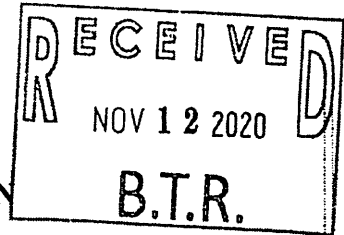


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BEFORE THE ARIZONA STATE
BOARD OF TECHNICAL REGISTRATION



<p>In the Matter of:</p> <p>Erik Diener Home Inspector Registration No. 57902</p> <p>A 'N' B Home Inspections Firm Registration No. 18787 (Expired)</p> <p>Respondents</p>	<p>Case No. HI20-012</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, Erik Diener ("Respondent"), holder of Registration No. 57902, A 'N' B Home Inspections ("Respondent Firm"), holder of Registration No. 18787 (Expired), 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 HI21-012 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 practice of Home Inspection in the State of Arizona.

15 2. Respondent is the holder of Arizona Home Inspector, Registration No. 57902.

16 3. Respondent Firm is the holder of Registration No. 18787, which expired on
17 May 31, 2019.

18 4. Board records indicate that Respondent is the firm principal and is the responsible
19 party for Respondent Firm.

20 5. On or about October 28, 2020, the Board opened a complaint alleging that
21 Respondent and Respondent Firm advertised the practice of home inspection through their
22 website without firm registration with the Board. Board records show that Respondent Firm's
23 registration expired on May 31, 2019, and has not been renewed.

24 6. On November 4, 2020, the Board received Respondent Firm's annual firm
25 registration, which was renewed and issued a new registration number. Respondent Firm's new
26 registration No. 22906, expires on November 4, 2021.

27 **CONCLUSIONS OF LAW**


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

1 Respondent and Board sign the Consent Agreement. If the dates are different, the effective date is
2 the later of the two dates.

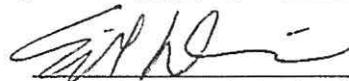
3 7. COSTS OF COMPLIANCE. Respondent shall pay all costs associated with
4 complying with this Consent Agreement.

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

9
10 ACCEPTED and ORDERED this 8TH day of DECEMBER, 2020.

11
12
13 
14 Jason E. Foose, R.L.S., Chairman
15 Arizona State Board of
16 Technical Registration

17 Consent Agreement and Order, No. HI21-012 accepted this 10TH day of NOVEMBER, 2020.

18 
19 Erik Diener on behalf of himself and on
20 behalf of A 'N' B Home Inspections,
21 Respondents

22 ORIGINAL filed this 10TH day of
23 NOVEMBER, 2020, with:

24
25 Arizona State Board of Technical Registration
26 1110 W. Washington, Suite 240
27 Phoenix, AZ 85007
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COPY of the foregoing mailed via Certified Mail
No. 9214 8901 9434 4600 076993 and
First Class mail this 10th day of December, 2020, to:

Erik Diener
A 'N' B Home Inspections
21362 S. 213rd Pl.
Queen Creek, AZ 85142

By: *Ei Cull*