



State of Arizona BOARD OF TECHNICAL REGISTRATION

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June 29, 2017

Governor Douglas A. Ducey
1700 W. Washington, 9th Floor
Phoenix, AZ 85007

Re: Report Requested Pursuant to Executive Order 2017-03

Dear Governor Ducey:

On behalf of the Board of Technical Registration ("Board,") we are pleased to submit to you the Report you required pursuant to Executive Order 2017-03.

Summary

- All states and U.S. territories require registration for engineers, architects, surveyors, and landscape architects. 32 states require registration for geologists; 31 states require registration for home inspectors, and 37 states require some form of licensing for the alarm industry.
- National Training Requirements for Registration: For engineers, architects, landscape architects, surveyors and geologists the majority of states require: 4 years of education; 4 years of experience; passing national examinations. Arizona's requirements are NOT as restrictive. Arizona does not require formal education.
- CE Requirements: vary among all the states from between 8 to 12 hours per year. Arizona does NOT have CE requirements.
- Initial Fees: vary greatly between states based upon population, composition of board, i.e. whether independent or multi-disciplinary. Arizona's initial fees are NOT excessive.
- Renewal Fees: vary greatly between states based upon population, composition of board, i.e. whether independent or multi-disciplinary. Arizona's renewal fees are NOT excessive.
- There is a statutory five year "felony bar" in place for those applicants applying for home inspector certification. People applying for licenses in the other 5 professions and 1 occupation the Board regulates can be denied for "lack of good moral character." In the last 5 years, the Board has denied 4 licenses (2 to engineers, 1 to an alarm agent and 1 to a home inspector) for lack of good moral character.
- Average timeframe for issuing licenses: 50 days; 40 days shorter than the timeframe established in A.A.C. R4-30-209.
- 10 most frequent violations:
 - Failure to apply technical knowledge and skill;
 - Failure to conduct a land survey in accordance with the Arizona Boundary Survey Minimum Standards;

- Respondent signed and sealed professional documents not prepared by the registrant or bona fide employee
- Respondent failed to perform professional services after receiving payment;
- Submitting materially false statements and failing to disclose material facts requested in connection with an application for licensure;
- Failure to conduct a home inspection in accordance with the Standards of Professional Practice for Arizona Home Inspectors
- Aiding and Abetting an unregistered person to evade Board statutes;
- Failure to pay a collaborating registered professional within 7 calendar days after receiving payment from a client;
- Respondent engaged in the practice, offered to practice and advertised to practice a Board regulated occupation without registration with the Board;
- Gross negligence, incompetence, bribery or other misconduct in the practice of the profession.

	# of Complaints	# of Consents	# of Hearings	\$ Fines	\$ Fees	# of Non-disciplinary resolutions
2013	170	59	2	\$44,600	\$13,789	109
2014	149	61	4	\$102,500	\$27,300	84
2015	141	66	3	\$91,897	\$35,525	72
2016	144	81	11	\$110,100	\$40,907	52
2017	118	60	10	\$102,700	\$29,822	48

- 2017 complaints through May 30, 2017

Background

The Legislature created the Board of Technical Registration in 1921 to protect the public's health, safety, and welfare by regulating the professions of architecture, engineering, land surveying and assaying. The Legislature added the profession of geology to the Board's jurisdiction in 1956, and the profession of landscape architecture was added in 1968. In 2003, the Legislature added the occupations of Home Inspectors, Drug Laboratory Site Remediation Firms, Supervisors and Workers to the Board's jurisdiction. The Alarm Industry, including agents and firms, was added in 2013. At the Board's request, the assaying profession, and the occupations related to remediating contaminated properties were deregulated in 2016.

The Board was created by the Legislature as an "independent" administrative agency, not subject to a superior head of a department, as opposed to a "subordinate" administrative agency, whose actions are subject to administrative review or revision by the executive branch. 2 AmJur 2d., Constitutional Law, § 27. Independent administrative agencies work under the state's police power to protect property, peace, life, health, and safety of the inhabitants of the state. State Bd. Of Technical Registration v. McDaniel, 84 Ariz. 223 (1958.) Independent administrative agencies relieve courts of having certain matters on their dockets, and the presence of these agencies also allows parties to resolve disputes in a less expensive, less cumbersome manner than it would be in trial in court. Buras v. Board of Trustees of Police Pension Fund of City of New Orleans, 367 So. 2d 849, 853 (La. 1979.)

The Board is a "multi-disciplinary" agency comprised of nine (9) members appointed by the Governor with the expertise and knowledge base to effectively regulate the science and design professionals they represent. The Legislature has mandated that Board members may serve two consecutive three year terms. Three members must be engineers (one of whom

must be a civil engineer); two members must be architects; one member must be a surveyor, one member must be a geologist; one member must be a landscape architect; and one member must represent the public.

The Board meets one day each month to review and act upon the qualifications of applicants for registration and certification, and to review and take action upon the investigative reports regarding complaints the public may file against licensees. Importantly, the Board devotes significant time during each meeting to discussing and acting upon policy issues designed to make it more efficient and relevant to the public and its licensed population. Those issues include the review of rules and strategic planning exercises. The Board also devotes time to the training and development of its members to ensure that they understand their regulatory responsibilities, act upon the matters before them with the appropriate decorum and knowledge and with the intent to protect the public's health, safety and welfare.

Members understand that it is the Board's mission to protect the public, state-wide, and not to promote a particular private agenda while serving on the Board. They take the Board's mission very seriously and devote hundreds of volunteer hours to Board-related work. By statute, the Board is only authorized to pay members \$30 a day for the work they perform.

The Board supports itself financially by collecting licensing and renewal fees from applicants for registration and certification. These fees are split upon receipt: 90% are deposited into the Technical Registration Fund, and 10% are deposited into the State's General Fund. The Board currently operates with approximately a 2 million dollar annual budget.

The Legislature appropriated 25 employees to accomplish the Board's work, processing applications, investigating complaints, and managing its office. Staff is headed by an Executive Director, and although appropriated for 25 employees, it currently employs only 21 people in order to run more "leanly" and efficiently.

As a multi-disciplinary agency, the Board already operates more efficiently, at minimal cost, by comparison to other regulatory boards in Arizona and around the country. Seven different professions and occupations are regulated in Arizona by one agency, this Board, rather than by seven different agencies, saving money and resources while providing the same level of service to the public that independent boards provide.

None of the seven professions the Board regulates are "privately operated" in other states. Recent national case law has demonstrated that privatization of regulation can be exclusionary, protectionist, and self-promoting.

Private business or professional associations exist to privately support five of the Board's registered professions: architecture, engineering, surveying, landscape architecture and geology. These associations are supported by payment of annual dues from their membership. Membership in these associations is voluntary and members are not tested or evaluated for skill, training, and experience. The focus of the associations differs from the objectives of this Board, which thoroughly vets registrants' qualifications. These business and professional associations do not have the power or authority to protect public health, safety and welfare as does this Board.

Despite our differing interests and missions, the Board maintains positive and cooperative relationships with its state and national "stakeholder" associations; working with them to educate potential applicants for registration, to obtain public input on proposed changes

to the Board's statutes and rules, and to provide information to their membership about the Board's investigative processes and substantive policies.

Board members and staff work collaboratively with stakeholders, such as the Arizona component of the American Institute of Architects (AIA), the American Council of Engineering Companies of Arizona (ACEC-AZ), and the American Society of Landscape Architects (ASLA). Board members and staff have lectured and participated in conferences sponsored by these stakeholders throughout the state. These stakeholders have been very supportive of the Board's efforts to become more relevant and efficient. They have supported the Board's attempts to revise its statutes and have used their considerable resources to inform their membership about the changes and improvements taking place at the Board. (See: Appendix A)

The Board also works with National Examination Councils that provide the licensing examinations required for registration as professional architects, engineers, surveyors, geologists and landscape architects. All state Boards that regulate these professions are "members" of these councils to ensure that their applicants for registration have access to the latest national licensing examinations which test for minimal competence to practice those professions safely. Membership and participation in the councils also ensures that Arizona's candidates for registration can qualify for reciprocal registration in other states, jurisdictions, and foreign countries.

Some of the National Councils offer their own "certificates" or "council records" to certain registrants who have educational degrees from select universities for a cost with the idea that these certificates or records can facilitate registration across the states. This Board accepts certificates and records from applicants for registration but does not require them.

Since 2013, the Board has been devoted to becoming more efficient and relevant to its licensed populations and the public. It has conducted periodic meetings devoted entirely to strategic planning, to maintain its relevance and improve its efficiency. Its first strategic planning meeting was held on February 11, 2014, and its second meeting was held on July 10, 2015. At its strategic planning meetings, the Board reviews operational issues and sets short-term goals, such as purchasing a new computer system to allow applicants to apply for registration and certification on-line and pay for applications and renewals with credit cards. The Board also sets long-term goals, such as reviewing its rules and making recommendations to update and revise them, as necessary.

Strategic Issues Related to Licensing

The Alternative Path to Licensure

Arizona offers an "alternative path" to registration for its applicants for professional registration. The Board does not require formal or preferred education to become registered to practice in Arizona. However, all applicants for professional registration must demonstrate competency to hold registration by experience and passing the national examinations. Arizona is in the minority of states offering this alternative path to registration, making the obtaining of registration here less burdensome and exclusionary than in other states.

The Registration Requirement

It's important to note that those who have obtained educational degrees in the areas of engineering, architecture, landscape architecture, geology and surveying can work for

established professional firms for their entire careers without having to obtain registration in Arizona. As long as that firm employs one professional registrant in the pertinent practice area who can oversee and seal professional plans, which unlicensed individuals could have helped to create, no Arizona laws will be broken. Registration to practice the professions the Board regulates is not required to utilize experience and/or education in that practice area.

Licensure Committees

The Board's licensing timeframe for registering applicants is contained in rule A.A.C. R4-30-209. Its timeframe for authorizing candidates to take the national exams is found in A.A.C. R4-30-210. Since 2015, the Board licenses its applicants more efficiently and faster than it had previously, when it relied upon its 8 volunteer subject matter expert/board members to review applications (in addition to their other responsibilities) to determine if candidates were qualified for authorization to take the national exams and for registration to practice safely in Arizona. Now, the Board uses a committee of volunteer subject matter experts, whose credentials the Board has vetted and approved, to review and recommend action upon the applications for engineers, architects and home inspectors to the Board. A.A.C. R4-30-204. This process has so improved the speed by which the Board can approve these applications that the Board has proposed that the timeframes by which it reviews and approves applications be shortened in its rules.

Good Moral Character

The Board does not have an automatic bar for professional applicants convicted of crimes. But, it does have the statutory authority to require applicants to demonstrate that they possess "good moral character and repute" to qualify for registration. A.R.S. § 32-122.01(A)(1). The Board has defined "good moral character" in its rule, A.A.C. R4-30-101, and among other subsections, subsection (12)(b) authorizes the Board to deny a license to a professional applicant who has been convicted of a felony or misdemeanor if the offense has a reasonable relationship to the functions of professional employment. Furthermore, subsection (12)(c) gives the Board the authority to deny an application to a person who has been convicted any act involving dishonesty, fraud, misrepresentation, breach of fiduciary duty, gross negligence, or incompetence reasonably related to the applicant's proposed area of practice within 5 years of the application date. In the last five years, the Board has only denied 2 applications for professional registration and 2 applications for occupational certification (in 2014-2015) for lack of good moral character, out of the approximately 180 applications received monthly.

Licensing Fees

In 2015 and again in 2017, the Board conducted an analysis of the fees it charges its registrants for registration, certification, and renewal by comparing its fees to those charged by surrounding states for the same licenses. The Board learned that its fees are lower than all surrounding states, some significantly lower. In addition, its fees are lower compared with other Arizona agencies that license other professions.

Comparing the Board's licensing fees to those charged nationally is a difficult and overwhelming task because this Board is a multi-disciplinary board, regulating 7 professions and occupations. Many other states have individual discipline boards (seven separate boards that accomplish the work of Arizona's one Board) that may or may not investigate licensees for violations of professional standards or in order to protect the public. They may charge lower or higher fees. For those reasons, this Response compares Arizona's fees to surrounding, western states.

Further complicating the licensing fees analysis will be the repercussions from the recent passage of HB 2372, which requires regulatory boards to waive licensing fees for those who claim to earn less than 200% of the federal poverty guidelines.

Statutory Updates

In 2016, based upon results from its Sunset self-audit and its strategic planning meetings, the Board proposed four pieces of legislation to revise and update its Practice Act. Most notable among those bills, the Board proposed deregulating the profession of Assaying and deregulating those occupations related to remediating contaminated properties in Arizona.

Rules Updates

Throughout 2016 and 2017, the Board has been working with its stakeholders to update its rules. In April 2017, it sent the Governor's Office a draft set of its rules containing all the changes it proposes to make and asked for approval to begin the formal rules review process at the Governor's Regulatory Review Council. Those proposed changes included lowering the amount of time necessary to evaluate applications, and eliminating unused licensing designations that no longer exist in statute. The Board's request was granted and the Board sent a Docket Opening to the Secretary of State on May 8, 2017. The Secretary of State published it in the Register on June 2, 2017.

Continuing Education

The Board is one of the only states in the country that does not require that its professional licensees take continuing education to renew and maintain their licenses. The Board has the authority in its statutes to require its registrants to obtain continuing education credit and provide proof to the Board at the time of registration renewal, but it has never written rules to impose that requirement on its registrants.

The Board last reviewed the issue of whether continuing education was necessary to maintain professional competence to practice and protect the public in 2013, after it received requests to make continuing education for architects and land surveyors a mandatory requirement for license renewal.

Board members and staff researched the issue of whether continuing education reduces complaints and improves professional competency to practice safely. The Board learned that there had been no study or determination made that indicated that CE improves professional practice. The Board also considered the cost to registrants that CE would impose, as well as the impact it would have on Board operations. In order to administer a CE program at the Board, additional staff would be needed, which might require a fee increase to be imposed upon the registrants to support.

In addition to researching the continuing education issue nationally, the Board conducted a survey of its registrants regarding the issue. 5000 registrants responded to questions on the subject. Many remarked that CE only benefits the CE providers and only makes requirements for registration that much more difficult, burdensome, and costly. Some responders indicated that they would let their registrations lapse in Arizona if the Board made CE a mandatory requirement for registration renewal.

The Board also held several open meetings to discuss the issue of making CE mandatory with the public. After hearing public testimony from registrants, stakeholders and others and having discussion on the issue, the Board voted not to make CE mandatory in Arizona.

Arizona has not mandated continuing education of its architects, engineers, surveyors, geologists, and landscape architects because it concluded after much research and public comment that no credible evidence exists to support the idea that required continuing education better protects the public. The Board does not consider more complaints against its science and design professionals than other states that mandate continuing education. Further, it would have to impose higher fees upon its registrants to support the agency's administration of a mandatory continuing education requirement.

Investigations and Enforcement at the Board

Prior to 1982, the Board referred potential violations of its practice act to the Attorney General's Office for criminal and civil action. However, based upon the increased number of complaints alleging bad acts and violations of the Board's Practice Act against the public, the Legislature gave the Board authority to hire investigators to more expeditiously and cost effectively investigate complaints the public made against its license holders in 1982.

The Board has the statutory authority to impose administrative penalties and fines upon licensees for violations of its law and rules, including revoking licenses, imposing probation, and issuing written reprimands against them. It also has the statutory authority to investigate and impose civil penalties upon those who are not exempt from registration and who are not registered but are purporting to be qualified to practice any board regulated profession or occupation. A.R.S. § 32-106.02.

The Board takes this authority very seriously and is committed to fair and effective enforcement of its disciplinary jurisdiction over its licensees. Just because a complaint is filed against a licensee at the Board does not mean that the Board will always determine that the licensee violated its practice act and impose discipline upon him or her. The Board will dismiss many complaints or resolve them with non-disciplinary tools, such as Letters of Concern. But, if a clear violation of the Board's practice act is identified, the Board will impose necessary discipline to educate the licensee and to protect the public.

To this day, some states that license architects, engineers, surveyors, landscape architects and geologists do not investigate complaints against licensees. Some refer practice-related complaints or complaints alleging unlicensed practice to their criminal charges. Most are not prosecuted. Arizona better protects its citizens by having given the Board the authority to investigate and resolve complaints against its licensees.

The Board has placed more emphasis upon its enforcement obligations to the public since 2013, when the Board hired a new management team. Though the Board had four investigator positions appropriated, only two of those positions had been filled in 2013 and investigations and formal hearings had been seriously backlogged. Under the direction of the Board and new management, 4 investigators were hired and trained, so that important emphasis could be placed upon timely investigation and the fair resolution of complaints.

In 2014, the Board also began a Compliance Monitoring Program in its Enforcement section. It has devoted resources to following up upon the licensees who have entered into consent agreements, been placed on administrative probation and been ordered to pay fines and penalties, take remedial education or participate in professional peer review exercises. The Board's Compliance Program holds licensees responsible to practice competently and ensures that the public is protected from those licensees who have violated professional competence standards.

The Board's current investigation process is very cost effective for the public. It involves the use of volunteer subject matter experts. When the Board receives a complaint that involves the technical knowledge and skill of a registrant ("Respondent"), the Board's statute, A.R.S. § 32-128(E), authorizes the opening of an investigation. The Board's rule, A.A.C. R4-30-120(A), explains that a "pool of volunteers" shall be selected to "provide technical assistance to Board staff in the evaluation and investigation of complaints." In the past year, the Board has estimated that subject matter experts have volunteered over 1500 hours of their time, saving the Board approximately \$187,500.00 in subject matter expert investigative costs.

The complaint investigation process allows the Respondent an opportunity to respond to the complaint in writing, an opportunity to present evidence at an Enforcement Advisory Committee meeting, where the pool of volunteers will review the evidence and make a recommendation to the Board about how best to resolve the complaint. The rule also provides Respondents with the opportunity to attend "an informal compliance conference" in an attempt to resolve the complaint informally. A.A.C. R4-30-120(E).

The full Board reviews committee recommendations regarding the disposition of all complaint investigations. If a complaint cannot be resolved informally, the Board will forward it to a formal disciplinary hearing, which provides the Respondent with the opportunity to appear and present evidence and testimony before the Board or an independent Administrative Law Judge from the Office of Administrative Hearings before the Board takes any disciplinary action against the license. The Board is required by law to utilize the legal services of the Attorney General's Office to prosecute its administrative disciplinary complaints against Respondents.

ARCHITECTS

Registration of professional architects is required nationally and in all U.S. territories. In order to obtain registration as a professional architect in Arizona, a person must demonstrate that they possess knowledge of mathematical and physical sciences and the principles of architecture which they apply to professional services or creative work consulting, evaluating, designing, and reviewing construction documents in connection with any building, planning or site development. See: A.R.S. § 32-101(B)(7).

The requirements for registration as a professional architect in Arizona include:

- 96 months of qualifying architectural education *and/or* experience;
- Be of Good Moral Character and Repute; (required nationally)
- Passing the National Architect Registration Examination (ARE) offered by the National Council of Architect Registration Boards (NCARB);

- Completing the National Architectural Experience Program (AXP) also offered by the National Council of Architect Registration Boards;
- Payment of a \$100 application fee to the Board;
- Submission of valid citizenship documentation to the Board.

See: A.R.S. § 32-122.01(A).

38 out of 54 other jurisdictions that register architects require that applicants possess and demonstrate that they have architectural education accredited by the National Architectural Accrediting Board (NAAB.) Arizona does not require that applicants for architect registration obtain education or NAAB accredited education. They can qualify for registration in Arizona without education-based solely upon valid experience.

There is no criminal “bar” to registration in Arizona, however, like all other states that register architects, applicants in Arizona must demonstrate to the Board that they possess good moral character and repute. Therefore, if an applicant has been convicted of a crime, especially a felony, he or she must demonstrate rehabilitative evidence to the Board so that the Board can determine that they do not pose a threat to public health, safety and welfare. A determination of good moral character is important to ensure public health and safety because of the higher level of trust the public places in the practice of professional architects, and in all the professions the Board registers and regulates.

There are approximately 6700 active professional architects licensed in Arizona. The Board licenses more architects, engineers, surveyors and landscape architects than many other states because it allows for an alternative path to registration that does not mandate postsecondary education. New Mexico and Utah, for instance, only license architects that maintain a certificate with the National Council, NCARB. In order to obtain that certificate from NCARB, the applicant must be a graduate of a NAAB accredited university. Therefore, those who attend colleges or universities that do not maintain this special accreditation cannot obtain the NCARB certificate and cannot obtain registration in New Mexico or Utah.

Based upon the success of the Board’s Application Review Committee, the Board can grant Arizona registration to architects who have been registered in other states very quickly. The average amount of time it takes to process architect applications for registration in Arizona is 57 days.

46 other jurisdictions require that registered architects obtain Continuing education to renew their licenses. Arizona does not. (See: Appendix B).

An initial application for professional architect registration is \$100 in Arizona. For license renewal, Arizona charges architects \$225 for a 3 year registration. Among the states in the western region, Arizona’s fees are by contrast, low.

Initial registration fees in Oregon are \$115, firm registration is \$100 annually, biannual renewal costs \$200. It also requires an in-person interview prior to registration and the taking and passing of an additional jurisprudence examination. Oregon also requires an in-person interview prior to registration and the taking of a state-specific jurisprudence exam. Oregon’s fees are \$75 for an exam application, \$115 for initial registration; \$100 for a reciprocal registration fee and \$100 for firm registration. Oregon requires continuing education for renewal; its renewal fees are not accessible to the public.

Fees in Washington are as follows: \$50 initial application fee; a \$100 annual firm registration fee; \$250 reciprocal application fee; and a \$75 renewal fee for a 2 year license.

Nevada requires an in-person interview, a NAAB accredited degree, and a state-specific jurisprudence exam prior to registration. Arizona applicants without a NAAB accredited degree cannot obtain registration in Nevada or Utah. Nevada charges \$275 for a registration application. Renewal fees are not available on line to the public.

New Mexico requires a state-specific exam prior to registration, and charges the following fees: \$50 application fee; \$100 exam application fee; \$225 for in-state registration; \$325 for out of state registration; \$112.50 for a 2 year registration for in-state residents and \$116.50 for a 2 year out of state registration. Renewal fees were not available on line.

California requires that applicants for registration pass a state specific jurisprudence examination. Initial application fees are \$300 and exam application processing fees are \$100. Renewal fees charged in California were not available on line to the public.

In addition, Washington and New Mexico do not require verification of legal status in the country to obtain professional registration.

The following chart includes investigative/disciplinary information regarding professional architects in Arizona over the past 5 years.

	# of Complaints	# of Consents	# of Hearings	\$ Fines	\$ Fees	# of Cases Closed w/o discipline
2013	24	4	1	\$2000	\$3160	19
2014	10	5	1	\$39,950	\$4280	4
2015	17	8	0	\$31,050	\$8202	9
2016	16	6	3	\$28,300	\$9286	7
2017	10	8	1	\$31,050	\$7319	1

2017 complaints through May 30, 2017

The most frequent violations of the Board's Practice Act committed by professional architects over the last 5 years are:

- Failure to apply technical knowledge and skill, in violation of A.R.S. § 32-128(C)
- Gross negligence, incompetence, bribery or other misconduct in the practice of the profession, in violation of A.R.S. § 32-128(C)(2)
- Fraud or misrepresentation in obtaining a license, in violation of A.R.S. § 32-128(C)(1)
- Signing and sealing professional documents that they did not prepare, in violation of A.R.S. § 32-128(C)(4)
- Aiding or abetting an unregistered person to evade this chapter or knowingly conspiring with an unregistered person, in violation of A.R.S. § 32-128(C)(3)
- Engaging in the practice and advertising the practice of a board regulated profession without registration in violation of A.R.S. § 32-121 and § 32-145

- Failure to pay a collaborating registered professional within seven days after receiving payment from a client, in violation of A.R.S. § 32-128(C)(5)
- False advertising to deceive the public that the person is registered or qualified to practice a board regulated profession, in violation of A.R.S. § 32-145(2)

ENGINEERS

Professional registration to practice as an engineer is required in all 50 states, and U.S. territories. Arizona's requirements for registration to practice as a professional engineer are LESS restrictive than in other states.

Engineering Practice in Arizona is defined as "any professional service or creative work requiring engineering education, training and experience and the application of special knowledge of the mathematical, physical and engineering sciences to such professional services or creative work as consultation, research investigation, evaluation, planning, ... design, location, development, and review of construction for conformance with contract documents and design, in connection with any public or private utility, structure, building, machine, equipment, process, work or project." A.R.S. § 32-101(B)(11).

The requirements for registration as a professional engineer in Arizona are detailed in A.R.S. § 32-122.01. To become a registered professional engineer in Arizona, a person must be of

- "Good moral character and repute;" (a national standard)
- Be actively engaged in education or experience, or both in engineering for at least eight years;
- Pass the national Fundamentals of Engineering and Principles and Practice of Engineering examinations;
- Pay an initial application fee of \$100 and submit valid citizenship documentation.

Formal education is not required for registration in Arizona as long as the applicant can demonstrate eight years of engineering experience that is acceptable to the Board.

Engineering is a diverse profession. Arizona recognizes 17 different branch designations, although as long as a person is licensed in one branch, he or she can legally practice in any other designation as long as the individual has the education, technical knowledge or experience to competently perform required assignments. See: A.A.C. R4-30-221 and A.A.C. R4-30-301(18).

Over the last 5 years, the average time it takes the Board to license engineering applicants has **dropped** from a high of 90 days (still within our timeframes rules,) to 23 days in 2017.

The professional license of engineers renews every three years. A.R.S. § 32-127. **Arizona's registration and renewal fees are lower than those in surrounding states.** Alaska requires a \$350 initial licensing fee and a \$150 annual renewal. New Mexico requires a \$150 initial registration fee and a \$180 fee for a 2 year renewal. Nevada requires a \$120 initial license fee and a \$150 fee for a 2 year renewal. California requires a \$125 initial registration fee and a \$115 annual renewal. In Oregon, the initial registration fee is \$360 and renewal fees are \$150 for 2 year registration.

Continuing education is not required of professionals to maintain their licenses in Arizona. However, 60 other state boards (some states have 2 or more technical boards) require that license holders take between 8 and 10 hours of continuing education yearly to qualify for renewal.

Arizona, like all other states, also provides an entry-level designation to those at the start of a professional engineering career called an “in-training” designation. Pursuant to A.R.S. § 32-122, an applicant for in-training designation as an engineer, geologist or land surveyor qualifies for the designation if they possess:

- Good moral character and repute;
- Four years of education from a Board approved school or experience, or both, in work in the profession for which registration is sought;
- And, have passed the Fundamentals examinations;
- Pay and application fee of \$40.

The in-training designation does not expire and designees do not pay renewal fees. Continuing education is not required to maintain a designation in Arizona.

The following chart includes disciplinary information regarding professional engineers in Arizona over the past 5 years.

	# of Complaints	# of Consents	# of Hearings	# of License Denials	\$ Fines	\$ Fees	# of Cases Closed w/o discipline
2013	41	12	0		\$12,500	\$4481	29
2014	24	7	1	1	\$27,650	\$8888	16
2015	30	10	0	1	\$7330	\$4259	15
2016	30	17	3		\$31,250	\$8386	13
2017	15	8	2		\$20,400	\$7384	9

2017 complaints through May 30, 2017

The most frequent violations of the Board’s Practice Act that professional engineers have committed over the last 5 years are:

- Failure to apply technical knowledge and skill, in violation of A.R.S. § 32-128(C)
- Gross negligence, incompetence, bribery or other misconduct in the practice of the profession, in violation of A.R.S. § 32-128(C)(2)
- Fraud or misrepresentation in obtaining a license, in violation of A.R.S. § 32-128(C)(1)
- Engaging in the practice and advertising the practice of a board regulated profession without registration in violation of A.R.S. § 32-121 and § 32-145
- Signing and sealing professional documents that they did not prepare, in violation of A.R.S. § 32-128(C)(4)
- Aiding or abetting an unregistered person to evade this chapter or knowingly conspiring with an unregistered person, in violation of A.R.S. § 32-128(C)(3)

GEOLOGISTS

Arizona has registered professional geologists since 1956. It is the first state in the country to require geology registration due largely to Arizona's mining history and lack of water. There are currently 940 geologists registered in Arizona and 455 geologists in-training. The profession of Geology is diverse and very technical. Geologists apply special knowledge of the earth sciences to such professional services as consultation, evaluation of mining properties, petroleum properties and groundwater resources. They supervise the exploration for mineral and natural resources including metallic and nonmetallic ores, petroleum, and groundwater. They evaluate historic land use and environmental conditions, including water rights and uses. (See: Appendix C).

Professional geologists are registered in 32 other jurisdictions, including Puerto Rico. 30 of the 32 jurisdictions require applicants to demonstrate graduation from a geology-related bachelor's program and provide 3 to 7 years of professional experience, plus pass two national examinations, the Fundamentals of Geology and the Practice of Geology. California and Maine also require that applicants for registration take a "state-specific" examination, in addition to the national exams, prior to granting registration.

Arizona's requirements for professional geologist registration **are not as strict** as those in the other states that require registration. Arizona and only one other state, Texas, do not require applicants for professional geologist registration to have a four year degree. Arizona will accept a four year degree in earth sciences or geology and award a candidate 4 years "credit" toward registration. But, Arizona offers an alternative path to professional registration; allowing the applicant to demonstrate competence to practice safely by providing eight years' proof of qualifying experience to the Board and passing the national examinations.

California offers multiple types of geology related licenses, such as Licensed Professional Geophysicist, certified engineering geologist and certified hydrogeologist. Arizona only requires one type of registration, Professional Geologist, encompassing all the various subdivisions of the geology practice.

Arizona does not require professional geologists to obtain continuing education as a condition of license renewal. 10 other states (mostly east of the Mississippi river) require that licensees obtain continuing education hours as a license renewal requirement.

Arizona and 21 other states, including Texas and California, offer an "entry-level" designation to applicants, called a Geologist In-Training designation (GIT), to applicants who have passed the first of the national examinations.

Regarding Fees, Arizona requires applicants to pay a \$100 application fee and then, once granted registration, renewal fees are \$225 for a 3 year period, (\$75 per year.) GITs pay a \$40 application fee and possess the designation without required renewal indefinitely.

Arizona's licensing fees are less than surrounding western states.

California has the highest number of geology related registrants in the country, 7728. It charges professional geologist and GIT applicants \$250 per application. License renewals cost \$270 for a 2 year license, with a \$135 late fee. Additionally, California charges applicants \$150 to take a state-specific exam which applicants must pass in addition to the national exams in order to qualify for registration.

Oregon, with a licensed population of 1138, charges a \$50 application fee for GIT designation, a \$100 fee for initial professional registration and \$100 annual renewal.

Texas charges a \$25 GIT application fee and a \$25 annual renewal fee. It charges professional geologists \$255 for an application fee and \$223 for an annual renewal. It issues temporary licenses for \$200 each and it charges Firms a \$300 annual fee.

Washington, with a licensed population of 3575 geologists, charges \$100 per application for first time registrants and \$200 for a "reciprocity" application. License renewals were temporarily lowered last year and are \$40 until July 1, 2017, when they go "back up" to an undisclosed amount on their website. Washington charges applicants who wish to take the national exams \$150 to process an application for the Fundamentals exam and \$250 for an application to take the Practices exam.

Wyoming, with a licensed population of 2343 geologists, charges application fees for GITs (\$35) and for PGs (\$75). It charges annual renewal fees for GITs (\$60) and for PGs (\$165).

East of the Mississippi river, Pennsylvania has the highest number of registered geologists, 2251. It charges a \$50 fee per application and a \$50 initial registration fee. Renewals cost \$50 for a two year renewal.

Average Timeframe for License Approval: In 2013, the average time it took for Board staff to license a geologist was 230 days. This timeframe was unduly long due to the fact that prior Board staff kept applications for examination authorization open, after granting authorization to the applicant, until the applicant passed the exams, prior to granting registration.

In 2016, the average time it took Board staff to license a geologist dropped to 65 days. Now, applicants submit an actual application for registration with the Board after passing the exams. Staff no longer keeps exam applications open for extended periods of time.

The Board took disciplinary action against an unlicensed individual holding himself out as a qualified geologist in 2014, who engaged in various activities requiring registration to protect the public, in violation of A.R.S. § 32-145. The Board resolved the complaint by consent agreement and fined the individual \$3000.

In 2015, the Board took disciplinary action against another unlicensed individual holding himself out as a qualified geologist and also resolved the complaint with a consent agreement and fined the individual \$1000.

In 2016, the Board took disciplinary action against 3 registered geologists. The first licensee failed to pay a collaborating professional within 7 days of receiving payment and practiced geology through an unregistered firm. The complaint was resolved with a consent agreement, and payment of a \$1500 fine. The second licensee resolved the complaint against him with a consent agreement and admitted to failure to apply the appropriate technical knowledge and skill in the practice of geology in violation of A.A.C. R4-30-301(2)(4) and (6). He failed to apply the date on sealed professional documents in violation of A.A.C. R4-30-304(D) and he failed to comply with the State of California's laws, regulations and codes pertaining the the practice of geology in violation of A.A.C. R4-30-301(4), thereby endangering the public. He paid a \$1200 fine and \$1098 in fees. The third licensee failed to disclose his 2014

misdeemeanor shoplifting conviction in violation of A.R.S. § 32-128(C)(4) and A.A.C. R4-30-301(5). He resolved this violation with a consent agreement and payment of a \$150 fine and fees.

LANDSCAPE ARCHITECTS

Registration for Landscape Architects is required in all 50 states, U.S. Territories, including the District of Columbia, and in Canada. Arizona has required the registration of landscape architects since 1968. As of April 2017, there are 785 registered professional landscape architects in Arizona and 181 landscape architects in-training.

Landscape architects design, analyze and manage projects involving storm water drainage, grading of land, access for disabled citizens, design of outdoor lighting, playgrounds, plantings, parking lots, street-scapes, outdoor stairs, decks, walls, earthwork, recreational facilities, fencing and much more. (See: Appendix D).

Registration requirements for landscape architects include 96 months of education *and/or* experience, passing the national examination, (offered through the national Council of Landscape Architect Registration Boards,) being of “good moral character,” and payment of an application fee of \$100. A.R.S. § 32-122.01(A). Renewal fees, required once every 3 years, are \$225. Arizona does NOT require continuing education for landscape architects to maintain their registration. Of the surrounding states, Texas, Wyoming, New Mexico, and Utah require that their licensees take continuing education in varying amounts of hours for license renewal.

The following chart contains the information regarding licensing fees and miscellaneous requirements for landscape architecture registration in the states west of the Mississippi river.

State	# of Licensees	Initial Fees	Renewal Fees	CE	Misc.
Arizona <i>(Multidisciplinary)</i>	990	\$100	\$225 every 3 years	Not required	Annual Firm Reg. \$50
California <i>(Independent Bd)</i>	3032	\$35 application fee \$400 initial fee	\$400 every 2 years	Not required	State specific exam required: \$275 fee
Colorado <i>(Independent Bd)</i>	902	\$375	\$290 every 2 years	Not required	
Idaho <i>(Independent Bd)</i>	253	\$100 application fee \$150 initial fee	\$150 annually	Not required	
Montana <i>(Multidisciplinary)</i>	118	\$325	\$250 annually	Not required	
Nevada <i>(Independent Bd)</i>	380	\$200	\$200 annually	Not required	State specific exam required: \$75
New Mexico <i>(Independent Bd)</i>	198	\$150	\$200 every 2 years	30 hours required every 2 yrs	
Oregon <i>(Independent Bd)</i>	493	\$50 app fee \$50 initial fee \$250 recip. fee	\$250 annually	12 hours annually	Firm regis. required
Texas <i>(Multidisciplinary)</i>	1406	\$355	\$305 annually	12 hours annually	Annual Firm Reg. required: \$35
Utah <i>(Independent Bd)</i>	361	\$110	\$73 every 2 years	16 hours every 2 years	
Washington <i>(Independent Bd)</i>	796	\$225 app fee \$360 initial fee \$360 recip. fee	\$360 every 2 years	24 hours every 2 years	
Wyoming <i>(Multidisciplinary)</i>	168	\$325	\$175 every 2 years	24 hours every 2 years	

The average amount of time it takes to issue a license for landscape architect registration is 35 days, down from a height of 74 days in 2013. The Board has not denied an application for Landscape Architect registration for a lack of good moral character in over 5 years.

In the past 4 years, the Board has taken disciplinary action against six landscape architects, four in 2014 and two in 2015. The Board resolved those complaints with consent agreements, collected \$5800 in fines and \$1034 in fees in 2014, and \$2500 in fines and \$674 in fees in 2015.

The violations landscape architects committed in the past four years include:

- Failure to disclose a felony conviction, in violation of A.R.S. § 32-122.01(A)(1) and A.A.C. R4-30-301(1).
- Failure to pay a collaborating professional within 7 calendar days of receiving payment, in violation of A.R.S. § 32-128(C)(5)
- Offering services without registration, in violation of A.R.S. §§ 32-145(1)(2), 32-121 and 32-141.

LAND SURVEYORS

Land surveyors establish and preserve the location of private and public property lines by measuring land to determine the position of any monument or reference point which marks a property line, boundary, or corner for the purpose of determining the area or description of the land. They locate, relocate, establish or reestablish, set or reset corner monuments or reference points which identify land boundaries, rights of way, or easements. They plat or plot land for the purpose of subdivision, and they set or place points to guide the location of new construction. Surveyors measure by angles, distances and elevations of natural or artificial features in the air, on the surface, and immediate subsurface of the earth, or within bodies of water, to determine or establish their location, size, shape, topography, grades, contours or water surface and depths. A.R.S. § 32-101(20).

Surveyor registration is required in all 50 states and U.S. territories. The laws relating to the platting of land differ from state to state. Therefore, all states require applicants for surveyor registration to take a “state-specific” examination before granting them licensure to practice. As of April 2017, there are 1513 registered land surveyors in Arizona and 434 land surveyors in-training.

Arizona’s registration requirements for professional land surveyors are **less burdensome** than other states’ requirements. Some other states require their surveyor applicants to possess formal education, which Arizona does not. Some states require that their surveyor applicants demonstrate experience in excess of six years, the Arizona standard.

Pursuant to A.R.S. § 32-122.01(B), the requirements for professional land surveyor registration in Arizona are:

- “Good moral character and repute;”
- Be actively engaged in education or experience, or both in surveying for at six years;
- Pass the national Fundamentals of Surveying, the Principles and Practices of Surveying and the Arizona State Specific examinations;
- Pay an initial application fee of \$100 and submit valid citizenship documentation.

Although the Board does not have a criminal bar to surveyor registration, an applicant for surveyor registration in Arizona must demonstrate good moral character and repute to the Board. This is also a national licensing standard. In Arizona, an applicant must also demonstrate that he or she possesses six years of qualifying education and/or work experience in the profession, pass two national surveying examinations administered by the National Council of Examiners for Engineers and Surveyors, (“NCEES,”) and pass an Arizona state-specific surveying exam offered by the Board to qualify for registration. Surveyors who pass the first nationally offered exam can obtain the non-renewing designation of Land Surveyor in-training from the Board.

The average time it takes a surveyor who has taken all the required exams to become registered in Arizona 11 days. This is a dramatic drop from a high of 417 days in 2012, due to the Board’s focus on application timeframes. In 2012, files for the applicants who applied to take the exams remained open for extremely long periods of time, while Board staff waited for the applicants to take their exams, receive results and then grant registrations. Now, once the Board grants approval for candidates to take required exams, their application files close and

candidates apply for other authorizations and registration after they have successfully passed each required exam. Application files no longer remain open for extended periods of time.

Application fees for authorization to test from the Board are \$40 for the first, national examination, called the Fundamentals of Surveying, and \$100 for authorization to take the second, national examination, called the Principles and Practices of Surveying. Applicants to take the Arizona State-Specific examination pay \$100. Applications for professional registration are \$100.

Arizona’s registration fees are lower than those in surrounding states. Alaska requires a \$350 initial licensing fee and a \$150 annual renewal. New Mexico requires a \$150 initial registration fee and a \$180 fee for a 2 year renewal. Nevada requires a \$120 initial license fee and a \$150 fee for a 2 year renewal. California requires a \$125 initial registration fee and a \$115 annual renewal. Oregon requires an initial registration fee of \$360 and a renewal fee of \$150 for a 2 year period.

Renewal of a professional surveying license costs \$225 for a three year period in Arizona. Many states do not place their renewal fees on line, requiring their license holders to log into a secure site to access license renewal, but of those states that place their fees on line, **Arizona’s renewal fees are lower than the national average** which is \$100 per year of registration. Continuing education is not required in Arizona, however 43 other states require it for license renewal, in varying amounts, between 8 and 30 hours per renewal cycle.

The following chart includes disciplinary information regarding land surveyors in Arizona over the past five years.

	# of Complaints	# of Consents	# of Hearings	\$ Fines	\$ Fees	# of Cases Closed w/o discipline
2013	34	8	0	\$14,300	\$5053	26
2014	24	14	0	\$17,500	\$6128	10
2015	19	8	1	\$20,650	\$4999	10
2016	13	8	0	\$15,300	\$5289	5
2017	23	12	1	\$23,850	\$5595	10

2017 complaints through May 30, 2017

As a result of the formal hearing held in 2017, the Board revoked a land surveyor’s license. Two of the consent agreements obtained resulted in voluntary surrenders of surveying licenses.

The most frequent violations of the Board’s Practice Act that land surveyors have committed over the past 5 years are:

- Failure to conduct the survey in accordance with the Arizona Boundary Survey Minimum Standards, in violation of A.R.S. § 32-128(C)(4) and A.A.C. R4-30-301(13).
- Failure to practice under the direct supervision of a registered land surveyor, in violation of A.R.S. § 32-145.
- Using employer’s equipment and materials without their knowledge for a surveying project, in violation of A.R.S. § 32-128(C)(4) and A.A.C. R4-30-301(2).

- Setting another surveyor's tags on property corners without his knowledge, in violation of A.R.S. § 32-145(4).
- Aiding and Abetting unregistered practice in violation of A.R.S. § 32-128(C)(3)
- Respondent firm provided land surveying services in Arizona without registration, in violation of A.R.S. § 32-141
- Submitting materially false statements and failed to disclose material facts requested in connection with an application for registration in violation of A.R.S. § 32-128(C)(4), A.A.C. R4-30-301(1) and A.R.S. § 32-145(5).

HOME INSPECTORS

At the request of the real estate industry, and in order to protect the public from fraud and physical harm, the Board has been certifying home inspectors since 2003. Home Inspectors are represented at the Board by a legislatively created committee that meets at the Board's office quarterly to consider policy issues relating to the occupation and to review applications for certification. A.R.S. § 32-111.

Home Inspectors provide a service to the public by giving piece of mind to potential home buyers that the largest investment they make is safe and valued appropriately. Unlicensed inspectors may not know what the latest safety codes require in homes. Unlicensed inspectors may not have the expertise to identify potential problems for home buyers and may not be able to properly communicate those concerns in a format that home buyers can understand.

31 states certify home inspectors. Requirements for certification vary greatly from state to state. Arizona does not require that home inspectors obtain continuing education, but 25 other states do require CE either annually or biannually. CE hours in those states vary from 4 hours to 20 hours each year.

Requirements for certification in Arizona include that:

- applicants be at least 18 years old,
- be of good moral character and repute,
- pass a written national examination,
- pass an 84 hour classroom training program,
- submit an initial set of fingerprints (\$42) for a state and federal criminal background check-to determine whether the candidate has a criminal history,
- have an absolute discharge from a felony criminal sentence at least five years before making application,
- submit proof to the Board of paralleling another certified home inspector on 30 home inspections,
- submit to the Board one completed home inspection report for review and approval,
- obtain financial assurance, (errors and omissions insurance or a \$25,000 bond)
- pay an initial application fee to the Board in the amount of \$100.

Annual renewal for home inspection certification in Arizona is \$75. Required firm registration is \$50 per year. These requirements are NOT in excess of the national

requirements for home inspector certification, and, in fact, are less burdensome than other states. As of April 2017, there are 774 certified home inspectors in Arizona.

The Board's licensing timeframe to certify a home inspector applicant is 120 days pursuant to A.A.C. R4-30-109. Despite the fact that home inspector certification is dependent upon the Arizona Department of Public Safety and its timely processing of state and federal background checks for each home inspector applicant who submits required fingerprints, and the fact that the Board must rely upon the availability of volunteer subject matter experts to review and evaluate the sample reports submitted with applications. The average timeframe (over the past 5 years) to certify a home inspector applicant in Arizona is only 79 days.

Around the country initial home inspector certification fees vary from as low as \$50 to as high as \$680; most state fees fall between \$200 and \$250 per year. Renewal fees around the country are required either annually or biannually. The national average renewal fee is \$150.

The Arizona Legislature imposed a 5 year "felony bar" upon home inspector applicants in order to protect home owners and those in the real estate industry from bodily harm and fraud. Home inspector applicants for Board certification must demonstrate to the Board that they possess a five year old absolute discharge from any Court imposed punishment resulting from felony convictions in order to demonstrate that they possess the requisite good moral character and repute to hold certification in Arizona. In the past five years, the Board has not denied a home inspector applicant certification based upon a felony bar or the lack of good moral character.

The following chart includes disciplinary information regarding home inspectors in Arizona over the past 5 years.

	# of Complaints	# of Consents	# of Hearings	# of License Denials	\$ Fines	\$ Fees	# of Cases Closed w/o discipline
2013	19	12	0		\$15,800	\$2643	7
2014	20	12	0		\$16,450	\$5453	8
2015	33	17	0	1	\$23,498	\$11,308	15
2016	36	15	3		\$12,600	\$9882	18
2017*	25	9	1		\$7750	\$4481	15

2017 complaints through May 30, 2017

The most frequent violations of the Board's Practice Act that home inspectors commit are:

- Failure to conduct a home inspection in accordance with the Standards of Professional Practice for Arizona Home Inspectors in violation of A.R.S. § 32-128(C)(4) and A.A.C. R4-30-301(4)
- Failure to apply the appropriate technical knowledge and skill while practicing a board regulated occupation in violation of A.R.S. § 32-128(C)(4) and A.A.C. R4-30-301(6)

- Receiving, directly or indirectly, in full or in part, a commission or compensation as a referral or finder's fee in violation of A.R.S. § 32-128(C) and A.A.C. R4-30-301.01(B)(1)
- Engaging in home inspection through an unregistered firm in violation of A.R.S. § 32-128(C) and A.A.C. R4-30-301(4), § 32-141 and § 32-121
- Performing home inspections without Board certification in violation of A.R.S. § 32-145(1) and § 32-121.

ALARM INDUSTRY

The Legislature gave the Board the authority to regulate the Burglar Alarm Industry in May 2013. Prior to that time, alarm businesses were required to obtain individual business licenses in each city or town they intended to do business in order to practice in each jurisdiction throughout the State. That requirement was expensive and redundant.

When the Board first began regulating the industry, the enabling statutes required that the Board deny certification to anyone who had been convicted of any crime on a specific list of 13 crimes, including generic "theft." This poorly drafted statute required the Board to deny 44 applications for alarm agent certification in 2014 because applicants had been convicted of "petty theft."

Working with legislators, the Board successfully explained why the list of crimes needed to be abolished and why, instead of the list, the Board should be able to exercise its good judgment in its review of applicants' criminal history. That session, the list was abolished and since 2015, the Board has not denied an alarm industry applicant certification for petty theft crimes committed years ago. People with criminal records are NOT barred from certification in the alarm industry in Arizona.

After regulating the industry for a year, experiencing the bureaucratic hurdles to process fingerprint cards, and listening to the complaints of applicants waiting for certification to begin working, the Board proposed legislation that would have modified the burdensome fingerprint card process into a fingerprint clearance card obtained through DPS. Though the bill didn't pass through the Legislature in 2016, the industry picked it up and advocated for it, with Board support and cooperation. The Governor signed SB1186 this session, which became effective in August 2017. The new law will eliminate the burdensome fingerprinting card process that required applicants to submit a fingerprint card to the Board along with their applications. The Board expects that the processing of industry applications will be much shorter. Additionally, the law also provides for applicants to receive a "Temporary" certificate so that they can begin working as soon as the Board receives their applications.

Registration for the alarm industry, including agents, controlling persons, and firms, is required, in some form, in 37 states. 26 states require formal training of alarm licensees; 32 states require the taking and passing of a qualifying licensing examination; 11 states require an apprenticeship program for alarm installers; 19 states require continuing education to requalify for alarm registration renewal and 26 states require that applicants pass a criminal background check prior to registration.

The following is a chart that breaks down fees charged for various services and licensing requirements related to the alarm industry nationally:

	FP Fees	Firm Fees	Agent Fees	Ins	Exam	Educ
Alab	\$25-\$37	\$65 initial \$300-\$400 2 yrs	\$50	Req		
Alas		\$235 2 yrs				
AZ	\$42	\$150 2 yrs	\$130 2 yrs			
AK	\$35	\$600 2 yrs	\$40 2 yrs		Req	
CA	\$49	\$280 2 yrs	\$17		Req	
CT		\$150 yrly	\$80-\$90		Req	
DE	\$65	\$25 + \$20 per ownr	\$85	\$10,000 surety bond		
FL		\$155 2 yrs	\$55 2 yrs			14 hrs every 2 years
GA		\$30 initial \$75 for 2 yrs	\$35 every 2 yrs		Req	
HI			\$275 every 3 yrs		Req	Req
ID		\$15 initial \$140 yrly	\$15 yrly	\$300,000	Req \$75	
IL	req	\$298 3 yrs	Req	1 million \$	Req	
IA	\$35	\$300 3 yrs	\$150 3 yrs	1 million \$		
LA	req	\$250 yrly	\$100 yrly	\$500,000		
MD	\$30	\$100 for 3 yrs				
MA		\$233 for 3 yrs	\$233 for 3 yrs	\$50,000		
MI	Req	\$500 2 yrs		\$300,000		
MN		?\$ 2 yrs		\$300,000		Req
MS	\$50	\$450 initial \$200 yrly	\$150 initial \$50 yrly	\$300,000		Req
MT		?\$?\$			Req
NV		\$300 initial \$600 2 yrs	?\$		Req	
NJ		\$150 initial \$100 3 yrs	?\$			Req
NM		\$30 initial	?\$	\$10,000		

		\$150 3 yrs				
NY	\$75 every 2 yrs	\$200 2yrs \$100 local	?\$		Req	Req
NC		\$45 2yrs	\$45 2 yrs			
OK	Req	\$250 yrly	Req			
OR		\$375 3 yrs	\$75 3 yrs		Req	Req
PA		Req ?\$	Req ?\$			
RI	Req	\$425 3 yrs	\$30 3 yrs	\$10,000		
SC	Req	\$200 2yrs \$50 branch		\$100,000	Req	Req
TN	Req	2 yrs ?\$?\$			Req
TX	Req	\$62 yrly	?\$			Req
UT	Req	?\$?\$?\$		Req
VA	\$50	\$800 2 yrs	\$25 2 yrs	\$100,000 surety and \$100,000 liability		4-10 hrs 2 yrs
WA		\$277.60 2 yrs	\$90 3 yrs		Req	Req
WV	?\$ Req	\$50 yrly	\$50 yrly		\$25 yrly	
WY		\$400 yrly	\$50 yrly		Req	Req

Once SB1186 becomes effective, the only requirements for certification as an alarm agent in Arizona will be: 1) the submission of a truthful and complete application to the Board, providing a fingerprint card to the Department of Public Safety and payment of a \$65 application fee. If DPS receives a “clear” background check, the Board must issue and has been issuing the applicant a certificate within **10 days** which will be valid for three years.

Alarm agent application fees are \$65 and a 2 year renewal is currently \$130. This fee may change, in order to cover necessary overhead, after the Board conducts a fees analysis because certifications will change from a 2 year to a 3 year certificate in August 2017.

Alarm firm applications cost \$150 and renewal fees cost \$150 for a 2 year certificate. There is no continuing education requirement for the alarm industry in Arizona. Clearly, Arizona’s requirements for alarm industry certification are much less burdensome than in the other states requiring licensure. The average amount of time it takes to certify an alarm agent in Arizona, given the obligation to wait for DPS criminal clearance is 49 days.

The following chart includes disciplinary information regarding the alarm industry in Arizona over the past 5 years.

	# of Complaints	# of Consents	# of Hearings	\$ Fines	\$ Fees	# of Cases Closed w/o discipline
2013	0	0	0	\$0	\$0	0
2014	2	2	0	\$600	\$185	0
2015	4	3	0	\$4000	\$2147	1
2016	7	6	0	\$7650	\$2405	1
2017*	11	5	2	\$4400	\$1844	4

2017 complaints through May 30, 2017

The most frequent violations committed by the alarm industry include:

- Failure to Disclose criminal history, in violation of A.R.S. § § 32-128(C)(4), A.A.C. R4-30-301(1) and 32-145(5)
- Unlicensed Practice, in violation of A.R.S. § § 32-121, 32-122.05, 32-141, 32-145(1)(2)
- Aiding and Abetting unlicensed practice, in violation of A.R.S. § 32-128(C)(3)
- Noncompliance with Board Orders.

The Board strongly believes that the alarm industry should remain regulated by a state agency. Individual city and town regulation was overly burdensome. The Board understands that the industry relies upon public trust and it is not an industry in which non-rehabilitated convicted felons should be permitted to practice. Further, the Board supports the regulation of the Alarm Industry in view of the complaints it has received about deceptive and fraudulent practices, particularly by unlicensed people.

However, it remains the Board's belief that regulatory efficiency demands that another state regulator should be given the resources and responsibility to oversee the Alarm industry. The alarm industry is a very "firm-centric" industry, meaning that the alarm firms control much of the practice. The Board's traditional focus has been on evaluating the credentials of individuals with education, experience and exams to demonstrate their competence to practice.

Therefore, in past Legislative sessions, the Board advocated and continues to advocate in support of legislation to shift the regulation of the Alarm industry to a regulatory entity that has the resources, capability and expertise to better and proactively serve the public in this field. The Board cannot fulfill the purpose of this measure, given the scope, experience, and focus needed to protect the public against unscrupulous processes. The Board has much less staff and a "reactive" statutory framework; meaning that it can only react to a complaint that is filed. Other state agencies with "proactive" authority to seek out lawbreakers could actively deter crime and better protect the public.

To that end, the Board has met with the Department of Public Safety, which regulates Security Guards and Private Investigators and conducts the same type of background checks that the Board is required to conduct on alarm industry personnel, to determine whether DPS could assume regulatory responsibility over them. DPS is better configured than the Board to protect the public from unscrupulous alarm industry personnel who are intent on conducting fraud schemes.

The Board has also discussed the idea of moving the alarm industry regulation to the Registrar of Contractors because that agency's statutory framework focuses on Firm-centric regulation. ROC also licenses Low Voltage Contractors, a license that some alarm firms maintain if they install alarm detection devices. Not all alarm firms install detection devices, however, ROC may be a "better" agency to regulate the Alarm industry than the Board.

As long as the Board retains jurisdiction over the alarm industry, the Board remains committed to working with it to ensure that its regulation is fair, and efficient for agents, controlling persons, and firms, and that it protects the public.

Conclusion

The Board is committed to public protection and has reaffirmed its responsibilities to its licensees and the public interested in hiring them by revising, revamping, and "leaning out" its policies, procedures, rules and statutes, and encouraging open dialog with its stakeholder populations. The Board has made and continues to make efforts to include its stakeholder populations in relevant discussions about professional practice, regulation requirements, and strategic planning. The professions the Board regulates want to be registered and strive to practice in order to protect public health, safety and welfare.

The Board also works with its counterparts in other states and with the National Councils to facilitate registration for its licensees across the country and to take an active part in the drafting of the examinations required for professional registration. Hopefully, this Response has demonstrated that Arizona is one of the least restrictive states in the western U.S. to obtain professional registration to practice in the science and design professions.

In 2016, the National Council of Landscape Architect Boards recognized the Board as a "Model Board" for its commitment to achieving regulatory excellence by operating more efficiently and providing relevant services to the public, including to its licensees.

Efficient and effective regulation ensures that qualified people provide necessary services safely to the people of Arizona. It also provides for the timely investigation and prosecution of unlicensed and potentially unsafe people. Board regulation of the five professions and two occupations under its authority protects the public.

Unlicensed individuals holding themselves out as able to practice the professions of architecture, engineering, surveying, geology or landscape architecture have not demonstrated that they possess the required knowledge or expertise to design and/or build structures to ensure that the public is protected. Unlicensed individuals may have obtained the education most registrants have, but they may not have been able to demonstrate that they possess the minimum competence to practice safely if they haven't passed the national and state required exams. (See: Appendix E).

Regulation of these professions ensures that capable and qualified people obtain registration to safely design buildings, bridges, roads and streets, ADA accessible parks, conduct accurate boundary surveys and certify the required water supply is available to housing developments. Moreover, with increased attention on the integrity of our

infrastructure, regulation helps to ensure the competence of those making judgments about the safety and soundness of existing improvements, and the repairs needed to maintain these improvements. Their judgments impact more than just the economy that is dependent on these improvements.

The Board is already “consolidated.” Its five professional registrant groups all work together in the science and design professions. They all understand each other’s licensing requirements and the standards of practice required of each profession. If the Board is consolidated with another agency that regulates a different professional group, an overuse of limited resources will occur. The Board has experienced serious “growing pains” since obtaining jurisdiction over the alarm industry, because its members knew little, if anything about the practice standards of that industry.

Similarly, if the Board is eliminated there will not be an entity that can determine whether those individuals who want to obtain and currently hold licenses possess the necessary qualifications and technical knowledge and skill to practice safely in Arizona. Science and design professionals will also be hindered in their efforts to do business in other jurisdictions. If they are not licensed in Arizona, they might not qualify for licensure by comity or reciprocity in other states.

Furthermore, terminating this agency would have an immediate and adverse impact on public health, safety, and welfare on other state and local agencies as well as on members of the general public who rely upon the Board to assure that science and design professionals are competent to practice and adhere to high standards of professional conduct. If the State deregulates one or more of the professions under the Board’s jurisdiction, currently licensed professionals might have to close their businesses and move out of state to work and employ staff.

Similarly, if the Board is eliminated, there will be no entity to ensure that practice standards are adhered to and national safety codes are followed. Allowing unlicensed or incompetent individuals to design and build public works projects, such as roads and streets, schools, public buildings, bridges, retaining walls, water treatment plants, nuclear power plants, and all types of private projects, could result in catastrophe and public harm on a grand scale.

Please contact us if you have any questions or if you require additional information.

Sincerely,

Jason Madison, S.E.
Chairman

Melissa Cornelius, J.D.
Executive Director

Categories and Numbers of Active Board issued Licenses, as of May 2017

License Type	Total
Alarm Agents	3130
Alarm Controlling Persons	546
Architects	6674
Engineers	
• Aeronautical (1)	
• Agricultural (37)	
• Architectural (31)	
• Chemical (213)	
• Civil (10,655)	
• Control Systems (92)	
• Electrical (2,834)	
• Environmental (302)	
• Fire Protection (171)	
• Geological (90)	
• Geophysical (2)	
• Highway (2)	
• Industrial (35)	
• Mechanical (2,803)	
• Metallurgical (30)	
• Mining (133)	
• Nuclear (17)	
• Petroleum (6)	
• Sanitary (79)	
• Structural (1,843)	
• total : 19,376	
Engineers In-Training	8379
Geologists	953
Geologists In-Training	471
Home Inspectors	792
Landscape Architects	801
Land Surveyors	1540
Land Surveyors In-Training	449
Landscape Architect In-Training*	182
Architect In-Training*	1094
Grand Total Active Registrants:	44,387

*Non-renewing Designations no longer offered at the Board