



State of Arizona
BOARD OF TECHNICAL REGISTRATION

1110 W. Washington Street, Suite 240, Phoenix, Arizona 85007
(602) 364-4930 FAX: (602) 364-4931 <https://btr.az.gov/>

- Michael Kolejka, Board Chair, Architect • Scott Sayles, Board Vice Chair, Civil Engineer
- Bill Nesgood, Board Secretary, Geologist • Jack Gilmore, Landscape Architect
- Dana Klett, Land Surveyor • Dr. Clinton Campbell, Public Member
- Jennifer Hobik, Esq, Public Member • Kileen Lindgren, Public Member
- Stacy Skankey, Esq, Public Member • Keith Smith, Public Member
- Hayley Bohall, Public Member

MINUTES FOR REGULAR SESSION MEETING
1110 W. Washington Street, Board Room 245, Phoenix, Arizona 85007
Tuesday, January 30, 2024 –9:00am

1. **CALL TO ORDER** –The meeting convened at 9:00 a.m., adjourned for a break at 10:54 a.m., reconvened 11:11 a.m., adjourned for a break at 1:05 p.m., reconvened at 1:11 p.m. and adjourned at 1:58 p.m.

2. **ROLL CALL**

PRESENT

Michael Kolejka

Scott Sayles

William “Bill” Nesgood

Jack Gilmore

Dana Klett

Stacey Skankey, Esq. –joined at 9:06 a.m.

Keith Smith

Hayley Bohall

VIRTUAL

Dr. Clinton Campbell

Jennifer Hobik, Esq. –joined at 9:01 a.m.

Kileen Lindgren –joined at 9:40 a.m., left at 1:13 p.m. and returned at 1:31 p.m.

3. **CALL TO THE PUBLIC**

Aaron Blaisdell, NCEES Western Zone Vice Presidential nominee for the State of Washington appeared before the Board to encourage Arizona’s participation in the Western Zone chapter of NCEES.

4. **ADOPTION OF MINUTES**

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).

A. Approve, modify and/or reject, January 5, 2024 Board meeting minutes.

Mr. Sayles moved and Mr. Nesgood seconded to approve the meeting minutes as written; motion carried 9-0.

5. **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 5(A).

A. 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) Dougherty, David – Application for Registration as a Civil Engineer #2310732
 - 2) Miles, Thomas – Application for Registration as a Civil Engineer #2310650
 - b) Certificate(s) of Experience from non-Professionals
 - 1) Helbren, Justine – Application for Registration as a Civil Engineer #239485
 - 2) Saine, Daniel – Application for Registration as an Electrical Engineer #2310145
 - 3) Sydykov, Abyl – Application for Registration as a Mining Engineer #2310185
 - 4) Lockhart, James – Application for Registration as a Mechanical Engineer #239833
 - c) Council Records – experience under non-Professionals
 - 1) Martinez, Ricardo – Application for Registration as a Control Systems Engineer #2310748
 - 2) Beshay, Beshoy – Application for Registration as an Electrical Engineer #240015
 - 3) Perla, Robert – Application for Registration as a Civil Engineer #239069
 - 4) Roeder Jr., Thomas – Application for Registration as an Electrical Engineer #2310655
 - d) Background Review
 - 1) Beckwith, Arthur – Application for Registration as a Structural Engineer #2310690
 - 2) Garza, Jesus – Application for Registration as an Architect #2310562
 - 3) Lei, Tony – Application for Registration as a Civil Engineer #240026
 - 4) Mandujano, Carlos – Application for Registration as a Mechanical Engineer #2310419
 - 5) Moog, Trygg – Application for Registration as a Civil Engineer #2310733
 - 6) Severn, Guy – Application for Registration as an Electrical Engineer #2310615
 - 7) Hill, Peter – Application for Registration as an Architect #2310402
 - 8) Vestal, Richard – Application for Registration as a Mechanical Engineer #240081
 - 9) Minsinger, Thomas – Application for Registration as a Control Systems Engineer #238995
 - 10) Alley, Erin – Application for Registration as an Architect #2310745
 - e) Disciplinary Action Review
Nothing to consider
3. Grant Universal Applications for Professional Registration/Certification
 - a) Titus, Elizabeth – Application for Registration as a Geologist #2310129
 - b) True, Kimberly – Application for Registration as a Landscape Architect #240036
4. Grant Renewal Registration Application(s)
 - a) Background Review
 - 1) Dailey, Benjamin – Renewal Application for Civil Engineer Registration #59080
 - b) Disciplinary Action
 - 1) Shucri, Yaghi – Renewal Application for Civil Engineer Registration #27666
 - 2) Hakhmaneshi, Manouchehr – Renewal Application for Civil Engineer Registration #72616
 - 3) Stevens, Christopher – Renewal Application for Land Surveyor Registration #16615

5. Approve Application(s) for Exam Waivers
 - a) Application to waive Fundamental Exam
 - 1) Solis, Salvador – Application to waive FE Exam #2310211
 - 2) Moore, Andrew – Application to waive FE exam #2310321
 - b) Application to waive Professional Exam
Nothing to consider
 - c) Multiple Considerations
 - 1) Application to waive SE II exam #2310553
 - i. Background Review
 - ii. Disciplinary Action
 - iii. SE II exam waiver
6. Approve Application(s) for Exam Authorization
 - a) Certificate(s) of Experience from non-Professional
 - 1) Dicker, Amy – Application for ARE exam authorization #239165
7. Grant Applications for In-Training Designation
 - a) Background Review
 - 1) Wickman, Sydney – Application for Engineer-in-Training Designation #2310712
 - 2) Zoucha, John – Application for Engineer-in-Training Designation #240037
8. Extension Requests
 - a) Kottman, Kenneth – Universal Application for Certification as a Home Inspector #239798
 - b) Olson, Brandon – Application for Registration as a Civil Engineer #2310359

Licensing Manager Julie Pham and Applicant Salvador Solis appeared before the Board.

Mr. Gilmore moved and Mr. Sayles seconded to approve items 5(A)(1)-(4), 5(A)(5)(2), 5(A)(5)(b)-(c) and 5(A)(6)-(7) under the consent agenda; motion carried 10-0.

Mr. Sayles requested that item 5(A)(5)(1) be pulled from the consent agenda for further discussion.

Mr. Smith requested that items 5(A)(8)(a) and 5(A)(8)(b) be pulled from the consent agenda for further discussion.

Mr. Smith moved and Ms. Skankey seconded to approve items 5(A)(8)(a) and (b) under the consent agenda; motion carried 10-0.

Mr. Sayles moved and Mr. Nesgood seconded to approve item 5(A)(5)(1) under the consent agenda; motion carried 10-0.

6. LICENSING 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 6(A).

A. Reconsideration of Administrative Closure

- 1) Valencia, Claudio – Application to waive FE exam pursuant to A.R.S. § 32-126(D) #2310039

Licensing Manager Julie Pham and Applicant Claudio Valencia appeared before the Board.

Mr. Sayles moved and Ms. Klett seconded to deny reconsideration of administrative closure for Mr. Valencia's application to waive the FE exam pursuant to A.R.S. § 32-126(D); motion carried 10-0.

7. CONSIDERATION OF CASES REFERRED FOR FORMAL HEARING

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).

A. Consideration of a Signed Consent Agreement in lieu of a Formal Hearing:

1. HI23-002, Harold Kunnen, C.H.I. #38065

Respondent, AAG Scott Donald and Independent Advisor AAG Seth Hargraves appeared before the Board.

Mr. Smith moved and Ms. Klett seconded to accept Respondent's signed Consent Agreement and vacate the scheduled hearing; motion carried 11-0.

2. HI22-022, Derek Otto, C.H.I. #54388

Respondent, Respondent's Counsel Bryl Lane, AAG Deanie Reh and Independent Advisor Seth Hargraves appeared before the Board.

Mr. Smith moved and Ms. Skankey seconded to accept Respondent's signed Consent Agreement and vacate the scheduled hearing; motion carried 11-0.

8. 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 8(A-F).

A. Complaints Proposed for Resolution by Dismissal:

1. P23-115, Mark Tiedemann, Non-Registrant and MWT Architecture, Non-Registrant Firm

Investigator Brandon Eaden appeared before the Board.

Mr. Sayles moved and Ms. Skankey seconded to dismiss case #P23-115; motion carried 11-0.

2. UK24-008, Antonio Perez-Vargas, Non-Registrant and LiveGuard Tech, LLC, Non-Registrant Firm

Respondent and Investigator Brandon Eaden appeared before the Board.

Ms. Skankey moved and Mr. Sayles seconded to dismiss case #UK24-008; motion carried 11-0.

3. HI24-009, Matthew Maxwell, C.H.I. #60042

Respondent, Alleger Charles Dempsey, Alleger Janet Dempsey and Investigator Eric Parriot appeared before the Board.

Ms. Skankey moved and Ms. Lindgren seconded to dismiss case #HI24-009; motion carried 11-0.

4. HI24-018, Cameron Standsberry, Non-Registrant and State 48 Roofing, Non-Registrant Firm

Respondent, Alleger Jeremiah San Mejia and Investigator Brandon Eaden appeared before the Board.

Mr. Smith moved and Ms. Skankey seconded to dismiss case #HI24-018; motion carried 11-0.

5. P23-090, James Paul, Non-Registrant and Urban Engineering Group, Non-Registrant Firm

Investigator Kaitlyn Crawford appeared before the Board.

Ms. Skankey moved and Mr. Sayles seconded to dismiss case #P23-090; motion carried 11-0.

B. Complaints Proposed for Administrative Closure:

1. HI24-029, David Doubrava, C.H.I. #38468 (Deceased)

Investigator Daniel Carthel appeared before the Board.

Ms. Skankey moved and Mr. Sayles seconded to administratively close case #HI24-029; motion carried 11-0.

C. Complaints Proposed for Resolution with Letter of Concern:

1. HI24-013, James Sullivan, C.H.I. #60797

Respondent and Investigator Eric Parriot appeared before the Board. The Board discussed the investigation.

Mr. Smith moved and Ms. Klett seconded to issue Respondent a Letter of Concern; motion carried 11-0.

2. P23-116, Ali Homsy, P.E. (Structural) # 27344

Alleger Tom Cashman and Investigator Kaitlyn Crawford appeared before the Board.

Mr. Gilmore moved and Mr. Sayles seconded to issue Respondent a Letter of Concern; motion carried 10-1. Ms. Lindgren voted nay.

3. HI23-039, Jamie Murfield, C.H.I. #75038

Investigator Brandon Eaden and Enforcement Manager Orlene Loera appeared before the Board.

Mr. Smith moved and Mr. Sayles seconded to issue Respondent a Letter of Concern; motion carried 10-1. Ms. Lindgren voted nay.

4. HI23-040, Mark Kenney, C.H.I. #50338

Investigator Brandon Eaden appeared before the Board.

Mr. Smith moved and Mr. Sayles seconded to issue Respondent a Letter of Concern; motion carried 10-1. Ms. Lindgren voted nay.

5. P24-027, Chad Zielinski, P.E. (Civil) #48129

Respondent and Investigator Daniel Carthel appeared before the Board. The Board discussed the investigation.

Ms. Skankey moved and Ms. Lindgren seconded to dismiss case #P24-027; motion carried 11-0.

D. Complaints Proposed for Resolution with Signed Consent Agreements:

1. HI23-015, Erik Cahn, C.H.I. #68685

Respondent and Investigator Brandon Eaden appeared before the Board. The Board discussed the investigation.

Ms. Lindgren moved and Ms. Skankey seconded to accept Respondent's signed Consent Agreement; motion carried 9-2. Mr. Gilmore and Mr. Smith voted nay.

E. Complaints Proposed for Offer Consent Agreement:

1. P24-029, Susan Link, R.A. #43079

Respondent and Investigator Kaitlyn Crawford appeared before the Board. The Board discussed the investigation.

Mr. Sayles moved and Mr. Smith seconded to offer Respondent the proposed Consent Agreement, and if not signed within 30 days, proceed to a formal hearing; motion carried 9-2. Ms. Lindgren and Ms. Bohall voted nay.

Mr. Sayles moved and Ms. Skankey seconded enter Executive Session to receive legal advice; carried 11-0.

The Board entered Executive Session at 11:37 a.m. and returned to regular session at 11:48 a.m.

F. Complaints Requiring Board Guidance:

1. P23-058, Roberto Hernandez, Non-Registrant and Draft Your Dreams, LLC #19634

Alleger, Mayra Meza-Morales, Investigator Daniel Carthel and Enforcement Manager Orlene Loera appeared before the Board. The Board discussed the investigation.

Ms. Skankey moved and Ms. Lindgren seconded to dismiss case #P23-058; motion carried 10-1. Mr. Smith voted nay.

2. HI23-041, James "Jimmy" Riley, C.H.I. #53987

Respondent and Investigator Kaitlyn Crawford appeared before the Board. The Board discussed the investigation.

Ms. Skankey moved and Mr. Nesgood seconded to dismiss case #HI23-041; motion carried 10-1.

3. P23-104, Nils Bjelde, Non-Registrant and LNB Enterprises, Non-Registrant Firm

Investigator Kaitlyn Crawford appeared before the Board. The Board discussed the investigation.

Ms. Skankey moved and Ms. Lindgren seconded to dismiss case #P23-104; motion carried 11-0.

4. P24-041, James Elson, R.A. #11005

Respondent and Investigator Kaitlyn Crawford appeared before the Board. The Board discussed the investigation.

Mr. Gilmore moved and Ms. Skankey seconded to dismiss case #P24-041; motion carried 11-0.

9. 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 9(A)-(F). 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 9(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

AAG Scott Donald report that the Appellants have filed their opening brief and that the state has until February 12 to file a responsive brief.

B. Board Sunset Audit Review Update

Ms. Stapley reported that the House Commerce Committee recommended an 8-year continuation for the Board, but the Senate Government Committee voted to recommend that the Board convert their occupational licenses to a less restrictive regulation.

C. Legislation: HB2100, HB2243, HB2593, HB2253, HB2308, SB1112

Mr. Winter reported on recently introduced legislation that may affect the Board.

D. Forward Final Rulemaking and Economic Impact Statement

Mr. Winter reported that the 30-day public comment period for the Board's supplemental rule package has passed and requested the Board forward the Final Rulemaking and economic impact statement to the Governor's Regulatory Rules Council.

Mr. Sayles moved and Mr. Smith seconded to forward the Board's final rulemaking package and economic impact statement to the Governor's Regulatory Rules Council; motion carried 11-0.

E. Draft Scholarship Fund language / Education Program update

Ms. Stapley reported on updates to the draft scholarship fund language/education program.

F. Proposed Executive Budget

Ms. Stapley reported on the proposed executive budget for FY25.

10. DIRECTOR'S REPORT

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

Ms. Stapley reported on the Board's budget, the Board's online transition and licensing and enforcement numbers.

11. ASSISTANT ATTORNEY GENERAL'S REPORT

Nothing was reported.

12. STANDING COMMITTEE REPORTS

- A. Legislation and Rules Committee – No future meeting date at this time
- B. Home Inspector Rules and Standards Committee –No future meeting date at this time

Mr. Winter reported that the Home Inspector Rules and Standards Committee meeting that was scheduled in January was cancelled and will likely be rescheduled in March.

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

A. National Association of State Boards of Geology (ASBOG)

Mr. Nesgood reported that he would attend the Spring Council for Examiners in Dallas this April.

B. Council of Landscape Architectural Registration Boards (CLARB)

Nothing was reported.

C. National Council of Architectural Registration Boards (NCARB)

Mr. Kolejka reported that he would attend NCARB's Regional Summit this March in Savannah.

D. National Council of Examiners for Engineering and Surveying (NCEES)

Mr. Sayles reported on discussions being held by NCEES's Education Subcommittee regarding continuing education.

Ms. Klett reported that she, Mr. Sayles and Ms. Stapley would attend NCEES's Western Zone Meeting this May in Bozeman, Montana.

Ms. Stapley reported that NCEES is continuing their work with the United Kingdom in developing a mutual recognition agreement and that she and Mr. Sayles will attend a conference in London in February regarding the agreement.

E. Council on Licensure, Enforcement & regulation (CLEAR)

Mr. Winter reported that he attended a symposium held by CLEAR in Tucson, Arizona last month.

F. Federation of Associations of Regulatory Boards (FARB)

Ms. Pham reported on the FARB conference she attended last month in Fort Worth, Texas.

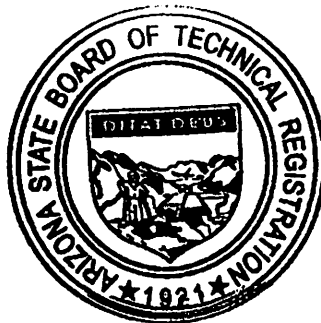
14. **FUTURE BOARD MEETINGS** – February 27, 2024

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

The Board requested that the Home Inspector Rules and Standards Committee work on developing a definition of "repair" at their next scheduled meeting. The Board requested an update from ICOR regarding incidental work.

16. **MEETING ADJOURNMENT** -1:58 p.m.

Signed this 27th day of February, 2024




Michael Kolejka, Chairperson


Judith Stapley, Executive Director