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**BEFORE THE ARIZONA STATE  
BOARD OF TECHNICAL REGISTRATION**

**In the Matter of:**

**Michael Grijalva  
Certified Home Inspector  
Certification No. 65591**

**Respondent**

**Case No.: HI23-038**

**CONSENT AGREEMENT  
and  
ORDER OF DISCIPLINE**

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In the interest of a prompt and judicious resolution of the above-captioned matter before the Arizona State Board of Technical Registration ("Board") and consistent with the public interest, statutory requirements, and the responsibilities of the Board, and pursuant to A.R.S. § 32-101 et seq., and A.A.C. R4-30-120(G), the undersigned party, Michael Grijalva ("Respondent"), holder of Registration No. 65591, and the Board enter into the following Recitals, Findings of Fact, Conclusions of Law and Order ("Consent Agreement") as a final disposition of this matter.

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**RECITALS**

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1. Respondent has read and understands this Consent Agreement and has had the opportunity to discuss this Consent Agreement with an attorney, or has waived the opportunity to discuss this Consent Agreement with an attorney.

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2. Respondent understands that he has a right to a public administrative hearing concerning this case and acknowledges that at such formal hearing he could present evidence and cross-examine witnesses. By entering into this Consent Agreement, Respondent knowingly, voluntarily, and irrevocably waives his right to such an administrative hearing, as well as rights of rehearing, review, reconsideration, appeal, judicial review or any other administrative and/or judicial action concerning the matters set forth herein.

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3. Respondent affirmatively agrees that this Consent Agreement shall be irrevocable.

1           4. Respondent understands that this Consent Agreement or any part of the  
2 agreement may be considered in any future disciplinary action by the Board against him.

3           5. Respondent understands this document, any record prepared in this matter,  
4 all investigative materials prepared or received by the Board, and all related exhibits and  
5 materials are public records upon acceptance by the Board of this Consent Agreement  
6 and may be retained in the Board's files pertaining to this matter.

7           6. Respondent understands this Consent Agreement deals with Board case  
8 number HI23-038 involving allegations that Respondent engaged in conduct that would  
9 subject him to discipline under the Board's statutes and rules. The investigation into  
10 these allegations against Respondent shall be concluded upon the Board's adoption of  
11 this Consent Agreement.

12           7. Respondent understands that this Consent Agreement does not constitute a  
13 dismissal or resolution of any other matters currently pending before the Board, if any,  
14 and does not constitute any waiver, express or implied, of the Board's statutory authority  
15 or jurisdiction regarding any other pending or future investigation, action or proceeding.

16           8. Respondent understands that acceptance of this Consent Agreement does not  
17 preclude any other agency, subdivision, or officer of this State from instituting any other  
18 civil or criminal proceedings with respect to the conduct that is the subject of this  
19 Consent Agreement.

20           9. Respondent acknowledges and agrees that, upon signing this Consent  
21 Agreement and returning this document to the Board's Executive Director, he may not  
22 revoke his acceptance of the Consent Agreement or make any modifications to the  
23 document regardless of whether the Consent Agreement has been signed on behalf of the  
24 Board. Any modification to this original document is ineffective and void unless  
25 mutually agreed by the parties in writing.

26           10. Respondent understands this Consent Agreement is subject to the approval of  
27 the Board and is effective only when accepted by the Board and signed on behalf of the  
28 Board. If the Board does not accept this Consent Agreement, the Board retains its

1 authority to hold a formal administrative hearing pursuant to A.R.S. § 32-128(E). In the  
2 event that the Board does not approve this Consent Agreement, it shall be withdrawn and  
3 of no evidentiary value and shall not be relied upon nor introduced in any action by any  
4 party, except that the parties agree that should the Board reject this Consent Agreement  
5 and this case proceeds to hearing, Respondent shall assert no claim that the Board was  
6 prejudiced by its review and discussion of this document or any records relating thereto.

7 11. Respondent understands if a court of competent jurisdiction rules that any  
8 part of this Consent Agreement is void or otherwise unenforceable, the remainder of the  
9 Consent Agreement shall remain in full force and effect.

10 12. Respondent understands that any violation of this Consent Agreement may  
11 result in disciplinary action, including suspension or revocation of the registration under  
12 A.R.S. § 32-150.

13 13. Respondent agrees that the Board will adopt the following Findings of Fact,  
14 Conclusions of Law and Order.

15 **FINDINGS OF FACT**

16 1. The Board is the duly constituted authority for the regulation and control of  
17 the practice of Home Inspection in the State of Arizona.

18 2. Respondent is the holder of Arizona Certified Home Inspector Certification  
19 No. 65591, issued by the Board on November 17, 2017.

20 3. At all times relevant to the allegations of this Consent Agreement, Arizona  
21 Certified Home Inspector Certification No. 65591 was active.

22 4. On or about January 4, 2022, Respondent conducted a home inspection at  
23 2332 S Orchard View Rd, in Green Valley, Arizona.

24 5. On or about April 19, 2023, the Board received a complaint alleging that  
25 after conducting a home inspection on or about January 4, 2022, at 2332 S. Orchard View  
26 Rd, Green Valley, Arizona, Respondent failed to report that the prior owners illegally put  
27 in gas via a flex line on the roof which ran through the interior walls of the home. It is also  
28 alleged that Respondent failed to report on the visible flex lines entering and exiting the

1 interior wall by the stove.

2 5. On November 16, 2023, an Enforcement Advisory Committee (EAC)  
3 meeting was held to discuss the case. After reviewing the evidence and interviewing  
4 Allegers and Respondent, the Committee unsubstantiated the first allegation. The  
5 Committee did substantiate the second allegation that Respondent failed to properly  
6 report on the visible flex lines entering and exiting the interior wall by the stove. The  
7 Committee reviewed the home inspection report and found that based on the Standards of  
8 Professional Practice for Arizona Home Inspectors ("S.O.P.") Respondent:

- 9 a. Failed to include the inspector's certification number in the agreement as  
10 required per SOP 2.2.A.3;
- 11 b. Failed to include the firm address in the agreement as required per SOP  
12 2.2.A.3;
- 13 c. Failed to properly report on the condition of the floor structure as required  
14 per SOP 4.1.A.2;
- 15 d. Failed to properly report on the type of structural column as required per  
16 SOP 4.2.A.4;
- 17 e. Failed to properly report on the condition of the roof/ceiling structure as  
18 required per SOP 4.1.A.5 and A.6;
- 19 f. Failed to correctly identify the type of supply distribution pipe as required  
20 per SOP 7.2.A.1;
- 21 g. Failed to properly report on the condition of the pipe supports and  
22 insulation as required per SOP 7.1.A.1;
- 23 h. Failed to properly report on the type and condition of the electrical service  
24 equipment as required per SOP 8.1.B;
- 25 i. Failed to properly report on the type and condition of the main electrical  
26 service entrance conductor as required per SOP 8.1.A, and 8.2.A.2;
- 27 j. Failed to properly report on the condition of the electrical system circuit  
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1 breakers as required per SOP 8.1.D;

2 k. Failed to properly report on the condition and the presence of the automatic  
3 safety controls for the gas furnace as required per SOP 9.1.A.3;

4 l. Failed to properly report on the cooling source in each room as required per  
5 SOP 10.1.B.2;

6 m. Failed to properly report on the condition and presence of the dryer  
7 ventilation as required per SOP 12.1.C.

8 During his interview with the EAC Committee, Respondent admitted that he failed to  
9 report on the gas flex line during his Home Inspection and acknowledged his failure to  
10 report on the flex line from the wall into the stove. In addition, Respondent  
11 acknowledged to the missing deficiencies outlined by the Committee.

12 6. On February 20, 2024, Board staff learned that on or about October 19, 2023,  
13 Respondent submitted a renewal application in which he answered "no" to the question if  
14 he had been investigated and/or disciplined by any regulatory agency since his last  
15 renewal and answered "no" to the question if has any pending investigations by any  
16 regulatory agency at this time. According to Board records, Respondent is currently  
17 under investigation for HI23-038.

18 7. Respondent stated that his assistant helped him complete his renewal  
19 application, and at the time checked his current status online at the Board and did not find  
20 that there was a pending investigation, to which his response on the application was "no".  
21 Respondent stated that this was not intentional but an oversight on his part and that the  
22 error should have been caught before his renewal application was submitted.

23 **CONCLUSIONS OF LAW**

24 1. The Board has jurisdiction in this matter pursuant to A.R.S. § 32-101, et seq.

25 2. The conduct alleged in the Findings of Fact constitutes grounds for discipline  
26 pursuant to A.R.S. § 32-128(C)(4) as it relates to A.A.C. R4-30-301.0.1, in that  
27 Respondent failed to conduct a Home Inspection in accordance with the Standard of  
28 Practice for Arizona Home Inspectors.

1 3. The conduct alleged in the Findings of Fact constitutes grounds for discipline  
2 pursuant to A.R.S. § 32-128(C)(4) and A.R.S. § 32-145(5) as it relates to A.A.C. R4-30-  
3 301(1), in that Respondent submitted false statements and failed to disclose material facts  
4 requested in connection with an application for registration.

5 **ORDER**

6 Based on the foregoing Findings of Fact and Conclusions of Law, the Board issues  
7 the following Order:

8 1. **LETTER OF REPRIMAND.** Respondent is hereby issued a Letter of  
9 Reprimand.

10 2. **ADMINISTRATIVE PENALTY.** Within twelve (12) months from the  
11 effective date of this Consent Agreement, Respondent shall pay an administrative penalty  
12 of One Thousand and Two Hundred Dollars (\$1200.00) by certified check or money  
13 order made payable to the State of Arizona Board of Technical Registration.

14 3. **RESTITUTION.** Within thirty (30) days from the effective date of his  
15 Consent Agreement, Respondent shall pay restitution to Complainants Clarence and  
16 Christine Anderson, in the amount of Three Hundred and Fifty Dollars (\$350.00) for the  
17 cost of the Anderson Inspection. Respondent shall provide proof of payment to the client  
18 to the Board of Technical Registration showing payment was made.

19 4. **COST OF INVESTIGATION.** Within twelve (12) months from the  
20 effective date of this Consent Agreement, Respondent shall pay the cost of investigation  
21 of this case to the Board in the amount of One Hundred Ninety Four Dollars (\$194.00) by  
22 certified check or money order made payable to the State of Arizona Board of Technical  
23 Registration, according to the provisions of A.R.S. § 32-128(H).

24 5. **OBEY ALL LAWS.** Respondent shall obey all federal, state, and local  
25 laws as well as all rules governing the practice of Home Inspection in the State of  
26 Arizona. The Board shall consider any violation of this paragraph to be a separate  
27 violation of the rules and statutes governing the Arizona Board of Technical Registration.  
28 The Board may also consider Respondent's non-compliance with this Order as a separate

1 violation of A.R.S. § 32-150.

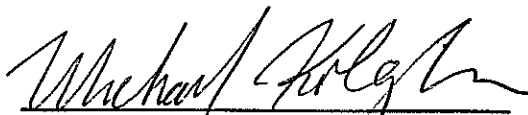
2 6. RENEWAL OF REGISTRATION. Respondent shall timely renew their  
3 Arizona registration as a Certified Home Inspector, and timely pay all required  
4 registration fees.

5 7. EFFECTIVE DATE. The effective date of this Consent Agreement is the  
6 date the Respondent and Board sign the Consent Agreement. If the dates are different, the  
7 effective date is the later of the two dates.

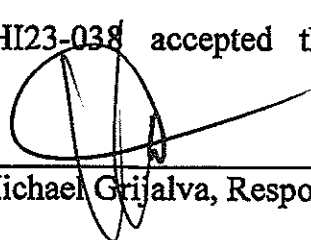
8 8. COSTS OF COMPLIANCE. Respondent shall pay all costs associated  
9 with complying with this Consent Agreement.

10 9. NONCOMPLIANCE. If Respondent violates this Order in any way or fails  
11 to fulfill the requirements of this Order, the Board, after giving notice and the opportunity  
12 to be heard, may revoke, suspend or take other disciplinary actions against the  
13 registration. The issue at such a hearing will be limited solely to whether this Order has  
14 been violated.

15 ACCEPTED and ORDERED this 26<sup>th</sup> day of March, 2024.

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18 Michael Kolejka, R.A., Chairman  
19 Arizona State Board of  
20 Technical Registration

21 Consent Agreement and Order, No. HI23-038 accepted this 19 day of  
22 March, 2024.

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25 Michael Grijalva, Respondent

26 ORIGINAL filed this 27<sup>th</sup> day of  
March, 2024, with:

27 Arizona State Board of Technical Registration  
28 1110 W. Washington, Suite 240  
Phoenix, AZ 85007

1 **COPY** of the foregoing mailed via Certified Mail

2 No. 92750901193562000051539596 and

3 First Class mail this 27<sup>th</sup> day of March, 2024, to:

4 Michael Grijalva

5 2681 W. Camino Del Medrano

6 Tucson, Arizona 85742

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9 By:



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