

Minutes

Arizona State Board of Technical Registration
LEGISLATION AND RULES COMMITTEE
1110 W. Washington Street, Suite 240
Phoenix, Arizona 85007
Tuesday, October 16, 2018 – 9:30 A.M.

1. CALL TO ORDER - 9:33 am

2. ROLL CALL – Jason Foose, William Greenslade, Edward Marley, Peter Leeds

Not Present: Robert Stanley, LeRoy Brady

Staff: Melissa Cornelius, Patrice Pritzl, Doug Parlin, Robert Stam, Kurt Winter, Dolly Lucero

3. CALL TO THE PUBLIC

No one appeared before the committee

4. ADOPTION OF MINUTES

Review, Consideration and Possible Action of the following:

A. Approve, modify and/or reject February 20, 2018 L&R Committee minutes.

Mr. Leeds moved and Mr. Foose seconded to approve the minutes with some minor typographical corrections; motion carried

5. REVIEW, DISCUSSION AND POSSIBLE ACTION ON THE FOLLOWING:

A. Public submitted question on the interpretation, definition and intent regarding A.R.S. § 32-143.

Mr. Marley opined that the legislature created the language in the statute to give registrants latitude in their work. Mr. Leeds stated that registrants needed to decide for themselves if they were qualified to do the work and, if they were mistaken, a higher authority could discipline them. The Committee determined that if the submitter of the question found issues with any plans that came before them, they should make the Board aware.

No action taken

B. Public submitted question about the rules regarding electronic seals being too general regarding protecting a seal from misuse

Scott Wertel appeared before the Board.

Mr. Wertel presented his concerns regarding the security of electronic seals and asked the Committee for clarification. The Committee members discussed the issue but did not come to any specific conclusions other than that a registrant should keep copies of all their sealed work as proof of authenticity in the instance an individual fraudulently used their seal.

No action taken

- C. Public submitted question on where an individual or firm needs to be registered when there is no clarification as to the actual location of where work is being performed

Scott Wertel appeared before the Board.

Mr. Wertel presented his concerns regarding where he should register when there was no clarification as to the actual location of where others were using his plans and asked the Committee for clarification.

Ms. Cornelius stated that if a registrant performed work in Arizona, they would need to register in Arizona. Mr. Marley disagreed, stating that the location of the client or work determined where a registrant registered. Mr. Leeds opined that Mr. Wertel should continue working as a registrant in Arizona and wait for the other jurisdictions to inform him of their requirements. Ms. Cornelius opined that Mr. Wertel consult the other jurisdictions to find out what their requirements were.

No action taken

- D. Draft of Substantive Policy Statement regarding Public Land Surveying Records Repositories in Arizona

Mr. Miller, representative of ADOT, appeared before the Board. Mr. Fondren appeared before the Board telephonically.

Mr. Miller made suggestions to modify the draft statement. Ms. Cornelius asked Mr. Miller if ADOT employees recorded surveys with the county recorder. Mr. Miller answered “no,” ADOT employees recorded their surveys with ADOT. Mr. Marley commented that it made sense that ADOT employees record surveys within ADOT and not with each of the separate county recorders. Mr. Foose stated that the petitioner was overly focused on the language of ARS § 33-105(A) and ignored other pertinent statutes. He further stated that both ADOT and the County Engineer had the authority to hold records, which prompted him to ask Mr. Miller if it was imperative that the Board issue a policy statement. Mr. Miller opined that the Board should issue the policy statement for clarity. Mr. Fondren agreed with Mr. Miller. The Committee members discussed whether to site the Arizona statutes in the policy statement and determined that it was best to site the Arizona statutes but leave out federal statutes. Mr. Marley asked where the State records its state land surveys. Mr. Foose answered at the county recorder’s office.

Mr. Foose moved and Mr. Leeds seconded to submit policy statement to Board for consideration; motion carried.

Committee took a break at 10:40 am, and returned to open session at 10:55.

E. Possible legislation to amend ARS 127(C) regarding cancellation of registration

Ms. Pritzl presented the issue stating that if the Board cancelled a respondent's registration after they failed to renew after a full renewal period, the Board was obligated to close the respondent's case. Ms. Cornelius asked the Committee if they wished to pursue changing the statute to correct this problem. The Committee answered "yes."

The Committee asked that Staff place this issue on the next meeting agenda.

6. FUTURE AGENDA ITEMS:

5E

7. FUTURE MEETINGS: March 12, 2019

8. ADJOURNMENT - 11:27am

Edward Marley, Chairman

A handwritten signature in black ink, appearing to be 'E. Marley', written over a horizontal line.