

**MINUTES OF THE
ARIZONA BOARD OF TECHNICAL REGISTRATION**

January 25, 2011

9:30 AM

1. **CALL TO ORDER** – The meeting was called to order at 9:30 AM by Chairman H

Have:

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on was called to order

2. **ROLL CALL** – Board Members: Susan Schaefer, David Komm, How LeRoy Brady, and Douglas I Douglas, Kathryn Fuller, Ma Attorney General. Absent: L

*- Signed minutes
- Conf of interest
- Sign in sheet
- Licensing list*

Susan Schaefer
Robert Stanley
Lelius, LaVern
skin, Assistant

3. **CALL TO THE PUBLIC** – of Architects of Arizona, (“A

the American Institute
mer Bill.

4. **MINUTES**

A. Approve, Modify and /or ~~the~~ *December 21, 2010* minutes. Mr. Komm moved to adopt the December 21, 2010 minutes. Dr. Schaefer Kliman requested a minor change. Mr. Komm moved to amend the minutes and motion to include the correction. Mr. Stanley seconded, motion carried.

5. **ENFORCEMENT MATTERS**

Review, Consideration and Possible Vote on the following:

A. Proposed Dismissals

1. M09-110, Kevin P. Gilbert, Land Surveyor #14181 – Mr. Epperson moved to accept Staff recommendation to dismiss the case. Mr. Weiland seconded. After discussion, motion carried.

B. Proposed Letters of Concern

1. M09-102, Kevin P. Gilbert, Land Surveyor #14181 – Mr. Epperson, moved to issue a Letter of Concern to Respondent for failing to conduct the survey in accordance with the Minimum Standards of Arizona Land Boundary Survey. Mr. Komm seconded. After discussion, motion carried.

2. M11-002, Carlos Padilla, Land Surveyor #46474 – Mr. Epperson, moved to issue a Letter of Concern to Respondent for failing to check the accuracy of the contract before submitting it to his client. Mr. Willett seconded.

After discussion, motion carried. Votes: Aye: Stanley, Brady, Weiland, Komm, Epperson, and Shay; Nay: Folk, Kliman, and Willett.

3. M11-013, John D. Reese, P.E. (Electrical) #30698—Mr. Folk recused himself, citing a conflict of interest. Mr. Komm moved to issue a Letter of Concern to Respondent for submitting a professional document to his client that was not signed, dated, sealed or marked “preliminary,” “draft”, or “not for construction.” Mr. Weiland seconded. After discussion, motion carried.

C. Review, Discussion, and Consideration

1. M09-066, Abuwandi Engineering Associates – Mr. Folk moved to offer Respondent a Consent Agreement, including a Letter of Reprimand regarding Respondent receiving payment from its client, and not paying Systems Design Engineering for its engineering services within the required time, and for staff to include the cost of the investigation. Mr. Epperson seconded. After discussion, motion carried.
2. M11-004, Leo A. Daly Architects – Mr. Folk moved to issue Respondent a Letter of Concern regarding Respondent receiving payment from its client, and not paying TMAD Taylor & Gaines for its engineering services within the required time. Mr. Folk also recommended to include in the letter the statutes and requirements, and encouraging Respondent to exercise proper care in judgment in their dealings with their consultant. Mr. Epperson seconded. After discussion, motion carried. Mr. Weiland - Nay

D. Discussion and Consideration for Completion of Peer Review Consent Agreement

1. M07-074, William J. Christenson, P.E. (Structural) #34626 – Respondent has not completed the peer review requirements in his Consent Agreement as he has not had any projects that fall within the peer review requirement. Mr. Folk moved to offer Respondent an opportunity to sign an amended Consent Agreement for professional education in structural engineering that involves basements or to continue with the peer review requirements. Mr. Stanley seconded. After discussion, motion carried.
2. M06-278, John F. Esquibel, Land Surveyor #37582 – Respondent has not completed the peer review requirements in his consent agreement as he has not had any land boundary survey projects in Arizona. Mr. Epperson moved to offer Respondent an opportunity to sign an amended Consent Agreement for professional education in Boundary Control Legal Principle course or to continue with the peer review requirements. Mr. Folk seconded. After discussion, motion carried.

E. Enforcement Advisory Candidate

1. Dirk D. DeWitt, Landscape Architect #19210 – Mr. Folk recused himself, citing a conflict of interest. Mr. Brady moved to accept Mr. Dirk’s application to be an Enforcement Advisory Committee member. Mr. Stanley seconded. After discussion, motion carried.

6. HOME INSPECTOR ENFORCEMENT MATTERS

Review, Consideration, and Possible Vote on the following:

A. Proposed Consent Agreement

1. HI10-025, Robert A. Vaught, CHI #40688– Dr. Schaefer Kliman moved to accept Respondent’s signed Consent Agreement encompassing the following order: a Letter of Reprimand, Administrative Penalty: Pay administrative penalty in the amount of \$300.00. Open Book Test: Respondent shall take and successfully complete an open book test of the Board’s Statutes and Rules within 30 days with a passing score of 100 percent. Costs of Investigation: Pay cost of investigation in the amount of \$160.00. Mr. Komm seconded. After discussion, motion carried.

7. DRUG LABORATORY ENFORCEMENT MATTERS

Review, Consideration, and Possible Vote on the following:

There were no Drug Laboratory Enforcement Matters before the Board

8. LICENSING MATTERS

Review, Consideration, and Possible Vote on the following:

1. Blair, Shaun, Electrical Engineering Application #101057 – Mr. Blair appeared telephonically and addressed the Board. Mr. Komm moved to approve Mr. Blair’s application and grant him registration. Mr. Weiland seconded. After discussion, motion carried.
2. Bonbrake, Terry, EIT Application #100173 – Mr. Bonbrake appeared telephonically and addressed the Board. Mr. Willett moved to approve Mr. Bonbrake’s request to take the Fundamentals of Engineering Examination (“FE”). Mr. Folk seconded. After discussion, motion carried.
3. Frey, Jeanette, EIT Application #100148 – Ms. Frey was present and addressed the Board. Mr. Willett moved to approve Ms. Frey’s application and grant her Engineer-in- Training designation. Mr. Komm seconded. After discussion, motion carried.
4. Goldberg, Lawrence, Architect Application #101171 – Mr. Goldberg was present and addressed the Board. Mr. Shay moved to approve Mr. Goldberg’s application and grant him registration. Mr. Kliman seconded. After discussion, motion carried.
5. Vossmeier, Thomas, Civil Engineering Application #101168 – Mr. Vossmeier appeared telephonically and addressed the Board. Mr. Willett moved to approve Mr. Vossmeier’s application and grant him registration. Mr. Weiland seconded. After discussion, motion carried.

9. LICENSING CONSENT AGENDA

A. Review, Consideration, and Action on the Evaluation Committee and Staff

Recommendations for the following (Lists of names available at the Board's office for public review):

Gregory Herriman, Architect-in-Training EIT Applicant, #040304 - Mr. Herriman was present and addressed the Board. Dr. Schaefer Kilman moved to have Applicant's name removed from the 9(A)(4) listing. Mr. Epperson seconded. After discussion, motion carried.

Gregory Herriman, Architect –in-Training, EIT Applicant, #040304 - Mr. Stanley moved to close the Applicant's file. Mr. Weiland seconded. After discussion, motion carried.

1. Granting professional registrations, certifications or in-training designations pursuant to A.R.S. §§ 32-122.01, 32-123;
2. Granting approval to applicants to sit for the professional or in-training examinations pursuant to A.R.S. § 32-122;
3. Granting professional registrations to those applicants possessing NCARB Blue Cover or NCEES Model Law Engineer certifications, pursuant to A.R.S. §§ 32-122.01, 32-123;
4. Administratively closing professional or in-training applications pursuant to A.R.S. §§ 32-122, 32-122.01(A); A.A.C. R4-30-204(E);

Mr. Epperson moved that the applicants listed in 9(A)(1) be granted professional registration, certification, or in-training designation; that the applicants listed in 9(A)(2) be approved to sit for the professional or in-training examinations, and be granted registration in the appropriate category upon successful completion of the exams and a staff determination of continued eligibility; that the applicants listed in 9(A)(3) be granted professional registration; and that the application files listed in 9(A)(4) be administratively closed based upon the applicants' failure to meet the Board's licensing requirements. Dr. Schaefer Kliman seconded. After discussion, motion carried.

10. POLICY MATTERS

There were no issues for this item.

11. REVIEW, CONSIDERATION, AND POSSIBLE VOTE ON THE FOLLOWING:

- ### A. Registrations that have been expired for three (3) years and recommended to be cancelled: (List of names available at the Board's office for public review.)

There were no issues for this Item.

- ### B. Certifications that have been expired for one (1) year and recommended to be cancelled: (List of names available at the Board's office for public review.)

Mr. Epperson moved to cancel the certificates listed in 11.B. Mr. Komm seconded, motion carried.

12. DIRECTOR'S REPORT – Executive Director, Mr. Dalrymple advised:

Rule Changes: Rule making activity is still on hold until June 2012.

The Board requested an exemption to the rules moratorium to make changes to 9 rules, including the Meth Lab rules and the architect rule regarding Intern Development Program (“IDP”). The Governor’s office granted the exemption in November 2010. The Board filed a notice of rulemaking with the Secretary of State as the first official step of the rule making process.

The Board will request another exemption from the Governor’s Office to draft the standards for pool and spa inspection, since the legislature approved the Home Inspector Bill that added pools and spas to the Home Inspection Program last session.

Legislative Activities: Four bills have surfaced that would increase the responsibilities of the Board. At this time no hearings have been scheduled for any of the bills.

Finances: The latest estimates for the State Budget shortfall places it in the \$800 million area for this fiscal year. Legislators advised there will have to be additional cuts made to agency budgets to address the shortfall. Next year’s shortfall is estimated at over 1.4 billion dollars.

AS400 Database Computer System: The first phase of the replacement activity has begun. NIC staff has been meeting with our staff members for the last two weeks to identify the staff action taken in each phase of our daily operations to determine what information should be captured within the database program. This phase is estimated at \$81,000.00. The entire system is estimated to cost us approximately \$494,000 over the next two fiscal years.

The Board currently has approximately \$1,000,000 in reserve that needs to be defended from the legislative sweeps. Professional association assistance in protecting those reserves could be very beneficial.

13. BOARD CHAIR'S REPORT

There were no issues for this Item.

14. STANDING COMMITTEE REPORT

1. Legislation and Rules Committee (“L&R”) – Dr. Schaefer Kliman reported will be attending the L&R Committee on February 3, 2011.
2. Budget Committee – Nothing new to report.
3. Home Inspector Rules and Standards Committee (“HIRS”) – Mr. Shay reported next Committee meeting is scheduled for February 2, 2011.
4. Environmental Remediation Rules and Standards Committee (“ERRS”) – Mr. Weiland reported he will be attending the ERRS Committee meeting on January 25, 2011.

15. BOARD MEMBER REPORTS ON OUTSIDE ACTIVITIES

1. National Council of Examiners for Engineering and Surveying ("NCEES") Mr. Willett reported that he attended the Civil Engineer Exam Committee meeting in South Carolina. He learned that the Committee meets four times a year. He was not in liberty of disclosing any information discussed at the meeting, due to signing a non disclosure form.

Mr. Willett will be going to the National Council of Examiners for Engineering and Surveying ("NCEES") 2011 Western Zone meeting on May 26 thru 28, 2011 in Spokane, WA.

Mr. Komm will be attending the National Council of Examiners for Engineering and Surveying ("NCEES") meeting schedule on February 11 thru 12, 2011 in Atlanta, GA.

2. National Council of Architectural Registration Boards ("NCARB"). Dr. Schaefer Kliman reported on January 27, 2011, will be attending the Com Six Committee Meeting in Austin, TX. She is also scheduled to attend the 2001 Joint Regional Meeting. She will be representing the National Council of Architectural Registration Boards and Western Council of Architectural Registration Boards ("WCARB").
3. Council of Landscape Architectural Registration Boards ("CLARB"). Melissa Cornelius and LeRoy Brady will be attending the Council Landscape Architectural Registration Board meeting on February 24 through 26, 2011 in Denver CO.
4. National Association of State Boards of Geology ("ASBOG") – Mr. Weiland reported he is still working with the association and working on a questionnaire that will go to all the states, to determine exactly what the status is for registering more Geologists. The next ASBOG – Subject Matter Expert (SME), meeting is in April 1 thru 2, 2011.
5. Public Member New/Information – Nothing new to report


16. **FUTURE BOARD MEETINGS** –Tuesday, February 22, 2011 at 9:30 AM.

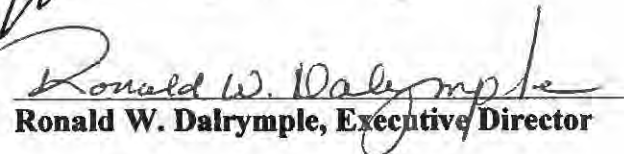
17. **FUTURE AGENDA ITEMS** –

(1) Continuing Education – To be discussed at the February, 22, 2011, Board Meeting.

18. **ADJOURNMENT** – Meeting adjourned at 11:15 AM.

ARIZONA STATE BOARD OF TECHNICAL REGISTRATION


Howell Lewis Shay, Chairman


Ronald W. Dalrymple, Executive Director

**MINUTES OF THE
ARIZONA BOARD OF TECHNICAL REGISTRATION**

February 22, 2011

9:30 AM

OPEN SESSION

1. **CALL TO ORDER** – The meeting of the Board of Technical Registration was called to order at 9:30 AM by Chairman Howell “Chip” Shay.
2. **ROLL CALL** – Board Members in Attendance, Harold “Hal” Epperson, Dr. Susan Schaefer Kliman, David Komm, Howell “Chip” Shay, Erick Weiland, John Willett, Robert Stanley LeRoy Brady, and Douglas Folk Staff: Ronald Dalrymple, Melissa Cornelius, LaVern Douglas, Kathryn Fuller, Lisa Vardian, Manuel Maltos, and Patricia Sandino. Assistant Attorney General. Mona Baskin.
3. **CALL TO THE PUBLIC** – No members of the public addressed the Board.
4. **MINUTES**
 - A. Approve, Modify and /or reject the February 22, 2011 minutes. Mr. Weiland moved to adopt the February 22, 2011 minutes and motion to include a minor correction. Mr. Willett seconded, motion carried.
5. **ENFORCEMENT MATTERS**

Review, Consideration and Possible Vote on the following:

 - A. Proposed Dismissals
 1. M10-040, Kenneth M. Cawthorne, P.E. (Mechanical) #25036 – Dr. Susan Schaefer Kliman and Mr. Folk recused themselves citing a Conflict of Interest. Mr. Komm moved to dismiss the case. Mr. Weiland seconded. After discussion, motion carried.
 2. M10-074, George James Geiser, P.E. (Civil) #14723 – Mr. David B. Schulz addressed the Board and regarding his complaint. Mr. Folk recused himself citing a Conflict of Interest. Mr. Willett, moved to dismiss the case. Mr. Stanley seconded. After discussion, motion carried.
6. **HOME INSPECTOR ENFORCEMENT MATTERS**

Review, Consideration, and Possible Vote on the following:

 - A. Home Inspector Rules and Standards Committee Appointment

1. Randy West, CHI #38450 – Mr. Stanley moved to re-appoint Mr. West to the Home Inspector Rules and Standards Committee. Mr. Komm seconded. After discussion, motion carried.

B. Proposed Letter of Concern

1. H10-028, Michael P. Goodrich, CHI #38574 – Mr. Epperson moved to issue Respondent a Letter of Concern regarding reporting deficiencies. Mr. Komm seconded. After discussion, motioned carried.
2. H111-004, Wilfred N. Miller, CHI #38450 – Mr. Epperson moved to issue Respondent a Letter of Concern regarding reporting deficiencies. Mr. Willett seconded. After discussion, motioned carried.

7. DRUG LABORATORY ENFORCEMENT MATTERS

Review, Consideration, and Possible Vote on the following:

There were no Drug Laboratory Enforcement Matters before the Board

8. LICENSING MATTERS

Review, Consideration, and Possible Vote on the following:

1. Lung, Frank Tien-Yin, Architect Application #060131 – Dr. Susan Schaefer Kliman moved to allow the Applicant to continue on his current testing cycle which expires in 2012. Furthermore she moved that if Mr. Lung hasn't passed his exams by 2012 he will need to reapply for his registration in order to take the exams again. Mr. Shay seconded. After discussion, motion carried.
2. Paul Bretz, Mining Engineer Application #100935 – Mr. Komm moved to approve Mr. Bretz's application and grant him registration. Mr. Weiland seconded. After discussion, motion carried.

9. LICENSING CONSENT AGENDA

- A. Review, Consideration, and Action on the Evaluation Committee and Staff Recommendations for the following (Lists of names available at the Board's office for public review):**

Matthew Ford, Land Surveyor, #101141 – Mr. Epperson requested to have Applicant's name removed from the 9(A)(2) because his application lacks 23 months of required experience for registration.

1. Granting professional registrations, certifications or in-training designations pursuant to A.R.S. §§ 32-122.01, 32-123;
2. Granting approval to applicants to sit for the professional or in-training examinations pursuant to A.R.S. § 32-122;

3. Granting professional registrations to those applicants possessing NCARB Blue Cover or NCEES Model Law Engineer certifications, pursuant to A.R.S. §§ 32-122.01, 32-123;
4. Administratively closing professional or in-training applications pursuant to A.R.S. §§ 32-122, 32-122.01(A); A.A.C. R4-30-204(E);

Mr. Epperson moved that the applicants listed in 9(A)(1) be granted professional registration, certification, or in-training designation; that the applicants listed in 9(A)(2) be approved to sit for the professional or in-training examinations, and be granted registration in the appropriate category upon successful completion of the exams and a staff determination of continued eligibility; that the applicants listed in 9(A)(3) be granted professional registration; and that the application files listed in 9(A)(4) be administratively closed based upon the applicants' failure to meet the Board's licensing requirements. Mr. Stanley seconded. After discussion, motion carried.

10. POLICY MATTERS

1. Mr. Folk moved to accept the Legislation and Rules Committee's proposed Substantive Policy Statement regarding land surveys conducted in subdivisions and the Arizona Boundary Survey Minimum Standards amended with the minor changes. Mr. Willett seconded. After discussion, motion was carried.
2. Mr. Komm moved to accept the Board's Draft Notice of Rulemaking and to be forwarded to the Secretary of State's Office. Dr. Susan Schaefer Kliman seconded. After discussion, motion carried.
3. Mr. Shay moved that the mandatory Continuing Education for renewals item be referred back to the Legislation and Rules Committee.

Michael Fondren, and Daniel Muth, members of the Arizona Professional Land Surveyor ("APLS") Ethics & Standards Committee, Craig Randock, Chairman for the Government Affairs Committee and Rick Bright, Chairman for Membership Development, both from the Arizona American Institute of Architects, ("AIA") addressed the Board regarding Continuing Education.

The Committee is to report back in six months with an implementation plan and a set of requirements. The Committee was charged with considering each profession independently because not all have the same requirements or are required to have continuing education. The Committee must review and compare with other states standards and requirements. Mr. Folk seconded. After discussion, motion carried.

4. Mr. Shay moved to direct staff to edit a letter he drafted on behalf of the Home Inspector Committee regarding the Home Inspector Warranty program. Mr. Folk seconded the motion. After discussion, motion was carried.

5. Mr. Shay moved to direct staff to edit a letter he drafted on behalf of the Home Inspector Committee to the Arizona Department of Real Estate and Arizona Association of Realtors regarding fee base preferred vendor programs. Mr. Stanley seconded the motion. After discussion, motion was carried.
6. The Proposal for Psychometric Services for the Arizona Land Surveying. This item is to remain on the agenda for next Board meeting.

11. REVIEW, CONSIDERATION, AND POSSIBLE VOTE ON THE FOLLOWING:

- A. Registrations that have been expired for three (3) years and recommended to be cancelled: (List of names available at the Board's office for public review.)

Mr. Epperson moved to cancel the certificates listed in 11.A. Mr. Weiland seconded, motion carried.

- B. Certifications that have been expired for one (1) year and recommended to be cancelled: (List of names available at the Board's office for public review.)

Mr. Epperson moved to cancel the certificates listed in 11.B. Mr. Weiland seconded, motion carried.

- 12. DIRECTOR'S REPORT** – Executive Director, Mr. Dalrymple reported on rule changes, legislative activities and finances.

13. BOARD CHAIR'S REPORT

Mr. Shay reported that he attended an Arizona American Institute of Architects ("AIA") staff meeting regarding the intern development program. The following were discussed; 1) Misunderstanding on the current policies and rules and planned clarifications. 2) Presently there is a lot of interest with people becoming architects and becoming registered. 3) Mr. Shay encouraged the other professions to reach out to people interested in their professions and help them understand what is required for registration.

14. STANDING COMMITTEE REPORT

1. Legislation and Rules Committee ("L&R") – Dr. Schaefer Kliman attended the L&R Committee meeting on February 3, 2011 and reported discussing items:
 - a. The Minimum Boundary Standards: The Arizona Professional Land Surveyor ("APLS") requested that the Committee send the issue back to them with comments so that they can re-work their proposal and then come back to the Board with a revised proposal. Representatives from APLS outlined some of their issues, and asked the Board to draft an Intern Substantive Policy Statement.

Mr. Lane submitted a draft policy based on the concept of practicing at the same time/same place, which he proposed to the Committee, would provide a practical answer to the issues currently facing the Board and Surveyors and to protect the public. The Committee voted to send the Substantive Policy Statement to the Board for consideration.

- b. Legislation and Rules Committee discussed whether to amend to the A.A.C. R 4-30-208 (A)(2)(e), to grant applicants who work full-time in a field related to the registration they wish to obtain and attend school full-time during the same 12 month period with more credit toward registration.

Committee members discussed whether the rule was penalizing hard working individuals, who are going to school and working at the same time, and considered whether a change in the rule would make it harder for applicants to get licensed in other jurisdictions if they received their license in Arizona. Some jurisdictions don't allow early access to exams (engineers for example). The Committee took no action and agreed to leave this item on the agenda for further discussion at the next meeting.

- c. Continuing Education: Committee members had a lengthy discussion regarding continuing education. The land surveyors approached the Committee and requested that the Board implement mandatory continuing education for renewal of a license. As a group, they are concerned about some of what is happening in practice, and want to ensure that their licensed professionals maintain competency.
- d. Discussion regarding the statute requiring payment to sub-consultants within 7 days. Committee members agreed that a change to the current statute is not necessary. The current statute exists to protect the public welfare, and it works well with the State's lien laws. There is a provision in the statute that allows for a contract to govern and provide for alternative time frames.
- e. Discussion about whether a second professional on project should be required to provide notice to the preceding professional and obtain authorization to use pre-existing sealed plans, and if so, under what circumstances. Committee members agreed that is probably a matter of educating professionals and jurisdictions, as the right to use documents is usually contractual. A second registrant must ensure that any changes to the plans are adequately noted so that it is clear who prepared what part of the work.

2. Budget Committee

Mr. Dalrymple reported currently the BTR budget is in good standing, especially when BTR goes into the 3rd quarter of FY 2011. BTR revenue is able to support our appropriation. There are some evidences that our renewals have declined, due to the economy.

- 3. Home Inspector Rules and Standards Committee ("HIRSC") – Mr. Shay reported he attended the HIRSC in February 2011 and the following items were discussed.
 - a. The Committee reported on the Pool & Spa Standards for Arizona and reviewed the standards adopted by the American Society of Home Inspectors ("ASHI"). This has now become a

problem. The proposed standards do follow the guidelines set out by Arizona, ASHI; they do not provide proper standards for inspection. Neither Arizona ASHI nor Arizona HIRSC is in a position to unilaterally publish its own standards. The Committee has approached the American Association of Pool and Spa Professionals (“AAPSP”) who indicated they would be willing to adopt a national standard, but they need help with it as they are primarily a manufacturing and maintenance trade association. This is a work in process.

- b. The Committee reviewed and accepted the letter from the HIRSC Chair, Peter Leeds regarding home inspection warranty programs offered by the alarm and security companies. They requested it be referred to the Board of Technical Registration for adoption and publication. They discussed the status of correspondence to the real estate community regarding preferred vendor programs. They discussed the status of notice restricting home inspectors from receiving commission or compensation from referrals or finder’s fees for termite inspections.
- c. The Committee discussed the seat open for a home inspector that is a resident of a county with a population of four hundred thousand persons or less. Randy West’s term expired December 18, 2010. The Committee recommended Mr. West be reappointed.
- 4. Environmental Remediation Rules and Standards Committee (“ERRS”) – Mr. Weiland reported he attended the ERRS Committee meeting on January 25, 2011. The primary reason for the meeting was to review the rules and prepare them for rulemaking.

15. BOARD MEMBER REPORTS ON OUTSIDE ACTIVITIES

- 1. National Council of Examiners for Engineering and Surveying (“NCEES”) Mr. Komm reported there will be computerized testing for the PE and the FE. The testing will probably be available in the fall of 2013 or the spring of 2014. An examinee will go into a room and sit in front of a computer. The price for the FE will be \$300.00. The NCEES Western Regional Conference meeting will be in May 2011. One item that will be discussed is Canadian Reciprocity. Also in April 2011, nationwide there will be 43,000 people taking the professional engineer exams. The count of applicants has increased by 1%.

Mr. Willett will be going to the National Council of Examiners for Engineering and Surveying (“NCEES”) 2011 Western Zone meeting on May 26 through 28th, 2011, in Spokane, Washington.

- 2. National Council of Architectural Registration Boards (“NCARB”).

Dr. Schaefer Kliman and Melissa Cornelius will be attending the Western Regional Meeting of the National Council of Architectural Registration Boards - Regions One, Four and Six on March 24 through 26th, 2011 in Cleveland, Ohio.

- 3. Council of Landscape Architectural Registration Boards (“CLARB”). Melissa Cornelius and LeRoy Brady will be attending the Council Landscape Architectural Registration Board meeting on February 24 through 26th, 2011 in Denver, Colorado.

4. National Association of State Boards of Geology ("ASBOG") – Mr. Weiland Association of State Boards of Geology: Mr. Weiland reported that he is currently working with ASBOG, the Canadian Council of Professional Geoscientists, and the Association of Professional Engineers and Geoscientists of New Brunswick (APEGNB) on the issue of Canadian reciprocity. A copy of the agreement signed with Texas was presented to the BTR. He is working on a set of questions that will assist with understanding the issues associated with reciprocity between the various Provinces and States.

A big push is on to develop Ethics questions for the ASBOG test. Mr. Weiland is working on a set of these that will be evaluated and included (if appropriate) at the next ASBOG test review session in the beginning of April.

Mr. Weiland reported that there are more States considering dropping geology as a professional registration, mostly due to administrative costs associated with those programs having a single profession (Geology) Board. The most recent State to consider this move is Texas (which is a bit of a surprise due to the long history of registration). This could lead to more geologist being required to register as Engineers rather than Geologists. Arizona is seeing an increase in the number of geology registrations from registrants in California wanting to become registered in Arizona due to moving geologists under the Engineering Board in that State.

Of concern to Mr. Weiland is that as States drop geology as a registered profession, they will no longer be considered a professional and engineers will again be placed in the situation where they will have to sign off on geological issues without the necessary education and experience thus increasing risk to the Public Health and Welfare in these States.

Mr. Weiland will be attending the ASBOG Subject Matter Expert (SME) workshop on April 1 and 2nd, 2011 in San Diego, CA.

5. Public Member New/Information – Nothing new to report

16. **FUTURE BOARD MEETINGS** –Tuesday, March 22, 2011 at 9:30 AM.

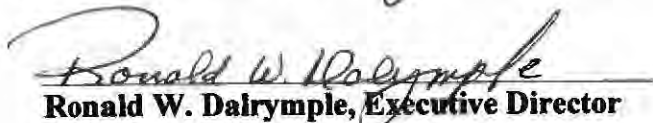
17. **FUTURE AGENDA ITEMS** –

Board to review the Board of Technical Registration Renewal form

18. **ADJOURNMENT** – Meeting adjourned at 11:15 AM.

ARIZONA STATE BOARD OF TECHNICAL REGISTRATION


Howell Lewis Shay, Chairman


Ronald W. Dalrymple, Executive Director

**MINUTES OF THE
ARIZONA BOARD OF TECHNICAL REGISTRATION**

April 26, 2011

9:30 AM

OPEN SESSION

1. **CALL TO ORDER** – The meeting of the Board of Technical Registration was called to order at 9:30 AM by Chairman Howell “Chip” Shay.
2. **ROLL CALL** – Board Members in Attendance: Harold “Hal” Epperson, Susan Schaefer Kliman, Howell “Chip” Shay, Erick Weiland, John Willett, Robert Stanley and LeRoy Brady. Arrived late: Douglas Folk Absent: David Komm. Staff: Ronald Dalrymple, Melissa Cornelius, LaVern Douglas, Kathryn Fuller, Lisa Vardian, Manuel Maltos, and Patricia Sandino. Assistant Attorney General: Mona Baskin
3. **CALL TO THE PUBLIC** - No members of the public addressed the Board.

4. **MINUTES**

A. Approve, modify and /or reject the March 22, 2011 minutes. Susan Schaefer Kliman moved to adopt the March 22, 2011 minutes. Mr. Epperson requested minor corrections. Mr. Shay amended the motion to include minor corrections. Mr. Epperson seconded, motion was carried.

5. **ENFORCEMENT MATTERS**

Review, Consideration and Possible Vote on the following:

A. Proposed Letters of Concern

1. M11-025, Jimmy W. Springer, Land Surveyor #34399 – Mr. Epperson, moved to issue a Letter of Concern to the Respondent for not recording the survey within the required time frame. Dr. Schaefer Kliman moved seconded. After discussion, motion carried.

B. Proposed Consent Agreements

1. M09-135, Carlton H. Wise, P.E. (Mechanical) #28591 – Mr. Willett, moved to accept Respondent’s signed Consent Agreement encompassing the following order: Letter of Reprimand; and Cost of Investigation; Respondent shall pay the cost of investigation in the amount of \$370.00. Mr. Epperson seconded. After discussion, motion carried.
2. M10-055, Architectural Design Group Inc. Dr. Schaefer Kliman, moved to accept Respondent’s signed Consent Agreement encompassing the following order: Letter of Reprimand; and Cost of Investigation; Respondent shall pay the cost of investigation in the amount of \$190.00. Mr. Weiland seconded. After discussion, motion carried.

C. Discussion and Consideration

1. 011F-M10045-BTR / M10-045, Thomas H. Trimble, P.E. (Civil) #15620 & Land Surveyor 15343 – The State moved to Deem Allegations Admitted: After motion by Weiland, and discussion, the Board voted to (1) Deem the allegations admitted in the complaint, dated February 9, 2011 against the Respondent (2) Adopt the Findings of Fact and Conclusion of Law. Mr. Epperson seconded the motion. Motion carried.

Mr. Shay motioned to revoke Mr. Trimble's Civil Engineer and Land Surveyor license Mr. Stanley seconded. Motion carried.

6. HOME INSPECTOR ENFORCEMENT MATTERS

Review, Consideration, and Possible Vote on the following:

A. Proposed Letters of Concern

1. HI11-005, Robert J. Jeglum, Home Inspector #42690 – Mr. Epperson moved to issue Respondent a Letter of Concern regarding reporting deficiencies. Dr. Schaefer Kliman seconded the motion. After discussion, motion carried.

B. Enforcement Advisory Candidate

1. Gary T. Heller, Home Inspector #43145 – Mr. Willett moved to appoint Mr. Heller as an Enforcement Advisory Committee member. Mr. Stanley seconded the motion. After discussion, motion carried.

7. DRUG LABORATORY ENFORCEMENT MATTERS

Review, Consideration, and Possible Vote on the following:

There were no Drug Laboratory Enforcement Matters before the Board.

8. LICENSING MATTERS

Review, Consideration, and Possible Vote on the following: Review, Consideration, and Possible Action on the following:

1. Conto, John, Architect Application #070787 – Mr. Conto addressed the Board telephonically. Dr. Schaefer Kliman moved to deny the Applicant an extension to take and pass the ARE. Mr. Weiland seconded. After discussion, motion carried.
2. Riedel, William, Jr., Architect Application #110164 – Dr. Schaefer Kliman moved to approve Mr. Riedel 's application and grant him registration once he has completed the IDP. Mr. Weiland seconded. After discussion, motion carried.
3. Arp-Romero, Adam, Civil Engineering Application #090446 – Mr. Romero was present and addressed the Board. Mr. Willett moved to approve Mr. Romero's application and grant him registration. Mr. Stanley seconded. After discussion, motion carried.
4. Breazeale, Lloyd, EIT Application #110047– Mr. Breazeale was present and addressed the Board. Mr. Willett moved to approve Mr. Breazeale to take the Engineering In-

Training exam and grant him the designation. Mr. Stanley seconded. After discussion, motion carried.

5. Hamilton, Mark, Civil Engineering Application #110084 – Mr. Hamilton was present and addressed the Board. Mr. Willett moved to approve Mr. Hamilton's application and grant him registration. Mr. Stanley seconded. After discussion, motion carried.
6. Jacobson, Michael, Assayer Application #110129 – Mr. Jacobson was present and addressed the Board. Mr. Weiland moved to approve for Mr. Jacobson to take the Assayer's Examination, and after successfully passing it, grant him registration. Dr. Schaefer Kliman seconded. After discussion, motion carried.
7. Laity, George, Electrical Engineering Application #110280 – Mr. Laity was present and addressed the Board. Mr. Stanley moved to approve Mr. Laity's application and grant him registration. Mr. Epperson seconded. After discussion, motion carried.
8. Parpart, David, Electrical Engineering Application #110046 – Mr. Parpart addressed the Board telephonically. Mr. Willett moved to approve Mr. Parpart's application and grant him registration. Mr. Stanley seconded. After discussion, motion carried.
9. Schnorbus, Myles, EIT Application #110054 – After discussion the Board moved to defer this case to another Board meeting. The Board took no action on this item.

9. LICENSING CONSENT AGENDA

Review, Consideration, and Action on the Evaluation Committee and Staff Recommendations for the following (Lists of names available at the Board's office for public review):

Sanchez Trejo, Tanya, Architect Application #091563 – Ms. Cornelius requested replace Applicant's AIT file #050338 with the Architect Application #091563 currently on the list so that the Board would close the AIT file.

1. Granting professional registrations, certifications or in-training designations pursuant to A.R.S. §§ 32-122.01, 32-123;
2. Granting approval to applicants to sit for the professional or in-training examinations pursuant to A.R.S. § 32-122;
3. Granting professional registrations to those applicants possessing NCARB Blue Cover or NCEES Model Law Engineer certifications, pursuant to A.R.S. §§ 32-122.01, 32-123;
4. Administratively closing professional or in-training applications pursuant to A.R.S. §§ 32-122, 32-122.01(A); A.A.C. R4-30-204(E);

Mr. Epperson moved that the applicants listed in 9(A)(1) be granted professional registration, certification, or in-training designation; that the applicants listed in 9(A)(2) be approved to sit for the professional or in-training examinations, and be granted registration in the appropriate category upon successful completion of the exams and a staff determination of continued eligibility; that the applicants listed in 9(A)(3) be granted professional registration; and that the application files listed in 9(A)(4) be

administratively closed based upon the applicants' failure to meet the Board's licensing requirements. Dr. Schaefer Kliman seconded. After discussion, motion carried.

10. POLICY MATTERS

1. Mandating Continuing Education for all professional registrants. Dr. Schaefer Kliman reported she attended the L&R Committee meeting on April 21, 2011. The Committee felt it was beneficial to share with the Board background information. Mr. Brady provided the Nevada State Board of Landscape Architecture proposed Continuing Education Information Packet. Dr. Schaefer Kliman provided the National Council of Architectural Registration (NCARB) Draft of the Resolutions to be acted upon at the June 2011 Annual Meeting and Conference.

11. Review, Consideration, and Possible Vote on the following:

Obeid, Khaled, Structural Engineer, Applicant #37163 – Ms. Cornelius requested that the Board remove him from the list to be cancelled. The Registrant paid all fees. Mr. Epperson moved to remove Registrant from the 11.A list. Mr. Stanley seconded. After discussion, motion carried.

- A. Registrations that have been expired for three (3) years and recommended to be cancelled: (List of names available at the Board's office for public review.) Mr. Epperson moved to cancel the certificates listed in 11.A. Mr. Stanley seconded. After discussion, motion carried.
- B. Certifications that have been expired for one (1) year and recommended to be cancelled: (List of names available at the Board's office for public review.) Mr. Epperson moved to cancel the certificates listed in 11.B. Mr. Stanley seconded. After discussion, motion carried.

12. **DIRECTOR'S REPORT** – Executive Director, Mr. Dalrymple updated the Board on the final status on the four Bills that were introduced during this legislative session.

13. BOARD CHAIR'S REPORT –

Mr. Shay reported that he is currently serving as an Advisory Committee member at the Technical Education Professional Advisory Conference for the Architectural and Structural Advisory Committee at Mesa Community College. The Committee is concerned about the curriculum, degree plans and registration. The Committee questioned whether a Community College degree curriculum is equivalent to transfer into a four-year degree and whether the Board will accept a community college degree as an equivalent in education.

Mr. Shay encouraged the board members to serve on these types of committees, as a Special Advisor and/or as an actual faculty member.

14. STANDING COMMITTEE REPORT

- A. Legislation and Rules Committee ("L&R") – Dr. Susan Schaefer Kliman reported on the following items discussed at the L&R Committee on April 21, 2011.

The Committee discussed whether to amend A.A.C.R 4-30-208(A) (2) (e) to grant applicants who work fulltime in a field related to the registration they wish to obtain and attend school full-time during the same 12 month period with more credit toward registration. Staff is to provide a statistical report that shows how many applicants are currently being affected by this and what types of problems they encounter.

The Committee had a lengthy discussion on Continuing Education. Representatives from APLS and AIA provided background information. The Committee will be conducting a survey which will be mailed out to various professional organizations, such as Arizona Chapter, American Institute of Architects ("AIA"), Arizona Society of Civil Engineers ("AzSCE"), Arizona Society of Professional Engineers ("ASPE"), Arizona Chapter, American Institute of Professional Geologists ("AIPG"), Arizona Professional Land Surveyors ("APLS"), Arizona Chapter, American Society of Landscape Architects ("ASLA"), Structural Engineers Association of Arizona ("SEAOA") and the National Association of State Boards Of Geology ("ASBOG") to determine interest and desired requirements among the professions. This process is to acquire a sense of what the requirements are across the country in the different professions. The Committee is expected to get the surveys back by early June. The next Committee meeting is June 14, 2011. The Committee plans to engage each profession in this discussion and take care of all the concerns for each profession the Board regulates.

The Committee discussed electronic signatures and seals, Rule A.A.C. 4-30-304(G). The Committee received a question from a registrant who was concerned about what the rule requires does and what the technology allows registrants to do. After some discussion, the Committee agreed that staff should work with the Attorney's Office to develop a "*Most frequently asked questions*" document.

- B. Budget Committee – Mr. Dalrymple provided a budget report.
- C. Home Inspector Rules and Standards Committee – Mr. Shay reported on the following items that were discussed at the Home Inspector Committee meeting:

The Committee discussed Pool & Spa rules for Arizona: The national standards proposed by the American Society of Home Inspectors are inadequate and they are not predisposed to re-write them. It appears that neither Arizona Society Home Inspectors ("ASHI"), nor Arizona Home Inspector Rules and Standards ("HIRSC") is in a position to unilaterally publish its own standards. The Committee is working with the American Association of Pool and Spa Professionals (AAPS) to write a national standard which the BTR could adopt.

The Committee expressed its appreciation for the Board Technical Registration's support in communicating the Committee's concerns to the real of estate department and real estate professional association about the real estate community's preferred vendor programs.

The Committee continues to work on the wording of the letter from the HIRS Chair, Peter Leeds regarding the Broadview Security National Inspection Program regarding their home inspection warranty program, or a more generic letter to the home inspectors. This is still pending resolution by the staff and the committee.

The Committee discussed the status of notice restricting home inspectors from receiving commission or compensation from referrals, or finder's fees for termite inspections. It was noted, that it was not in the current newsletter and questioned if it was on the web site.

The Committee discussed the appointment of Gary T. Heller CHI # 43145 to the Enforcement Advisory Committee. After interviewing Mr. Heller the Committee recommended Mr. Heller to the Board for appointment.

- D. Environmental Remediation Rules and Standards Committee ("ERRS") – Mr. Weiland advised there was nothing new to report.

15. BOARD MEMBER REPORTS ON OUTSIDE ACTIVITIES

- A. National Council of Examiners for Engineering and Surveying ("NCEES") – There was nothing new to report.
- B. National Council of Architectural Registration Boards ("NCARB") – Dr. Susan Schaefer Kliman reported she and Ms. Cornelius attended the Western Council Architectural Registration Board ("WCARB") meeting in Cleveland, OH. The items that were discussed were Continuing Education; NCARB announced they have a new Executive Director who will be introduced at the annual meeting in June. Also due to her service on the Executive Committee, Dr. Susan Schaefer Kliman was elected as the Western Council Architectural Registration Board Chair.
- C. Council of Landscape Architectural Registration Boards ("CLARB") – Mr. Brady reported that on April 28, 2011, he will be going to the University of Arizona and talk to the students regarding registration.
- D. National Association of State Boards of Geology ("ASBOG") – Mr. Weiland reported he attended the April 2011 Council of Examiners (COE) meeting of ASBOG held in San Diego, CA. Approximately 50 State Representatives and Subject Matter Experts (SME's) were in attendance. Sad news came just prior to the meeting in that Steve Warner passed away from a heart attack. Jack Warner lead the sessions with help from long term ASBOG participants and a moment of silence was held in honor of Steve each of the mornings. The number of tests administered continues to decline, but at a slower pace. The percentage of passing scores remains approximately the same as it has been for many years, a testament to the stability of the test and value of the test development process. During the meeting, several individuals expressed great appreciation for everything that the Arizona Board did in the early years to provide key assistance to ASBOG making it possible to form and be successful. It was especially noted that Mr. Dalrymple provide critical help in many forms during those first years and that ASBOG owes him a great deal of gratitude for his help.

E. Public Member News/Information – Mr. Folk advised there was nothing new to report.

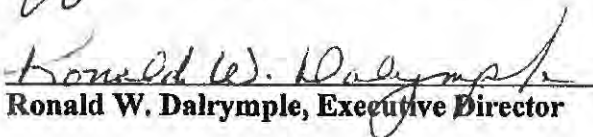
16. **FUTURE BOARD MEETINGS** –Tuesday, May 24, 2011 at 9:30 AM.

17. **FUTURE AGENDA ITEMS** –None at this time.

18. **ADJOURNMENT**–Meeting adjourned at 11:07 AM.

ARIZONA STATE BOARD OF TECHNICAL REGISTRATION


Howell Lewis Shay, Chairman


Ronald W. Dalrymple, Executive Director

**MINUTES OF THE
ARIZONA BOARD OF TECHNICAL REGISTRATION**

May 24, 2011

9:30 AM

OPEN SESSION

1. **CALL TO ORDER** – The meeting of the Board of Technical Registration was called to order at 9:30 AM by Chairman Howell “Chip” Shay.
2. **ROLL CALL** – Board Members in Attendance: Harold “Hal” Epperson, Susan Schaefer Kliman, Howell “Chip” Shay, Erick Weiland, John Willett, and Douglas Folk. Absent: David Komm, Robert Stanley, and LeRoy Brady. Mr. Willett excused himself at 11:52 a.m. Staff: Ronald Dalrymple, Melissa Cornelius, LaVern Douglas, Kathryn Fuller, Lisa Vardian, Manuel Maltos, and Patricia Sandino. Assistant Attorney General: Mona Baskin
3. **CALL TO THE PUBLIC** - No members of the public addressed the Board.
4. **MINUTES**
 - A. Approve, modify and /or reject the April 26, 2011, minutes. Mr. Shay moved to adopt the April 26, 2011 minutes. Dr. Schaefer Kliman and Mr. Shay requested minor corrections. Mr. Shay amended the motion to include minor corrections. Mr. Epperson seconded, motion carried.
5. **ENFORCEMENT MATTERS**

Review, Consideration and Possible Vote on the following:

 - A. Proposed Letters of Concern
 1. M10-109, Jeffrey L. Andrews, Land Surveyor #12213 – Mr. Folk recused himself citing a conflict of interest. Mr. Andrews was present and addressed the Board. Mr. Epperson moved to issue a Letter of Concern to the Respondent for not providing adequate supervision and review of his nonregistrant employees’ work as it relates to an error made in setting the property pins on the west line of the property surveyed. Mr. Willett seconded. After discussion, motion carried.
 - B. Proposed Consent Agreements
 1. M11-026, Winton Architects, Inc. – Mr. Folk recused himself citing a conflict of interest. Dr. Schaefer Kliman moved to accept Respondent’s signed Consent Agreement encompassing the following Order: Letter of Reprimand; and Cost of Investigation: Respondent shall pay the cost of investigation in the amount of \$210.00. Mr. Willett seconded. After discussion, motion carried.

C. Peer Review Candidates

1. M09-116, Peter K. Takach, P.E. (Civil) #44085 – Mr. Willett moved to accept Respondent's peer review candidates to review Respondent's next (3) structural projects. Mr. Weiland seconded. After discussion, motion carried.

D. Review Discussion and Possible Action on Respondent's Offer of Settlement

- 1a. M09-038, Castro Engineering, Frank G. Castro, P.E. (Civil) #15685
- 1b. M09-042, Castro Engineering, Frank G. Castro, P.E. (Civil) #15685
- 1c. M09-053, Castro Engineering, Frank G. Castro, P.E. (Civil) #15685
- 1d. M09-097, Castro Engineering, Frank G. Castro, P.E. (Civil) #15685
- 1e. M09-130, Castro Engineering, Frank G. Castro, P.E. (Civil) #15685

Mr. Folk recused himself citing a conflict of interest. Mr. Castro addressed the Board telephonically. Mr. Epperson moved to proceed with the Administrative Hearing scheduled for June 8, 2011. Mr. Weiland seconded. After discussion, motion carried.

6. HOME INSPECTOR ENFORCEMENT MATTERS

Review, Consideration, and Possible Vote on the following:

A. Evaluation of Applications Possible Granting of Certification:

1. Brett E. Nicholson, Home Inspector Applicant #110368 – Mr. Nicholson was present and addressed the Board. (Mr. Folk requested the Board to go into an Executive Session for legal advice. The Board went into Executive Session at 10:59 a.m. for legal advice and returned to regular session at 11:15 a.m.) Mr. Folk moved that the Applicant provide the following items to staff: letters of reference from both the employers and personal individuals from the last five years; proof of good moral character, probation report, sentencing order, criminal records and plea agreement from the Scottsdale City Court. Once documents are received and reviewed by staff, the Board will reconsider the application. Mr. Epperson seconded. After discussion, motion carried.
2. Timothy J. Carreau, Home Inspector Applicant #110417 – Mr. Carreau was present and addressed the Board. Mr. Epperson moved to grant Applicant a Home Inspector Certification. Dr. Schaefer Kliman seconded. After discussion, motion carried.
3. William S. Kunitz, CHI #41593 – Mr. Kunitz was present and addressed the Board. Mr. Epperson moved to defer this case to the next Board meeting. Staff is to investigate if Respondent had notice that his license would be cancelled. Dr. Schaefer Kliman seconded. After discussion, motion carried.

B. Proposed Consent Agreements

1. HI11-013, Paul A. Juarez, Nonregistrant – Mr. Juarez was present and addressed the Board. Mr. Epperson moved to accept Respondent's signed Consent Agreement encompassing the following Order: Assurance of Discontinuance; Civil Penalty – Pay a Civil Penalty in the amount of \$8,000.00; and Cost of Investigation: Respondent shall

pay the cost of investigation in the amount of \$300.00. Mr. Willett seconded. After discussion, motion carried.

Paul A. Juarez, Home Inspector Applicant #110517 – Mr. Epperson moved to grant Mr. Juarez a certification after the pending orders' requirements are fulfilled. Mr. Weiland seconded. After discussion, motion carried.

7. DRUG LABORATORY ENFORCEMENT MATTERS

A. Review, Consideration, and Possible Action on the following:

1. DL09-018 – Drug Laboratory Remediation and Final Report at 6101 N. 35th Drive, Phoenix, Arizona – conducted by Meth Lab Cleanup, L.L.C., #16159 – Dr. Schaefer Kliman moved to accept Respondent's signed Consent Agreement encompassing the following Order: Administrative Penalty of \$5,000.00; and Cost of Investigation: Respondent shall pay the cost of investigation in the amount of \$2,131.00. Mr. Weiland seconded. After discussion, motion carried.
2. DL10-013 – Drug Laboratory Preliminary Assessments at 6018 S. 43rd Place, Phoenix, Arizona – conducted by Meth Lab Cleanup, L.L.C., #16159 – Dr. Schaefer Kliman moved to accept Respondent's signed Consent Agreement encompassing the following Order: Administrative Penalty of \$5,000.00; and Cost of Investigation: Respondent shall pay the cost of investigation in the amount of \$2,131.00. Mr. Weiland seconded. After discussion, motion carried.

8. LICENSING MATTERS

A. Review, Consideration, and Possible Action on the following:

1. Alexander, Michael, Architect-in-Training Application #100077 – Mr. Alexander was present and addressed the Board. Dr. Schaefer Kliman moved to approve Mr. Alexander's application and grant him registration once he has completed ARE and the required experience. Mr. Epperson seconded. After discussion, motion carried.
2. Bradley, Christopher, Engineering-in-Training Application #110073 – Mr. Bradley was present and addressed the Board. Mr. Willett moved to approve Mr. Bradley's application and grant him the EIT designation. Mr. Weiland seconded. After discussion, motion carried.
3. Guerrero, Ernest, Land Surveyor Application #110054 – Mr. Guerrero was present and addressed the Board. Mr. Epperson moved to approve Mr. Guerrero's application and grant him registration once he has completed NCBES Principles and Practices of Land Surveying Exam and the Arizona State Specific Exam. Dr. Schaefer Kliman seconded. After discussion, motion carried.
4. Holman, John, Engineering-in-Training Application #110069 – Mr. Folk moved to approve Mr. Holman's application and grant him the EIT designation. Dr. Schaefer Kliman seconded. After discussion, motion carried.

5. Lloyd, Jeremiah, Engineering-in-Training Application #110086 – Mr. Lloyd addressed the Board telephonically. Mr. Willett moved to approve Mr. Lloyd and grant him the EIT designation. Mr. Weiland seconded. After discussion, motion carried.
6. Monti, Steven, Land Surveying-in-Training Application #110049 – Mr. Monti was present and addressed the Board. Mr. Epperson moved to authorize Mr. Monti to take the fundamentals of Land Surveying Exam and grant him LSIT designation after successfully passing the exam. Dr. Schaefer Kliman seconded. After discussion, motion carried.
7. Roozbahani, Mehrdad, Fire Protection Engineering Application #100602 – Mr. Weiland moved to have staff ask Mr. Roozbahani to submit a new application to change his designation to Environmental Engineer and send the new application to Mr. Komm for a final review. Mr. Epperson seconded. After discussion, motion carried.
8. Spinner, Jonathan, Architect Application #101258 – Mr. Spinner was present and addressed the Board. Mr. Shay moved to approve Mr. Spinner to take the ARE Exam and authorize him to complete the Intern Development Program. Dr. Schaefer Kliman seconded. After discussion, motion carried.
9. Talker, Christopher, Engineering-in-Training Application #110071– Mr. Willett moved to approve Mr. Talker’s application and grant him the EIT designation. Mr. Weiland seconded. After discussion, motion carried

9. LICENSING CONSENT AGENDA

Review, Consideration, and Action on the Evaluation Committee and Staff Recommendations for the following (Lists of names available at the Board’s office for public review):

Goodsell, Mark, Architect Application #110418 – Ms. Cornelius requested the Board to have applicant removed from section 3). Granting professional registrations to those applicants possessing NCARB Blue Cover or NCEES Model Law Engineer certifications, pursuant to A.R.S. §§ 32-122.01, 32-123.

1. Granting professional registrations, certifications or in-training designations pursuant to A.R.S. §§ 32-122.01, 32-123;
2. Granting approval to applicants to sit for the professional or in-training examinations pursuant to A.R.S. § 32-122;
3. Granting professional registrations to those applicants possessing NCARB Blue Cover or NCEES Model Law Engineer certifications, pursuant to A.R.S. §§ 32-122.01, 32-123;
4. Administratively closing professional or in-training applications pursuant to A.R.S. §§ 32-122, 32-122.01(A); A.A.C. R4-30-204(E);

Mr. Epperson moved that the applicants listed in 9(A)(1) be granted professional registration, certification, or in-training designation; that the applicants listed in 9(A)(2) be approved to sit for the professional or in-training examinations, and be granted registration in the appropriate category upon successful completion of the exams and a staff determination of continued eligibility; that the applicants listed in 9(A)(3) be granted

professional registration; and that the application files listed in 9(A)(4) be administratively closed based upon the applicants' failure to meet the Board's licensing requirements. Mr. Willett seconded. After discussion, motion carried.

10. POLICY MATTERS

- A. Review of American Civil Liberties Union ("ACLU") demand letter. Ms. Baskin, Assistant Attorney General, asked to defer this item to a future Board meeting, requesting time to review the American Civil Liberties Union ACLU demand letter, to determine whether R4-30-247(E) (felony bar), conflicts with A.R.S. § 13-904 (restoration of civil rights). No action was taken on this item.

11. Review, Consideration, and Possible Vote on the following:

- A. Registrations that have been expired for three (3) years and recommended to be cancelled: There were no registrations to cancel this month.
- B. Certifications that have been expired for one (1) year and recommended to be cancelled: (List of names available at the Board's office for public review.) Mr. Epperson moved to cancel the certificates listed in 11.B. Mr. Folk seconded. After discussion, motion carried.

12. DIRECTOR'S REPORT

Mr. Dalrymple, Executive Director, reported on the following items: The rule making is still on hold. The Governor's Office indicated the rules moratorium may be extended past 2012. The Governors Regulatory Review Committee ("GRRC") has made editorial changes to the Board's proposed rules. The rules will go before the Drug Lab Committee for final review before going to GRRC.

13. BOARD CHAIR'S REPORT – There was nothing new to report.

14. STANDING COMMITTEE REPORT

- A. Legislation and Rules Committee ("L&R") – Dr. Schaefer Kliman reported on the following items discussed at the L&R Committee on April 21, 2011.

The Board directed the Committee to gather information regarding continuing education and present it to the Board at the July 26, 2011, meeting.

The Committee is currently putting together a survey which will be going out to various professional organizations to acquire a sense of what the continuing education requirements are across the country in the different professions. They want to make sure that the professions that want continuing education get it versus those that don't want it. This process will take a little longer than expected to be complete.

The Committee is to determine whether the continuing education requirements are most appropriate for each discipline that the Board regulates.

- B. Budget Committee – Mr. Dalrymple provided a budget report.
- C. Home Inspector Rules and Standards Committee – Mr. Shay stated there was nothing new to report.
- D. Environmental Remediation Rules and Standards Committee (“ERRS”) – Mr. Weiland stated there was nothing new to report.

15. BOARD MEMBER REPORTS ON OUTSIDE ACTIVITIES

- A. National Council of Examiners for Engineering and Surveying (“NCEES”) – Mr. Willett was to attend the National Council of Examiners for Engineering and Surveying Conference on May 25 thru May 28, 2011, in Spokane, Washington.
- B. National Council of Architectural Registration Boards (“NCARB”) – Dr. Schaefer Kliman reported that she was asked to Chair the Intern Development Program Advisory Committee with American Institute of Architects (“AIA”), along with Procedure and Document Committee and Practice and Analysis Committee.
- C. Council of Landscape Architectural Registration Boards (“CLARB”) – There was nothing new to report.
- D. National Association of State Boards of Geology (“ASBOG”) – Mr. Weiland reported that only 8 states out of 30 members have continuing education (“CE”) requirements. The specific requirements for each of these states varies considerably are included in ASBOG’s Model Law. South Carolina began requiring CE in 1990, with the remaining states followed until 2000 when New Hampshire was the last to implement this requirement. No states have added continuing education units (“CEUs”) since 2000 and several states have considered dropping the requirement due to the cost of administration. The number of CEUs required in each state ranged from 10 per year to 32 every two years.

Costs for the program ranged considerably, with the lowest cost for a self-administered program where each registered geologist determines what qualifies as a CEU and maintains all of their own records. Several states require that a log of CEU be attached to renewal documents and these states perform audits (5% to 15% each year). Several states have placed a time limit on the period that tracks the costs associated with the CEU requirement. However, several states indicated that they have had to add staff (Delaware added 2 full time positions) to administer the requirement.

Several states have indicated that they “believe” that CEU requirements help protect the public, but each indicated that they do not have any data to support this belief. Several states indicated that they were just following the lead from the Engineering Boards when implementing the requirement and did not provide any justification for this to their legislatures. Most believe that CEU requirements help professionals stay current. Many of the formal CEU requirements reviewed go far beyond ensuring “minimum” competency for a registrant.

From a professionals' perspective staying current may provide an individual with an edge over the competition, and may increase the public protection and welfare in the process. However, having a CEU requirement for registrants has not been demonstrated to increase public protection and welfare and may add a significant burden to the Board having to administer the program. In fact, 22 of the 30 ASBOG states have determined not to include a CEU requirement in the renewal of registrations. In Arizona it is rare that a Geologist appears before the Board. Adding a CEU requirement will not change this (except that the Board will have to evaluate CEUs every year adding to the administrative workload).

ASBOG Model Law (CEU) reported the following:

- * 593 (10) to authorize the preparation and conduct of continuing education Program
- * 594 (voluntary or mandatory) participation as a condition of licensure, renewal or re-licensure.

16. **FUTURE BOARD MEETINGS** –Tuesday, June 28, 2011 at 9:30 AM.

17. **FUTURE AGENDA ITEMS** – None at this time.

18. **ADJOURNMENT**– Meeting adjourned at 12:37 P.M.

ARIZONA STATE BOARD OF TECHNICAL REGISTRATION



Howell Lewis Shay, Chairman



Ronald W. Dalrymple, Executive Director

**MINUTES OF THE
ARIZONA BOARD OF TECHNICAL REGISTRATION**

June 28, 2011

9:30 AM

OPEN SESSION

1. **CALL TO ORDER** – The meeting of the Board of Technical Registration was called to order at 9:30 AM by Chairman Howell “Chip” Shay.
2. **ROLL CALL** – Board Members in Attendance, Harold “Hal” Epperson, Dr. Susan Kliman, David Komm, Howell “Chip” Shay, Erick Weiland, John Willett, Robert Stanley and LeRoy Brady, Douglas Folk Staff: Ronald Dalrymple, Melissa Cornelius, LaVern Douglas, Kathryn Fuller, Lisa Vardian, Manuel Maltos, and Patricia Sandino. Assistant Attorney General: Mona Baskin
3. **CALL TO THE PUBLIC** - No members of the public addressed the Board.
4. **MINUTES**
Approve, modify and /or reject the May 24, 2011 minutes. - Mr. Shay moved to adopt the May 24, 2011 minutes. Dr. Schaefer Kliman seconded, Mr. Komm abstained, motion carried.
5. **ENFORCEMENT MATTERS**
Review, Consideration and Possible Vote on the following:
 - A. Proposed Dismissals
 1. M11-060 - Robert B. Winton - Architect #10632 - Mr. Folk recused himself citing conflict of interest. Dr. Schaefer Kliman made the motion to dismiss. Motion seconded by Mr. Komm. After discussion, motion carried.
 - B. Proposed Letters of Concern
 1. M10-044 - Mehrad Sadrisabet - P.E. Mechanical #18187 - Dr. Kliman and Mr. Folk recused themselves citing conflict of interest. Mr. Komm made the motion to send a Letter of Concern to Mr. Sadrisabet. Mr. Weiland seconded. After discussion, motion carried.
 - C. Proposed Letters of Concern
 1. M08-017 - George Michael Haywood - Land Surveyor #13941 - Mr. Epperson moved to accept Respondent’s signed Consent Agreement encompassing the following Order: Letter of Reprimand and Cost of Investigation: Respondent shall pay cost of investigation in the amount of \$490.00. Mr. Stanley seconded. After discussion, motion carried.

2. M08-096 - William J. Norman - Land Surveyor #16588 - Mr. Weiland moved to accept Respondent's signed Consent Agreement encompassing the following Order: Amendment of Survey: Respondent shall amend the survey and record it with the Pinal County Recorder's office; Administrative Penalty: Respondent shall pay an administrative penalty in the amount of \$1,000.00; and Cost of Investigation: Respondent shall pay cost of investigation in the amount of \$170.00. Mr. Komm seconded. After discussion, motion carried.
3. M09-045 - Brian W. Jevan - Land Surveyor #30357 - Mr. Epperson moved to accept Respondent's signed Consent Agreement encompassing the following Order: Letter of Reprimand; Cost of Investigation: Respondent shall pay cost of investigation in the amount of \$255.00. Mr. Willett seconded. After discussion, motion carried.
- 4a. M09-132 - Kenneth I. Isaacson - Land Surveyor #15928 - Mr. Epperson moved to accept Respondent's signed Consent Agreement encompassing the following Order: Letter of Reprimand; Professional Education: Respondent shall take and successfully complete a professional surveying course in Retracement Surveys and/or Boundary Law; Examination: Respondent shall take and successfully complete the three-hour Arizona State Specific Exam for Land Surveyors; Cost of Investigation: Respondent shall pay cost of investigation in the amount of \$480.00. Mr. Komm seconded. After discussion, motion carried.
- 4b. M09-103 - Kenneth I. Isaacson - Land Surveyor #15928 - Mr. Epperson moved to accept Respondent's signed Consent Agreement encompassing the following Order: Letter of Reprimand; Professional Education: Respondent shall take and successfully complete a professional surveying course in Retracement Surveys and/or Boundary Law; Examination: Respondent shall take and successfully complete the three-hour Arizona State Specific Exam for Land Surveyors; Cost of Investigation: Respondent shall pay cost of investigation in the amount of \$480.00. Mr. Komm seconded. After discussion, motion carried.
5. M09-120 - John Redell Architects – Dr. Schaefer Kliman moved to accept Respondent's signed Consent Agreement encompassing the following Order: Letter of Reprimand and Cost of Investigation: Respondent shall pay cost of investigation in the amount of \$355.00. Mr. Stanley seconded. After discussion, motion carried.
6. M10-098 - Husker Surveying, LLC - Mr. Epperson moved to accept Respondent's signed Consent Agreement encompassing the following Order: Letter of Reprimand; Civil Penalty: Respondent shall pay a civil penalty in the amount of \$2,000.00; and Cost of Investigation: Respondent shall pay cost of investigation in the amount of \$70.00. Mr. Stanley seconded. After discussion, motion carried.
7. M11-021 - Architectural Team Three William H. Hunse - Architect #10861- Dr. Schaefer Kliman moved to amend Respondent's signed Consent Agreement to encompass the following Order: Letter of Reprimand; Probation for three years; Professional Education courses in Ethics and Rulings to be completed within one year of the date of acceptance of the Consent Agreement; and Cost of Investigation: Respondent shall pay cost of investigation in the amount of \$200.00. Mr. Folk seconded. After discussion, motion carried.

8. M11-023 - Dale Wisheart - Non-Registrant - DW Engineering and Surveying - Mr. Epperson moved to accept Respondent's signed Consent Agreement encompassing the following Order: Assurance of Discontinuance: Respondent shall not offer engineering and/or land surveying services until such time as he has been granted registration by the Board or is in full compliance with the Board's statutes and rules; Civil Penalty: Respondent shall pay a civil penalty in the amount of \$750.00; and Cost of Investigation: Respondent shall pay cost of investigation in the amount of \$75.00. Mr. Weiland seconded. After discussion, motion carried.
9. M11-053 - Green and Green, Inc. – Mr. Folk recused himself citing conflict of interest. – Dr. Kliman moved to accept Respondent's signed Consent Agreement encompassing the following Order: Administrative Penalty: Respondent shall pay an administrative penalty in the amount of \$2,000.00 and Cost of Investigation: Respondent shall pay cost of investigation in the amount of \$75.00. Mr. Stanley seconded. After discussion, motion carried.
10. M10-053 - Sunland Engineering - Mr. Epperson moved to accept Respondent's signed Consent Agreement encompassing the following Order: Administrative Penalty: Respondent shall pay an administrative penalty in the amount of \$1,000.00 and Cost of Investigation: Respondent shall pay cost of investigation in the amount of \$75.00. Mr. Komm seconded. After discussion, motion carried.
11. M11-009 - The Acacia Group - Mr. Folk moved to accept Respondent's signed Consent Agreement encompassing the following Order: Letter of Reprimand and Cost of Investigation: Respondent shall pay cost of investigation in the amount of \$75.00. Mr. Brady seconded. After discussion, motion carried.
12. M09-137 - Joseph Rodriguez - Non-Registrant - Mr. Folk moved to accept Respondent's signed Consent Agreement encompassing the following Order: Assurance of Discontinuance: Respondent shall not practice, or by any implication hold himself out as qualified to practice engineering as defined by A.R.S. § 32-101(11) and (12), until such time as he has been granted registration by the Board; Civil Penalty: Respondent shall pay a civil penalty in the amount of \$500.00; and Cost of Investigation: Respondent shall pay cost of investigation in the amount of \$140.00. Mr. Komm seconded. After discussion, motion carried.

D. Review, Discussion and Consideration

M08-043 - Teodorico I. Gutierrez – Civil Engineer #17984 - Mr. Folk recused himself citing conflict of interest. Mr. Epperson made the motion to send this case to administrative hearing if Mr. Gutierrez does not timely sign the Consent Agreement. Motion was seconded by Mr. Komm. After discussion, motion carried.

6. HOME INSPECTOR ENFORCEMENT MATTERS

Review, Consideration, and Possible Vote on the following:

A. Evaluation of Applications / Requests for Possible Granting of Certification:

1. Brett E. Nicholson – Home Inspector Applicant #110368 - Mr. Nicholson was present and addressed the Board - Mr. Folk made the motion to grant certification. Mr. Willett seconded the motion. After discussion, motion carried.
2. William S. Kunitz - CHI #41593 - Mr. Kunitz was present and addressed the Board- Mr. Folk made the motion to reactivate certification upon receipt of proper paperwork. Dr. Kliman seconded the motion. After discussion, motion carried.
3. Justin R. Bratton - Home Inspector Applicant #100568 - The Board took no action on this case. Mr. Bratton will not be eligible for certification or Board review until 2014.
4. Justin M. France - Home Inspector Applicant #110475 Mr. France was present and addressed the Board. Mr. Folk made the motion to grant certification. Dr. Schaefer Kliman seconded the motion. After discussion, motion carried.
5. Steve J. Russo - Home Inspector Applicant #110483 - Mr. Folk made the motion to grant certification. Mr. Willett seconded the motion. After discussion, motion carried.
6. Joseph L. Bower - Home Inspector Applicant #110456 - Mr. Bower was present and addressed the Board - Mr. Stanley made the motion to grant certification upon receipt of registration fee. Mr. Komm seconded the motion. After discussion, motion carried.
7. Tom G. Cain - Home Inspector Applicant #110511- Mr. Cain was present and addressed the Board. Mr. Folk made the motion to grant certification. Mr. Stanley seconded the motion. After discussion, motion carried.

B. Proposed Consent Agreements

1. HI11-014 - Ms. Virendra T. Manaktala - Non-registrant - Mr. Folk moved to accept Respondent's signed Consent Agreement encompassing the following Order: Assurance of Discontinuance: Respondent shall not practice, or by any implication hold himself out as qualified to practice home inspections as defined by A.R.S. § 32-101(18) and (20), until such time as he has been granted certification by the Board; Civil Penalty: Respondent shall pay a civil penalty in the amount of \$24,000.00; and Cost of Investigation: Respondent shall pay cost of investigation in the amount of \$280.00. Mr. Weiland seconded. After discussion, motion carried.

7. DRUG LABORATORY ENFORCEMENT MATTERS

Review, Consideration, and Possible Vote on the following:

There were no Drug Laboratory Enforcement Matters before the Board

8. LICENSING MATTERS

Review, Consideration, and Possible Vote on the following: Review, Consideration, and Possible Action on the following:

1. James Farrell - Architect In Training Application #010249 - Architect Application #040980 – Mr. Farrell was present and addressed the Board. Dr. Kliman made the motion to deny an

extension to Mr. Farrel and to close his application, based upon his failure to pass the ARE timely. Mr. Stanley seconded. After discussion, motion carried.

2. Masuda Yasmin - Architect Application #050355 - Mr. Yasmin was present and addressed the Board. - Dr. Kliman moved to not grant application extension, and to close the file. If Mr. Yasmin reapplies, the Board will waive the IDP requirement. Motion was seconded by Mr. Folk. After discussion, motion carried.
3. Scott Ritchie - Civil Engineer Application #110108 - Mr. Ritchie was present and addressed the Board. - Mr. Willett recused himself citing conflict of interest. Mr. Komm moved to wait for an Arizona decision on an ongoing investigation of Mr. Ritchie. Mr. Stanley seconded the motion. After discussion, motion carried.
4. Daniel Ormand - Civil Engineer Application #110258 - Mr. Weiland moved to deny Mr. Ormand's application. Dr. Kliman seconded. Motion Failed. Mr. Folk moved to grant Mr. Ormand's Civil Engineer Application. Mr. Stanley seconded. After discussion, motion carried. (Roll call vote: Ayes, Stanley, Shay, Epperson, Brady, Folk, and Willett. Nay: Weiland, Komm, and Kliman.)
5. Myles Schnorbus - Engineer In Training Application #110054 - Mr. Schnorbus appeared telephonically and addressed the Board. Mr. Stanley moved to grant EIT designation to Mr. Schnorbus. Mr. Komm seconded. After discussion, motion carried.
6. Matthew Ward - Engineer In Training Application #110099 - Mr. Stanley made the motion to grant EIT designation to Mr. Ward. Mr. Brady seconded the motion. After discussion, motion carried.
7. Alberto Navarro - Civil Engineer Application #110399 - Mr. Navarro was present and addressed the board. - Mr. Willett made the motion to authorize Mr. Navarro to take the Fundamentals of Engineering Exam and hold registration in Arizona. Motion was seconded by Mr. Komm. After discussion, motion carried.

9. LICENSING CONSENT AGENDA

Consideration, and Action on the Evaluation Committee and Staff

Recommendations for the following (Lists of names available at the Board's office for public review):

1. Granting professional registrations, certifications or in-training designations pursuant to A.R.S. §§ 32-122.01, 32-123;
2. Granting approval to applicants to sit for the professional or in-training examinations pursuant to A.R.S. § 32-122;
3. Granting professional registrations to those applicants possessing NCARB Blue Cover or NCEES Model Law Engineer certifications, pursuant to A.R.S. §§ 32-122.01, 32-123;
4. Administratively closing professional or in-training applications pursuant to A.R.S. §§ 32-122, 32-122.01(A); A.A.C. R4-30-204(E);

Mr. Epperson moved that the applicants listed in 9(A)(1) be granted professional registration, certification, or in-training designation; that the applicants listed in 9(A)(2) be approved to sit

for the professional or in-training examinations, and be granted registration in the appropriate category upon successful completion of the exams and a staff determination of continued eligibility; that the applicants listed in 9(A)(3) be granted professional registration; and that the application files listed in 9(A)(4) be administratively closed based upon the applicants' failure to meet the Board's licensing requirements. Dr. Schaefer Kliman seconded. After discussion, motion carried.

POLICY MATTERS

Review, Consideration, and Possible Action on the following:

1. ACLU Letter: The Board took no action on this issue, having reviewed a response letter to the ACLU in the Justin Bratton case, agenda item #6 (A) (3).

11. Review, Consideration, and Possible Vote on the following:

- A. Registrations that have been expired for three (3) years and recommended to be cancelled. There were no issues for this Item.
- B. Certifications that have been expired for one (1) year and recommended to be cancelled: (List of names available at the Board's office for public review.) The Board voted to pend the one case listed to ensure that the certificate holder received notice of cancellation.

12. DIRECTOR'S REPORT

Executive Director, Mr. Dalrymple reported that rulemaking activity is still on hold and may extend past FY 2012. He further clarified HB 2102, stating that it appears to require all applicants licensees to present photo ID to the licensing board prior to registration or renewal. Mr. Dalrymple left the meeting at 1:00 pm.

13. BOARD CHAIR'S REPORT

Mr. Shay reported that 144 Member Board Members and 31 Member Board Executives met at the National Council of Architectural Registration Boards Annual Conference, Washington, D.C. from June 23 through June 25, 2011.

The product of this conference was four Resolutions:

1. Mandatory Continuing Education Modal Law establishing twelve Continuing Education Hours per year, all to be Health, Safety, and Welfare subject matter.
2. Reform Intern Development Program and Architectural Registration Exam and deleting alternative methods.
3. Increase dues from Member Boards, from \$6,000 by \$500 in 2012 and repeat each year for the following five years.
4. Allow expelled jurisdictions to be readmitted after financial obligations are resolved.

Finally, as an item of interest, AIA and Mattel have released a new Architect Barbie Doll.

14. STANDING COMMITTEE REPORT

1. Legislation and Rules Committee - Dr. Schaefer Kliman reported that the Committee split up the different disciplines to learn what the Continuing Education requirements are for each profession.

The Committee reported for Architects, that there are 46 jurisdictions that require Continuing Education ("CE"), generally with 12 credits per year. Some of these jurisdictions have different renewal dates and nuances.

At the National Council of Architectural Registration Boards ("NCARB Annual Conference") meeting, a resolution was passed to standardize 12 CE hours per year. Also, the Committee adopted the verbiage to Continuing Education Hour ("CEH") and the CE reporting is to be based on the calendar year (January 1 –December 31). A majority of the states are allowing registrants to submit an affidavit in lieu of CE certificates anytime before their renewal date. A registrant is required to self report and if audited, he/she will be responsible to provide documentation.

The Committee reported on the Geologists – Currently there are seven states that require mandatory CE, but most do not. The states with CE requirements are similar to other jurisdictions, 12 hours within a year and all requirements are basically self reporting.

The Committee reported on Engineers and Land Surveyors - The Land Surveyors have CE requirements of some kind, but the majority of the states do not require CE. States around the Arizona vicinity such as California and Colorado do not require CE. The Land Surveyors had a concern with comity between states that require it and those that do not. The Committee has confirmed that there is no issue with someone coming from a state with CE, getting comity with someone who does not. The requirement of hours varied, but the most common is (12) hour per year. For Engineers, a majority of states have CE with a reporting period of one to three years and some requirements are between 12 to 15 hours as the norm.

The Committee reported a concern with states having extremely restrictive CE requirements. An example is Kansas, requiring registrants to report courses before they are administered.

The Committee reported few states allow carry-over generally in an affidavit audit. About 1/3 of the states require CE.

The Committee discussed with legal counsel, in the event the Board decides to implement CE, whether or not they have the ability to implement different requirements for the different disciplines.

Mr. Folk commented all of the professions have very technical content which changes over time, and that one way to assure that the professions stay current with these changes is to have them provide proof that they are getting continuing education on a regular basis.

Furthermore, the significant obligation of the Board for record keeping could be kept relatively manageable by requiring that all registrants self report through certification on

application that they have the required hours, and proof could be determined through subsequent audit or in connection with a disciplinary complaint.

2. Budget Committee – The Executive Director, Ronald W. Dalrymple, provided the Board with a budget report.
3. Home Inspector Rules and Standards Committee – Mr. Shay advised there was nothing new to report.
4. Environmental Remediation Rules and Standards Committee – Mr. Weiland advised there was nothing new to report.

15. BOARD MEMBER REPORTS ON OUTSIDE ACTIVITIES

- A. National Council of Examiners for Engineering and Surveying (“NCEES”) – Mr. Komm advised there was nothing new to report.
- B. National Council of Architectural Registration Boards (“NCARB”) – Dr. Schaefer Kliman advised there was nothing new to report.
- C. Council of Landscape Architectural Registration Boards (“CLARB”) – Mr. Brady advised there was nothing new to report.
- D. National Association of State Boards of Geology (“ASBOG”) – Mr. Weiland advised there was nothing new to report. Next ASBOG meeting is in November 2011.


16. FUTURE BOARD MEETINGS –Tuesday, July 26, 2011 at 9:30 AM.

17. FUTURE AGENDA ITEMS –Renewal Form.

18. ADJOURNMENT–Meeting adjourned at 1:54 PM.

ARIZONA STATE BOARD OF TECHNICAL REGISTRATION


Howell Lewis Shay, Chairman


Ronald W. Dalrymple, Executive Director

**MINUTES OF THE
ARIZONA BOARD OF TECHNICAL REGISTRATION**

**Tuesday, July 26, 2011
9:30 AM
OPEN SESSION**

1. **CALL TO ORDER** – The meeting of the Board of Technical Registration was called to order at 9:30 a.m. by Chairman Howell “Chip” Shay.
2. **ROLL CALL** – Board Members in Attendance, Howell “Chip” Shay, David Komm, Douglas Folk, Dr. Susan Kliman, Harold “Hal” Epperson, Erick Weiland, and Robert Stanley. Absent: John Willett and Leroy Brady. Staff: Ronald Dalrymple, Melissa Cornelius, Kathryn Fuller, Lisa Vardian, Manuel Maltos, Patricia Sandino, and John Spencer. Assistant Attorney General: Mona Baskin.
3. **CALL TO THE PUBLIC** – No members of the public addressed the Board.
4. **ADOPTION OF MINUTES** – Dr. Kliman asked for a minor correction to the minutes. Mr. Shay moved to approve the June 28, 2011 minutes as corrected. Mr. Komm seconded, motion carried.
5. **ENFORCEMENT MATTERS**
Review, Consideration and Possible Vote on the following:
 - A. Proposed Letters of Concern
 1. M11-022 - Jeffrey M. Flahart - Land Surveyor #37411- Mr. Epperson moved to issue Respondent a Letter of Concern. Mr. Folk seconded. After discussion, motion carried.
 - B. Proposed Consent Agreements
 1. M10-022 - B & B Engineering – Mr. Folk moved to accept Respondent’s signed Consent Agreement encompassing the following Order: Respondent shall pay an Administrative Penalty in the amount of \$500.00 and Cost of Investigation in the amount of \$75.00. Mr. Weiland seconded. After discussion, motion carried.
 - C. Discussion and Consideration of Administrative Law Judge Decision and Order.
 - 1a. 11F-M09-038-BTR / M09-038, Castro Engineering Corp., Frank G. Castro, P.E. (Civil) #15685
 - 1b. 11F-M09-042-BTR / M09-042, Castro Engineering Corp., Frank G. Castro, P.E. (Civil) #15685

- 1c. 11F-M09-053-BTR / M09-053, Castro Engineering Corp., Frank G. Castro, P.E. (Civil) #15685
- 1d. 11F-M09-097-BTR / M09-097, Castro Engineering Corp., Frank G. Castro, P.E. (Civil) #15685
- 1e. 11F-M09-130-BTR / M09-130, Castro Engineering Corp., Frank G. Castro, P.E. (Civil) #15685

- 1. Mr. Folk recused himself, citing conflict of interest. Assistant Attorney General Mona Baskin presented the State's position and requested that the Board adopt the Order. Mr. Epperson moved to adopt the Administrative Law Judge's, (ALJ)'s recommended Findings of Fact. Dr. Kliman seconded. After discussion, motion carried.
- 2. Mr. Epperson moved to adopt the ALJ's recommended conclusions of law. Dr. Kliman seconded. After discussion motion carried.
- 3. Mr. Epperson moved to adopt the ALJ's recommended order calling for a stayed revocation and suspension of Respondent's license for a period of three years from the effective date of the order. At the end of the suspension, Registration No. 15685 shall be revoked unless Respondent provides written proof to the Board and Respondent has paid collaborating professionals in full. Or, in the event that Respondent has filed a bankruptcy action that discharged those debts, the stayed revocation shall be set aside and the registration shall be reinstated in good standing. Respondent shall keep Professional Engineer Registration No. 15685 current, including renewing the registration while it is suspended. In addition to the above provided revocations and suspensions, Respondent shall be assessed the Board's costs in these matters. Dr. Kliman seconded. After discussion, motion carried.

6. HOME INSPECTOR ENFORCEMENT MATTERS

Evaluation of Applications/Requests for Possible Granting of Certification:

- 1. Douglas K. Kerr – Home Inspector Applicant # 110525 – Mr. Kerr was present and addressed the Board. Mr. Stanley moved to grant his application for Home Inspector. Dr. Kliman seconded. After discussion, motion carried.

7. DRUG LABORATORY ENFORCEMENT MATTERS

Review, Consideration, and Possible Action on the following:

There are no issues for this Item.

8. LICENSING MATTERS

Review, Consideration, and Possible Action on the following:

- 1. Giblin, Sandra - Architect Application #110567 – Ms. Giblin addressed the Board. Mr. Folk moved to require Applicant to submit proof of her diverse work experience to Staff for review and approval prior to granting her a waiver of Intern Development Program (IDP) and moved to approve her to take the

- Architect Registration Examination (ARE). Mr. Stanley seconded. After discussion, motion carried.
2. Griffiths, Jonathan - Geologist Application #110457 – Mr. Weiland moved to authorize applicant to take the professional Geology exam. Mr. Komm seconded. After discussion, motion carried.
 3. Hostetler, Mark - Structural Engineering Application #110524 – Mr. Hostetler addressed the Board via teleconference. Mr. Stanley moved to grant him registration as a structural engineer. Mr. Komm seconded. After discussion, motion carried.
 4. Hummel, Sean - EIT Application #110116 – Mr. Hummel was present and addressed the board. Mr. Komm moved to grant the application for EIT. Mr. Folk seconded. After discussion, motion carried.
 5. Jacoby, Samuel - Civil Engineering Application #110379 – Mr. Jacoby addressed the Board via teleconference. Mr. Komm moved to grant the application for Civil Engineer. Mr. Folk seconded. After discussion, motion carried.
 6. Kay, John - Geologist Application #110497 – Mr. Kay addressed the Board via teleconference. Mr. Weiland moved to grant the application for Geologist. Mr. Stanley seconded. After discussion, motion carried.
 7. Locher, David - EIT Application #110100 – Mr. Folk moved to grant the application for EIT. Mr. Komm seconded. After discussion, motion carried.
 8. Ogborne, Robert - EIT Application #050327 – Mr. Komm moved to grant the application for EIT. Mr. Weiland seconded. After discussion, motion carried.
 9. Tack, Frederick, III - EIT Application #070132 – Mr. Tack was present and addressed the Board. Mr. Komm moved to grant the application for EIT. Mr. Weiland seconded. After discussion, motion carried.
 10. Yazzie, Cordell - EIT Application #110132 – Mr. Yazzie was present and addressed the Board. Mr. Stanley moved to grant the application for EIT. Mr. Komm seconded. After discussion, motion carried.
 11. Anderson, Sherry - Architect Application #061077 – Dr. Kliman moved to deny the Applicant's request for extension to take the ARE. Mr. Epperson seconded. Motion failed. After further discussion Mr. Folk made a new motion to give Applicant three additional months to take the exam. He also moved to require Applicant to submit additional experience to satisfy A.A.C. R4-30-214 or complete IDP. Mr. Weiland seconded. After more discussion, motion carried with five Ayes (Mr. Weiland, Mr. Folk, Mr. Stanley, Mr. Shay, Mr. Willett, and Mr. Komm) and two Nays (Dr. Kliman and Mr. Epperson).

12. Radtke, Keith - LSIT Application #110089 – Mr. Epperson moved to Rescind authorization for Mr. Radtke to test until Applicant has provided sufficient approved experience to sit for the Fundamentals of Land Surveying Exam (FLS). Mr. Komm seconded the. After discussion, motion carried.

9. LICENSING CONSENT AGENDA

Review, Consideration, and Action on the Evaluation Committee and Staff Recommendations for the following (Lists of names available at the Board's office for public review):

1. Granting professional registrations, certifications or in-training designations pursuant to A.R.S. §§ 32-122.01, 32-123;
2. Granting approval to applicants to sit for the professional or in-training examinations pursuant to A.R.S. § 32-122;
3. Granting professional registrations to those applicants possessing NCARB Blue Cover or NCEES Model Law Engineer certifications pursuant to A.R.S. § 32-122.01, and § 32-123;

Mr. Epperson moved that the applicants listed in 9.1 be granted professional registration, certification, or in-training designation; that the applicants listed in 9.2 are approved to sit for the professional or in-training examinations, and be granted registration in the appropriate category upon successful completion of the exams and a staff determination of continued eligibility; that the applicants in 9.3 be granted professional registration. Mr. Weiland seconded. After discussion, motion carried.

4. Administratively closing professional or in-training applications pursuant to A.R.S. §§ 32-122, 32-122.01(A); A.A.C. R4-30-204(E);

Dr. Kliman made the motion that applications listed in 9.4 be administratively closed due to applicants' failure to meet the requirements of the Board, with case by case exceptions. It was further moved that one such case was Mr. Jeff Dietz – Architect Application #050223 - should be granted a one year extension to take and pass all divisions of the A.R.E. Mr. Weiland seconded. After discussion, motion carried.

10. POLICY MATTERS

Review, Consideration, and Possible Action on the following:

1. Board's Registration Renewal Form – Mr. Weiland wanted to review the wording, and was satisfied with the changes.
2. Continuing Education Survey to be Included in Renewal Packets – This matter was tabled for a future meeting pending receipt of legal advice from the Attorney General's office.

3. Discussion and possible action on Colegio de Ingenieros Civiles de Sonora, A.C. request for a Memorandum (“MOU”) - The Board discussed the wisdom of agreeing to an MOU for engineers with Mexico without first consulting Governor Brewer. As a result, the Board requested that Staff investigate the Governor’s opinion of an MOU for engineers with Mexico, and bring the matter back to a later meeting for review and action.
4. Review of NCEES Exam Irregularity Response Letter and Vote to Release Exam Scores for Arizona Candidates - After much discussion, Mr. Folk moved to send a letter to NCEES, requesting the immediate release of the Arizona Candidate’s exam status as there was no evidence of wrong doing. Mr. Komm seconded. Motion carried.

11. REVIEW, CONSIDERATION, AND ACTION ON THE FOLLOWING:

- A. Registrations that have been expired for three (3) years and recommended to be cancelled: (List of names available at the Board’s office for public review.)
The Board voted to cancel all the listed registrations, removing registration # 30276, issued to Max Worthington, from the list. Mr. Worthington’s license is current.
- B. Certifications that have been expired for one (1) year and recommended to be cancelled: (List of names available at the Board’s office for public review.)
The Board voted to cancel all the licenses listed.

12. **DIRECTOR’S REPORT** – Executive Director, Mr. Ronald Dalrymple presented a written report to the Board and advised that if any of the members had any questions, he’d be available to answer them after the meeting.

13. **BOARD CHAIR’S REPORT** – Mr. Shay declined to present a Board Chair’s report.

14. STANDING COMMITTEE REPORTS

1. Legislation and Rules Committee
There was no report given.
2. Budget Committee
There was no report given
3. Home Inspector Rules and Standards Committee
The Committee will be meeting on August 3, 2011
4. Environmental Remediation Rules and Standards Committee – Mr. Weiland gave the report which included:
 - a. The Committee reviewed the revisions made by the Governor’s Regulatory

Review Council (GRRC) staff attorney. The Committee discussed additional minor grammar revision and deleted the sample testing clearance levels for ephedrine and pseudoephedrine.

- b. The Committee discussed sample testing clearance levels for ephedrine and pseudoephedrine and concluded that EPA guidelines do not consider them harmful, and recommended that they be eliminated from the Rules. There was further discussion of sample testing of lead and mercury and determined that there should not be a change to sample testing and clearance levels.

15. BOARD MEMBER REPORTS ON OUTSIDE ACTIVITIES


- 1. National Council of Examiners for Engineering and Surveying (“NCEES”) There was no report given.
- 2. National Council of Architectural Registration Boards (“NCARB”) There was no report given.
- 3. Council of Landscape Architectural Registration Boards (“CLARB”) There was no report given.
- 4. National Association of State Boards of Geology (“ASBOG”) – Mr. Weiland advised that there was nothing new to report.
- 5. Public Member News/Information There was no report given.


16. FUTURE BOARD MEETINGS – Tuesday, August 23, 2011, at 9:30 AM.

17. SUGGESTED TOPICS FOR FUTURE MEETING AGENDAS.

- A possible replacement for the Board Newsletter.
- Update on Rules Moratorium / plans for Continuing Education.

18. ADJOURNMENT – Meeting adjourned at 12:05 p.m.


Howell Lewis Shay, Chairman


Ronald W. Dalrymple, Executive Director

**MINUTES OF THE
ARIZONA BOARD OF TECHNICAL REGISTRATION**

**Tuesday, August 23, 2011 Meeting
9:30 AM
OPEN SESSION**

1. **CALL TO ORDER** – The meeting of the Board of Technical Registration was called to order at 9:30 a.m. by Chairman Howell “Chip” Shay.
2. **ROLL CALL** – Board Members in Attendance, Howell “Chip” Shay, David Komm, Douglas Folk, Dr. Susan Kliman, Harold “Hal” Epperson, John Willett, Leroy Brady, and Robert Stanley. Absent: Erick Weiland. Staff: Ronald Dalrymple, LaVern Douglas, Kathryn Fuller, Manuel Maltos, Patricia Sandino, and John Spencer. Assistant Attorney General: Mona Baskin. Absent: Melissa Cornelius.
3. **CALL TO THE PUBLIC** – No members of the public addressed the Board.
4. **ADOPTION OF MINUTES** – Mr. Folk asked for a minor correction to the minutes, and moved to approve the July 26, 2011 minutes as corrected. Dr. Kliman seconded, motion carried.
5. **ENFORCEMENT MATTERS**
Review, Consideration and Possible Vote on the following:
 - A. Proposed Dismissals
 1. M11-041 William V. Haas, P.E. (Civil) # 35247 - Mr. Folk moved to have the case reviewed by an enforcement advisory committee. Mr. Willet seconded. After discussion, motion carried.
 2. M11-059 Richard D. Fairbourn, Architect #12798 - Dr. Kliman moved to dismiss the case. Mr. Komm seconded. After discussion, motion carried.
 3. M11-068 Ronald A. Starling, P.E. (Structural) # 15563 - Mr. Folk recused himself citing conflict of interest. Mr. Stanley moved to dismiss the case. Mr. Epperson seconded. After discussion, motion carried.
 4. M09-069 Phillip Wayne Rosendahl, P.E. (Civil) #23718 - Mr. Willett moved to dismiss the case. Mr. Komm seconded. After discussion, motion carried.
6. **HOME INSPECTOR ENFORCEMENT MATTERS**
Evaluation of Applications/Requests for Possible Granting of Certification:
 - A. Evaluation of Applications / Requests for Possible Granting of Certification:
 1. Theodore D. Janssen, Applicant #110670 – Mr. Stanley moved to grant applicant certification as a home inspector. Mr. Komm seconded. After discussion, motion carried.

2. Samuel K. Parker, Applicant #110700 – Mr. Komm moved to postpone the case to a later meeting. Mr. Epperson seconded. After discussion, motion carried.
 3. Noel D. Childs, Applicant #110715 – Mr. Childs was present and addressed the Board. Mr. Stanley moved to grant Mr. Childs certification as a home inspector. Dr. Kliman seconded. After discussion, motion carried.
 4. Donald G. Porter, Applicant #110716 – Mr. Willett moved to grant Mr. Porter certification as a home inspector. Mr. Epperson seconded. After discussion, motion carried.
 5. Michael B. Finlay, Applicant #110745 – Mr. Finlay was present and addressed the Board. Mr. Folk moved to grant Mr. Finlay certification as a home inspector. Mr. Komm seconded. After discussion, motion carried.
 6. Mark A. Nelson, Applicant #110746 – Mr. Nelson was present and addressed the Board. Mr. Komm moved to grant Mr. Nelson certification as a home inspector. Mr. Folk seconded. After discussion, motion carried.
- B. Proposed Letters of Concern
1. HI11-009, Thomas J. Shuey, CHI #42487 – Mr. Shuey was present and addressed the Board. Mr. Epperson moved to issue the Respondent a Letter of Concern. Dr. Kliman seconded. After discussion, motion carried.
 2. HI11-016, Alberto L. Evans, CHI #41589 – Mr. Epperson moved to issue Respondent a Letter of Concern. Mr. Willett seconded. After discussion, Motion carried.
- C. Proposed Consent Agreements
1. HI11-003, Thomas J. Shuey, CHI #42487 – Mr. Shuey was present and addressed the board. Mr. Komm moved to accept Respondent's signed Consent Agreement encompassing the following order: an administrative penalty of \$500.00, restitution to Gary Gepner in the amount of \$ 285.00, and the cost of investigation in the amount of \$221.00 Mr. Stanley seconded. After discussion, motion carried.
 2. HI1-006, David D. Sturgeon, CHI #40109 – Mr. Epperson moved to accept Respondent's Signed Consent Agreement encompassing the following order: An Administrative Penalty of \$2,500, restitution to Rick Royston in the amount of \$250.00, and the cost of investigation in the amount of \$270.00. Mr. Komm seconded. After discussion, motion carried.
 3. HI11-018, Paul A. Bamberg, Nonregistrant – Mr. Bamberg was present and addressed the Board. Mr. Epperson moved to accept Mr. Bamberg's counter-offer encompassing the following order: pay an administrative penalty of \$2,000.00 and the cost of investigation in the amount of \$250.00. Mr.

Epperson added an amendment to include an assurance of discontinuance from providing home inspections while Respondent is in an inactive status, take and successfully complete and open book test on the Boards Statutes and Rules within 30 days passing with a 100% score. Mr. Komm seconded. After discussion, motion carried.

7. DRUG LABORATORY ENFORCEMENT MATTERS

Review, Consideration, and Possible Action on the following:

There were no issues for this Item.

8. LICENSING MATTERS

Review, Consideration, and Possible Action on the following:

1. Castro, Luis, EIT Application #110149 – Mr. Castro was present and addressed the Board. Mr. Komm moved to approve Mr. Castro's application and grant him EIT designation. Mr. Willett seconded. After discussion, motion carried.
2. Fernandez, Jesus, Architect Application #050748 – Dr. Kliman moved to deny Mr. Fernandez' request for an extension of time to take and pass all remaining divisions of the ARE and to close the file. Mr. Epperson seconded. After discussion, motion carried.
3. Fisher, Douglas, Civil Engineering Application #110561 – Mr. Fisher was present and addressed the Board. Mr. Willett moved to grant Mr. Fisher registration. Mr. Stanley seconded. After discussion, motion carried.
4. Hickson, Kristina, Architect Application #110723 – Ms. Hickson addressed the Board telephonically. Dr. Kliman moved to grant Ms. Hickson registration. Mr. Willett seconded. After discussion, motion carried.
5. Krupa, Adam, Civil Engineering Application #110560 – Mr. Krupa was present and addressed the Board. Mr. Stanley moved to grant Mr. Krupa registration. Mr. Willett seconded. After discussion, motion carried.
6. Morton, John, Architect Application #011077 – Dr. Kliman moved to grant Mr. Morton's extension to take the exams through 2013 and to waive the IDP. Mr. Epperson seconded. After discussion, motion carried.
7. Perkins, Thomas, EIT Application #110096 – Mr. Willett moved to approve Mr. Perkins' application and grant him EIT designation. Mr. Stanley seconded. After discussion, motion carried.
8. Ritchie, Scott, Civil Engineering Application #110108 – Mr. Ritchie was present and addressed the Board. Mr. Folk moved to offer Mr. Ritchie the option of either taking the NCEES PE Civil examination or withdraw his application. Mr. Epperson seconded. After discussion, motion carried.

9. Badiu, Eduard, Civil Engineering Application #110644 – Mr. Badiu addressed the Board telephonically. Mr. Willett moved to grant Mr. Badiu registration. Mr. Stanley seconded. After discussion, motion carried.
10. Goddeyne, Shawn, Civil Engineering Application #110666 – Mr. Willett moved to grant Mr. Goddeyne registration. Mr. Stanley seconded. After discussion, motion carried.
11. Maloney, Mark, Civil Engineering Application #110572 – Mr. Willett moved to grant Mr. Maloney registration. Mr. Stanley seconded. After discussion, motion carried.
12. Ramsey, Craig, Civil Engineering Application #110620 – Mr. Ramsey was present and addressed the Board. Mr. Willett moved to grant Mr. Ramsey registration. Mr. Komm seconded. After discussion, motion carried.
13. Van Der Watt, Johan, Civil Engineering Application #110665 – Mr. Van Der Watt was present and addressed the Board. Mr. Willett moved to grant Mr. Van Der Watt registration. Mr. Stanley seconded. After discussion, motion carried.
14. Tallman, David, EIT Application #110136 – Mr. Tallman was present and addressed the Board. Mr. Folk moved to approve Mr. Tallman to sit for the Fundamentals of Engineering Exam. Mr. Willett seconded. After discussion, motion carried.

9. LICENSING CONSENT AGENDA

Review, Consideration, and Action on the Evaluation Committee and Staff Recommendations for the following (Lists of names available at the Board's office for public review):

1. Granting professional registrations, certifications or in-training designations pursuant to A.R.S. §§ 32-122.01, 32-123;
2. Granting approval to applicants to sit for the professional or in-training examinations pursuant to A.R.S. § 32-122;
3. Granting professional registrations to those applicants possessing NCARB Blue Cover or NCEES Model Law Engineer certifications pursuant to A.R.S. § 32-122.01, and § 32-123;
4. Administratively closing professional or in-training applications pursuant to A.R.S. §§ 32-122, 32-122.01(A); A.A.C. R4-30-204(E);

Mr. Epperson moved that the applicants listed in 9.1 be granted professional registration, certification, or in-training designation; that the applicants listed in 9.2 be approved to sit for the professional or in-training examinations, and be granted registration in the appropriate category upon successful completion of the

exams and a staff determination of continued eligibility; that the applicants in 9.3 be granted professional registration; and that the applications listed in 9.4 be administratively closed due to applicants' failure to meet the requirements of the Board. Dr. Kliman seconded. After discussion, motion carried.

10. POLICY MATTERS

Review, Consideration, and Possible Action on the following:

1. Executive Director, Mr. Ronald Dalrymple announced plans for a possible Replacement for the Board Newsletter.
2. Ms. Mona Baskin, the Assistant Attorney General, provided the Board with legal advice regarding the FY 2012 Rules Moratorium. All rulemaking activity, including informal rulemaking, is prohibited during the moratorium unless authorized by the Governor's office.

11. REVIEW, CONSIDERATION, AND ACTION ON THE FOLLOWING:

- A. Registrations that have been expired for three (3) years and recommended to be cancelled. There were no registrations to be cancelled for this month.
- B. Certifications that have been expired for one (1) year and recommended to be cancelled. There were no registrations to be cancelled for this month.

12. **DIRECTOR'S REPORT** – Executive Director, Mr. Ronald Dalrymple presented a written report to the Board and advised that if any of the members had any questions, he would be available to answer them after the meeting.

13. BOARD CHAIR'S REPORT

There was no report given.

14. STANDING COMMITTEE REPORTS

1. Legislation and Rules Committee
The next meeting is scheduled for September 15, 2011
2. Budget Committee
There was no report given.
3. Home Inspector Rules and Standards Committee – Mr. Shay reported that The Arizona chapter of the American Society of Home Inspectors (ASHI) has adopted revisions the ASHI standards which now meet the objectives of the Home Inspector Rules and Standards Committee (HIRSC).
The committee further concluded there was no need to take action on conflicting guidance from ASHI.
4. Environmental Remediation Rules and Standards Committee

4. Environmental Remediation Rules and Standards Committee
There was no report given.

15. BOARD MEMBER REPORTS ON OUTSIDE ACTIVITIES

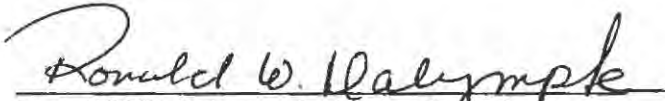
1. National Council of Examiners for Engineering and Surveying (“NCEES”)
There was no report given.
2. National Council of Architectural Registration Boards (“NCARB”)
There was no report given.
3. Council of Landscape Architectural Registration Boards (“CLARB”)
There was no report given.
4. National Association of State Boards of Geology (“ASBOG”)
There was no report given.
5. Public Member News/Information
There was no report given.

16. FUTURE BOARD MEETINGS – Tuesday, September 27, 2011, at 9:30 AM.

17. ADJOURNMENT – Meeting adjourned at 11:55 a.m.



Erick Fred Weiland, Chairman



Ronald W. Dalrymple, Executive Director

**MINUTES OF THE
ARIZONA BOARD OF TECHNICAL REGISTRATION**

**Tuesday, September 27, 2011 Meeting
9:30 AM
OPEN SESSION**

1. **CALL TO ORDER** – The meeting of the Board of Technical Registration was called to order at 9:30 a.m. by Vice Chairman Harold “Hal” Epperson.
2. **ROLL CALL** – Board Members in Attendance, Harold “Hal” Epperson, Erick F. Weiland, Douglas Folk, John Willett, LeRoy Brady, Douglas T. Whitneybell, and Jason K. Madison. Absent: Robert Stanley and Dr. Susan Kliman. Staff: Ronald Dalrymple, Melissa Cornelius, LaVern Douglas, Kathryn Fuller, Manuel Maltos, Lisa Vardian, Patricia Sandino, and John Spencer. Assistant Attorney General: Mona Baskin.
3. **CALL TO THE PUBLIC** – No members of the public addressed the Board.
4. **ADOPTION OF MINUTES** – Mr. Folk moved to approve the August, 23 2011 minutes. Mr. Willet seconded, motion carried.
5. **ENFORCEMENT MATTERS**

Review, Consideration and Possible Vote on the following:

A. Proposed Consent Agreements:

1a. M09-125, 1b. M10-036, 1c. M10-078, 1d. M10-079, and 1e. M11-028, The Durrant Group – Mr. Folk recused himself citing conflict of interest. Mr. Weiland moved to approve the signed consent agreement encompassing the following:
Suspension: Respondent’s Firm registration shall be suspended from the effective date of the order. The suspension shall be stayed during which time Respondent firm shall pay its collaborating professionals for their engineering services.
Probation: Respondent Firm shall be placed on probation until the following requirements are met:

Payment to collaborating professionals within six months from the effective date of this consent agreement, Respondent Firm shall pay its collaborating professionals for their engineering services as stated in the consent agreement. Within ten days of submitting payments to the collaborating professionals, Respondent Firm shall provide the Board with written proof that payments have been made.

If Respondent Firm fails to pay its collaborating professionals within six months from the effective date of this consent agreement and order, the Board shall lift the stay and Respondent Firm’s registration shall be suspended.

Letter of Reprimand: Cost of Investigation: Pay Cost of Investigation in the amount of \$830.00 within thirty days. Mr. Brady seconded. After discussion, motion carried.

B. Review and Discussion and Consideration

1a.M09-107, 1b.M09-108, 1c. M10-067, Finman & Associates, Laurence S. Finman P.E. (Mech) #36405 – The Board discussed the three cases on the agenda. Mr. Folk moved to consolidate all items relating to Finman & Associates, Inc. and to forward the consolidated cases to a formal administrative hearing. Mr. Weiland seconded. After discussion, motion carried.

C. Enforcement Advisory Committee Candidates

1. Ronald A. Starling, P.E. (Structural) #15563, P.E. (Civil) 15183 – Mr. Madison recused himself, citing conflict of interest. Mr. Willett moved to accept Mr. Starling's application and appoint him to the Enforcement Advisory Committee. Mr. Brady seconded. After discussion, motion passed.

2. Peter B. Lofquist, P.E. (Structural) #36418 – Mr. Madison recused himself, citing conflict of interest. Mr. Weiland moved to accept Mr. Lofquist's application and appoint him to the Enforcement Advisory Committee. Mr. Brady seconded. After discussion, motion passed.

D. Review and Consideration

1. M11-041, William V. Haas, P.E. (Civil) #35247 – Mr. Folk recused himself, citing conflict of interest. Mr. Wayne Peck (Deputy County Attorney) addressed the Board on behalf of Maricopa County, and Mr. P. K. Morrill addressed the Board on his own behalf. The Board convened an Executive Session to receive legal advice pursuant to A.R.S. 38-431.03. After receiving legal advice from the Assistant Attorney General, the Board went back into Open Session. Mr. Weiland declared that the Board had jurisdiction in this case, and then moved to rescind the Board's prior vote to refer the case to an Enforcement Advisory Committee. Mr. Brady seconded. After discussion, motion carried. Mr. Weiland moved to dismiss the case. Mr. Willett seconded. After discussion, motion carried.

6. HOME INSPECTOR MATTERS

Evaluation of Applications/Requests for Possible Granting of Certification:

1. Samuel K. Parker, Applicant #110700 – Mr. Parker was present and addressed the Board. Mr. Willett moved to grant certification as a Home Inspector to Applicant. Mr. Folk seconded. After discussion, motion carried.

7. DRUG LABORATORY ENFORCEMENT MATTERS

There were no issues for this Item.

8. LICENSING MATTERS

Review, Consideration, and Possible Action on the following:

1. Angelo, Paul, Fire Protection Engineer Application #110226 – Mr. Willett moved to grant applicant registration as Fire Protection Engineer to applicant. Mr. Folk seconded. After discussion, motion carried.
2. Hall, Joseph, Civil Engineer Application #110555 – Mr. Hall was present and addressed the Board. Mr. Willett moved to grant Mr. Hall registration as a Civil Engineer to applicant. Mr. Weiland seconded. After discussion, motion carried.
3. Mundell, Mark, EIT Application #110168 – Mr. Mundell addressed the Board telephonically. Mr. Willett moved to approve Mr. Mundell's application and grant him designation as an Engineer In Training. Mr. Brady seconded. After discussion, motion carried.
4. Parich, Michael, Architect Application #110494 – On Staff's direction, action on this application was tabled until a future meeting to allow the Applicant to submit additional materials for review.
5. Smith, Michael, Architect Application #110446, AIT Application #110095 – Mr. Smith addressed the Board telephonically. Mr. Weiland moved to authorize Mr. Smith to take the ARE and enroll in IDP. Mr. Folk seconded. After discussion, motion carried.
6. Burke, David, Electrical Engineer Application #110887 – Mr. Burke addressed the Board telephonically. Mr. Willett moved to grant Mr. Burke registration as an Electrical Engineer. Mr. Weiland seconded. After discussion, motion carried.
7. Downey, Edward, Civil Engineer Application #110877 – On Staff's direction, action on this application was tabled until a future meeting to allow the Applicant to submit additional materials for review.
8. Yurs, Bryan, EIT Application #110185 – Mr. Weiland moved to approve Mr. Yurs' application and grant him Engineer In Training designation. Mr. Folk seconded. After discussion motion carried.

9. LICENSING CONSENT AGENDA

Review, Consideration, and Action on the Evaluation Committee and Staff Recommendations for the following (Lists of names available at the Board's office for public review):

1. Granting professional registrations, certifications or in-training designations pursuant to A.R.S. §§ 32-122.01, 32-123;
2. Granting approval to applicants to sit for the professional or in-training examinations pursuant to A.R.S. § 32-122;

3. Granting professional registrations to those applicants possessing NCARB Blue Cover or NCEES Model Law Engineer certifications pursuant to A.R.S. § 32-122.01, and § 32-123;
4. Administratively closing professional or in-training applications pursuant to A.R.S. §§ 32-122, 32-122.01(A); A.A.C. R4-30-204(E);

Mr. Weiland moved to withdraw Mr. Kevin Beck's application, #091193, and Mr. Avinash Shekhar's application, # 110725, on recommendation of staff, and that the applicants listed in 9.1 be granted professional registration, certification, or in-training designation; that the applicants listed in 9.2 be approved to sit for the professional or in-training examinations, and be granted registration in the appropriate category upon successful completion of the exams and a staff determination of continued eligibility; that the applicants in 9.3 be granted professional registration; and that the applications listed in 9.4 be administratively closed due to applicants' failure to meet the requirements of the Board. Mr. Willett seconded. After discussion, motion carried.

10. POLICY MATTERS

Review, Consideration, and Possible Action on the following:

1. Election of Board Officers – Mr. Folk nominated Mr. Weiland for Chairman, Mr. Epperson for Vice Chairman, and Mr. Brady for Secretary. There were no additional nominations. Mr. Willett seconded the motion and moved to close nominations. Mr. Epperson made the call to question. A unanimous vote carried and Mr. Weiland is now Chairman, Mr. Epperson Vice Chairman, and Mr. Brady Secretary.
2. Meeting Dates – Mr. Willett moved to accept Staff's proposed 2012 meeting dates on the fourth Tuesday of each month and the third Tuesday in December. Mr. Folk seconded. After discussion, motion carried.

11. REVIEW, CONSIDERATION, AND ACTION ON THE FOLLOWING:

- A. Registrations that have been expired for three (3) years and recommended to be cancelled. There were no registrations to be cancelled for this month.
- B. Mr. Willett moved to cancel Certifications that have been expired for one (1) year. Mr. Folk seconded. After discussion, motion carried.

12. **DIRECTOR'S REPORT** – Executive Director, Mr. Ronald Dalrymple presented a written report to the Board and advised that if any of the members had any questions, he would be available to answer them after the meeting.

13. BOARD CHAIR'S REPORT

There was no report given.

14. STANDING COMMITTEE REPORTS

1. **Legislation and Rules Committee**

Mr. Folk requested that the committee review if there is a need to register geospatial professionals.

The next meeting is scheduled for January 12, 2012

2. **Budget Committee**

There was no report given.

3. **Home Inspector Rules and Standards Committee** – The Board received a written report stating that the Committee made minor changes to proposed pool and spa rules. Inspections may now be performed by current registrants and pool and spa inspections are optional. The Committee also discussed and agreed to minor wording changes on the Pool and Spa Checklist. There was discussion about the problem with realtors' preferred vendor programs and concluded the letters sent by staff were all that could be done at this time by the BTR. The Committee discussed minor wording changes to the Home Inspector Checklist regarding HVAC systems identification. Lastly, there was discussion on Continuing Education and the Committee would like to be kept informed and have input if anything happens on this subject.

Mr. Folk moved to nominate Mr. Whitneybell to fill the vacancy on the Home Inspector Rules and Standards Committee. Mr. Weiland seconded the motion and moved to close nominations. Mr. Epperson made the call to question. The nomination carried with a unanimous vote.

4. **Environmental Remediation Rules and Standards Committee**

There was no report given.

15. BOARD MEMBER REPORTS ON OUTSIDE ACTIVITIES

1. **National Council of Examiners for Engineering and Surveying (“NCEES”)**

Mr. Willett attended the national conference in Providence, RI in August, 2011 and he reported that NCEES had made some rule changes to its model law.

2. **National Council of Architectural Registration Boards (“NCARB”)**

There was no report given.

3. **Council of Landscape Architectural Registration Boards (“CLARB”)**

Mr. Brady attended the National Meeting in Chicago in September 2011 and reported that CLARB exams will be changing from hand drawn to computer assisted. CLARB also voted to standardize industry acronyms such as RLA and LLA, to an all-encompassing PLA abbreviation.

4. **National Association of State Boards of Geology (“ASBOG”)**

Mr. Weiland reported that he will be attending November 2011 ASBOG meeting

in San Antonio, TX.

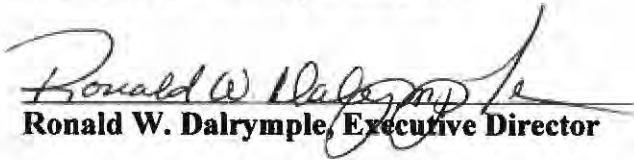
5. Public Member News/Information
There was no report given.

16. **FUTURE BOARD MEETINGS** – Tuesday, October 25, 2011, at 9:30 AM.

17. **ADJOURNMENT** – Meeting adjourned at 11:15 a.m.



Erick Fred Weiland, Chairman



Ronald W. Dalrymple, Executive Director

**MINUTES OF THE
ARIZONA BOARD OF TECHNICAL REGISTRATION**

Tuesday, October 25, 2011 Meeting

9:30 AM

OPEN SESSION

1. **CALL TO ORDER** – The meeting of the Board of Technical Registration was called to order at 9:30 a.m. by Chairman Erick F. Weiland.
2. **ROLL CALL** – Board Members in Attendance, Erick F. Weiland, Harold “Hal” Epperson, Susan Kliman, Douglas Folk, John Willett, LeRoy Brady, Douglas T. Whitneybell, and Jason K. Madison. Absent: Robert Stanley. Staff: Ronald Dalrymple, Melissa Cornelius, LaVern Douglas, Kathryn Fuller, Manuel Maltos, Lisa Vardian, Patricia Sandino, and John Spencer. Assistant Attorney General: Mona Baskin.
3. **CALL TO THE PUBLIC** – No members of the public addressed the Board.
4. **ADOPTION OF MINUTES** – Mr. Folk moved to approve the September 27, 2011 minutes. Mr. Epperson seconded, motion carried.
5. **ENFORCEMENT MATTERS**
There were no issues on the agenda for this item.
6. **HOME INSPECTOR MATTERS**
 - A. Evaluation of Applications / Requests for Possible Granting of Certification/ Consideration:
 1. Christopher R. Ledoux, Applicant #110898 – Mr. Ledoux was present and addressed the Board. Dr. Kliman moved to grant him certification as a home inspector. Mr. Brady seconded. After discussion, motion carried.
 2. Robert R. Hickerson, CHI #41528 – Mr. Hickerson was present and addressed the Board. After seeking advice from the Assistant Attorney General, Mr. Folk moved to offer Mr. Hickerson a consent agreement that placed his certificate, #41528 on probation to run concurrently with his criminal probation. Mr. Folk also requested that the consent agreement contain a provision that provided for notification to the Board of any new offenses occurring during that period. Mr. Whitneybell seconded.

- ❖ **At 0940 the Fire Alarm sounded and building was evacuated. At 0954 the Board Meeting resumed.**

After receiving advice from the Assistant Attorney General, Mona Baskin, Mr. Folk moved to amend the motion, requiring Mr. Hickerson to provide proof of completion of his probation to the Board with no further offenses. Mr. Whitneybell seconded. After discussion motion carried.

7. DRUG LABORATORY ENFORCEMENT MATTERS

There were no issues on the agenda for this Item.

8. LICENSING MATTERS

Review, Consideration, and Possible Action on the following:

1. Boardman, Erik, Civil Engineer Application #110141 – Mr. Boardman addressed the Board. Mr. Willett moved to grant Mr. Boardman registration as a Civil Engineer. Dr. Kliman seconded. After discussion, motion carried.
2. Christopher, Joseph, EIT Application #110197 – Mr. Christopher was present and addressed the Board. Mr. Epperson moved to grant Mr. Christopher designation as an Engineer In-Training. Mr. Folk seconded. After discussion, motion carried.
3. Gibeaux, Jeff, Civil Engineer Application #111026 – Mr. Gibeaux addressed the Board telephonically. Mr. Willett moved to grant Mr. Gibeaux registration as a Civil Engineer. Dr. Kliman seconded. After discussion, motion carried.
4. Hughes, Laura, Architect Application #110812 – Dr. Kliman moved to authorize Ms. Hughes to take the Architect Registration Examination and enroll in the Intern Development Program. Mr. Epperson seconded. After discussion, motion carried.
5. Scott, Sedrick, Civil Engineer Application #110848 – Mr. Scott addressed the Board telephonically. Mr. Willett moved to grant Mr. Scott a waiver of the Fundamentals of Engineering Examination and authorize him to take the Civil Engineering Principles and Practices Examination, and upon his passing the examination, grant him registration as a Civil Engineer. Dr. Kliman seconded. After discussion, motion carried.
6. Davis, Charles, Civil Engineer Application #110647 – Mr. Davis was present and addressed the Board. Mr. Willett moved to grant Mr. Davis registration as a Civil Engineer. Dr. Kliman seconded. After discussion, motion carried.

7. Julson, Benjamin, Civil Engineer Application #110794 – Mr. Julson addressed the Board telephonically. Mr. Willett moved to grant Mr. Julson registration as a Civil Engineer. Mr. Brady seconded. After discussion, motion carried.
8. Miller, Scott, EIT Application #110183 – Mr. Miller was present and addressed the Board. Mr. Willett moved to authorize applicant to take the Fundamentals of Engineering Examination and upon successfully passing, grant him designation as an Engineer in Training. Dr. Kliman seconded. After discussion motion carried.
9. Zimmerman, Dean, Civil Engineer Application #110447 – Mr. Zimmerman addressed the Board telephonically. Mr. Willett moved to grant Mr. Zimmerman registration as a Civil Engineer. Dr. Kliman seconded. After discussion, motion carried.

9. LICENSING CONSENT AGENDA

Review, Consideration, and Action on the Evaluation Committee and Staff Recommendations for the following (Lists of names available at the Board's office for public review):

1. Granting professional registrations, certifications or in-training designations pursuant to A.R.S. §§ 32-122.01, 32-123;
2. Granting approval to applicants to sit for the professional or in-training examinations pursuant to A.R.S. § 32-122;
3. Granting professional registrations to those applicants possessing NCARB Blue Cover or NCEES Model Law Engineer certifications pursuant to A.R.S. § 32-122.01, and § 32-123;
4. Administratively closing professional or in-training applications pursuant to A.R.S. §§ 32-122, 32-122.01(A); A.A.C. R4-30-204(E);

Mr. Epperson requested that Mr. Joseph Manduke # 30661 be removed from the list.

Mr. Epperson moved that the applicants listed in 9.1 be granted professional registration, certification, or In-Training designation; that the applicants listed in 9.2 be approved to sit for the professional or in-training examinations, and be granted registration in the appropriate category upon successful completion of the exams and a staff determination of continued eligibility; that the applicants in 9.3 be granted professional registration; and that the applications listed in 9.4 be administratively closed due to applicants' failure to meet the requirements of the Board. Dr. Kliman seconded. After discussion, motion carried.

10. POLICY MATTERS

There were no issues on the agenda for this item.

11. REVIEW, CONSIDERATION, AND ACTION ON THE FOLLOWING:

- A. Mr. Epperson moved to cancel registrations that have been expired for three (3) years. Dr. Kliman seconded. After discussion, motion carried.
- B. Mr. Epperson moved to cancel Certifications that have been expired for one (1) year. Dr. Kliman seconded. After discussion, motion carried.

12. DIRECTOR'S REPORT – Executive Director, Mr. Ronald Dalrymple presented a written report to the Board and advised that if any of the members had any questions, he would be available to answer them after the meeting.

13. BOARD CHAIR'S REPORT

There was no report given.

14. STANDING COMMITTEE REPORTS

- 1. Legislation and Rules Committee
There was no report given.
- 2. Budget Committee
Ron Dalrymple reported the Budget remains constant.
- 3. Home Inspector Rules and Standards Committee
Mr. Folk and Mr. Whitneybell will be attending the Rules and Standards Committee meeting on November 30, 2011.
- 4. Environmental Remediation Rules and Standards Committee
There was no report given.

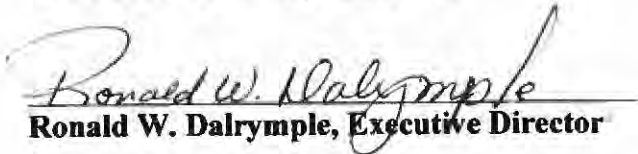
15. BOARD MEMBER REPORTS ON OUTSIDE ACTIVITIES

- 1. National Council of Examiners for Engineering and Surveying (“NCEES”)
There was no report given.
- 2. National Council of Architectural Registration Boards (“NCARB”)
Dr. Kliman will be representing the Western Region at the Regional Chairs meeting and Melissa Cornelius will be attending the Member Board Executive Workshop in Washington D.C. on November 4-5, 2011.
- 3. Council of Landscape Architectural Registration Boards (“CLARB”)
There was no report given.

4. National Association of State Boards of Geology (“ASBOG”)
There was no report given.
5. Public Member News/Information
There was no report given.
16. **FUTURE BOARD MEETINGS** – Tuesday, November 22, 2011, at 9:30 AM.
17. **Suggested topics for future meeting agendas.**
Mr. Folk asked to discuss guidelines for evaluating alcohol and drug offenses.
18. **ADJOURNMENT** – Meeting adjourned at 11:00 a.m.



Erick Fred Weiland, Chairman



Ronald W. Dalrymple, Executive Director

**MINUTES OF THE
ARIZONA BOARD OF TECHNICAL REGISTRATION**

**Tuesday, November 22, 2011 Meeting
9:30 AM
OPEN SESSION**

1. **CALL TO ORDER** – The meeting of the Board of Technical Registration was called to order at 9:30 a.m. by Chairman Erick F. Weiland.
2. **ROLL CALL** – Board Members in Attendance, Erick F. Weiland, Harold “Hal” Epperson, Susan Kliman, Douglas Folk, John Willett, LeRoy Brady, Douglas T. Whitneybell, Robert Stanley, and Jason K. Madison. Staff: Ronald Dalrymple, Melissa Cornelius, LaVern Douglas, Manuel Maltos, Lisa Vardian, Patricia Sandino, and John Spencer. Absent was Kathryn Fuller. Assistant Attorney General: Mona Baskin.
3. **CALL TO THE PUBLIC** – No members of the public addressed the Board.
4. **ADOPTION OF MINUTES** – After Dr. Kliman, Mr. Folk, and Mr. Willett requested minor corrections, Mr. Folk moved to approve the October 25, 2011 minutes. Mr. Bradley seconded, motion carried.
5. **ENFORCEMENT MATTERS**
There were no issues on the agenda for this item.
6. **HOME INSPECTOR MATTERS**
 - A. Review, Consideration, and possible vote on proposed consent agreements:
 1. Brewster F. Bray, CHI #39183 – Mr. Bray was present and addressed the Board. Mr. Folk moved to accept Respondent’s signed consent agreement encompassing the following Order: A Letter of Reprimand; Restitution to Ms. Anderson in the amount of \$166.00; An Administrative Penalty of \$1,000.00; and Costs of Investigation in the amount of \$90.00 Mr. Stanley seconded. After discussion with staff, Mr. Folk amended the motion to stipulate monthly installments of \$100.00 for a period of 10 months. Mr. Stanley seconded. After discussion, motion carried.
 2. Dwayne S. Franklin, CHI #39204 – Mr. Franklin was present and addressed the Board. Mr. Folk moved to accept Respondent’s consent agreement encompassing the following Order: An Administrative Penalty of \$1,000.00 to be paid in monthly installments of \$100.00 for a period of 10 months; and Costs of Investigation in the amount of \$93.00. Mr. Stanley seconded. After discussion, motion carried.

3. Robert R. Hickerson, CHI #41526 – Mr. Epperson made the motion to accept Mr. Hickerson’s signed Consent Agreement. Mr. Willett seconded. After discussion, motion carried.

Mr. Madison made the suggestion to have Home inspectors write the expiration date when they sign their reports to facilitate timely renewal. The L&R committee will consider this suggestion at one of its upcoming meetings.

7. DRUG LABORATORY ENFORCEMENT MATTERS

There were no issues on the agenda for this Item.

8. LICENSING MATTERS

Review, Consideration, and Possible Action on the following:

1. Reindersma, Monique, Architect Application #110612 – Mr. Madison recused himself citing conflict of interest. Dr. Kliman moved to refer the matter back to Staff, and requested more documentation of required hours. Mr. Whitneybell seconded. After discussion, motion carried.
2. Roberts, Dennis, Civil Engineer Application #110730 – Mr. Roberts was present and addressed the Board. Mr. Willett moved to grant Mr. Roberts registration as a Civil Engineer. Mr. Folk seconded. After discussion, motion carried.
3. Schwering, Mark, Civil Engineer Application #111038 – Mr. Schwering was present and addressed the Board. Mr. Stanley moved to grant Mr. Schwering registration as a Civil Engineer. Mr. Whitneybell seconded. After discussion, motion carried.
4. Seyer, Staci, Architect Application #110556 – Mr. Stanley recused himself, citing conflict of interest. Ms. Seyer was present and addressed the Board. Dr. Kliman, voicing some concern regarding future implications for the Applicant, moved to accept Ms. Seyer’s experience and exempt her from IDP, and upon her successfully passing the ARE, grant her registration as an Architect. Mr. Whitneybell seconded. After discussion, motion carried.
5. Tracy, Pamela, Civil Engineer Application #111939 – Ms. Tracy was present and addressed the Board. Mr. Willett moved to grant Ms. Tracy registration as a Civil Engineer. Mr. Stanley seconded. After discussion, motion carried.
6. Downey, Edward, Civil Engineer Application #110877 – Mr. Willett moved to grant Mr. Downey registration as a Civil Engineer. Mr. Madison seconded. After discussion, motion carried.

7. Bowers, Melissa, Mechanical Engineer Application #110839 – Ms. Bowers was present and addressed the Board. Mr. Epperson moved to reopen Ms. Bowers' application, rescind the previous action granting registration, and authorize Applicant to take the required PE examination. Mr. Willett seconded. After discussion, motion carried.
8. Korkut, Maid, Architect Application #110500 – Dr. Kliman moved to refer the application back to Staff for re-evaluation, and suggested it was the Applicant's responsibility to prove compliance with Arizona hours and rules before the Board would take action on his request for exemption from IDP. Mr. Whitneybell seconded. After discussion, motion carried.

9. LICENSING CONSENT AGENDA

Review, Consideration, and Action on the Evaluation Committee and Staff Recommendations for the following (Lists of names available at the Board's office for public review):

1. Granting professional registrations, certifications or in-training designations pursuant to A.R.S. §§ 32-122.01, 32-123;
2. Granting approval to applicants to sit for the professional or in-training examinations pursuant to A.R.S. § 32-122;
3. Granting professional registrations to those applicants possessing NCARB Blue Cover or NCEES Model Law Engineer certifications pursuant to A.R.S. § 32-122.01, and § 32-123;
4. Administratively closing professional or in-training applications pursuant to A.R.S. §§ 32-122, 32-122.01(A); A.A.C. R4-30-204(E);

Ms. Jennifer Duan, Civil Engineer Application #110951, was removed from the list.

Mr. Epperson moved that the applicants listed in 9.1 be granted professional registration, certification, or In-Training designation; that the applicants listed in 9.2 be approved to sit for the professional or in-training examinations, and be granted registration in the appropriate category upon successful completion of the exams and a staff determination of continued eligibility; that the applicants in 9.3 be granted professional registration; and that the applications listed in 9.4 be administratively closed due to applicants' failure to meet the requirements of the Board. Dr. Kliman seconded. After discussion, motion carried.

10. POLICY MATTERS

There were no issues on the agenda for this item.

11. REVIEW, CONSIDERATION, AND ACTION ON THE FOLLOWING:

- A. Registrations that have been expired for three (3) years and recommended to be cancelled.

There were no items for discussion.

- B. Certifications that have been expired for one (1) year and recommended to be cancelled.

There were no items for discussion.

12. **DIRECTOR'S REPORT** – Executive Director, Mr. Ronald Dalrymple presented a written report to the Board and advised that if any of the members had any questions, he would be available to answer them after the meeting.

13. **BOARD CHAIR'S REPORT**

Mr. Weiland presented the topic of “Good Moral Character” as it pertains to the Arizona Board of Technical Registration. He gave his opinion about why it is difficult to define “good moral character” in exact terms. He concluded that a prescriptive approach should be required and that the Board will have to evaluate applications/renewals on a case by case basis. Ultimately it is the sitting Board that defines the “mean relative to us” which must be the basis for deciding “good moral character” and if an applicant possess such qualities.

14. **STANDING COMMITTEE REPORTS**

- 1. Legislation and Rules Committee

There was no report given.

- 2. Budget Committee

Mr. Dalrymple reported the Budget remains constant.

- 3. Home Inspector Rules and Standards Committee

Mr. Folk and Mr. Whitneybell will be attending the Home Inspector Rules and Standards Committee meeting on November 30, 2011.

- 4. Environmental Remediation Rules and Standards Committee

There was no report given.

15. **BOARD MEMBER REPORTS ON OUTSIDE ACTIVITIES**

- 1. National Council of Examiners for Engineering and Surveying (“NCEES”)

There was no report given.

- 2. National Council of Architectural Registration Boards (“NCARB”)

Dr. Kliman reported on several important topics of discussion at the Regional Chairs’ meeting in Washington D.C. on November 4-5, 2011, including licensing

reciprocity, the adoption of a national standard for continuing education, how several states have embraced "Social Media", and a discussion of the concept of "Fishing." Melissa Cornelius briefly reported attending the Member Board Executive Workshop in Washington D.C. on November 4-5, 2011, and further expounded on the topic of "Fishing." describing it as the practice of soliciting work in areas beyond you own licensed parameters, but within the domain of your professional associates.

3. Council of Landscape Architectural Registration Boards ("CLARB")
There was no report given.
4. National Association of State Boards of Geology ("ASBOG")
Mr. Weiland reported that the ASBOG Council of Examiners met November 2 through 5 in San Antonio, TX. Among topics discussed were the generation of new exam questions, a slight decline in examinations administration, changes in values used to project the budget, and an ongoing request for the Canadian Securities Commission to re-consider its decision and re-instate ASBOG registered individuals as "Qualified Persons."
5. Public Member News/Information
There was no report given.

16. **FUTURE BOARD MEETINGS** – Tuesday, December 20, 2011, at 9:30 AM.

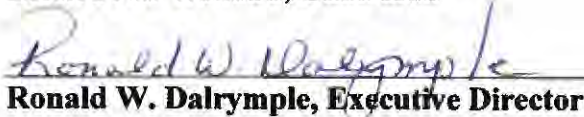
17. SUGGESTED TOPICS FOR FUTURE AGENDAS.

National Certification and how other states approach the review process was suggested. Mr. Weiland reminded the Board that there will be a Holiday luncheon following the December meeting.

18. **ADJOURNMENT** – Meeting adjourned at 11:18 a.m.



Erick Fred Weiland, Chairman



Ronald W. Dalrymple, Executive Director

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3. Council of Landscape Architectural Registration Boards ("CLARB")
There was no report given.

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5. Public Member News/Information
There was no report given.

16. **FUTURE BOARD MEETINGS** – Tuesday, December 20, 2011, at 9:30 AM.

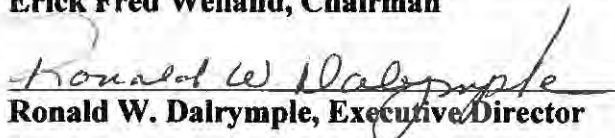
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18. **ADJOURNMENT** – Meeting adjourned at 11:18 a.m.



Erick Fred Weiland, Chairman



Ronald W. Dalrymple, Executive Director

**MINUTES OF THE
ARIZONA BOARD OF TECHNICAL REGISTRATION**

**Tuesday, December 20, 2011 Meeting
9:30 AM
OPEN SESSION**

1. **CALL TO ORDER** – The meeting of the Board of Technical Registration was called to order at 9:30 a.m. by Chairman Erick F. Weiland.
2. **ROLL CALL** – Board Members in Attendance, Erick F. Weiland, Harold “Hal” Epperson, Susan Kliman, Douglas Folk, John Willett, Robert Stanley, and Jason K. Madison. Absent were LeRoy Brady and Douglas T. Whitneybell. Staff: Ronald Dalrymple, Melissa Cornelius, LaVern Douglas, Kathryn Fuller, Manuel Maltos, Lisa Vardian, Patricia Sandino, and John Spencer. Assistant Attorney General: Mona Baskin.
3. **CALL TO THE PUBLIC** – No members of the public addressed the Board.
4. **ADOPTION OF MINUTES** – After Dr. Kliman requested a minor correction, she moved to approve the November 22, 2011 minutes. Mr. Folk seconded. Motion carried.
5. **ENFORCEMENT MATTERS**
 - A. Proposed Dismissals
 1. M10-083, Robert J. Ghan, P.E. (Mechanical) #11873 – Mr. Folk moved to send the item back to staff for further investigation. Mr. Stanley seconded. After discussion, motion carried.
 - B. Proposed Complaint Agreements
 1. M11-054, Luke Pinkerton, Nonregistrant – Mr. Willett moved to accept the Respondent’s signed Consent Agreement encompassing the following order: Assurance of Discontinuance from the practice of engineering in Arizona until Respondent has been granted registration or is in full compliance with the Board statutes and rules; pay a civil penalty in the amount of \$1,000.00; and pay the cost of investigation in the amount of \$120.00. Mr. Folk seconded. After discussion, motion carried.
 2. M11-067, Brucci Surveying, LLC – Mr. Willett moved to accept the Respondent’s signed Consent Agreement encompassing the following order: Pay an administrative penalty in the amount of \$500.00 and pay cost of investigation in the amount of \$75.00. Mr. Stanley seconded. After discussion, motion carried.

3. M09-113, Ronald O. Montgomery, Architect #41680 – Dr. Kliman moved to accept the Respondent’s signed Consent Agreement encompassing the following order: Respondent’s architectural practice shall be restricted from practicing structural engineering until he has successfully completed a professional education class in the area of structural engineering which shall be pre-approved by the Board; Peer Review for the next two projects involving structural engineering; pay an administrative penalty in the amount of \$2,000.00; and pay the cost of investigation in the amount of \$565.00. Mr. Stanley seconded. After discussion, motion carried.
4. M09-070, Arizona Surveying Consultants – Mr. Epperson moved to accept the Respondent’s signed Consent Agreement encompassing the following order: Assurance of Discontinuance from land surveying and engineering until registered by the Board or in full compliance with the Board’s Statutes and Rules; Pay a civil penalty in the amount of \$1,000.00; and pay cost of investigation in the amount of \$425.00. Mr. Willett seconded. After discussion, motion carried.

C. Review, Discussion and Consideration

- 1a. M09-085, Exclaim Design, Inc. – Dr. Kliman moved to dismiss. Mr. Epperson seconded. After discussion, motion carried.
- 1b. M09-104, Exclaim Design, Inc. – Dr. Kliman moved to dismiss. Mr. Epperson seconded. After discussion, motion carried.

6. HOME INSPECTOR MATTERS

A. Evaluation of Applications / Requests for Possible Granting of Certification:

1. Freegard, James T., Applicant #111056 - Mr. Stanley moved to grant Mr. Freegard certification as a Home Inspector. Dr. Kliman seconded. After discussion, motion carried.

7. DRUG LABORATORY ENFORCEMENT MATTERS

There were no issues on the agenda for this Item.

8. LICENSING MATTERS

Review, Consideration, and Possible Action on the following:

1. Coronado, Martin, Mechanical Engineer Application #110198 – Mr. Willett moved to authorize Mr. Coronado to take the PE-Mechanical exam. Mr. Madison seconded. After discussion, motion carried.
2. DeGlanville, Brian, Control Systems Engineer Application #110393 – Mr. Stanley moved to grant Mr. DeGlanville registration as a Control Systems Engineer. Mr. Folk seconded. After discussion, motion carried.

3. Duan, Jennifer, Civil Engineer Application #110951– Mr. Willett moved to authorize Ms. Duan to take the PE-Civil exam. Mr. Madison seconded. After discussion, motion carried.
4. Harris, Daniel, EIT Application #110178 – Mr. Harris was present and addressed the Board. Mr. Willett moved to grant Mr. Harris EIT designation. Mr. Stanley seconded. After discussion, motion carried.
5. Kerr, Iain, EIT Application #110210 – Mr. Kerr was present and addressed the Board. Mr. Stanley moved to grant Mr. Kerr EIT designation. Mr. Madison seconded. After discussion, motion carried.
6. Klann, David, Civil Engineer Application #110909 – Mr. Willett moved to grant Mr. Klann registration as a Civil Engineer. Mr. Stanley seconded. After discussion, motion carried.
7. Lu, David, Electrical Engineer Application #110545 – Mr. Willett moved to grant Mr. Lu registration as an Electrical Engineer. Mr. Folk seconded. After discussion, motion carried. Mr. Epperson cast a dissenting vote.
8. Nelson, Mark, Geologist Application #110999 – Mr. Weiland moved to grant Mr. Nelson registration as a Geologist. Mr. Folk seconded. After discussion, motion carried.
9. Osborn, Lance, Land Surveyor Application #110763 – Mr. Epperson moved to authorize Mr. Osborn to take the PLS and AZ exams. Mr. Stanley seconded. After discussion, motion carried.
10. Shaw, Edward, Civil Engineer Application #101216 – Mr. Shaw was present and addressed the Board. Mr. Willett moved to grant Mr. Shaw registration as a Civil Engineer. Mr. Folk seconded. After discussion, motion carried.

9. LICENSING CONSENT AGENDA

Review, Consideration, and Action on the Evaluation Committee and Staff Recommendations for the following (Lists of names available at the Board's office for public review):

1. Granting professional registrations, certifications or in-training designations pursuant to A.R.S. §§ 32-122.01, 32-123;
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4. Administratively closing professional or in-training applications pursuant to

A.R.S. §§ 32-122, 32-122.01(A); A.A.C. R4-30-204(E);

Mr. Epperson moved that the applicants listed in 9.1 be granted professional registration, certification, or In-Training designation; that the applicants listed in 9.2 be approved to sit for the professional or in-training examinations, and be granted registration in the appropriate category upon successful completion of the exams and a staff determination of continued eligibility; that the applicants in 9.3 be granted professional registration; and that the applications listed in 9.4 be administratively closed due to applicants' failure to meet the requirements of the Board. Dr. Kliman seconded. After discussion, motion carried.

10. POLICY MATTERS

Review, Consideration, and Possible Action on the following:

Dr. Kliman moved to adopt the amendments to the Proposed Rules and authorize staff to submit the Notice of Proposed Rulemaking to the Secretary of State. Mr. Epperson seconded. Motion carried.

11. REVIEW, CONSIDERATION, AND ACTION ON THE FOLLOWING:

- A. Registrations that have been expired for three (3) years and recommended to be cancelled.

There were no items for discussion

- B. Certifications that have been expired for one (1) year and recommended to be cancelled.

There were no items for discussion

12. **DIRECTOR'S REPORT** – Executive Director, Mr. Ronald Dalrymple presented a written report to the Board and advised that if any of the members had any questions, he would be available to answer them after the meeting.

13. BOARD CHAIR'S REPORT

There were no items for discussion.

14. STANDING COMMITTEE REPORTS

1. Legislation and Rules Committee
There was no report given.

2. Budget Committee
Mr. Dalrymple reported the Budget remains constant.

3. Home Inspector Rules and Standards Committee
Mr. Folk and Mr. Whitneybell will be attending the Home Inspector Rules and Standards Committee meeting on February 8, 2012.

1. **Environmental Remediation Rules and Standards Committee**
Mr. Weiland reported that the Committee met last week and discussed procedures and testing for addressing septic systems. A substantive policy statement was approved regarding direct supervision for sample testing, which will be forwarded to the Legislation and Rules Committee for revision and approval next month. Nominees were accepted for appointment to the committee and will be presented to the Board at the January meeting.

15. BOARD MEMBER REPORTS ON OUTSIDE ACTIVITIES

1. **National Council of Examiners for Engineering and Surveying ("NCEES")**
There was no report given.
2. **National Council of Architectural Registration Boards ("NCARB")**
The Member Board Executive/Regional Chairs meeting was held in November. The ("WCARB") Executive meeting was held in December. It was decided to fund one representative from each state within the region to the regional meeting in March.
3. **Council of Landscape Architectural Registration Boards ("CLARB")**
There was no report given.
4. **National Association of State Boards of Geology ("ASBOG")**
There was no report given.
5. **Public Member News/Information**
Mr. Folk suggested a discussion of facilitating licensing and education of returning veterans. Mr. Dalrymple stated that it was a simple matter of making it Board policy.

16. FUTURE BOARD MEETINGS

Tuesday, January 24, 2012 at 9:30 AM.

17. SUGGESTED TOPICS FOR FUTURE AGENDAS.

Mr. Willett suggested that the Board discuss a clarification of "Responsible Registrant" designation.

18. **ADJOURNMENT** – Meeting adjourned at 11:47 a.m.



Erick Fred Weiland, Chairman



Ronald W. Dalrymple, Executive Director

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16. FUTURE BOARD MEETINGS

Tuesday, January 24, 2012 at 9:30 AM.

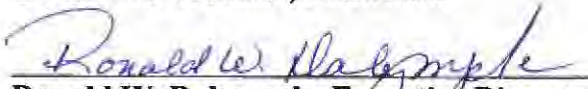
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18. ADJOURNMENT – Meeting adjourned at 11:47 a.m.



Erick Fred Weiland, Chairman


Ronald W. Dalrymple, Executive Director