

BEFORE THE ARIZONA STATE
BOARD OF TECHNICAL REGISTRATION

<p>In the Matter of:</p> <p>David Brower Certified Home Inspector Registration No.39078</p> <p>DB Home & Commercial Inspections Firm Registration No.12367</p> <p style="text-align: center;">Respondents</p>	<p style="text-align: center;">Case No. HI19-026</p> <p style="text-align: center;">CONSENT AGREEMENT and ORDER OF DISCIPLINE</p>
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In the interest of a prompt and judicious resolution of the above-captioned matter before the Arizona State Board of Technical Registration (“Board”) and consistent with the public interest, statutory requirements, and the responsibilities of the Board, and pursuant to A.R.S. § 32-101 et seq., and A.A.C. R4-30-120(G), the undersigned party, David Brower (“Respondent”), holder of Registration No. 39078, and Principal of DB Home and Commercial Inspections (“Respondent Firm) #12367, and the Board enter into the following Recitals, Findings of Fact, Conclusions of Law and Order (“Consent Agreement”) as a final disposition of this matter.

RECITALS

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

1 3. Respondent affirmatively agrees that this Consent Agreement shall be irrevocable.

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

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

8 6. Respondent understands this Consent Agreement deals with Board case number
9 HI19-026 involving allegations that Respondent engaged in conduct that would subject him to
10 discipline under the Board's statutes and rules. The investigation into these allegations against
11 Respondent shall be concluded upon the Board's adoption of this Consent Agreement.

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

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

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

24 10. This Consent Agreement is subject to the approval of the Board and is effective
25 only when accepted by the Board and signed on behalf of the Board. If the Board does not accept
26 this Consent Agreement, the Board retains its authority to hold a formal administrative hearing
27 pursuant to A.R.S. § 32-128(E). In the event that the Board does not approve this Consent
28 Agreement, it is withdrawn and shall be of no evidentiary value and shall not be relied upon nor

1 introduced in any action by any party, except that the parties agree that should the Board reject
2 this Consent Agreement and this case proceeds to hearing, Respondent shall assert no claim that
3 the Board was prejudiced by its review and discussion of this document or any records relating
4 thereto.

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

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

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

12 **FINDINGS OF FACT**

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

15 2. Respondent is the holder of Arizona Certified Home Inspector, Registration No.
16 39078 and the Principal of DB Home & Commercial Inspections (Respondent Firm #12367).

17 3. On or about March 23, 2018, Edward Robles, C.H.I. #66057, conducted a home
18 inspection at 21145 Via De Olivos in Queen Creek, Arizona, as an employee of DB Home and
19 Commercial Inspections.

20 4. As a result of that inspection, a complaint was made (HI19-007) and investigated
21 by Board Staff. During the investigation, Respondent became highly involved defending his
22 employee and more so his firm. Respondent accused the Allegor on social media of extorting
23 money and smearing his name, adding he has an "insidious background".

24 5. One review left on google by the wife of the Allegor, was responded to by
25 Respondent stating "this complaint issue has been properly resolved by the Arizona Board of
26 Technical Registration. The BTR completes a full-scale review and follow-up of each complaint
27 that comes through their office. In our case, they have ardently favored on behalf of DB Home &
28 Commercial Inspections. The allegations from Todd and Jannie Paluck were ruled to be

1 diminutive and without merit”.

2 6. This post was made on October 25, 2018, twenty-two (22) days before an EAC was
3 scheduled to discuss this case and not scheduled for Board review until January 22, 2019.

4 **CONCLUSIONS OF LAW**

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

6 2. The conduct alleged in the Findings of Fact constitutes grounds for discipline
7 pursuant to A.R.S. § 32-128(C)(4) as it relates to A.A.C. R4-30-301(2), in that Respondent and
8 Respondent’s firm engaged in misrepresentation, fraud, and/or deceit in advertising and/or
9 providing professional services to the public.

10 **ORDER**

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

13 1. LETTER OF REPRIMAND. Respondent is hereby issued a Letter of Reprimand.

14 2. ADMINISTRATIVE PENALTY. Within sixty (60) days from the effective
15 date of this Consent Agreement, Respondent shall pay an administrative penalty of Five Hundred
16 Dollars (\$500.00) by certified check or money order made payable to the State of Arizona Board
17 of Technical Registration.

18 3. COST OF INVESTIGATION. Within thirty (30) days from the effective date of
19 this Consent Agreement, Respondent shall pay the cost of investigation of this case to the Board
20 in the amount of One Hundred Seventy-Six Dollars (\$176.00) by certified check or money order
21 made payable to the State of Arizona Board of Technical Registration, according to the provisions
22 of A.R.S. § 32-128(H).

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

26 5. COSTS OF COMPLIANCE. Respondent shall pay all costs associated with
27 complying with this Consent Agreement.


28 6. NONCOMPLIANCE. If Respondent violates this Order in any way or fails to

1 fulfill the requirements of this Order, the Board, after giving notice and the opportunity to be
2 heard, may revoke, suspend or take other disciplinary actions against the registration. The issue
3 at such a hearing will be limited solely to whether this Order has been violated.

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5 ACCEPTED and ORDERED this 26 day of February, 2019.

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9 _____
Alejandro Angel, P.E., Chairman
10 Arizona State Board of
11 Technical Registration

12 Consent Agreement and Order, No. HI19-026 accepted this 9th day of JANUARY, 2019.

13 
14 _____
David Brower, and on behalf of DB Home &
15 Commercial Inspections, Respondent.

16 ORIGINAL filed this 4th day of
17 MARCH, 2019, with:

18
19 Arizona State Board of Technical Registration
1110 W. Washington, Suite 240
20 Phoenix, AZ 85007

21 COPY of the foregoing mailed via Certified Mail
22 No. 9214 8901 9434 4600 0511 54 and
First Class mail this 4th day of MARCH, 2019, to:

23 David Brower
24 DB Home & Commercial Inspections
1743 E. Cheyenne St.
25 Gilbert, AZ 85296

26
27 By: 
28 _____

