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



<p><b>In the Matter of:</b></p> <p><b>Randy Dimit Home Inspector Certification No. 60269</b></p> <p style="text-align: center;"><b>Respondent</b></p>	<p style="text-align: center;"><b>Case No. HI18-022</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, Randy Dimit (“Respondent”), holder of Certification No. 60269, and the Board enter into the following Recitals, Findings of Fact, Conclusions of Law and Order (“Consent Agreement”) as a final disposition of this matter.

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**RECITALS**

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1. Respondent has read and understands this Consent Agreement and has had the opportunity to discuss this Consent Agreement with an attorney, or has waived the opportunity to discuss this Consent Agreement with an attorney.

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2. Respondent understands that he has a right to a public administrative hearing concerning this case. He further acknowledges that at such formal hearing he could present evidence and cross-examine witnesses. By entering into this Consent Agreement, Respondent knowingly, voluntarily, and irrevocably waives his right to such an administrative hearing, as well as rights of rehearing, review, reconsideration, appeal, judicial review or any other administrative and/or judicial action concerning the matters set forth herein.

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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 HI18-022, 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 Certified Home Inspectors in the State of Arizona.

14 2. Respondent is the holder of Arizona Certified Home Inspector No. 60269.

15 3. On July 28, 2017, the Respondent performed a home inspection and prepared a  
16 home inspection for the property located at 2417 Crozier Ave, Kingman, Arizona.

17 4. On January 26, 2018, the Board received a complaint alleging Respondent failed to  
18 accurately report on the condition of the roof and the plumbing system in the kitchen, bathroom  
19 and laundry area during a Home Inspection at 2417 Crozier Ave. in Kingman, Arizona on or  
20 about June 28, 2017.

21 5. On August 23, 2018, the Boards Enforcement Advisory Committee (“EAC”)  
22 convened to review the complaint against Respondent. After reviewing the evidence, the  
23 committee determined that Respondent failed to conduct a home inspection in accordance with  
24 the Standards of Professional Practice for Arizona Home Inspectors ( “SOP”) and found that:

25 A. Respondent failed to provide his client with a better understanding of the  
26 property condition S.O.P. #2.1,

27 B. Respondent failed to accurately report of the roof when displaying pictures in  
28 his home inspection report depicting the delapating condition of the roof to

- 1 include loose and missing shingles. However, in his home inspection report,  
2 Respondent reported that the roof was in satisfactory condition S.O.P. #2.2,  
3 C. Respondent failed to describe the condition of functional drainage S.O.P. #7.1,  
4 D. Respondent failed to report on the condition of GFCI S.O.P. #7.1.

5 **CONCLUSIONS OF LAW**

- 6 1. The Board has jurisdiction in this matter pursuant to A.R.S. § 32-101, et seq.  
7 2. The conduct alleged in the Findings of Fact constitutes grounds for discipline  
8 pursuant to A.R.S. § 32-12(C)(4) as it relates to A.A.C. R4-30-301.1(A), in that Respondent  
9 failed to conduct a Home Inspection in accordance with the Standards of Professional Practice for  
10 Arizona Home Inspectors.

11 **ORDER**

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

- 14 1. **LETTER OF REPRIMAND.** Respondent is hereby issued a Letter of Reprimand.  
15 2. **ADMINISTRATIVE PENALTY.** Within Ninety (90) days from the effective  
16 date of this Consent Agreement, Respondent shall pay an administrative penalty of Five Hundred  
17 Dollars (\$500.00) by certified check or money order made payable to the State of Arizona Board  
18 of Technical Registration.  
19 3. **COST OF INVESTIGATION.** Within sixty (60) days from the effective date of this  
20 Consent Agreement, Respondent shall pay the cost of investigation of this case to the Board in  
21 the amount of Two Hundred Eighty-Six Dollars (\$286.00) by certified check or money order  
22 made payable to the State of Arizona Board of Technical Registration, according to the provisions  
23 of A.R.S. § 32-128(H).  
24 4. **RESTITUTION.** Within thirty (30) days from the effective date of this Consent  
25 Agreement, Respondent shall send payment as restitution to the client, Sylvia Castro, in the  
26 amount of Three Hundred Dollars (\$300.00) for the cost of the home inspection in case  
27 HI15-037. Respondent shall send a copy of the check to the Board of Technical Registration  
28 showing payment to the client.

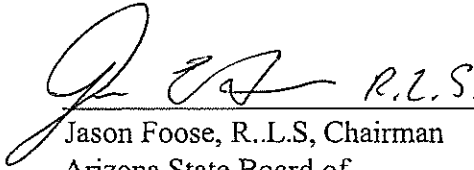
1 4. OBEY ALL LAWS. During the probationary period, Respondent shall obey all  
2 federal, state and local laws, as well as, all rules governing the practice of Home Inspections in  
3 the State of Arizona. The Board shall consider any violation of this paragraph to be a separate  
4 violation of the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

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

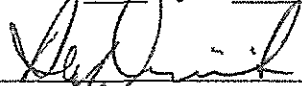
10 6. COSTS OF COMPLIANCE. Respondent shall pay all costs associated with  
11 complying with this Consent Agreement.

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

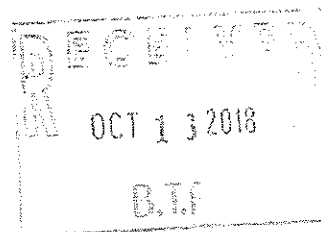
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17 ACCEPTED and ORDERED this 23 day of OCTOBER, 2018.

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

23 Consent Agreement and Order, No. HI18-022, accepted this 10 day of October, 2018.

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25 Randy Dimit, Respondent

26 ORIGINAL filed this 24<sup>th</sup> day of  
27 OCTOBER, 2018, with:



1 Arizona State Board of Technical Registration  
2 1110 W. Washington, Suite 240  
3 Phoenix, AZ 85007

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

5 No. 9214 8901 9434 4600 0443 78 and

6 First Class mail this 24<sup>th</sup> day of OCTOBER, 2018, to:

7 Randy Dimit  
8 2188 E. Quail Run Rd  
9 Kingman, AZ 86401

10 By:  \_\_\_\_\_