

MEETING MINUTES
ARIZONA STATE BOARD OF TECHNICAL REGISTRATION
1110 West Washington, Conference Room #240
Phoenix, AZ 85007

Tuesday, June 28, 2016
9:00 a.m.
OPEN SESSION

1. **CALL TO ORDER** – 9:02 AM
2. **ROLL CALL** – Board members in attendance: Alejandro Angel, LeRoy Brady, Douglas Folk, Jason Foose, Neal Jones, Jason Madison, Edward Marley, Stephen Noel, and Robert Stanley. Staff: Melissa Cornelius, Michelle Fleming, Douglas Parlin, and Patrice Pritzl. Assistant Attorney General: Michael Raine
3. **CALL TO THE PUBLIC** – No one addressed the Board.
4. **ADOPTION OF MINUTES**

Review, Consideration, and Possible Action on the following:

- A. Approve, modify and/or reject May 24, 2016 Board meeting minutes.
The members reviewed the minutes. Mr. Noel moved to approve the minutes. Mr. Marley seconded the motion. Dr. Angel abstained. No further discussion; motion carried.

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

- A. Formal Administrative Hearing and/or Review, Discuss and Take Possible Action to Continue the Hearing or Consider Acceptance of Signed Consent Agreement in lieu of Hearing.

There were no formal hearings scheduled for this Board meeting.

6. **ENFORCEMENT MATTERS**

Review, Consideration and Possible Vote on the following:

- A. Complaints Proposed for Resolution by Dismissal or Closure:

1. P16-034, Kevin Finn, P.E. (Civil) #53930

Mr. Marley moved to dismiss the complaint. Mr. Foose seconded the motion. No further discussion; motion carried.

B. Complaints Proposed for Resolution by Letters of Concern:

1. P15-044, Alexander J. Kory, P.E. (Civil) #10219
2. HI16-018, Larkin Palmer, C.H.I. #50795

Mr. Madison moved to consent these cases and issue the Respondents Letters of Concern. Mr. Foose seconded the motion. No further discussion; motion carried.

C. Complaints Proposed to Offer Consent Agreement:

1. AL16-008, Paul Varley, Alarm Agent #57759

The Board considered the proposed consent agreement. Dr. Angel moved to offer it to Respondent. The matter will proceed to a formal hearing if not signed within 30 days. Mr. Madison seconded the motion. No further discussion; motion carried.

2. P16-055 and P16-060, James Elson, R.A. #11005

Mr. Madison and Mr. Folk recused themselves. Respondent, James Elson, appeared and was available to answer questions from the Board. The Board received a signed consent agreement. Mr. Foose moved to accept the signed consent agreement. Mr. Stanley seconded the motion. Dr. Angel inquired about whether the complainant understood there was a consent that would delay receipt of payment. Respondent stated to the Board that he understood that he must pay collaborating professionals within 7 days as required by statute. Dr. Angel spoke against accepting the consent agreement as signed. Mr. Foose withdrew his motion to defer to Dr. Angel's comments. Mr. Stanley withdrew his second. Mr. Marley also expressed concerns with the consent agreement as signed. Dr. Angel moved to offer Respondent a modified consent agreement with new terms, a 90 day requirement to pay the collaborating professional, Stayed Suspension for one year, ethics training within 90 days. The matter will proceed to a formal hearing if not signed within 15 days. Mr. Marley seconded the motion. No further discussion; motion carried.

D. Complaints Proposed for Resolution with Signed Consent Agreements:

1. P16-035, William Graham, R.L.S. #14184

Respondent, William Graham, and his Counsel, Andrew Everroad, appeared to address the Board. The Board reviewed the signed consent agreement. Dr. Angel questioned Respondent about the revised results of survey and quick claim deed. Respondent explained he had a vested interest in the property and he was conducting the survey for family owned land. Mr. Foose asked whether the boundary issue with the neighbors had been resolved. Respondent avowed it had. Mr. Foose moved to accept the signed consent agreement. Mr. Marley seconded the motion. No further discussion; motion carried.

2. P15-049, Timothy Evans, R.L.S. #50988

Complainant, Mr. Webster, appeared to address the Board about his concerns regarding the EAC Committee findings. The Board reviewed the Respondent's signed consent

agreement and the investigative findings of the EAC. Dr. Angel commented on and questioned the investigative findings with questions about the EAC findings. Mr. Foose requested that staff obtain another independent assessment to validate the EAC findings. Mr. Foose moved to send the case back to staff for further investigation. Dr. Angel seconded the motion. No further discussion; motion carried.

3. P14-095, Bradley H. Graham, R.A. #15430

Nicole Sorensen, attorney for Respondent, appeared on his behalf and asked that the Board to accept the signed consent agreement. Mr. Marley moved to accept the signed consent agreement. Dr. Angel seconded the motion. No further discussion; motion carried.

4. P16-018, Patrick Hallman, R.A. #50692

Dr. Angel moved to consolidate D4 and D7 and moved to accept consent agreements. Mr. Madison seconded the motion. No further discussion; motion carried.

5. P16-019, Jeff Dietz, Non-Registrant

Respondent did not appear to address the Board. The Complaint alleged that Respondent performed professional services without being registered as an architect and that he provided falsified documents, by using a seal that was not his. Respondent signed a consent agreement, which the Board considered. Mr. Marley, Mr. Madison, and Mr. Stanley expressed concern that the penalties were not sufficient and the case should be referred for criminal prosecution. Collaborating professionals, Josh Oehler and Richard Oehler, appeared to explain to the Board that they (and their firm) did not know that Respondent forged their names and seals on documents. Dr. Angel expressed concern that the Oehler stamp was lent to Respondent, inappropriately, and expressed interest in investigating the matter further. Mr. Folk expressed concern about accepting the consent agreement as presented. He moved to reject the consent agreement and send the case to staff for further investigation for possible allegations of fraud in connection with registration and fraud in the work Respondent may have completed. Mr. Marley seconded the motion. No further discussion; motion carried.

Board members requested staff to open an investigation against the Oehlers to determine whether their actions in this case violated the Practice Act.

6. P16-048, Raul Sereno, R.A. #11031

Respondent, Raul Sereno, and Complainant, Robert Mendez, appeared to address the Board. Board members reviewed the signed consent agreement. Respondent told the Board that he accepted responsibility for the actions described in the complaint (changing plans without sealing them and removing other registrants' seals.) He explained extenuating circumstances, believing that the Pasqua Yaqui tribe owned the plans. Respondent took the original registrant's seal off the plans after he modified them. Mr. Mendez addressed the Board and explained that the original plans were drafted and sealed in 1996 and now

Applicant, Christopher Steinle, appeared and addressed the Board. He requested an extension of his application to test. Mr. Marley moved to reopen the application to allow him to take a July 2016 exam. Mr. Stanley seconded the motion. No further discussion; motion carried.

Whether to Grant or Deny Registration

Criminal History

C. Saenz, Hector Alarm Agent Application #160790

Mr. Madison moved to grant certification. Mr. Marley seconded the motion. Dr. Angel expressed concern that Applicant didn't explain the circumstances of the criminal case to the Board. Mr. Foose spoke in favor of the motion. Dr. Angel opposed. No further discussion; motion carried.

D. Stead, Paul Alarm Agent Application #160570

Dr. Angel noted that old criminal charges were dismissed so he moved to approve application. Mr. Madison seconded the motion. No further discussion; motion carried.

E. Weaver, Nicholas Alarm Agent Application #160476

Mr. Madison moved to grant certification. Mr. Jones seconded the motion. No further discussion; motion carried.

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;

Mr. Marley moved to cancel the registrations listed. Mr. Foose seconded the motion. No further discussion; motion carried.

B. 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. The Request for a Formal, Written, Legal Opinion from the Attorney General for Interpretation of HB2613.

The Board reviewed a draft letter with certain questions to be presented to the Attorney General. Mr. Folk suggested one amendment. Board directed staff to send this letter to the Attorney General.

- B. Whether to Invite the Psychometrician Back to Review and Update the Arizona State Specific Land Surveying Exam.

The Board directed staff to begin the process with Mr. Warner to update the exam.

- C. The Executive Director's performance and compensation.

The Board may go into executive session pursuant to A.R.S. § 38-431.03(A)(1) to discuss this matter.

Mr. Marley moved to convene to an executive session to review and discuss personnel matters at 11:23 AM. Mr. Foose seconded the motion. The Board went into executive session pursuant to A.R.S. § 38-431.03(A)(1) to discuss this matter.

The Board returned from executive session at 12:09 PM.

In open session, Mr. Marley moved to grant the Executive Director a 5% raise for FY2017 and a 5% bonus for FY2016. Mr. Stanley seconded the motion. No further discussion; motion carried.

- D. Discussion regarding whether to send all formal hearings to OAH.

The Board discussed the issue, considering the NC Dental Board case and the FTC Guidance concerned about "Market Participants." Mr. Marley suggested that the Board forward unlicensed cases to Office of Administrative Hearings. Mr. Folk explained that many "protections" exist in law to review Boards' actions, such as the Administrative Procedures Act, Judicial Review Actions, etc. No action was taken; Board staff will continue to exercise discretion when scheduling formal hearings.

10. DIRECTOR'S REPORT

- A. Budget Update

Ms. Cornelius stated with 92% of the budget year elapsed, the Board has spent 87% of our appropriation and 74% its revenue.

- B. Previous Meeting Follow-Up

Ms. Cornelius reported that Staff has been meeting virtually with GL staff three times a week to review design plans and process flowcharts.

C. Director's Meetings

Ms. Cornelius reported that she and Ms. Pritzl continue to speak with Janice Burnett regarding potential legislation and outreach efforts. They have attended the 90/10 meetings and discussed consolidation issues with our colleagues.

Ms. Cornelius stated, she, Ms. Pritzl and Mr. Parlin met with Assistant Attorney General Michael Raine to discuss the formal hearings waiting for prosecution.

Ms. Cornelius reported she met with the Independent Electrical Contractors' Association and representatives from ROC on June 22, 2016 to discuss the use of construction experience to qualify for the PE exam.

D. Statistics Review

A statistical review of all the professional and occupational professions was provided for the Board to review.

Ms. Cornelius thanked Mr. Brady, Mr. Folk, and Mr. Stanley for their long time service with the Board and presented each of them with a plaque.

11. BOARD CHAIR'S REPORT

Mr. Brady shared his career experience with the Board.

12. STANDING COMMITTEE REPORTS

- A. Legislation and Rules Committee – Nothing new to report
- B. Home Inspector Rules and Standards Committee – The Committee continues to work on rules.

13. BOARD MEMBER REPORTS ON OUTSIDE ACTIVITIES

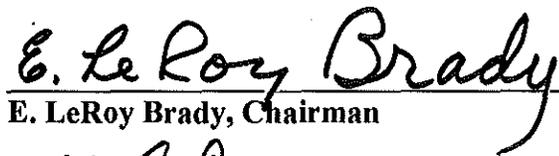
- A. ASBOG – Nothing new to report
- B. CLARB – Nothing new to report
- C. NCARB: AXP/Regional Dues/ARE 5.0 – New version of AXP has passed.
- D. NCEES – 2016 Annual Meeting in Indianapolis August 24-27, 2016

14. FUTURE BOARD MEETINGS – Tuesday, July 26, 2016

15. SUGGESTED TOPICS FOR FUTURE MEETING AGENDAS.

- Elections of Officers

16. MEETING ADJOURNMENT – 12:51 PM



E. LeRoy Brady, Chairman



Melissa Cornelius, Executive Director