



State of Arizona
BOARD OF TECHNICAL REGISTRATION

1110 W. Washington Street, Suite 240, Phoenix, Arizona 85007
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- Jack Gilmore, Board Chair, Landscape Architect ● Michael Kolejka, Board Vice Chair, Architect
- Helmuth Hack, Land Surveyor ● Scott Sayles, Civil Engineer ● Stephen Noel, Geologist
- Dr. Clinton Campbell, Public Member ● Jennifer Hobik, Esq, Public Member
- Kileen Lindgren, Public Member ● Stacy Skankey, Esq, Public Member
- Kent Wilson, Board Secretary, Public Member ● Vacant, Public Member

MINUTES FOR REGULAR SESSION MEETING

1110 W. Washington Street, Conference Room 3175, Phoenix, Arizona 85007

Monday, April 25, 2022 –9:00am

1. **CALL TO ORDER** – The Board meeting convened at 9:00 am, adjourned for a break at 10:52 am, reconvened at 11:02 am, and adjourned at 11:51 am.

2. **ROLL CALL**

PRESENT

Jack Gilmore
Helmuth Hack
Stephen Noel
Scott Sayles
Stacey Skankey, Esq. – Appeared at 9:07 am
Kent Wilson

TELEPHONIC

Dr. Clinton Campbell
Kileen Lindgren
Jennifer Hobik, Esq.

ABSENT

Michael Kolejka

BOARD STAFF

Judith Stapley
Kurt Winter
Julie Pham
Douglas Parlin
Hayden Weber

ASSISTANT ATTORNEY GENERALS

Scott Donald, Esq. – Appeared at 9:42 am
Deanie Reh, Esq.
Monique Coady, Esq.

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.

No one appeared before the Board.

4. CONSENT AGENDA

Items listed on the Consent Agenda will be considered by the Board as a single action item unless a Board Member wishes to remove a specific item for review, discussion, and action separately from the other Consent Agenda items.

The Board may vote to enter executive session pursuant to A.R.S. § 38-431.03(A)(2) (to discuss confidential information), A.R.S. § 38-431.03(A)(3) (to receive legal advice) on agenda items 4(A & B).

A. ADOPTION OF MINUTES

1. Approve, modify and/or reject, March 22, 2022 Board meeting minutes.
2. Approve, modify and/or reject, March 22, 2022 Board executive session meeting minutes.

B. LICENSING MATTERS

Review, Consideration and Possible Action on the following:

1. Cancel Registrations and Certifications that have been Expired for one Full Renewal Period
2. Grant Applications for Registration/Certification

a) Professional Exam unknown

- 1) Bacci II, Geoffrey – Application for Registration as a Mechanical Engineer #223366
- 2) Hicks, Debra – Application for Registration as a Civil Engineer #223287
- 3) Koffel, William – Application for Registration as a Fire Protection Engineer #223412
- 4) Thomas, Stephanie – Application for Registration as a Mechanical Engineer #223815
- 5) Zemper, Theodore – Application for Registration as an Electrical Engineer #223835
- 6) Elliott, Mark – Application for Registration as a Civil Engineer #223328

b) Certificate(s) of Experience from non-Professionals

- 1) Begley, Nolan – Application for Registration as an Electrical Engineer #223463
- 2) Estus, Catherine – Application for Registration as a Civil Engineer #212567
- 3) Fathi, Aria – Application for Registration as a Civil Engineer #223249
- 4) Sheets, Kyle – Application for Registration as a Mechanical Engineer #223755
- 5) Ranjbaran, Laleh – Application for Registration as a Civil Engineer #213108

c) Council Records – experience under non-Professionals

- 1) Duran, Mitchell – Application for Registration as a Mechanical Engineer #212662
- 2) Feuerborn, Charles – Application for Registration as a Mechanical Engineer #223610
- 3) McCalla, Brian – Application for Registration as a Mechanical Engineer #212719
- 4) Varga, Alexander – Application for Registration as an Electrical Engineer #213045

d) Background Review

- 1) Ahmadi, Kamrun – Application for Registration as a Civil Engineer #223986

- 2) Allen, Elisabeth – Application for Registration as a Civil Engineer #223851
- 3) Benninger, William – Application for Registration as a Mechanical Engineer #223926
- 4) Bierl, David – Application for Registration as an Electrical Engineer #223890
- 5) Bloom, Derek – Application for Registration as an Electrical Engineer #223370
- 6) Camarena, Saul – Application for Registration as an Electrical Engineer #223659
- 7) Bowers, Christopher – Application for Registration as a Civil Engineer #223680
- 8) Chrachol, Robert – Application for Registration as an Electrical Engineer #223972
- 9) Elsethagen, Rylan – Application for Registration as a Mechanical Engineer #223655
- 10) Feser, Paul – Application for Registration as a Civil Engineer #213143
- 11) Funk, David – Application for Registration as a Structural Engineer #223307
- 12) Johanson, Carey – Application for Registration as a Civil Engineer #223650
- 13) Krall, Calvin – Application for Registration as a Civil Engineer #223734
- 14) Merrell, Preston – Application for Registration as a Civil Engineer #223832
- 15) Ruzicka, William – Application for Registration as an Electrical Engineer #223495
- 16) Slicker, Joseph – Application for Registration as an Architect #223746
- 17) Swearns, Sean – Application for Registration as a Control Systems Engineer #223653
- 18) Tippet, Richard – Application for Registration as a Civil Engineer #223350
- e) Disciplinary Action Review
 - 1) Fierro-Stevens, Ricardo – Application for Registration as a Civil Engineer #213216
- f) Multiple Considerations
 - 1) Kudwa, Steven – Application for Registration as a Civil Engineer #223660
 - i. Professional Exam unknown
 - ii. Council Record – experience under non-Professionals
 - 2) Selby, David – Application for Registration as a Control Systems Engineer #223889
 - i. Background Review
 - ii. Council Record – experience under non-Professionals
3. Grant Universal Applications for Professional Registration/Certification
 - a) Sequeira, Stacy – Application for Registration as a Civil Engineer #223646
 - b) Deeiel, William – Application for Registration as an Architect #223312
4. Grant Renewal Registration Application(s)
 - a) Background Review
 - 1) Neuharth, Eric – Renewal Application for Structural Engineer Registration #46648
 - b) Disciplinary Action Review
 - 1) Creech, Adrian – Renewal Application for Civil Engineer Registration #68324
 - 2) Mueller, John – Renewal Application for Architect Registration #61308
 - 3) Prockish, Timothy – Renewal Application for Electrical Engineer Registration #36131
 - 4) Sambucetti, Richard – Renewal Application for Architect Registration #61484
5. Approve Application(s) for Exam Waivers
 - a) Application(s) to waive Fundamental Exam
 - 1) Gauvin, Raymond – Application to waive Fundamentals of Engineering exam #223295
 - 2) Huang, Xuefeng – Application to waive Fundamentals of Engineering exam #223499
 - 3) Kalamar, Tibor – Application to waive Fundamentals of Engineering exam #223699

- b) Application(s) to waive Professional Exam
 - 1) Gauvin, Raymond - Application to waive Principles and Practice of Engineering Mechanical exam #223296
 - 2) Huang, Xuefeng – Application to waive Principles and Practice of Engineering Mechanical exam #223498
 - 3) Kalamar, Tibor – Application to waive Structural Engineering exam #223698
- 6. Approve Application(s) for Exam Authorization
 - a) Certificate(s) of Experience from non-Professionals
 - 1) Helbren, Justine – Application for SE exam authorization #223634
 - 2) Elliott, Jason – Application for FG exam authorization #223243
 - 3) Elliott, Jason – Application for PG exam authorization #223245

Mr. Wilson moved and Mr. Hack seconded to approve all items under the agenda items 4(A), (B); motion carried 8-0.

5. CONSIDERATION OF CASES REFERRED FOR FORMAL HEARING

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

Review, Consideration and Possible Action on the following:

The Board may vote to enter executive session pursuant to A.R.S. § 38-431.03(A)(2) (to discuss confidential information), A.R.S. § 38-431.03(A)(3) (to receive legal advice) on agenda item 5(A).

- A. Consideration of Signed Consent Agreement in lieu of Hearing and Possibly Vacate Hearing
 - 1. P21-013, Gary Hokanson, RA #51987

Respondent and Respondent’s counsel, Mr. Richard Herbert, appeared before the Board. AAG Monique Coady was present to offer the Board legal advice. AAG Deanie Reh appeared representing the state.

Ms. Reh made her oral arguments and requested that the Board accept the signed consent agreement. Mr. Herbert made a statement before the Board and asked that the Board accept the signed consent agreement. Board members asked Respondent questions, which Respondent answered. The Board deliberated.

Mr. Wilson moved and Mr. Noel seconded to accept a signed consent agreement; motion carried 9-0.

Mr. Wilson moved and Mr. Hack seconded to vacate the hearing; motion carried 9-0.

6. ENFORCEMENT MATTERS

Review, Consideration and Possible Action on the following:

The Board may vote to enter executive session pursuant to A.R.S. § 38-431.03(A)(2) (to discuss confidential information), A.R.S. § 38-431.03(A)(3) (to receive legal advice) on agenda items 6(A-C).

A. Complaints Proposed for Resolution by Dismissal or Closure:

1. HI22-014, Timothy Fogarty, C.H.I. #72073

Mr. Hack moved and Mr. Sayles seconded to dismiss cases #HI22-014 and #P22-034; motion carried 9-0.

2. P22-034, Vincent Granson, P.E (Civil) #63427

See 6(A)(1).

3. P22-022, Aric Stewart, P.E. (Civil) #49952

Respondent and Respondent's counsel, Ms. Kristin Mackin, appeared before the Board. Ms. Mackin made a statement and answered questions from the Board. Alleger, Mr. Kevin Grief, appeared before the Board, made a statement and answered and asked questions of the Board. Investigator Daniel Carthel was present and answered Board member questions. The Board deliberated.

Mr. Hack moved and Mr. Noel seconded to dismiss case #P22-022; motion carried 9-0.

B. Complaints Proposed for Resolution by Letters of Concern:

1. HI22-016, Larry Zink, C.H.I. #68671

Mr. Hack moved and Mr. Wilson seconded to issue Respondent a Letter of Concern; motion carried 9-0.

2. HI22-009, Hector Suppici, C.H.I. #65564

Alleger, Ms. Martha Magana, appeared telephonically, made a statement and answered Board member questions. Investigator Daniel Carthel was present and answered Board member questions. The Board deliberated.

Mr. Wilson moved and Mr. Hack seconded to offer Respondent a consent agreement comprising of a Letter of Reprimand and the requirement that Respondent complete three peer reviews within 12 months pursuant to Ariz. Admin. Code § 4-30-301.01; motion failed 4-5 with Mr. Gilmore, Mr. Lindgren, Mr. Noel, Mr. Sayles, and Ms. Skankey voting nay.

Ms. Skankey moved and Ms. Sayles seconded to issue Respondent a Letter of Concern; motion carried 8-1, with Mr. Wilson voting nay.

3. HI21-035, Brian Coumont, C.H.I. #56796

Respondent appeared before the Board to answer Board member questions. Investigator Gregory Roehm was present and answered Board member questions. The Board deliberated.

Mr. Sayles moved and Mr. Hack seconded to issue a Letter of Concern; motion carried 9-0.

C. Complaints Proposed for Resolution with Signed Consent Agreements:

1. P22-017, Jon Lee, Non-Registrant and Data Aero, LLC, Non-Registrant Firm

Alleger, Mr. Ryan Roberts, appeared telephonically, made a statement and answered Board member questions. Investigator Daniel Carthel was present and answered Board member questions. The Board deliberated.

Mr. Hack moved and Ms. Skankey seconded to accept the signed Consent Agreement; motion carried 9-0.

2. P22-045, Joseph Burke, P.E. (Civil) #31775 and Burke Engineering Group, Inc. Firm #23776

Ms. Skankey moved and Mr. Hack seconded to accept the signed Consent Agreement; motion carried 9-0.

3. P22-027, Howard Brown, R.L.S. #23942

Investigator Daniel Carthel was present to answer Board member questions.

Mr. Sayles moved Ms. Skankey seconded to accept the signed Consent Agreement; motion carried 8-1. Mr. Hack voted nay.

4. P21-074, David Sutherland, R.L.S. #30365 and SutherLand Survey, LLC, Firm #16625

Respondent's counsel, Ms. Janet Flager was present telephonically, made a statement and answered Board member questions. Investigator Orlene Loera was present to answer Board member questions. The Board deliberated.

Mr. Hack moved and Mr. Sayles seconded to accept a signed Consent Agreement; motion carried 9-0.

7. POLICY MATTERS

Review, Consideration, and Possible Action on the following:

The Board may vote to enter executive session pursuant to A.R.S. § 38-431.03(A)(2) (to discuss confidential information), A.R.S. § 38-431.03(A)(3) (to receive legal advice) on agenda item 7(A). Additionally, the Board may vote to enter executive session 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) on agenda item 7(A).

A. Arizona Supreme Court Docket No. CV-21-0203-PR, 1 CA-CV 20-0510 & CV 2019-013509 – Mills v. Arizona State Board of Technical Registration

Ms. Stapley reported that oral arguments will take place on June 30, 2022.

8. DIRECTOR'S REPORT

- A. Budget Update
- B. Previous Meeting Follow-Up
 - a. Digitization Project
 - b. Online Transition
 - c. Board Staff Updates
 - d. Board Composition
- C. Licensing Numbers
- D. Enforcement Numbers
- E. List of Newly Granted

Ms. Stapley reported on the Board's budget, digitization project, updates on the Board's online transition, and the two current open positions for Board staff, upcoming term expirations, licensing numbers, and enforcement numbers.

9. BOARD CHAIR'S REPORT

Nothing discussed.

10. ASSISTANT ATTORNEY GENERAL'S REPORT

Nothing discussed.

11. STANDING COMMITTEE REPORTS

- A. Legislation and Rules Committee – No new meeting dates

Nothing discussed.

- B. Home Inspector Rules and Standards Committee – April 12, 2022 Meeting

Mr. Winter reported that the Home Inspector Rules and Standards Committee continued to work with ASHI editing the Home Inspector's Standards of Practice and the Committee's next meeting will take place on June 15, 2022.

13. BOARD MEMBER REPORTS/DISCUSSION ON OUTSIDE NATIONAL COUNCIL ACTIVITIES, NEWS AND MEETINGS

- A. ASBOG

Nothing discussed.

- B. CLARB

Ms. Stapley reported on CLARB's efforts to develop uniform standards for architects.

C. NCARB

Ms. Stapley reported on NCARB’s upcoming conference in June and that funding is available for a public member to attend if they wish.

D. NCEES

Ms. Stapley reported on NCEES’s upcoming conference in May, which Mr. Winter will attend, and the annual meeting in August, for which funding is available for a public member to attend if they wish.

14. **FUTURE BOARD MEETINGS** – May 24, 2022

Ms. Stapley presented an updated calendar for meeting dates in 2022 for the Board to consider.

15. **SUGGESTED TOPICS FOR FUTURE MEETING AGENDAS.**

Further discussion on Standards of Practice for observing a roof and potential conflicts of interest regarding dual real estate agents/home inspectors.

16. **MEETING ADJOURNMENT** – 11:51 am

Google Chat

Julie Pham

9:08 AM

Good morning,

Julie Pham

9:09 AM

The Board has consented (approved) all items under #4, so if your item was under this agenda #, you may leave the call if you wish, but are welcome to stay on for the entirety of the meeting.