BEFORE THE ARIZONA STATE
BOARD OF TECHNICAL REGISTRATION

In the Matter of: Matthew Anderson
Home Inspector
Certification No. 38750

WIN Home Inspection
Firm Registration No. 12534

Respondent

Case No. HI18-028

CONSENT AGREEMENT
and
ORDER OF DISCIPLINE

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, Matthew Anderson
("Respondent"), holder of Certification No. 38750, and WIN Home Inspection ("Respondent
Firm"), holder of Certification No. 12534, 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
3. Respondent affirmatively agrees that this Consent Agreement shall be irrevocable.

4. Respondent understands that this Consent Agreement or any part of the agreement may be considered in any future disciplinary action by the Board against him.

5. The Consent Agreement, any record prepared in this matter, all investigative materials prepared or received by the Board and all related exhibits and materials, are public records (as defined in A.R.S. § 41-158.18) upon acceptance by the Board of this Consent Agreement and may be retained in the Board’s files pertaining to this matter.

6. Respondent understands this Consent Agreement deals with Board case number HI18-028 involving allegations that Respondent engaged in conduct that would subject him to discipline under the Board’s statutes and rules. The investigation into these allegations against Respondent shall be concluded upon the Board’s adoption of this Consent Agreement.

7. Respondent understands that this Consent Agreement does not constitute a dismissal or resolution of any other matters currently pending before the Board, if any, and does not constitute any waiver, express or implied, of the Board’s statutory authority or jurisdiction regarding any other pending or future investigation, action or proceeding.

8. Respondent also understands that acceptance of this Consent Agreement does not preclude any other agency, subdivision, or officer of this State from instituting any other civil or criminal proceedings with respect to the conduct that is the subject of this Consent Agreement.

9. Respondent acknowledges and agrees that, upon signing this Consent Agreement and returning this document to the Board’s Executive Director, he may not revoke his acceptance of the Consent Agreement or make any modifications to the document regardless of whether the Consent Agreement has been signed on behalf of the Board. Any modification to this original document is ineffective and void unless mutually agreed by the parties in writing.

10. This Consent Agreement is subject to the approval of the Board and is effective only when accepted by the Board and signed on behalf of the Board. If the Board does not accept this Consent Agreement, the Board retains its authority to hold a formal administrative hearing pursuant to A.R.S. § 32-128(E). In the event that the Board does not approve this Consent
Agreement, it is withdrawn and shall be of no evidentiary value and shall not be relied upon nor introduced in any action by any party, except that the parties agree that should the Board reject this Consent Agreement and this case proceeds to hearing, Respondent shall assert no claim that the Board was prejudiced by its review and discussion of this document or any records relating thereto.

11. If a court of competent jurisdiction rules that any part of this Consent Agreement is void or otherwise unenforceable, the remainder of the Consent Agreement shall remain in full force and effect.

12. Respondent understands that any violation of this Consent Agreement may result in disciplinary action, including suspension or revocation of the registration under A.R.S. § 32-150.

13. Respondent agrees that the Board will adopt the following Findings of Fact, Conclusions of Law and Order.

FINDINGS OF FACT

1. The Board is the duly constituted authority for the regulation and control of the practice of Home Inspection in the State of Arizona.

2. Respondent is the holder of Home Inspector Certification No. 38750.

3. Respondent Firm is holder of Firm Registration No. 12534, which expired on May 1, 2016.

4. On or about November 20, 2017, Respondent conducted a Home Inspection at 1863 W. Burgess Ln., in Phoenix, Arizona under Respondent Firm which had expired on May 1, 2016.

5. On or about March 3, 2018, the Board received a complaint alleging that Respondent failed to report on a sinking bathtub, loose toilet in the main bathroom, gaps in the front and back doors, non-functioning shower in the master bathroom, a roof leak in the laundry room, lack of electrical outlet, and lack of vent for the dryer.

6. On or about April 27, 2018, Respondent renewed Respondent Firm.

7. On September 20, 2018, the Board’s Enforcement Advisory Committee (“EAC”) convened to review the complaint against Respondent. After reviewing the evidence and
interviewing Respondent, the committee determined that Respondent accurately reported on the items alleged in the complaint; however, Respondent failed to conduct a home inspection in accordance with the Standards of Professional Practice for Arizona Home Inspectors ("S.O.P.") and found that:

a. Respondent failed to report on the type of columns as required in S.O.P. #4.2,
b. Respondent failed to report on the condition of visible insulation as required in S.O.P. #12.1.

CONCLUSIONS OF LAW

1. The Board has jurisdiction in this matter pursuant to A.R.S. § 32-101, et seq.
2. The conduct alleged in the Findings of Fact constitutes grounds for discipline pursuant to A.R.S. § 32-128(C)(4) as it relates to A.A.C. R4-30-301.01, in that Respondent failed to conduct a Home Inspection in accordance with the Standards of Professional Practice for Arizona Home Inspectors.
3. The conduct alleged in the Findings of Fact constitutes grounds for discipline pursuant to A.R.S. § 32-141, in the Respondent Firm conducted a Home Inspection without Board registration.

ORDER

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

1. LETTER OF REPRIMAND. Respondent is hereby issued a Letter of Reprimand.
2. ADMINISTRATIVE PENALTY. Within Ninety (90) days from the effective date of this Consent Agreement, Respondent shall pay an administrative penalty of Five Hundred Dollars ($500.00) by certified check or money order made payable to the State of Arizona Board of Technical Registration.
3. COST OF INVESTIGATION. Within Sixty (60) days from the effective date of this Consent Agreement, Respondent shall pay the cost of investigation of this case to the Board in the amount of Six Hundred Ninety-Eight Dollars ($698.00) by certified check or money order made payable to the State of Arizona Board of Technical Registration, according to the provisions
4. OBEY ALL LAWS. During the probationary period, Respondent shall obey all federal, state and local laws, as well as, all rules governing the practice of Home Inspector in the State of Arizona. The Board shall consider any violation of this paragraph to be a separate violation of the rules and statutes governing the Arizona Board of Technical Registration. The Board may also consider Respondent's non-compliance with this Order as a separate violation of A.R.S. § 32-150.

5. RENEWAL OF REGISTRATION. Respondent and Respondent Firm shall timely renew their Arizona registration as a Home Inspector and Home Inspection Firm, and timely pay all required registration fees.

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

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

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

ACCEPTED and ORDERED this 23rd day of October, 2018.

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

Consent Agreement and Order, No. HI18-028 accepted this 3rd day of October, 2018.

Mathew Anderson, Respondent
ORIGINAL filed this 24th day of
OCTOBER, 2018, with:

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

COPY of the foregoing mailed via Certified Mail
No. 9214 8761 9434 4400 0493 85 and
First Class mail this 24th day of OCTOBER, 2018, to:

Matthew Anderson
9383 E. Bell Rd. Suite. 611
Scottsdale, AZ 85260

By: __________________________