

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

<p><b>In the Matter of:</b></p> <p><b>Joseph Tobin Home Inspector Registration No. 65563</b></p> <p style="text-align: center;"><b>Respondent</b></p>	<p style="text-align: center;"><b>Case No. HI21-019</b></p> <p style="text-align: center;"><b>CONSENT AGREEMENT and ORDER OF DISCIPLINE</b></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, Joseph Tobin (“Respondent”), holder of Registration No. 65563, 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 HI21-019 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 practice of Home Inspection in the State of Arizona.

14 2. Respondent is the holder of Arizona Home Inspector, Certification No. 65563.

15 3. On or about December 4, 2020, Respondent conducted a Home Inspection at 3971  
16 Coral Reef Drive, Lake Havasu City, Arizona.

17 4. On or about February 11, 2021, the Board received a complaint alleging that  
18 Respondent failed to accurately report on the adverse condition of the roof system and failed to  
19 identify evidence of leaking around the patio, during his home inspection at 3971 Coral Reef  
20 Drive in Lake Havasu City, Arizona, on or about December 4, 2020.

21 5. On May 6, 2021, an Enforcement Advisory Committee Meeting (“EAC”) convened  
22 to review the complaint against Respondent. After reviewing the evidence, the Committee did not  
23 substantiate the allegations; however, the Committee did find that Respondent’s Home Inspection  
24 Report failed to meet the Standards of Professional Practice for Arizona Home Inspectors  
25 (“S.O.P”) in that:

26 a. Respondent failed to include the inspector certification number in the agreement as  
27 required in S.O.P. #2.2,

28 b. Respondent failed to include the firm address in the agreement as required in S.O.P.

1 #2.2,

- 2 c. Respondent failed to include the Arizona Standards of Professional Practice in the  
3 agreement as required in S.O.P. #2.2,
- 4 d. Respondent failed to accurately report on the type and condition of the columns as  
5 required in S.O.P. #4.1 and 4.2,
- 6 e. Respondent failed to accurately report the method used to inspect the roof as  
7 required in S.O.P. #6.2,
- 8 f. Respondent failed to accurately report on the condition of supports and insulation  
9 as required in S.O.P. #7.1,
- 10 g. Respondent failed to accurately report on the type of service conductor as required  
11 in S.O.P. #8.2,
- 12 h. Respondent failed to accurately report on the voltage rating as required in S.O.P.  
13 #8.2,
- 14 i. Respondent failed to accurately report on the compatibility as required in S.O.P.  
15 #8.1,
- 16 j. Respondent failed to accurately report on the air filter as required in S.O.P. #9.1,
- 17 k. Respondent failed to accurately report on the type and condition of the vapor  
18 retarder as required in S.O.P. #12.1 and #12.2.

19 **CONCLUSIONS OF LAW**

- 20 1. The Board has jurisdiction in this matter pursuant to A.R.S. § 32-101, et seq.
- 21 2. The conduct alleged in the Findings of Fact constitutes grounds for discipline  
22 pursuant to A.R.S. § 32-128 (C)(4) as it relates to A.A.C. R4-30-301.01, in that Respondent  
23 failed to conduct a home inspection in accordance with the Standards of Professional Practice for  
24 Arizona Home Inspectors.

25 **ORDER**

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

- 28 1. **LETTER OF REPRIMAND.** Respondent is hereby issued a Letter of Reprimand.

1           2.       STAYED SUSPENSION AND PROBATION. Respondent's registration as Home  
2 Inspector, No. 65563, shall be suspended for Ninety (90) Days; however, the suspension is stayed  
3 for as long as Respondent remains in compliance with this Order. During the stay of suspension,  
4 Respondent's registration as a Home Inspector is placed on probation for Ninety (90) Days. If  
5 Respondent is non-compliant with any terms of this Order during the Ninety (90) Days stayed  
6 suspension and probation period, the stay of the suspension shall be lifted and Respondent's  
7 registration as a Home Inspector shall be automatically suspended without a formal hearing, and  
8 remain suspended until Respondent is compliant with all terms of this Order.

9           3.       PEER REVIEW. Within Ninety (90) Days of the effective date of this Consent  
10 Agreement, Respondent shall accompany a supervising Certified Home Inspector ("Peer  
11 Reviewer") for Three (3) Home Inspections, and perform inspections at the same time and  
12 location as the Peer Reviewer. Respondent shall prepare a Home Inspection Report, and submit  
13 the written report to the Peer Reviewer for review. The Respondent may select his Peer Reviewer  
14 who shall be in good standing with the Board and shall not have received any disciplinary action  
15 from the Board within the last 3-years. The Peer Reviewer shall have been continuously certified  
16 by the Board as a Home Inspector for at least five (5) years and shall have conducted at least two  
17 hundred and fifty (250) Home Inspections in the State of Arizona. The Respondent shall cause  
18 the Peer Reviewer to sign an Affidavit and Agreement to Conduct Peer Review with the Board  
19 affirming that the Peer Reviewer has met the Peer Review selection criteria prior to conducting  
20 any Peer Reviews. At the conclusion of each peer reviewed Home Inspection, Respondent will  
21 submit his work product, specifically a Home Inspection Report, to the Peer Reviewer who will  
22 review and make all corrections to the Respondent's Home Inspection Report necessary for the  
23 report to meet the Standards of Professional Practice for Arizona Home Inspectors. Respondent  
24 ~~shall not perform any Home Inspections or provide any client with a Home Inspection Report for~~  
25 ~~a fee, until all Peer Reviews are completed.~~ Respondent shall ensure that the Peer Reviewer  
26 provides a written report to the Board after each peer reviewed Home Inspection, detailing any  
27 deficiencies in the Respondents practice, and certifying that the deficiencies have been explained  
28 and corrected, in so far as the peer reviewed Home Inspection is concerned. Respondent shall

  
6/22/21

1 retain the Peer Reviewer at his own expense.

2 4. ADMINISTRATIVE PENALTY. Within Thirty (30) Days from the effective  
3 date of this Consent Agreement, Respondent shall pay an administrative penalty of Two Hundred  
4 and Fifty Dollars (\$250.00) by certified check or money order made payable to the State of  
5 Arizona Board of Technical Registration.

6 5. COST OF INVESTIGATION. Within Ninety (90) days from the effective date of  
7 this Consent Agreement, Respondent shall pay the cost of investigation of this case to the Board  
8 in the amount of Five Hundred Seven Dollars (\$507.00) by certified check or money order made  
9 payable to the State of Arizona Board of Technical Registration, according to the provisions of  
10 A.R.S. § 32-128(H).

11 6. OBEY ALL LAWS. During the probationary period, Respondent shall obey all  
12 federal, state and local laws, as well as, all rules governing the practice of Home Inspection in the  
13 State of Arizona. The Board shall consider any violation of this paragraph to be a separate  
14 violation of the rules and statutes governing the Arizona Board of Technical Registration. The  
15 Board may also consider Respondent's non-compliance with this Order as a separate violation of  
16 A.R.S. § 32-150.

17 7. RENEWAL OF REGISTRATION. Respondent shall timely renew his Arizona  
18 registration as a Home Inspector, and timely pay all required registration fees.

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

22 9. COSTS OF COMPLIANCE. Respondent shall pay all costs associated with  
23 complying with this Consent Agreement.

24 10. NONCOMPLIANCE. If Respondent violates this Order in any way or fails to  
25 fulfill the requirements of this Order, the Board, after giving notice and the opportunity to be  
26 heard, may revoke, suspend or take other disciplinary actions against the registration. The issue  
27 at such a hearing will be limited solely to whether this Order has been violated.  
28

6/22/21

*Carmen Wyckoff*  
Carmen Wyckoff, R.A., Chairperson  
Arizona State Board of  
Technical Registration

Consent Agreement and Order, No. HI21-019 accepted this 24 day of MAY, 2021.

*Joseph Tobin*  
Joseph Tobin, Respondent

ORIGINAL filed this 22nd day of  
June, 2021, with:

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

COPY of the foregoing mailed via Certified Mail  
No. 921489019434460000082899 and  
First Class mail this 22nd day of June, 2021, to:

Joseph Tobin  
55 Lake Havasu Ave  
Lake Havasu City, AZ 86403

By: *Si Anell*