

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

<p>In the Matter of:</p> <p>Clinton Bruner Non-Registrant</p> <p style="text-align: center;">Respondent</p>	<p style="text-align: center;">Case No. HI20-037</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, Clinton Bruner, Non-Registrant, (“Respondent”) 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.

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

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

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

7 6. Respondent understands this Consent Agreement deals with Board case number
8 HI20-037 involving allegations that Respondent engaged in conduct that would subject him to
9 discipline under the Board's statutes and rules. The investigation into these allegations against
10 Respondent shall be concluded upon the Board's adoption of this Consent Agreement.

11 7. Respondent understands that this Consent Agreement does not constitute a
12 dismissal or resolution of any other matters currently pending before the Board, if any, and does
13 not constitute any waiver, express or implied, of the Board's statutory authority or jurisdiction
14 regarding any other pending or future investigation, action or proceeding.

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

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

23 10. This Consent Agreement is subject to the approval of the Board and is effective
24 only when accepted by the Board and signed on behalf of the Board. If the Board does not accept
25 this Consent Agreement, the Board retains its authority to hold a formal administrative hearing
26 pursuant to A.R.S. § 32-128(E). In the event that the Board does not approve this Consent
27 Agreement, it is withdrawn and shall be of no evidentiary value and shall not be relied upon nor
28 introduced in any action by any party, except that the parties agree that should the Board reject

1 this Consent Agreement and this case proceeds to hearing, Respondent shall assert no claim that
2 the Board was prejudiced by its review and discussion of this document or any records relating
3 thereto.

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

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

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

11 FINDINGS OF FACT

12 1. The Board is the duly constituted authority for the regulation and control of the
13 occupation of Home Inspector in the State of Arizona.

14 2. Respondent is not registered with the Board as a Home Inspector.

15 3. Respondent's certification as a Home Inspector expired on May 31, 2017 and was
16 cancelled by the Board at its June 26, 2018 meeting.

17 4. On or about March 27, 2020, Respondent conducted a home inspection at 8813 N.
18 13th Street in Phoenix, AZ. Respondent was not certified to conduct home inspections at the
19 time of the inspection.

20 5. On May 11, 2020, the Board received a complaint alleging that Respondent
21 conducted a home inspection at 8813 N. 13th Street in Phoenix, Arizona without certification
22 with the Board as a Home Inspector.

23 6. On June 2, 2020, Respondent wrote in an email that the renewal fee somehow
24 slipped past him and is now in the process of getting reinstated. Respondent also wrote that he
25 received a new fingerprint card in the mail and had submitted a new application to the Board.

26 7. On June 3, 2020, the Board received Respondent's application for home inspection
27 certification. On his application, Respondent checked "NO" in response to the question asked
28 "Have you ever been the subject of professional disciplinary action, including license denial, or

1 do you have any such action pending against you in any state or jurisdiction (including Arizona?"
2 Respondent failed to disclose that he had a pending disciplinary action with the Board.

3 8. On or about June 5, 2020, the Board granted Respondent a provisional certification
4 as a Home Inspector that was issued based upon the false information provided by Respondent in
5 his application for certification 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- 106.02 and A.R.S. § 32-145(1), in that Respondent practiced or offered
11 to practice a Board 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. § 32-128(C)(4) as it relates to A.A.C. R4-30-301(1), in that Respondent failed
14 to disclose material facts requested in connection with his application for home inspector
15 certification.

16 4. The conduct alleged in the Findings of Fact constitutes grounds for discipline
17 pursuant to A.R.S. § 32-145(5) in that Respondent presented false information to the Board with
18 intent to obtain a certification as a Home Inspector.

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 ninety (90) days from the effective date of this
23 Consent Agreement, Respondent shall pay a civil penalty of Two Thousand Dollars (\$2000.00).
24 Payments are to be submitted to the Board by cashier's check or money order made payable to
25 the Arizona State Board of Technical Registration, according to the provisions of A.R.S. §
26 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 Ten Dollars (\$110.00) 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 shall obey all federal, state and local laws, related
5 to the practice of Home Inspections in the State of Arizona. The Board shall consider any
6 violation of this paragraph to be a separate violation of the statutes governing the Arizona Board
7 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 28th day of July, 2020.

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

24 Consent Agreement and Order, No. HI20-037 accepted this 29th day of June, 2020.

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27 Clint Bruner, Respondent

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1 ORIGINAL filed this 28 day of

2 July, 2020, with:

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

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

9 No. 9214830; 9434460 071893 and

10 First Class mail this 28 day of July, 2020, to:

11 Clint Bruner
12 P.O. Box 3593
13 Scottsdale, AZ 85271

14 By:  _____