

ARIZONA STATE BOARD OF TECHNICAL REGISTRATION NOTICE AND AGENDA FOR REGULAR SESSION MEETING

Tuesday, October 27, 2020, beginning at 9:00 a.m.
1110 W. Washington, Conference Room #240
Phoenix, AZ 85007

The Arizona Board of Technical Registration will hold a regular meeting, open to the public at the Board's office, located at 1110 W. Washington, Suite 240, Phoenix, AZ 85007.

Please note that the cases on this agenda are categorized with staff recommendations for resolution. The Board has the authority to accept, reject, or modify any recommendation listed on the agenda. These recommendations are merely suggested Board actions; the Board may not adopt them, and may decide cases differently.

The Board may discuss, consider or take action on any item on the agenda, and at the discretion of the Board, agenda items may be taken out of order, except for those items set at a specific time.

The majority or a quorum of the Board may vote to hold an Executive Session to review confidential records exempt by law from public inspection, pursuant to A.R.S. § 38-431.03(A)(2); to obtain legal advice regarding any of the items on the agenda, pursuant to A.R.S. § 38-431.03(A)(3); or to discuss or consult with the attorneys of the public body in order to consider its position and instruct its attorneys regarding the public body's position regarding contracts that are the subject of negotiations, in pending or contemplated litigation or in settlement discussions conducted in order to avoid or resolve litigation pursuant to A.R.S. § 38-431.03(A)(4). All examination material, transcripts education records, reference forms and applications are confidential pursuant to A.R.S. § 32-129(A), and all investigation files are confidential and not subject to inspection until the matter is final and a hearing notice is issued (A.R.S. § 32-129(B)).

Pursuant to the Americans with Disabilities Act, people with disabilities may request a reasonable accommodation by contacting Kurt Winter at (602) 364-4883. Requests for reasonable accommodations should be made as early as possible to allow time to accommodate the request. The Board may not be able to accommodate requests made less than 36 hours prior to the scheduled meeting.

Concerns Relating to Meetings held at the Board and COVID-19

At this time, the Board will proceed with all scheduled public meetings and the public is still welcome to attend in person. However, COVID-19 may prevent those otherwise wishing to attend from doing so. The Board is therefore allowing individuals to attend remotely to ensure the public's right to attend and listen to the Board's deliberations and proceedings per A.R.S. § 38-431.01(A) and A.R.S. § 38-431(4).

In order to maintain a cohesive meeting, the Board asks that those wishing to attend remotely make Board staff aware in advance. The Board utilizes Google Meetups for its remote meetings, which requires the meeting host (the Board) to 'invite' members to participate, hence the need for Board staff to know who wishes to attend in advance.

If you wish to attend a meeting remotely, please contact Kurt Winter via email at:

kurt.winter@azbtr.gov

Board staff posts meeting agendas on its website, the AZBTR's lobby (suite 240) and the meeting board located in the main entrance of the ADEQ building (1110 W. Washington St. Phoenix AZ 85007) in accordance with 38-431.02. The Board suggests reviewing any meeting agenda before requesting a Google Meetup invitation.

Please note that all meetings are recorded and the recordings posted on the Board's website within three working days after the meeting in accordance with A.R.S. § 38-431.01(E).

1. **CALL TO ORDER**

2. **ROLL CALL**

3. **CALL TO THE PUBLIC**

Members of the public may address the Board during this Call to the Public for no more than **3 minutes**. Pursuant to A.R.S. § 38-431.01(H), the Board members are not allowed to discuss or take legal action on matters raised during an open call to the public unless the matters are properly noticed for discussion and legal action. However, members may ask staff to review a matter or may ask that a matter be placed on a future agenda.

4. **ADOPTION OF MINUTES**

Review, Consideration, and Possible Action on the following:

A. Approve, modify and/or reject, Board meeting minutes.

1. September 22, 2020 Board Meeting Minutes

B. Approve, modify and/or reject, Executive Session meeting minutes

1. September 22, 2020 A 11:46am ES Minutes
2. September 22, 2020 B 10:20am ES Minutes

5. **CONSIDERATION OF CASES REFERRED FOR FORMAL HEARING**

Formal Hearings or Related Proceedings will begin at 9:30 a.m.

A. Formal Administrative Hearing

1. AL19-008, AL19-010, AL19-019; Stevens, Travis and Triton Alarm LLC

B. Formal Administrative Hearing and/or Review, or Discuss and Take Possible Action to Deem Respondent Admission to the Complaint and Notice of Hearing:

1. P17-076 Quimby, Wayne D.
2. P20-003, McQuality

C. Review, or Discuss and Take Possible Action on Signed Consent Agreement in Lieu of Formal Hearing

1. P19-060 Loaiza, Andres and Beaux Architecture LLC

6. ENFORCEMENT MATTERS

Review, Consideration and Possible Vote on the following:

A. Complaints Proposed for Resolution by Dismissal or Closure:

1. HI21-006, Brian Quisberg, C.H.I. #40889
2. HI20-036, Kelly Lopez, C.H.I. #39582
3. HI21-008, Tony Hecht, C.H.I. #38350
4. HI21-004, Mark Kilian, C.H.I. #55011 (Revoked)

B. Complaints Proposed for Resolution with Signed Consent Agreements:

1. P21-015, Ali Gharai, R.A. #44966 and GHA Architects Inc., Firm #22793
2. P21-005, William Odell, P.E. (Mechanical) #33491 and OSE Design Group, LLC, Firm #15173
3. HI20-031, John Thorp, C.H.I. #40941
4. P21-025, Vianey Vega, P.E. (Civil) #50476 and Vega & Vega Engineering, PLC, Firm #16377
5. P21-024, Claire Clark, R.A. #50724 and Arizona Natural Design, PLLC, Firm #16296
6. P21-028, Mahdi Sadek, P.E. (Civil) and Epsilon Engineering & Material, LLC, Firm #17295
7. P21-014, Susan Biegner, R.A. #34496 and Biegner Murff Architects, LLC, Firm #15472
8. AL21-003, Juan Godinez, Non-Registrant
9. AL21-004, Trevor Maddux, Alarm C. P. #72046 and Cransten, Inc., Alarm Business #22775
10. P20-014, Kenneth O'Dell, R.A. #06797
11. AL21-001, David Roman, Non-Registrant and Safeguard America, DBA Safe Home Security, Non-Registrant Alarm Business
12. P20-043, Khalid Khalifa. P.E (Mechanical) #52677 and KK Engineering, LLC, Firm #17120

C. Complaints Proposed to Offer Consent Agreement:

1. P21-006, Allan Morris, P.E. (Civil) #31702

D. Compliance and Monitoring Investigations to Consider Lifting Stay of Revocation:

1. P18-070 and P19-031, Peter Takach, P.E. (Civil) #44085

E. Complaints Requiring Board Guidance:

1. P21-029, Derek Petrich, P.E. (Civil) #64712

F. Notification of Civil Malpractice Action to Consider Opening a Complaint Investigation:

1. Kenneth Allen R.A. #14330 and Mark Philp R.A. #14369 and Allen & Philp Architects, PC

7. LICENSING MATTERS

Review, Consideration, and Action on Staff Recommendations for the following Universal Applications:

- A. Meldrum, David - Application # 201844 for Licensure as a Civil Engineer
- B. Eberly, Steven - Application #201914 for Licensure as a Mechanical Engineer
- C. Baer, Jayme - Application #201942 for Licensure as a Civil Engineer
- D. Kloc, Curtis - Application #201719 for Licensure as a Home Inspector

Extension request for Examination timeframes due to Covid-19

- E. Cody, Norman- Application #191126 for approval to sit for PE exam

Extension request for Application timeframes and consideration of licensure request

- F. Halligan, Ryan- Application #201600 for registration as a Civil Engineer

8. LICENSING CONSENT AGENDA

A. Review, Consideration, and Action on Staff Recommendations for the following:

- 1. Cancellation of registrations and certifications that have been expired for one full renewal period
- 2. Review of the List of registrations and certifications granted by the Executive Director pursuant to A.R.S. § 32-122.05, 32-122.06, and A.R.S. § 32-123.

List available for public review upon request.

9. POLICY MATTERS

Review, Consideration, and Possible Action on the following:

- A. Recognition of Patrice Pritzl and Eugene Montgomery for their contributions to the Board, staff and the public.
- B. Board Meeting dates 2021
- C. Holiday Party
- D. Election of Officers
- E. Supplemental Proposed Rulemaking

- F. CV 2019-013509 – Mills v. Arizona State Board of Technical Registration: upon motion and vote, the Board may hold an executive session to receive legal advice pursuant to A.R.S. § 38-431.03(A)(4) [Discussion or consultation with the attorneys of the public body in order to consider its position and instruct its attorneys regarding the public body's position regarding contracts that are the subject of negotiations, in pending or contemplated litigation or in settlement discussions conducted in order to avoid or resolve litigation.]
- G. Public Comment: Whether a Conflict exists between the Board's Practice Act and the Arizona Department of Transportation Record Drawing Guidelines.

10. DIRECTOR'S REPORT

- A. Budget Update
- B. Previous Meeting Follow-Up
 - a. National Council Updates
 - i. NCARB – October 14, 2020 webinar
 - ii. NCEES – PE Civil Exam via computer beginning April 1, 2022
 - iii. CLARB – Remote proctoring beginning Nov. Dec. 2020
 - iv. ASBOG – Exam October 1 and 2, 2020. Annual meeting Nov. 4, 2020
 - v. AZSLS – Six exam takers in October
 - b. Board Composition under SB1274
 - c. Land Surveyor Standards of Practice Update
 - d. Staff update
- C. Statistics Review

11. FUTURE BOARD MEETINGS – December 8, 2020

12. SUGGESTED TOPICS FOR FUTURE MEETING AGENDAS.

13. MEETING ADJOURNMENT