

Minutes
ARIZONA STATE BOARD OF TECHNICAL REGISTRATION
1110 West Washington, Conference Room #250
Phoenix, AZ 85007

Tuesday, November 17, 2015
9:00 a.m.
OPEN SESSION

1. CALL TO ORDER – 9:00AM

2. ROLL CALL - Board Members in attendance: Edward Marley, LeRoy Brady, Douglas Folk, Jason Madison, Jason Foose, Alejandro Angel and Stephen Noel. Staff: Melissa Cornelius, Michelle Fleming, Douglas Parlin and Michelle Johnson. Assistant Attorney General: Michael Raine. Absent: Neal Jones

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 October 27, 2015 Board meeting minutes.

Mr. Marley proposed minor changes and moved to approve the October 2015 minutes as modified. Mr. Noel seconded the motion. No further discussion; motion carried.

5. FORMAL HEARINGS OR MOTION FOR REHEARING/REVIEW:

A. Case No. H11-001-027, Frank H. Long, non-registrant.

Mr. Brady opened the case. Mr. Michael Raine, Assistant Attorney General, represented the State of Arizona. Respondent was not present and was not represented by legal counsel. Mr. Raine presented the State's oral argument in response to Mr. Long's request for rehearing.

Mr. Folk moved that the Board deny the request for review or rehearing pursuant to A.A.C.R. 4-30-126(c). After considering Mr. Long's request and the response from the State, Mr. Long failed to establish that any grounds for granting a review or rehearing existed. Additionally, Mr. Folk noted that no action in the prior hearing materially affected Mr. Long's rights and the Board's order was justified. Dr. Angel seconded the motion. No further discussion; motion carried.

6. ENFORCEMENT MATTERS

Review, Consideration and Possible Vote on the following:

A. Complaints Proposed to Offer Consent Agreement:

1. P15-063, Karen Shakman, R.A. #44096 (inactive)

Ms. Shakman did not appear before the Board. Mr. Madison moved to offer the Respondent the attached consent agreement encompassing a Letter of Reprimand, an administrative penalty in the amount of \$1,500 and payment of the cost of the investigation of \$660. If the Consent Agreement is not signed within 30 days, the matter will proceed to Formal Hearing. Mr. Marley seconded the motion. No further discussion; motion carried.

2. P15-085, David Montgomery, P.E. (Civil) #21549

Mr. Folk recused himself from this matter. Mr. Montgomery was present and was represented by legal counsel. After hearing from Mr. Montgomery's counsel and Mr. Montgomery's testimony, Dr. Angel moved to approve the consent drafted by staff and refer it to Respondent for signature. If it is not signed within 30 days, the matter will proceed to Formal Hearing. The motion was not seconded and failed. Mr. Stanley moved that the Board return the matter to the EAC for further consideration. Mr. Marley seconded the motion. No further discussion. Motion carried, with Dr. Angel voting "no."

B. Compliance Monitoring Investigations:

1. HI14-042, Steven Anderson, C.H.I. #51896

Mr. Folk moved that the Board accept staff's recommendation to appoint Bryck Guibor, CHI #38101, as a peer reviewer for Mr. Anderson. Mr. Madison seconded the motion. No further discussion; motion carried.

7. LICENSING MATTERS

Discussion, Consideration and Vote on the following:

Whether to Grant Registration:

A. No items to consider.

Whether to Grant Requests for Extension of Licensing Time Frames:

B. No items to consider.

Reopen and Grant for Extension of Licensing Time Frames

C. No items to consider.

Whether to reopen for further review by the Board

D. No items to consider.

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 that the Board cancel the registrations and certifications that have been expired for one full renewal period. Mr. Madison 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. Plans for the Annual Holiday Luncheon.

The Board will hold a Mexican food luncheon for staff at the December Board meeting.

B. Board approval of guidelines for home inspector peer reviewers and parameters of home inspector peer reviews.

The Board discussed the guidelines and gave their recommendations regarding the parameters of home inspector peer reviews to staff. The Board then directed this item to staff for further consideration.

C. Whether to delegate to staff the authority to terminate Respondents from probationary orders early, after they have satisfied all terms of probation, without having to return the cases to the Board for approval.

The Board agreed that authority to terminate Respondents from probationary orders early may be delegated to staff if the only terms of probation are financial and the Respondents meet those terms in full. Further action on this item will be directed to staff.

10. DIRECTOR'S REPORT

- A. Budget Update - Ms. Cornelius reported that 33% of the budget year has elapsed. The agency spent 35% of its appropriation and 47% of its revenue.

She also reported that she and Mr. Holbrook spoke with managers at the State Procurement Office regarding the RFP for the new computer system. The office expects to receive the best and final offers for the new program prior to Thanksgiving.

- B. Staff Update – Ms. Cornelius reported that Paul Warner has joined the enforcement team as a Board Investigator. Paul is a retired Illinois police officer.
- C. Previous Meeting Follow-Up - Ms. Cornelius reported that the Committee of Reference sent the Board notice that the Sunset Hearing is scheduled on December 9th. The feedback Ms. Cornelius has received is that the Board will likely be granted continuation, but for the “new standard” eight year term, rather than the previous ten year term.

Ms. Cornelius stated that the Board does not provide payment plans for all registrants facing disciplinary action, but does provide them on a case-by-case basis.

- D. Director's Meetings – A representative from the Constituent Affairs Division of the Governor's Office met with Ms. Cornelius and Board Chair, Mr. Brady. The representative was pleased that the Board is multidisciplinary and that our staff of 21 effectively manages 45,000 registrants. He was enthusiastic to return to the Governor with our sunset report and describe ours as a model Board.

- 11. **BOARD CHAIR'S REPORT** – Mr. Brady stated that letters were sent to the Santa Cruz Community College District and the City of Nogales regarding the construction of the school. Mr. Brady expressed his concerns with the construction being noncompliant with code and expressed a sense of urgency that code violations be corrected for the safety of the people utilizing the facility. The college and the city both called to inquire about the letters.

12. STANDING COMMITTEE REPORTS

- A. Home Inspector Rules and Standards Committee November 5, 2015 Meeting
The HIRSC checklist will be evaluated at the December Board meeting. Additionally, Mr. Madison reported that Mr. Leeds will contact Allied Schools in order to take their home inspector exam. He will report to the Committee with feedback. Further items from this meeting were discussed in agenda item 9(B).

13. BOARD MEMBER REPORTS ON OUTSIDE ACTIVITIES

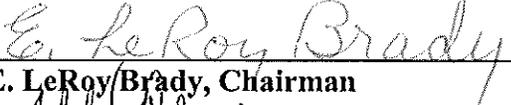
- A. ASBOG – Mr. Weiland attended the national ASBOG meeting in Delaware and provided the Board with a detailed report for review. Ms. Cornelius stated that ASBOG expressed an interest in recognizing former Executive Director Ronald Dalrymple for his contributions to ASBOG.
- B. CLARB – CLARB asked Ms. Cornelius if she would be willing to serve on their Board of Directors as the Member Board Executive. The Board members were all in favor of her taking that position.
- C. NCARB – Ms. Cornelius reported that NCARB is changing the name of the Intern Development Program but the new name has not yet been announced. It will require a statute change when the new name is released. NCARB is also adding a public member to their Board of Directors. Mr. Marley reported that the WCARB executive committee meeting will be held in Palm Springs on December 5th. He also reported that he attended an ARE meeting in Tucson with interns to discuss the architect exam.
- D. NCEES – Ms. Cornelius reported that NCEES is making changes to certain exams and only holding exams on specific dates. They are also making changes to naval architecture and the Principals and Practices of Surveying which will be offered as a CBT in October of 2016. Additionally, NCEES is looking into having registrants take an ethics-specific exam.

14. **FUTURE BOARD MEETINGS** – Tuesday, December 15, 2015.

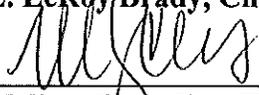
15. **SUGGESTED TOPICS FOR FUTURE MEETING AGENDAS.**

- Approval of the Home Inspector Report Checklist

16. **MEETING ADJOURNMENT** – 10:49am



E. LeRoy/Brady, Chairman



Melissa Cornelius, Executive Director