
3 response to the Board, Respondent admitted that he completed a home inspection at 10231 E.  
4 Michigan, Sun Lakes, Arizona 85248, knowing that he and his firm were not currently registered  
5 with the Board.

6 **CONCLUSIONS OF LAW**

7 1. The Board has jurisdiction in this matter pursuant to A.R.S. § 32-101, et seq,  
8 including A.R.S. § 32-106.02(A).

9 2. The conduct alleged in the Findings of Fact constitutes grounds for discipline  
10 pursuant to A.R.S. § 32-145(1), in that Respondent practiced or offered to practice a Board  
11 regulated profession without Board registration.

12 3. The conduct alleged in the Findings of Fact constitutes grounds for discipline  
13 pursuant to A.R.S. 32-141, in that Respondent Firm practiced a Board regulated profession  
14 without firm registration.

15 4. The conduct alleged in the Findings of Fact constitutes grounds for discipline  
16 pursuant to A.R.S. 32-145(2), in that Respondent advertised or displayed a device that indicated  
17 to the public that he is registered or qualified to practice a Board regulated profession without  
18 registration.

19 **ORDER**

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

22 1. **CIVIL PENALTY.** Within Ten (10) months from the effective date of this  
23 Consent Agreement, Respondent shall pay a civil penalty of Fifteen Hundred Dollars (\$1,500.00).  
24 Payments of One Hundred Fifty Dollars (\$150.00) for a period of ten (10) months are to be  
25 submitted to the Board by cashier's check or money order made payable to the Arizona State  
26 Board of Technical Registration, according to the provisions of A.R.S. § 32-106.02(A).

27 2. **COST OF INVESTIGATION.** Within thirty (30) days from the effective date of  
28 this Consent Agreement, Respondent shall pay the cost of investigation of this case to the Board

1 in the amount of One Hundred Six Dollars (\$106) by certified check or money order made  
2 payable to the State of Arizona Board of Technical Registration, according to the provisions of  
3 A.R.S. § 32-128(H).

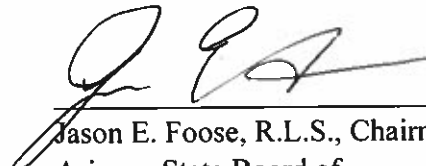
4 3. OBEY ALL LAWS. Respondent and Respondent Firm shall obey all federal, state  
5 and local laws, related to the practice of Home Inspection in the State of Arizona. The Board  
6 shall consider any violation of this paragraph to be a separate violation of the statutes governing  
7 the Arizona Board of Technical Registration.

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

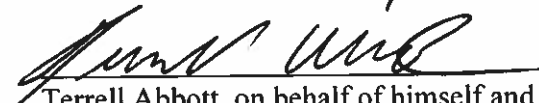
11 5. COSTS OF COMPLIANCE. Respondent shall pay all costs associated with  
12 complying with this Consent Agreement.

13 6. NONCOMPLIANCE. If Respondent violates this Order in any way or fails to  
14 fulfill the requirements of this Order, the Board may seek a Petition for Injunction in accordance  
15 with the provisions set forth in A.R.S. § 32-106.01.

16  
17 ACCEPTED and ORDERED this 26<sup>th</sup> day of MAY, 2020.

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

23  
24 Consent Agreement and Order, No. HI20-029 accepted this 7<sup>th</sup> day of MAY, 2020.

25   
26 Terrell Abbott, on behalf of himself and on  
27 behalf of Bluejay Home Services  
28 Respondents

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**ORIGINAL** filed this 26 day of

MAY, 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 89019434 46000699.51 and

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

Terrell Abbott  
Bluejay Home Services  
26206 S. Boxwood Dr.  
Sun Lakes, Arizona 85248

By: 