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

<p>In the Matter of:</p> <p>David Edens, C.H.I. No. 50538 Certified Home Inspector</p> <p>Wild West Home Inspections, LLC Firm Registration No. 22889</p> <p style="text-align: center;">Respondents</p>	<p style="text-align: center;">Case No. HI21-011</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, David Edens, (“Respondent”), holder of Certification No. 50538, and Wild West Home Inspections, LLC, (“Respondent Firm”), holder of Firm Registration No. 22889, 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.

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RECITALS

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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.

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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

1 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 HI21-011, 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.50538 and is
17 Firm Principal for Respondents Firm.

18 3. On October 13, 2020 the Board received a complaint alleging Respondent
19 conducted a home Inspection at 51224 N. Mockingbird Road in Wickenburg, Arizona, on or
20 about October 11, 2020, without firm registration.

21 4. On October 13, 2020 Board records show no indication that Respondent Firm Wild
22 West Home Inspections, LLC, has ever been registered.

23 5. On October 27, 2020, Respondent contacted Board staff and admitted that his Firm
24 was not registered with the Board since June of 2020.

25 6. On October 28, 2020, the Board issued Wild West Home Inspections, LLC, Firm
26 Registration No. 22889, with an expiration date of October October 28, 2021.

27 **CONCLUSIONS OF LAW**

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

1 including A.R.S. § 32-106.02(A).

2 2. The conduct alleged in the Findings of Fact constitutes grounds for discipline
3 pursuant to A.R.S. § 32-141 and A.R.S. § 32-121, in that Respondent and Respondent Firm,
4 practiced a Board-regulated profession without firm registration with the Board.

5 3. The conduct alleged in the Findings of Fact constitutes grounds for discipline
6 pursuant to A.R.S. § 32-128(C)(4) as it relates to A.A.C. R4-30-301(4) in that Respondent, the
7 firm principal having responsible charge for the services provided by Respondent Firm, engaged
8 in the practice of home inspection without firm registration required by the Board.

9 **ORDER**

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

12 1. **ADMINISTRATIVE PENALTY.** Within Sixty (60) days from the effective date of
13 this Consent Agreement, Respondent shall pay a civil penalty of Three Hundred Dollars
14 (\$300.00) to be submitted to the Board by cashier's check or money order made payable to the
15 Arizona State Board of Technical Registration, according to the provisions of A.R.S. §
16 32-106.02(A).

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 of One Hundred Seven Dollars (\$107.00) by certified check or money order
20 made payable to the State of Arizona Board of Technical Registration, according to the provisions
21 of A.R.S. § 32-128(H).

22 3. **OBEY ALL LAWS.** Respondent shall obey all federal, state and local laws, related
23 to the practice of Home Inspections in the State of Arizona. The Board shall consider any
24 violation of this paragraph to be a separate violation of the statutes governing the Arizona Board
25 of Technical Registration.

26 4. **EFFECTIVE DATE.** The effective date of this Consent Agreement is the date the
27 Respondent and Board sign the Consent Agreement. If the dates are different, the effective date is
28 the later of the two dates.

1 complying with this Consent Agreement.

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

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6 ACCEPTED and ORDERED this 23 day of March, 2021.

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9 Carmen Wyckoff, R.A.,
10 Chairman Arizona State Board
of Technical Registration

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12 Consent Agreement and Order, No. HI21-011, accepted this 10 day of FEBRUARY 2021.

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14 David Edens, Personally and on behalf of
15 Wild West Home Inspections, LLC,
Respondents

16 ORIGINAL filed this _____ day of
17 _____, 2021, with:

18
19 Arizona State Board of Technical Registration
20 1110 W. Washington, Suite 240
21 Phoenix, AZ 85007

22 COPY of the foregoing mailed via Certified Mail

23 No. _____ and

24 First Class mail this _____ day of _____, 2021, to:

25 David Edens
26 Wild West Home Inspections, LLC
27 21138 W. Sleepy Ranch Road
28 Wittmann, AZ 85390

By: _____