

**MINUTES OF THE
ARIZONA STATE BOARD OF TECHNICAL REGISTRATION
1110 West Washington, Conference Room #240
Phoenix, AZ 85007**

**Tuesday, January 28, 2014
9:00 a.m.
OPEN SESSION**

1. CALL TO ORDER

2. **ROLL CALL** - Board Members in attendance: Edward T. Marley, LeRoy Brady, Jason K. Madison, Douglas T. Whitneybell, Erick Weiland, Robert Stanley and Douglas Folk, Stuart R. Lane, Alejandro Angel, Ph.D. Staff: Melissa Cornelius, Lorraine Brown, Manuel Maltos, Patrice Pritzl and Eric Blake. Assistant Attorney General: Elizabeth Campbell.

3. CALL TO THE PUBLIC

Roger Score and Russell Roberts addressed the Board.

4. ADOPTION OF MINUTES

Review, Consideration, and Possible Action on the following:

- A. Mr. Lane moved to approve December 17, 2013 minutes with minor corrections. Mr. Stanley seconded. No discussion, motion carried.
- B. Mr. Folk moved to approve the December 17, 2013 Executive Session minutes. Mr. Stanley seconded. No discussion, motion carried.

5. ENFORCEMENT MATTERS

Review, Consideration and Possible Vote on the following:

A. Proposed Dismissals:

- 1. P14-014, Johnson Controls Inc.

Mr. Folk moved to dismiss the case because of no violation. Mr. Weiland seconded. No discussion, motion carried.

B. Proposed Consent Agreements or Take Other Action:.

Mr. Lane moved to place cases 5.B.2, 5.B.4, 5.B.5, and 5.B.6 on the Consent Agenda. Mr. Marley pulled 5.B.7 for discussion. Mr. Stanley seconded. After brief discussion, motion carried.

- 2. A13-014, Paramount Design & Consulting, Howard C. Li, Nonregistrants
- 4. M11-012, Mahdi M. Sadek, P.E. (Civil) #38801
- 5. M11-040, RAL Consulting, Inc., Jay E. Turk (Nonregistrants)
- 6. M13-008, Donald L. Jenkins, Nonregistrant

Removed from the Consent Agenda and discussed individually:

1. A13-005, Jesus G. Castro, Architect #20113

Mr. Stanley moved to pend the motion for 30 days. Mr. Lane seconded. No discussion; motion carried.

3. DL14-001, Corinne H. Berrey, Nonregistrant

Mr. Folk moved to direct Staff to revise the Consent Agreement to remove civil penalties and require the Respondent to discontinue activity until the property has been remediated and approve Consent Agreement as amended. Mr. Lane seconded. No discussion; motion carried.

7. P14-022, Attalus Consulting Group, L.L.C., Ronald S. Francia, Nonregistrants

Mr. Lane moved to accept the Consent Agreement. Mr. Stanley seconded. No discussion; motion passed. Mr. Lane moved to forward information to AG's Office for further action as appropriate. Mr. Stanley seconded. No discussion; motion carried.

C. Discussion, Consideration, and Possible Action on the following:

1. A14-001, Oscar E. Bluth, Nonregistrant

Mr. Lane moved to go into Executive Session at 2:18 pm to obtain legal advice. Mr. Brady seconded. The Board returned back to regular session at 2:34 pm. Mr. Lane moved to pend this matter until the February Board meeting. The Board directed Staff to obtain additional information and question the business owner regarding the concerns, The Board further directed Staff to notify Mr. Bluth that this matter will be on the February agenda. Mr. Folk seconded. No discussion; motion carried.

2. A14-002, Christian A. Bluth, Nonregistrant

Mr. Lane moved to pend this matter until the February Board meeting. The Board directed Staff to obtain additional information and question the business owner regarding the concerns, The Board further directed Staff to notify Mr. Bluth that this matter will be on the February agenda. Mr. Folk seconded. No discussion; motion carried.

3. M06-125, Edwin N. Nagy, P.E. (Structural) #37926

Mr. Weiland moved to include an addendum to the Consent Agreement which will retract the need for a peer review and will include a restriction on structural engineering practices involving vehicular bridges. Mr. Madison seconded. No discussion, motion carried.

4. P14-019, Gerald L. Clark, Architect #32055

Mr. Folk and Mr. Whitneybell recused themselves because of a conflict of interest. Mr. Stanley moved to reoffer the Consent Agreement to Respondent removing the payment of \$22,000 but placing Mr. Clark's registration on probation until he has made full payment. If Mr. Clark declines the Consent Agreement, the Board directed Staff to return the matter to the Board to consider for formal hearing. Discussion and motion carried.

5. P14-038, Daniel M. Watson, Architect #23543

Mr. Weiland moved to dismiss. Mr. Madison seconded. No discussion; motion

carried.

6. P14-041, Robert J. Wong, P.E. (Electrical) #14930

Mr. Weiland moved to dismiss. Mr. Stanley seconded. No discussion; motion carried.

7. P14-042, Norman W. Wisner, Land Surveyor #12900

Mr. Lane moved to pend the matter until the February meeting and directed staff to obtain more information on the conviction of trespass, to include a detailed explanation and court records. Mr. Weiland seconded. No discussion; motion carried.

8. P14-043, John S. Wise, P.E. (Civil) #16738

Mr. Madison moved to have Staff issue a Letter of Concern for failing to disclose a conviction on renewal application. Mr. Stanley seconded. No discussion and motion carried.

D. Formal Administrative Hearing- *TIME SPECIFIC SCHEDULE FOR 9:00 AM*

1. M06-302, Kevin R. Ashby, P.E. (Civil) #35873

The Board held a Formal Administrative Hearing in the matter of Kevin R. Ashby holder of registration number 35873 as a professional engineer (civil) in the State of Arizona. Registrant was present and represented himself. Elizabeth Campbell, Assistant Attorney General, presented the State's position. Christopher Munns, Office of Solicitor General, provided independent legal counsel to the Board.

Mr. Folk moved that the State did not carry its burden of proof on factual allegation paragraph 1 but did so carry its burden of proof on factual allegations paragraph 2, 3, and 4 and moved they be adopted by the Board. Dr. Angel seconded. Discussion; motion passed after roll call vote yay Mr. Weiland, Mr. Brady, Dr. Angel, Mr. Marley, Mr. Lane, and Mr. Folk. Nay Mr. Madison, Mr. Stanley, and Mr. Whitneybell.

Dr. Angel moved that Registrant failed to apply the technical knowledge and skill which would be applied by other qualified registrants who practice in the same profession in the same area and at the same time as required by A.A.C R4-30-301(6) and also violated Board statute A.R.S § 32-128(C)(4). Mr. Folk seconded. No discussion; motion passed.

Mr. Folk moved to impose a \$500.00 administrative penalty, cost of investigation, and a Letter of Reprimand. Mr. Lane seconded. No discussion; motion passed after roll call vote yay Mr. Marley, Mr. Weiland, Mr. Whitneybell, Mr. Folk, Dr. Angel, Mr. Lane, Mr. Brady, Mr. Madison and Nay Mr. Stanley.

E. Discussion, Consideration and Action

(Deem Allegations Admitted and Issue Board Order)

1. M12-055, Christopher A. White, Nonregistrant

CW Global Consulting, Nonregistered Firm

Mr. Madison recused himself from the case for conflict of interest. Mr. Lane moved to deem allegations are admitted. Mr. Folk seconded. No discussion;

motion carried. Mr. Lane moved to adopt as conclusions of law those alleged violation in the Complaint and Notice of Hearing 1-7. Mr. Folk seconded. No discussion; motion carried. Mr. Lane moved to impose a Civil Penalty of \$2,000.00 for each of the six violations. Mr. Folk seconded. No discussion, motion carried.

6. LICENSING MATTERS

- A. Review, discuss and adopt the Final Board Order In the Case of Timothy Fortunato, Home Inspector Application #130585.
Mr. Lane moved to adopt the Final Board Order to grant Home Inspector certification to Timothy Fortunato, Home Inspector Application #130585. Mr. Stanley seconded. No discussion; motion carried.
- B. Rowles, Deirdre - AIT Applicant # 030195
Mr. Marley moved to deny request and close. It was noted that the applicant can reapply for ARE and IDP. Mr. Brady seconded. No discussion; motion carried.
- C. Brown, Christopher - Architect Application # 071569
Mr. Weiland moved to deny request and close. It was noted that the applicant can reapply for ARE and IDP. Mr. Brady seconded. No discussion; motion carried.

7. 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):
 - 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. Granting professional registrations, certifications or in-training designations or authorizations to test to those applicants who disclosed minor criminal history that has no reasonable relationship to the applicant's proposed area of practice or who disclosed lesser disciplinary action taken against their registrations in other jurisdictions, pursuant to A.R.S. §§32-122, 32-122.01 and § 32-123;
 - 5. 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);
 - 6. Deny Certification to Alarm Controlling Persons and Alarm Agents pursuant to A.R.S. § 32-122.07;
 - 7. List of Alarm firm and Alarm Agent certifications granted by the Executive Director pursuant to A.R.S. § 32-122.05 and A.R.S. § 32-122.06.

7.A.6 - Mr. Whitneybell moved to approve 7.A Licensing Consents but pull from 7.A.6 Kevin Neel, Alarm Agent Applicant #132732 and Jesus Oros Jr, Alarm Agent Applicant #132155 and moved to Grant Certification. Remove Ramon Flores, Alarm Agent Applicant, #133074 from 7.A.4. Mr. Brady seconded. No discussion; motion carried.

8. REVIEW, CONSIDERATION AND ACTION ON THE FOLLOWING:

- A. Registrations that have been expired for three years and recommended for cancellation: See Board for the list
Mr. Lane moved to cancel registrants on list 8.A. Mr. Whitneybell seconded. No discussion; motion carried.
- B. Certifications that have been expired for one year and recommended for cancellation: See Board for the list
Mr. Lane moved to cancel certifications listed in 8.B. Mr. Whitneybell seconded. No discussion; motion carried.

9. POLICY MATTERS

Review, Consideration, and Possible Action on the following:


- A. Presentation to the Board by Jerry Carter, Executive Director, NCEES.
Mr. Carter provided a brief presentation to the Board.
- B. Whether to refund, credit, or take some other action, and establish a policy regarding alarm industry activation/renewal fees charged prior to the November 2013 Board Meeting.
Mr. Score, president of Arizona Alarm Dealers Association addressed the Board. Mr. Whitneybell moved to go into Executive Session for legal advice at 3:25pm. Mr. Brady seconded. No discussion; motion carried. The Board returned to regular session at 3:51pm. Mr. Marley moved to send out letters to applicants letting them know about the refund of the \$65.00 application fee to qualifying persons and directed staff, to notify an agent that wants a credit rather than refund to reply to the Board in 21 days or a check will be sent out rather than a credit. Staff will post additional information on the website about the refund process. Mr. Folk seconded. No discussion; motion carried.
- C. Review and Approve the Agenda for the February 11, 2014 Strategic Planning Meeting.
Mr. Marley moved to change the start time to 8:00 am, move "Ron Tribute" to the February 25, 2014 Board Meeting, and include the definition of survey practice to the discussion. Mr. Lane seconded. No discussion; motion carried.
- D. Whether to issue a second letter, policy statement or take some other action regarding the public use of job titles containing generic terms such as "engineer," or "architect".
Mr. Marley moved to defer to the planning session.
- E. Review, discussion and action regarding HB 2298 which proposes to modify A.R.S. § 32-144(E) and create a list of registrants (home inspectors and architects) who are not allowed to advertise as such without registration.
Mr. Stanley moved to have Director Cornelius oppose HB 2298. Mr. Lane seconded. No discussion; motion carried.

- F. Review, discussion and action regarding HB 2123, which proposes to change the word “engaged” to “registered” in A.R.S. § 32-127(H).
Mr. Folk moved to oppose the HB 2123. Mr. Madison seconded. No discussion; motion carried.
- G. Legal Advice for Members regarding conducting formal hearings. *The Board may go into Executive Session to receive this advice, pursuant to A.R.S. § 38-431.03(A)(3).*
Assistant Attorney General Elizabeth Campbell addressed the Board. No action taken.
- H. Review, discussion and direction to staff regarding HB 2360, which proposes to define architect, engineer, geologist, land surveyor and landscape architect practice and design professionals.
Mr. Weiland moved to take no action. Mr. Madison seconded. No discussion; motion carried.
10. **DIRECTOR’S REPORT** – Director Cornelius updated the Board about the recent workshop to update the Land Surveyor and Geological Engineering exams by Jack Warner. Director Cornelius reviewed her written report and highlighted follow up work on previous issues.
11. **BOARD CHAIR’S REPORT** – Mr. Marley reviewed his written report and highlighted some issues.
12. **STANDING COMMITTEE REPORTS**
- A. Legislation and Rules Committee – Meeting February 20, 2014 at 10:00 am.
 - B. Home Inspector Rules and Standards Committee - Meeting February 4, 2014 at 9:30 am.
 - C. Environmental Remediation Rules and Standards Committee – No meetings to report.
13. **BOARD MEMBER REPORTS ON OUTSIDE ACTIVITIES**
- A. National Council of Examiners for Engineering and Surveying (“NCEES”)
Mr. Madison will be attending a meeting in March in Lincoln, NE.
 - B. National Council of Architectural Registration Boards (“NCARB”)
Mr. Marley will be attending a Summit in March.
 - C. Council of Landscape Architectural Registration Boards (“CLARB”)
Mr. Brady advised of no meetings coming up.
 - D. National Association of State Boards of Geology (“ASBOG”)
Mr. Weiland reported that he is considering running for Secretary of ASBOG.
 - E. Public Member News/Information
Mr. Folk had nothing to report.
14. **FUTURE BOARD MEETINGS** – Tuesday, February 25, 2014 at 9:00 a.m.
15. **SUGGESTED TOPICS FOR FUTURE MEETING AGENDAS.**

16. **ADJOURNMENT** – Meeting adjourned 4:41 p.m.



Edward Marley, Chairman



Melissa Cornelius, Executive Director

MINUTES
ARIZONA STATE BOARD OF TECHNICAL REGISTRATION
1110 West Washington, Conference Room #240
Phoenix, AZ 85007

Tuesday, February 25, 2014
9:00 a.m.
OPEN SESSION

1. **CALL TO ORDER -**
2. **ROLL CALL** – Board Members in attendance: Edward T. Marley, LeRoy Brady, Douglas T. Whitneybell, Douglas Folk, Stuart R. Lane, and Alejandro Angel, Ph.D. Staff: Melissa Cornelius, Lorraine Brown, Manuel Maltos, Patrice Pritzl and Jennifer Mitchell. Assistant Attorney General: Elizabeth Campbell. Absent: Jason K. Madison, Robert Stanley, and Erick Weiland.
3. **CALL TO THE PUBLIC** - Robert Smiley addressed the Board.
4. **ADOPTION OF MINUTES**
Review, Consideration, and Possible Action on the following:
 - A. Approve, modify, and/or reject January 28, 2014 minutes.
Mr. Brady moved to approve with amendment. Mr. Whitneybell seconded. No discussion, motion carried.
 - B. Approve, modify, and/or reject February 11, 2014 Strategic Planning Meeting Minutes.
Mr. Brady moved to approve with amendment. Mr. Whitneybell seconded. No discussion, motion carried.
5. **ENFORCEMENT MATTERS**
Review, Consideration and Possible Vote on the following:
 - A. Proposed Dismissals:
 1. A13-019, Douglas L. Brimhall, P.E. (Civil) #36630
Mr. Marley recused himself for conflict of interest. Mr. Lane moved to dismiss. Mr. Whitneybell seconded. No discussion, motion carried. Mr. Lane moved to direct Staff to open a complaint against the town engineer and the engineer of record to identify the registrants in connection with this project who failed to exhibit technical skill and competence or comply with applicable laws. Mr. Whitneybell seconded. No discussion, motion carried.
 2. HI14-008, Martin J. Lenich, CHI #40587
Mr. Brady moved to dismiss the case. Mr. Lane seconded. No discussion, motion carried.
 3. HI14-036, Peek Inspections, Timm R. Johnson, CHI #43461
Mr. Brady moved to dismiss the case. Mr. Folk seconded. No discussion, motion carried.
 4. HI14-039, Patriot Home Inspections, LLC, Raymond P. Pinger, CHI #48513

Mr. Brady moved to dismiss the case. Mr. Whitneybell seconded. Brief discussion, motion carried.

5. P14-040, K.T. Design, Kevin T. Taylor, Nonregistrants

Dr. Angel moved to dismiss the case. Mr. Whitneybell seconded. No discussion, motion carried.

B. Proposed Consent Agreements:

Dr. Angel moved to place cases 5.B.2, 5.B.3, and 5.B.5, through 5.B.11 on the Consent Agenda. Mr. Folk seconded. Discussion, motion carried. As to the case included in the Consent Agenda Mr. Folk moved to reject the signed Consent Agreements and issue a Letter of Concern. Mr. Lane seconded. No discussion, motion carried.

1. A13-005, Arquitectura, LTD, Jesus G. Castro, Architect #20113

Mr. Lane moved to accept the signed Consent Agreement. Mr. Folk seconded. Brief discussion, motion carried.

Consent Agenda

2. HI14-014, PGM Development Inc., Paul G. McDowell, CHI #49504

3. HI14-018, Anchor Inspections PLLC, Stanley C. Fikel, CHI #46459

5. HI14-028, Trojan Pest Control & Home Services, Alexander R. Alvarez, CHI #45674

6. HI14-030, Pillar to Post, Randy Q. Hogenmiller, CHI #43596,

7. HI14-031, Aspen Home Inspections, LLC, Scott J. Hartfield, CHI #45340

8. HI14-032, Nest Technologies, Inc., Dan P. Smith, CHI #38616

9. HI14-033, Five-O-Home Inspections, Scott P. Wilson, CHI #51748

10. HI14-035, Hennen Home Inspections, LLC, Bruce H. Hennen, CHI #43577

11. HI14-038, House Facts Home Inspections, Mark P. Craig, CHI #50421

Regular Agenda

12. HI14-040, Wise Home Services, Timothy J. Carreau CHI #52470

Mr. Folk moved to accept the signed Consent Agreement. Mr. Lane seconded. No discussion, motion carried.

13. P14-031, Pe-Shen Yang, P.E (Civil) #22221

Mr. Brady recused himself from the case because of a conflict of interest. Mr. Yang wasn't present but was represented by legal counsel, Charles Arnold. Dr. Angel moved to accept the signed Consent Agreement. Mr. Lane seconded. Discussion, motion carried.

14. P14-036, Manne Engineering, Harry Manne, Nonregistrants

Mr. Folk moved to accept the signed Consent Agreement. Mr. Lane seconded. No discussion, motion carried. Mr. Lane directed staff to investigate Mr. Hart for possible aiding and abetting a non-registrant.

Removed from the Consent Agenda and discussed individually:

4. HI14-019, Arizona Quality Inspections, LLC, Robert J. Smiley, CHI #46134

Mr. Folk moved to reject the signed Consent Agreement and issue a Letter of Concern. Dr. Angel seconded. Discussion, motion carried.

C. Discussion, Consideration, and Possible Action on the following:

1. A14-001, Oscar E. Bluth, Nonregistrant, Alarm Application #133144

Mr. Lane moved to go into Executive Session at 11:35 am. Mr. Lane seconded. The Board returned to Regular Session at 11:44 am.

Mr. Folk moved to direct Staff to seek assurance of discontinuance, administrative penalty of \$1,000, and cost of investigation. Dr. Angel seconded. No discussion, motion carried.

2. A14-002, Christian A. Bluth, Alarm Registrant #56382

Dr. Angel moved to direct Staff to seek probation for 2 years with the condition of obeying all laws, administrative penalty of \$1,000, and cost of investigation. Mr. Lane seconded. No discussion, motion carried.

3. HI14-012, Down to Earth Inspections, David A. Jaquish, CHI #53076

Mr. Folk moved to reject the signed Consent Agreement and issue a Letter of Concern. Mr. Lane seconded. No discussion, motion carried.

4. HI14-013, A & A Home Inspection Services, LLC, James J. Angelino, CHI #38077

Mr. Folk moved to reject the signed Consent Agreement and issue a Letter of concern. Mr. Brady seconded. No discussion, motion carried.

D. Formal Administrative Hearing- *TIME SPECIFIC SCHEDULE FOR 9:00 AM*

1. M08-043, M11-063, Teodorico I. Gutierrez, P.E. (Civil) #17984

Mr. Folk recused himself because of a conflict of interest.

The Board held a Formal Administrative Hearing in the matter of Teodorico I. Gutierrez holder of registrations number 17984 as a profession engineer (Civil) in the State of Arizona. Registrant was not present and was not represented by Legal Counsel. Elizabeth Campbell, Assistant Attorney General, presented the State's position. Christopher Munns, Office of Solicitor General, provided independent legal counsel to the Board. Mr. Lane moved to accept the State's Motion to Deem. Dr. Angel seconded. No discussion, motion carried.

Mr. Lane moved to adopt the factual allegations and allegations of unprofessional conduct from the Complaint and Notice of Hearing as Findings of Fact and Conclusions of Law. Dr. Angel seconded. No discussion, motion carried.

Mr. Lane moved to issue a Letter of Reprimand, Administrative Penalty of \$2,000.00, peer reviews for the next 3 drainage projects, and the Cost of Investigation. Dr. Angel seconded. No discussion, motion carried.

6. LICENSING MATTERS

Formal Hearings on Denial of Certification: *Time Specific: 9:30 a.m.*

A. Jacob Ellsworth - Applicant for Alarm Agent Certification # 131736

The Board held a Formal Administrative Hearing in the matter of Jacob Ellsworth, applicant. Applicant was not present and was not represented by Legal Counsel. Elizabeth Campbell, Assistant Attorney General, presented the State's position. Christopher Munns, Office of Solicitor General, provided independent legal counsel to the Board. Mr. Angel moved to uphold denial of application

based on applicant's failure to appear. Mr. Lane seconded. Discussion, motion carried.

- B. Eric Hallquist - Applicant for Alarm Agent Certification # 131987
The Board held a Formal Administrative Hearing in the matter of Eric Hallquist, Applicant. Applicant was present and represented himself. Elizabeth Campbell, Assistant Attorney General, presented the State's position. Christopher Munns, Office of Solicitor General, provided independent legal counsel to the Board. Dr. Angel moved to uphold the denial of application. Mr. Brady seconded. Discussion, motion carried.

Uphold or Rescind Board's Previous Vote to Take the ARE and complete IDP

- C. Ballantyne, Thomas Architect Application #130466
Mr. Ballantyne was present by phone to address the Board.
Mr. Brady moved to table this matter and directed Staff to obtain additional information and for Mr. Ballantyne to produce documentation to support his application. Mr. Folk seconded. Discussion, motion carried.

Uphold or Rescind Board's Previous vote to Deny Application

- D. Juan Martinez - Alarm Application #131827
Mr. Lane moved to rescind previous denial and grant certification. Mr. Whitneybell seconded. No discussion, motion carried.
- E. Michael Miller - Alarm Agent Application #132996
Mr. Lane moved to rescind previous denial and grant certification. Mr. Brady seconded. No discussion, motion carried.
- F. Andrew Durant - Alarm Agent Application # 131826
Mr. Angel moved to go into Executive Session at 12:37 pm. Mr. Brady seconded. The Board returned to regular session at 12:48 pm.
Mr. Lane moved to rescind previous denial and grant certification. Mr. Whitneybell seconded. No discussion, motion carried.

7. 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):
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. Granting professional registrations, certifications or in-training designations or authorizations to test to those applicants who disclosed minor criminal history that has no reasonable relationship to the applicant's proposed area of practice

- or who disclosed lesser disciplinary action taken against their registrations in other jurisdictions, pursuant to A.R.S. §§32-122, 32-122.01 and § 32-123;
5. 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);
 6. Deny Certification to Alarm Controlling Persons and Alarm Agents pursuant to A.R.S. § 32-122.07;
 7. List of Alarm firm and Alarm Agent certifications granted by the Executive Director pursuant to A.R.S. § 32-122.05 and A.R.S. § 32-122.06.

Teddy Wright asked to address the Board. Upon determination that Mr. Wright's topic was not agendaized, the Board informed Mr. Wright that the matter could not be discussed.

Mr. Whitneybell moved to approve the Licensing Consent Agenda of 7.A.1-7.A.7 with the exception of Christopher John and John Windsor.

John Windsor, Alarm Agent Applicant, 133269. Dr. Angel moved to table for more investigation and information. Mr. Lane seconded. No discussion, motion carried.

Christopher John, Alarm Agent Applicant, 132252. Mr. Folk moved to grant certification. Mr. Whitneybell seconded. No discussion, motion carried.

8. REVIEW, CONSIDERATION AND ACTION ON THE FOLLOWING:

- A. Registrations that have been expired for three years and recommended for cancellation: None
- B. Certifications that have been expired for one year and recommended for cancellation: None

9. POLICY MATTERS

Review, Consideration, and Possible Action on the following:

- A. How Long the Board wants to disclose disciplinary action on its website.
Discussion, no action taken.
- B. Conflict of Interest Training for Board Members.
Assistant Attorney General Elizabeth Campbell reviewed her written article on Conflict of Interest.
- C. Regarding whether to open new complaints or take some other action against those Registrants who have failed to comply with Board orders to pay Administrative Costs and Board Costs of Investigations.
Director Cornelius advised that after 90 days the matter could be sent to collections and brought to the Board for decision to open a new case.
- D. Pending Legislative Updates.
Director Cornelius updated the Board about HB2546, HB2499, HB2360, HB2561 and HB2500.

10. **DIRECTOR'S REPORT** - Director Cornelius reviewed her written report and highlighted follow up work on previous issues.
11. **BOARD CHAIR'S REPORT** - Mr. Marley had nothing written up to report on.
12. **STANDING COMMITTEE REPORTS**
- A. Legislation and Rules Committee – Meeting was cancelled for lack of quorum. Date for reschedule has not been determined.
 - B. Home Inspector Rules and Standards Committee - Meeting was cancelled for lack of quorum. Date for reschedule has not been determined.
 - C. Environmental Remediation Rules and Standards Committee – No meeting.
13. **BOARD MEMBER REPORTS ON OUTSIDE ACTIVITIES**
- A. National Council of Examiners for Engineering and Surveying (“NCEES”) Meeting Lincoln Nebraska.
 - B. National Council of Architectural Registration Boards (“NCARB”) Director Cornelius, Ms. Pritzl, Mr. Marley, and Mr. Whitneybell will be attending Regional Summit in San Antonio March 5-9, 2014.
 - C. Council of Landscape Architectural Registration Boards (“CLARB”) Director Cornelius had a telephonic committee meeting to set up annual meeting.
 - D. National Association of State Boards of Geology (“ASBOG”) APEGA annual meeting in Edmonton Alberta Canada. April 24-26, 2014
 - E. Public Member News/Information
Nothing to report.
14. **FUTURE BOARD MEETINGS** – Tuesday, March 25, 2014 at 9:00 a.m.
15. **SUGGESTED TOPICS FOR FUTURE MEETING AGENDAS.**
- A. Approve 5 year rules review
 - B. Training
 - C. Alarm refunds
 - D. Legislative updates
 - E. Newsletter
 - F. Notice Renewal
 - G. Enforcement disciplinary matrix
 - H. Meet lobbyist
16. **ADJOURNMENT** – 2:08 pm



Edward Marley, Chairman



Melissa Cornelius, Executive Director

MINUTES
ARIZONA STATE BOARD OF TECHNICAL REGISTRATION
1110 West Washington, Conference Room #240
Phoenix, AZ 85007

Tuesday, March 25, 2014

9:00 a.m.

OPEN SESSION

1. CALL TO ORDER

2. ROLL CALL - Board Members in attendance: Edward T. Marley, LeRoy Brady, Douglas T. Whitneybell, Douglas Folk, Stuart R. Lane, Alejandro Angel, Jason K. Madison, Robert Stanley, and Erick Weiland. Staff: Melissa Cornelius, Lorraine Brown, Douglas Parlin, Patrice Pritzl and Eric Blake Jr. Assistant Attorney General: John Tellier.

3. CALL TO THE PUBLIC – No one addressed the Board.

4. ADOPTION OF MINUTES

Review, Consideration, and Possible Action on the following:

A. Approve, modify, and/or reject February 25, 2014 minutes.

Mr. Brady moved to approve with amendments. Mr. Whitneybell seconded. No discussion; motion carried.

B. Approve, modify, and/or reject January 28, 2014 Executive Minutes.

Mr. Brady moved to approve the minutes with amendments. Mr. Lane seconded. No discussion; motion carried.

C. Approve, modify, and/or reject February 25, 2014 Executive Minutes.

Mr. Brady moved to approve the minutes with modifications. Dr. Angel seconded. No discussion; motion carried.

5. ENFORCEMENT MATTERS

Review, Consideration and Possible Vote on the following:

A. Proposed Dismissals:

1. *P14-028, Anh Nguyen, Non-Registrant, Citylux, Non-Registrant Firm*

Mr. Lane moved to dismiss the case against Anh Nguyen. Dr. Angel seconded.

Dr. Angel moved to direct Staff to open a new investigation against Citylux. Mr. Whitneybell seconded. No discussion; motion carried.

2. *P14-046, Gary D. Hart, P.E. (Structural) #31193*

Dr. Angel moved to dismiss case. Mr. Stanley seconded. No discussion; motion carried.

B. Proposed Letters of Concern:

Mr. Weiland moved to issue a Letter of Concern for cases 5.B.15 through 5.B.10.

1. HI14-015, Dry Heat Home Inspections, LLC, Jeff M. Schroder, CHI #40183
2. HI14-016, Desert Realty Inspections, Inc., Gerald W. Boomsma, CHI #38544
3. HI14-017, Plumblin Home Inspections, Daniel P. Parks, CHI #38086
4. HI14-020, Bo's Home Inspections, Jonathan J. Bodell, CHI #38543
5. HI14-021, Commercial and Residential Inspections, LLC, Arthur D. McKay, CHI #38657
6. HI14-022, Cornerstone Inspections, Greg F. Land, CHI #38217
7. HI14-024, Double DD Inspections, Dror I. Dahan, CHI #44663
8. HI14-025, Grand Canyon Home Inspection, Rick Perez, CHI #45851
9. HI14-034, B.D.C. Home Inspections, Bobby D. Crandell, CHI #39962
10. HI14-037, Gama's Quality Home Inspections, LLC, Gamaliel A. Leyva, CHI #43494

Mr. Lane seconded. No discussion; motion carried.

Discussed Separately

11. *HI14-046, Theodore Gossard, CHI #39084*

Adam Kaupisch homeowner addressed the Board. Mr. Folk moved to return case to Staff for further investigation. Mr. Lane seconded. No discussion; motion carried.

C. Discussion, Consideration, and Possible Action on the following:

1. *HI14-049, Dwayne S. Franklin, CHI #39204*
The Board considered the investigative repair demonstrated that Mr. Franklin failed to comply with a Board order. Mr. Folk moved to proceed to formal hearing. Mr. Lane seconded. No discussion; motion carried.
2. *P14-021, MOD Architecture and Planning, LLC, Non-Registrant Firm, Moazam Khan, Non-Registrant*
Moazam Khan addressed the Board. Mr. Folk moved to offer Mr. Khan a Consent Agreement, to include assurance of discontinuance from holding himself out as being qualified to provide architect services when he is not registered and the cost of investigation. Mr. Whitneybell seconded. No discussion; motion carried.
3. *P14-042, Norman W. Wisner, RLS #12900*
The Board expressed concerns that Mr. Wisner has not disclosed a criminal conviction on his renewal application and had not been truthful in his

application response. Dr. Angel moved for a Consent Agreement and a \$500.00 penalty. Mr. Whitneybell seconded. No discussion; motion carried.

4. *P14-047, Omar Rodriguez, Architect #35431*

The Board expressed concern that Mr. Rodriguez has failed to comply with Board order. Mr. Stanley moved to suspend Mr. Rodriguez's registration for 6 months or until compliance with Consent Order, whichever occurs first. Board will revisit case in 6 months. Mr. Whitneybell seconded. No discussion; motion carried.

D. Close File and Remove from Monitoring List:

1. *DL13-003, 235 N. 22nd Place, #541, Mesa, AZ*

Mr. Folk moved to remove from the monitoring list. Mr. Brady seconded. No discussion; motion carried.

6. **LICENSING MATTERS**

A. Review, Consideration and Action to Accept, Modify or Reject the Administrative Law Judge's February 24, 2014 Recommended Decision and Order in: **The Matter of Theodore Day, Jr.**, Applicant for Certification as an Alarm Agent in Arizona, Case No. 013F-131471-BTR.

Dr. Angel moved to accept the Administrative Law Judge's recommended decision. Mr. Stanley seconded. No discussion; motion carried.

C. Review, discuss and adopt the Final Board Order In the Case of Eric Hallquist, Alarm Agent Application #131987

Mr. Folk moved to accept the Board's Final Order. Mr. Weiland seconded. No discussion; motion carried.

D. Review, discuss and adopt the Final Board Order In the Case of Jacob Ellsworth, Alarm Agent Application # 131736

Mr. Weiland moved to accept Board's Final Order. Mr. Folk seconded. No discussion; motion carried.

E. Deny or Approve Registration for Alarm Agent Oscar Bluth, Application # 133144

Mr. Stanley moved to grant registration. Mr. Lane seconded. No discussion; motion carried.

F. Review, Consideration and Action to Accept, Modify or Reject the Administrative Law Judge's March 6, 2014 Recommended Decision and Order in: **The Matter of David Spiers**, Applicant for Certification as an Alarm Agent in Arizona, Case No. 014F-132284-BTR.

Mr. Weiland moved to accept the Administrative Law Judge's recommended decision. Mr. Brady seconded. No discussion; motion carried.

G. Whether to Grant Registration

Christopher Kiel - Engineer Application # 120294

Mr. Stanley moved to grant registration. Mr. Lane seconded. No discussion; motion carried.

H. Discussion, Consideration and Action To Grant Registration

John Windsor - Alarm Agent Application # 133269

Mr. Brady moved to approve registration. Dr. Angel seconded. No discussion; motion carried.

I. Request for Extension To Test

Frederick Aidoo - Architect Application # 050789

Mr. Whitneybell moved to grant him an extension to complete the ARE until March 12, 2016. Mr. Stanley seconded. No discussion; motion carried.

7. 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):

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. Granting professional registrations, certifications or in-training designations or authorizations to test to those applicants who disclosed minor criminal history that has no reasonable relationship to the applicant's proposed area of practice or who disclosed lesser disciplinary action taken against their registrations in other jurisdictions, pursuant to A.R.S. §§32-122, 32-122.01 and § 32-123;
5. 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);
6. Deny Certification to Alarm Controlling Persons and Alarm Agents pursuant to A.R.S. § 32-122.07;
7. List of Alarm firm and Alarm Agent certifications granted by the Executive Director pursuant to A.R.S. § 32-122.05 and A.R.S. § 32-122.06.

Mr. Whitneybell moved to approve the Licensing Consent Agenda of 7.A.1-7.A.7. Mr. Brady seconded. No discussion; motion carried.

8. REVIEW, CONSIDERATION AND ACTION ON THE FOLLOWING:

- A. Registrations that have been expired for three years and recommended for cancellation: None.
- B. Certifications that have been expired for one year and recommended for cancellation: None.

9. POLICY MATTERS

Review, Consideration, and Possible Action on the following:

- A. Update on Pending Legislation
Director Cornelius updated the Board about recent activity in The Legislature.
- B. Review, Discussion and Action on the proposed 5 Year Rules Review Report for GRRC.

Director Cornelius reviewed the draft 5 year Rules Report and explained the process allow a rule to expire. The Board decided to allow AAC R4-30.212 to expire. After consideration, the Board directed Director Cornelius to submit the report.

- C. Review, Discussion and Action on the proposed Substantive Policy Statement/Matrix for Disciplinary Action.

Director Cornelius presented a draft document for Board Complaint Resolution. The Board offered suggestions and asked that this matter be placed on the April Board meeting agenda for action.

- D. Review, Discussion and Action on the proposed modifications to the Geological Engineering and Arizona State Specific Land Surveyor Examinations.

Mr. Weiland moved to approve the Geological Engineering Examination with no need for monitoring restroom breaks. The Board also determined to use the NCEES standards for test equipment. Mr. Madison seconded. No discussion, motion carried. Mr. Lane moved to approve the Land Surveyor's Examination, with no need for monitoring restroom breaks. The Board determined to use the NCEES standards for test equipment. Dr. Angel seconded. No discussion; motion carried.

- E. Review, Discussion and possible Action on the draft BTR Newsletter.

The Board looked at the initial layout and design for the proposed newsletter. Director Cornelius noted the Board suggestions and will have a hard copy at April's Board meeting for review.

10. **DIRECTOR'S REPORT** - Director Cornelius reviewed her written report and highlighted follow up work on previous issues.
11. **BOARD CHAIR'S REPORT** - Mr. Marley stated he had nothing written up but will be posting a Board Chair report on the website.

12. **STANDING COMMITTEE REPORTS**

- A. The Legislation and Rules Committee will meet on April 3, 2014 @ 10:00 am.
- B. The Home Inspector Rules and Standards Committee will meet on April 30, 2014 @ 9:30 am.
- C. Environmental Remediation Rules and Standards Committee – no meeting currently scheduled.

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

- A. National Council of Examiners for Engineering and Surveying (“NCEES”) Meeting in Lincoln, NE May 15-18, 2014, Mr. Madison will be attending.
- B. National Council of Architectural Registration Boards (“NCARB”) Mr. Marley, Mr. Whitneybell, Director Cornelius, and Ms. Pritzl attended the regional summit in San Antonio, TX. Mr. Marley will be attending a meeting in Madison, WI in April. Mr. Whitneybell reported that Mr. Marley was elected to serve on the West CLARB Board.
- C. Council of Landscape Architectural Registration Boards (“CLARB”) Mr. Brady attended a recent webinar noted that CLARB is moving from 2 annual meetings to a single annual meeting.
- D. National Association of State Boards of Geology (“ASBOG”) Mr. Weiland will not be attending the COE meeting in April.
- E. Public Member News/Information
Nothing to report.

14. **FUTURE BOARD MEETINGS** – Tuesday, April 22, 2014 at 9:00 a.m.

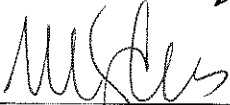
15. **SUGGESTED TOPICS FOR FUTURE MEETING AGENDAS.**

- A. List of Registrants compared to last year
- B. Draft newsletter
- C. Follow up on legislation
- D. Guidelines for discipline

16. ADJOURNMENT – 12:18 pm



Edward Marley, Chairman



Melissa Cornelius, Executive Director

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

Tuesday, April 22, 2014

9:00 a.m.

OPEN SESSION

1. CALL TO ORDER

- 2. ROLL CALL** - Board Members in attendance: Edward T. Marley, LeRoy Brady, Douglas T. Whitneybell, Stuart R. Lane, Alejandro Angel, Jason K. Madison, Robert Stanley, and Erick Weiland. Absent: Douglas Folk Staff: Melissa Cornelius, Lorraine Brown, Douglas Parlin, Patrice Pritzl and Eric Blake Jr. Assistant Attorney General: Jeanne Galvin

- 3. CALL TO THE PUBLIC** – No one addressed the Board.

4. ADOPTION OF MINUTES

Review, Consideration, and Possible Action on the following:

- A. Approve, modify, and/or reject March 25, 2014 minutes.
Mr. Brady moved to approve the minutes with amendments. Mr. Whitneybell seconded. No discussion; motion carried.

5. SCHEDULED FORMAL HEARINGS

6. ENFORCEMENT MATTERS

Review, Consideration and Possible Vote on the following:

- A. Complaints Proposed for Resolution by Dismissal:
Dr. Angel moved to dismiss the following cases. Mr. Weiland seconded. No discussion; motion carried.

2. *P14-034, Edward Edmund Knesl, Non-Registrant*
4. *P14-059, CityLuxe, Non-Registrant Firm*

Discussed Separately

1. *M12-052, Warren D. Smith, RLS #28743*
Dr. Angel recused himself citing a conflict of interest. Mr. Lane moved to

dismiss the case against Warren D. Smith and direct Staff to open new investigation against Frank Abell #18211 Land Surveyor. Mr. Whitneybell seconded. Discussion; motion carried.

3. *P14-045, Eduardo Duran, Non-Registrant*

Dr. Angel moved to dismiss the case against Eduardo Duran and direct Staff to open a new investigation against Manuel Montano. Mr. Weiland seconded. No discussion; motion carried.

B. Complaints Proposed for Resolution by Letters of Concern:

Mr. Weiland moved to issue Letters of Concern for cases 5.B.1 through 5.B.3.

1. *H114-026, Pillar to Post, Davey Loudellion Capshaw, CHI #38208*
2. *H114-029, Wild West Home Inspections, Inc., Elmer J. Wahl, CHI #45347*
3. *P14-027, William L. Gilbert, P.E. (Structural) #41931*

Dr. Angel seconded. No discussion; motion carried.

C. Complaints Proposed for Resolution by Consent Agreement:

Mr. Lane moved to accept signed the following signed Consent Agreements. Dr. Angel seconded. No discussion; motion carried.

3. *P14-021, MOD Architecture and Planning, Moazam Khan, Non-Registrant Firm*
4. *P14-042, Norman W. Wisner, RLS #12900*

Discussed Separately

1. *H114-010, Eric M. Christman, CHI #41604*

Dr. Angel moved to amend the consent agreement to a include 6 month probation or 3 supervised inspections. Mr. Lane seconded. No discussion; motion carried.

2. *P14-019, Gerald L. Clark, Architect #32055*

Mr. Whitneybell recused himself citing a conflict of interest. Dr. Angel moved to accept the signed Consent Agreement. Mr. Weiland seconded. After discussion; motion carried.

D. Compliance Monitoring Investigations:

1. *M06-125, Edwin Nagy, P.E. (Structural) #37926*

Mr. Madison moved to have Staff modify the Consent Agreement to include a restriction of practice on bridges. Mr. Stanley seconded. No discussion; motion carried.

7. LICENSING MATTERS

Review, Consideration and Possible Vote on the following:

Discussion, Consideration and Vote to Grant or Deny Registration

A. Patrick Kelly - Control Systems Application # 140307

Mr. Kelly addressed the Board. Mr. Stanley moved to table the case until the applicant amended the application. Mr. Madison seconded. No discussion; motion carried.

B. Michael Sturdivant - Alarm Agent Application # 132858

Mr. Lane moved to grant Alarm Agent Certification. Mr. Whitneybell seconded. No discussion; motion carried.

8. 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

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. Granting professional registrations, certifications or in-training designations or authorizations to test to those applicants who disclosed minor criminal history that has no reasonable relationship to the applicant's proposed area of practice or who disclosed lesser disciplinary action taken against their registrations in other jurisdictions, pursuant to A.R.S. §§32-122, 32-122.01 and § 32-123;
5. 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);
6. Deny Certification to Alarm Controlling Persons and Alarm Agents pursuant to A.R.S. § 32-122.07;
7. Cancellation of registrations that have been expired for three years and certifications that have been expired for one year.
8. List of Alarm firm and Alarm Agent certifications granted by the Executive Director pursuant to A.R.S. § 32-122.05 and A.R.S. § 32-122.06.

Mr. Whitneybell moved to approve the Licensing Consent Agenda of 7.A.1-7.A.8. Mr. Lane seconded. No discussion; motion carried.

9. POLICY MATTERS

Review, Consideration, and Possible Action on the following:

A. Introduction of Board Lobbyist: Lewis, Roca, and Rothberger, including Gregory Harris, Attorney at Law.

B. Whether to continue using volunteer Arizona Rangers to check and report on seized Meth Lab sites.

Mr. Weiland moved to terminate the use of the services of volunteer Arizona Rangers. Mr. Brady seconded. No discussion; motion carried.

C. The proposed Substantive Policy Statement regarding Guidelines for Board Complaint Resolution.

Director Cornelius presented an updated draft of the Guidelines for Board Complaint Resolution. The Board moved to make some changes and bring the Guidelines back to May's Board meeting for review.

D. The Draft BTR Newsletter.

The Board suggested minor modifications and asked that it be reviewed at May's Board Meeting.

E. Vote to add the language, "Costs of Investigations," to all disciplinary motions.

Mr. Stanley moved to add the suggested language to all disciplinary actions. Dr. Angel seconded. No discussion; motion carried.

F. Vote to take action on NCARB's proposed changes to IDP.

Mr. Marley moved to approve NCARB's proposed changes to IDP. Mr. Stanley seconded. No discussion; motion carried.

G. Whether to Accept CLARB's Invitation to Participate in a Pilot Program regarding How to Regulate Public Welfare.

The Board moved not to make a commitment until more information is gathered and reviewed.

H. Whether to add NCARB "Green Covers" and CLARB Certificates to the Consent Agenda List, Item 8(A)(3), without prior Evaluator Review.

Dr. Angel moved to approve. Mr. Whitneybell seconded. No discussion; motion carried.

- I. Review, discussion, and possible action on whether registrants who work with or for insurance companies need to disclose personal insurance information to adjusters.

Mr. Madison recused himself, citing a conflict of interest. The Board discussed the issue and determined that it had no jurisdiction in this matter.

10. DIRECTOR'S REPORT

- A. Budget Update
- B. Staff Update
- C. Previous Meeting Follow-Up
- D. Director's Meetings

Director Cornelius reviewed her written report and highlighted follow up work on previous issues.

11. **BOARD CHAIR'S REPORT** – Mr. Marley reviewed his written report and highlighted some issues.

12. STANDING COMMITTEE REPORTS

- A. Legislation and Rules Committee

A meeting was held on April 4, 2014. The Committee reviewed and considered a question from Woodson Engineering & Surveying regarding Board Substantive Policy Statement #12, monument staking. The Committee also reviewed and considered a question from Chet Pearson, P.E, regarding when a registrant should seal environmental documents and whether the Board should create a policy on the issue.

- B. Home Inspector Rules and Standards Committee

A meeting is scheduled for April 30, 2014.

- C. Environmental Remediation Rules and Standards Committee

No meeting scheduled

13. BOARD MEMBER REPORTS ON OUTSIDE ACTIVITIES

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

Mr. Madison and Deputy Director Pritzl will be attending a meeting in May 2014 in Lincoln, NE.

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

Mr. Marley, Director Cornelius, and Deputy Director Pritzl will be attending annual meeting in Philadelphia, PA in June 2014.

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

Mr. Brady had nothing to report.

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

Mr. Weiland had nothing to report.

E. Public Member News/Information –

Douglas Folk made a presentation at the Arizona Professional Land surveyor conference.

14. FUTURE BOARD MEETINGS – Tuesday, May 27, 2014 at 9:00 a.m.

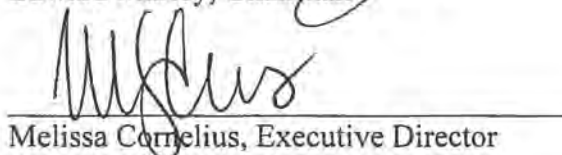
15. SUGGESTED TOPICS FOR FUTURE MEETING AGENDAS.

- A. Review foreign application
- B. Failure to comply language
- C. Disciplinary guidelines
- D. Cost of investigation
- E. Record retention schedule
- F. Board Member training
- G. Continuing education for Architects

16. MEETING ADJOURNMENT – 11:36 am



Edward Marley, Chairman



Melissa Cornelius, Executive Director

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

Tuesday, May 27, 2014
9:00 a.m.
OPEN SESSION

1. CALL TO ORDER

2. ROLL CALL – Board Members in attendance: Edward T. Marley, LeRoy Brady, Douglas T. Whitneybell, Stuart R. Lane, Erick Weiland, Douglas Folk, Jason K. Madison, Alejandro Angel. Absent: Robert M. Stanley. Staff: Melissa Cornelius, Lorraine Brown, Douglas Parlin, Patrice Pritzl, and Michelle Johnson. Assistant Attorney General: Jeanne Galvin

3. CALL TO THE PUBLIC – No one addressed the Board.

4. ADOPTION OF MINUTES

Review, Consideration, and Possible Action on the following:

A. Approve, modify, and/or reject April 22, 2014 minutes.

Mr. Marley moved to approve the minutes as amended. Mr. Lane seconded. Mr. Folk abstained. Motion carried.

5. SCHEDULED FORMAL HEARINGS

6. ENFORCEMENT MATTERS

Review, Consideration and Possible Vote on the following:

A. Complaints Proposed for Resolution by Dismissal:

1. P14-039, Scott Ritchie, Non-Registrant

Mr. Brady recused himself citing a conflict of interest. Dr. Angel also recused himself citing a conflict of interest. Mr. Lane moved to dismiss. Mr. Weiland seconded the motion. Mr. Folk opposed. Motion was withdrawn. Mr. Folk moved to request that the Attorney General's office provide legal advice regarding whether the contractual relationship with other registrants with a bonafide employee pursuant to AACR4-30-101(3). Mr. Lane seconded the motion. Motion carried.

2. P14-074, Frank Abell, RLS #18211
Dr. Angel recused himself citing a conflict of interest.

Mr. Lane moved to dismiss. Mr. Weiland seconded the motion. No discussion; motion carried.

B. Complaints Proposed for Resolution by Letters of Concern:

1. M11-005, Resource Concepts, Inc., Firm Registration #16022
Dr. Angel expressed concern with the lack of technical competence indicated in the record. He stated that he would like the assessor to review the complete file again or that an EAC be convened to reevaluate the matter. Investigator Gomez stated that the full set of documentation was available to assessors. He further stated that the issue with the report not being included in the original complaint was due to the lack of availability of the Allegor to support his allegations. Mr. Weiland expressed concern about the copy of the report not being available. Dr. Angel stated that he would like contact to be made with the third party assessor to see if PBS & J had reviewed the report.

Dr. Angel moved to return the case to staff to follow up with the third party assessor and to either obtain revised or additional assessments or to have the matter reviewed by an EAC (if necessary). Mr. Lane seconded the motion. No further discussion; motion carried.

2. M12-007, Jeffrey G. Escobar, P.E. (Mechanical), #47275
Mr. Whitneybell moved to issue a Letter of Concern to Respondent regarding allegation #3, "construction documents signed by Jeffery Escobar dated 12-17-10 did not depict adequate means for the return air." Mr. Madison seconded the motion. Discussion: Mr. Folk expressed concern that issues raised in the allegations go to the adequacy of design. If true, those may affect future performance of the system. He suggested discipline may be appropriate due to unanimous findings of the committee. After discussion, Mr. Whitneybell moved to issue a Letter of Concern and Mr. Madison seconded the motion. Mr. Folk opposed. Motion carried.

The Board directed staff to determine if David Vargulic is still in practice and if so, to open a complaint for investigation.

C. Complaints Proposed for Resolution by Consent Agreement:

1. AL14-001, Oscar E. Bluth, Alarm Agent #57762
2. AL14-002, Christian A. Bluth, Alarm Agent #56382
The Board voted unanimously to combine these cases. Dr. Angel noted that the Board had assigned a penalty of \$1,000, but that both were reduced to \$300 in the proposed Consent Agreements. He asked if the perception of violation had changed. Mr. Parlin stated it was a process of mitigating circumstances, explaining that meeting notices had been sent to the wrong

Respondent addresses.

3. HI14-047, Matthew K. Harlow, CHI #43776
4. HI14-053, Larry M. Abell, CHI #40408 (Retired)
5. HI14-054, John C. Reding, CHI #38663 (Inactive)

Mr. Lane moved to approve the proposed Consent Agreements for complaints C1-C5. Mr. Whitneybell seconded the motion. No further discussion; motion carried.

D. Complaints Requiring Board Guidance:

1. P14-049, Thomas J. Monte, Non-Registrant, Arizona Structures, LLC, Non-Registrant Firm

The Board noted that proper use of registered contractors appear to have been followed.

Dr. Angel moved to dismiss the complaint. Mr. Weiland seconded the motion. No further discussion; motion carried.

2. P14-054, Paul G. Leroy, P.E. (Electrical), #50122

Mr. Folk moved to seek consent to a small administrative penalty of \$100-\$150 for failure to disclose a conviction on an application. Dr. Angel suggested a letter of reprimand or probation. Mr. Whitneybell seconded the motion. Dr. Angel opposed. No further discussion; motion carried.

3. P14-055, Chris R. Young, P.E. (Civil), #37328

Mr. Folk moved to seek consent to a small administrative penalty of \$100-\$150 for cost of investigation for failure to disclose a conviction on an application. Mr. Whitneybell seconded the motion. Dr. Angel and Mr. Lane opposed. No further discussion; motion carried.

4. P14-056, Johnathan Powell, P.E. (Structural) #53783

The Board reviewed the disciplinary action taken against the license of Mr. Powell in Alabama as well as two other jurisdictions, and noted that Mr. Powell had disclosed the disciplinary actions to this Board.

Mr. Madison moved to offer Mr. Powell a Consent Agreement for probation for 2 years, to run concurrently with the Alabama Consent Agreement signed on January 31, 2013. Dr. Angel seconded the motion. No further discussion; motion carried.

E. Compliance Monitoring Investigations:

1. M06-125, Edwin Nagy, P.E. (Structural) #37926

Mr. Folk moved to modify the addendum to the consent agreement. Addendum to read, "Mr. Nagy may petition the Board to have restrictions on his registration lifted in order to comply with the peer review portion of the original consent agreement dated April 18, 2006." Mr. Madison seconded the motion. No further discussion; motion carried.

2. M12-066, Gary B. Goetzenberger, RLS #31020

Mr. Lane motioned to approve Mr. John D. Bumpus, Mr. Gary L. Aufrance, and Mr. David M. Schlieff for required peer review. Dr. Angel seconded the motion. No further discussion; motion carried.

3. M13-053, Kenneth M. Tarr, P.E. (Civil), #31317
Mr. Tarr addressed the Board to thank them for allowing him to prove himself regulatable. Mr. Weiland moved to end probation imposed on Mr. Kenneth M. Tarr. Dr. Angel seconded the motion. No further discussion; motion carried.

F. Review and Approval for appointment of Home Inspector EAC members:

1. Nick Alati, C.H.I. #42912
2. Tony Hecht, C.H.I #38350
3. Bruce LaBell, C.H.I. #41795
4. Ben Schern, C.H.I. #50397

Mr. Folk moved to take items 6F1-6F4 as a consent agenda and to approve the candidates as EAC members. Dr. Angel seconded the motion. No further discussion; motion carried.

7. LICENSING MATTERS

Review, Consideration and Possible Vote on the following:

Discussion, Consideration and Vote to Grant or Deny Registration

- A. Willett, John, Civil Engineer Application # 140785
Mr. Madison moved to grant registration to Mr. John Willett and to issue him a letter of concern based on his being disciplined in other jurisdictions, and his denial of license application in other jurisdictions for acting as an engineer without having registered his firm and practice. Dr. Angel seconded the motion. Mr. Lane expressed concern that New Mexico had denied Mr. Willett's application stating his degree was not accredited. No further discussion; motion carried.

Review, Discussion and Action to determine if an application is complete and/or should be granted or denied

- B. Ballantyne, Thomas, Architect Application # 130466
Mr. Ballantyne was present and explained why he believed he qualifies for architect registration in Arizona. Mr. Ballantyne stated that he obtained registration in ND and had his NCARB record reinstated. In discussion, it was noted that it appears that both may have been issued in error. Mr. Marley moved to go into executive session for legal advice. Mr. Lane seconded the motion. Board moved to executive session at 11:03 a.m.
The Board returned to open session at 11:27 a.m.

Mr. Folk confirmed with staff that Mr. Ballantyne had been approved to take the A.R.E. examinations and participate in the IDP. He then asked Mr. Ballantyne if he had applied to take the examination. Mr. Ballantyne responded that he has not and that he does not intend to do so.

Mr. Folk moved to obtain more information from NCARB about the circumstances under which Mr. Ballantyne reinstated his certification and to determine if North Dakota issued Mr. Ballantyne a registration under requirements substantially equivalent to those of Arizona. Mr. Brady seconded the motion. No further discussion; motion carried.

Mr. Folk moved to request that the Assistant Attorney General research ARS 32-122.01(A)(2); "An applicant for professional registration as an architect... shall be actively engaged in education or experience, or both, in the profession for which the registration is sought for at least 8 years," and be prepared to advise the Board on the application of the law. Mr. Brady seconded the motion. No further discussion; motion carried.

Mr. Folk moved to table any action regarding the application pending receipt of the additional information that was requested. Mr. Brady seconded the motion. No further discussion; motion carried.

State Representative Warren Peterson from District 12 addressed the Board in support of Mr. Ballantyne. Mr. Peterson attested to Mr. Ballantyne's character and pleaded for the Board to put him back to work.

Discussion, Consideration and Vote on Request for Extension

- C. Bowen, Jennifer, Architect Application # 080436
Ms. Jennifer Bowen addressed the Board. She requested an extension to test until September 2014 to complete the remaining examinations. Mr. Whitneybell moved to grant an extension until June 1, 2015. Mr. Brady seconded the motion. No further discussion; motion carried.

- D. Fitzgerald, Ryan, Architect Application # 071563
The Board noted Mr. Ryan Fitzgerald was approved to take the exam in February 2008. He has passed 6 exam sections. Mr. Fitzgerald is currently on active duty in the military and requested a test extension until December 2014. Mr. Lane moved to grant an extension until June 1, 2015. Mr. Whitneybell seconded the motion. No further discussion; motion carried.

8. 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

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. Granting professional registrations, certifications or in-training designations or authorizations to test to those applicants who disclosed minor criminal history that has no reasonable relationship to the applicant's proposed area of practice or who disclosed lesser disciplinary action taken against their registrations in other jurisdictions, pursuant to A.R.S. §§32-122, 32-122.01 and § 32-123;
5. 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);
6. Deny Certification to Alarm Controlling Persons and Alarm Agents pursuant to A.R.S. § 32-122.07;
7. Cancellation of registrations that have been expired for three years and certifications that have been expired for one year.
8. List of Alarm firm and Alarm Agent certifications granted by the Executive Director pursuant to A.R.S. § 32-122.05 and A.R.S. § 32-122.06.

Mr. Whitneybell moved to approve the consent agenda for licensing of 8A1 - 8A8. Mr. Brady seconded the motion. No further discussion; motion carried.

Mr. Folk excused himself from the meeting at 11:47 AM.

9. POLICY MATTERS

Review, Consideration, and Possible Action on the following:

- A. The Board's Proposed New Records Retention Schedule.
Ms. Cornelius explained that the Board is required to maintain all records it generates and receives according to an established and approved records retention schedule. Staff presented the Board with an updated schedule. Mr. Brady moved to approve the new records retention schedule. Mr. Lane seconded the motion. No further discussion; motion carried.
- B. Whether to renew the Interagency Service Agreement with the Attorney General's Office, in whole, or in part, or to cancel it.
Staff addressed the Board regarding whether it will enter into a new ISA with the A.G.s office at the end of this fiscal year. Ms. Cornelius informed the Board that is has received just 370 hours of AG time for the past year, which is significantly

below the services that the Board has paid for. Mr. Lane moved to delegate Ms. Cornelius with the authority to determine whether to sign a new ISA agreement. Mr. Brady seconded the motion. No further discussion; motion carried.

- C. Proposed Substantive Policy Statement: Guidelines for Board Complaint Resolution.
Staff provided the Board with a final draft of the substantive policy statement. Ms. Cornelius explained that if the Board approved the Guidelines, staff could file the new substantive policy statement with the Secretary of State's Office and put a copy on the website. Dr. Angel moved to accept the proposed Substantive Policy Statement as drafted. Mr. Lane seconded the motion. No further discussion, motion carried.
- D. Adding the Language, "If not accepted within 21 days, forward to Formal Hearing" to all consent agreement motions.
Staff requested that the Board vote to include the above language into all consent agreement motions. Dr. Angel moved to approve additional language as drafted. Mr. Brady seconded the motion. No further discussion; motion carried.
- E. Adding the Language, "Failure to comply with any of the terms in this order may result in the Board opening a new complaint/investigation against your registration" to all formal Board Orders.
Staff requested that the Board vote to include the above language into all final Orders. Mr. Weiland moved to accept the proposed wording. Mr. Brady seconded the motion. No further discussion; motion carried.
- F. Revised "Peer Review" language and procedures to be included in all relevant Board Orders.
Staff requested that the Board review, discuss, and provide guidance regarding revised "Peer Review" language and procedures to be included in all relevant Board Orders. The Board also considered whether to require respondents to select Peer Reviewers from the pool of already approved EAC members. The Board decided that if a respondent requested that an EAC member be appointed as a peer reviewer, staff would have authority to approve the reviewer. However, if the respondent requests a person who is not an EAC member, the Board will need to make the appointment. Mr. Weiland moved that the Board approve the peer review policy as stated. Dr. Angel seconded the motion. No further discussion; motion carried.
- G. Whether to approve applicants to take the Fundamentals of Geology and the Principles and Practices of Geology on the same testing date.
Mr. Weiland moved to allow PG and FG tests to be taken on the same day. Mr. Lane seconded the motion. No further discussion; motion carried.

- H. How to Review Applications for Registration from Foreign Applicants.
The Board established that it is the responsibility of the Foreign Applicants to provide the information needed to determine if the country of origin enforces licensing requirements that are substantially equivalent to Arizona.

Mr. Marley excused himself and passed the meeting to Mr. Brady at 12:42 p.m.

- I. The Proposed New Board Newsletter.
The Board reviewed the quarterly newsletter draft. Dr. Angel moved to approve. Mr. Weiland seconded the motion. No further discussion; motion carried.

Mr. Marley returned to the meeting at 12:46 p.m.

- J. Board Member Training: Mastering Legal Terms.
Attorney General Galvin reviewed legal terms with the Board.

10. DIRECTOR'S REPORT

- A. Budget Update
Director Cornelius stated 83% of the budget year had elapsed with 71% of the appropriation spent and 92% of revenue. The Board's appropriation for next fiscal year will be approximately \$100,000 higher than the past year.

- B. Staff Update
Ms. Cornelius informed the Board that Eric Blake accepted a position with the Industrial Commission. Michelle Johnson replaced him. Christina Oates was hired to work in the licensing department. The Board received approval to hire a "floater" to assist in all departments.

- C. Previous Meeting Follow-Up
Overhead Multiplier: The Board established a direct labor rate x 2.95 and authorized staff to begin applying it to all investigative costs.

Alarm Refund issue: The Board has received only 15 returned checks due to invalid addresses.

PIJ: A revised PIJ was submitted to ADOA for a new computer system. Staff met with ADOA and learned that the PIJ was actually a Pre-PIJ that required ADOA director approval. Once approved, staff will submit a RFP to solicit vendor bids. Once a vendor is selected, staff will submit a completed PIJ. The process will take 3-4 months.

Website Refresh: Staff reported that another meeting is scheduled for next month.

Sunset Audit: An auditor was scheduled to meet with Alicia to review deposit procedures.

NCARB's Proposed Changes to IDP: Staff emailed NCARB to confirm the Board's approval of the proposed changes to IDP.

CLARB Pilot Program on Welfare: Mrs. Cornelius reported that she contacted CLARB's director and requested additional information relating to Board resources needed for this project. CLARB could not provide additional information due to the fact that the project is still in planning. Staff explained to CLARB that Arizona would not be part of the pilot program.

Ranger Letter: Mrs. Cornelius reported a letter was sent thanking the Rangers for their services but informing them that the services are no longer needed.

5 Year Rules Review: Ms. Cornelius reported that GRRC asked for modifications to the 5 Year Rules Review. Modifications were made and the hearing to approve the report should take place at GRRC's July meeting.

D. Director's Meetings

Ms. Cornelius reported that she met with APLS on May 14, 2014 and discussed their continued interest in creating continuing education for Land Surveyors, updating the minimum standards, and revising the State Specific Surveying examination.

CLARB Board of Directors' Meeting held in Anchorage, Alaska: CLARB BOD conducted strategic planning to determine whether changes need to be made on how its leadership conducts business. The annual meeting will be held in September in Virginia.

Ms. Cornelius reported that she, Mr. Madison, and the deputy director attended the NCEES Regional Meetings in Lincoln, NB.

She also reported a meeting with the Board's lobbyist Greg Harris on May 6 in order to begin planning for the Board's Sunset Review. A meeting is planned on May 15 with Legislative staff to begin planning for next year's session.

Staff attended an AIA luncheon for architect students and discussed the application process. Students are interested in the Board creating an "app" or "tweeting."

A temporary employee has been contracted to create Master Files for each registrant.

Executive staff, three Engineer Board members, and two investigators will be attending the NCEES meeting in Seattle, WA in August 2014.

Licensing statistics are as follows: Licensing for Architects and Engineers have increased. There are almost at 6000 registered firms. Trend to be aware of; the Land Surveyor applications are down significantly this year. The trend appears to be national.

Enforcement is currently working 91 open cases and monitoring 29 drug labs.

11. BOARD CHAIR'S REPORT

Mr. Marley reported that he, Mr. Brady, Ms. Cornelius and Ms. Pritzl will be attending the NCARB meeting in June.

12. STANDING COMMITTEE REPORTS

- A. Legislation and Rules Committee
Meeting July 17 at 10:00 AM, a topic will be the proposed Sunset Legislation.
- B. Home Inspector Rules and Standards Committee
The committee met last week to approve EAC member names on this agenda.
- C. Environmental Remediation Rules and Standards Committee
No activity.

13. BOARD MEMBER REPORTS ON OUTSIDE ACTIVITIES

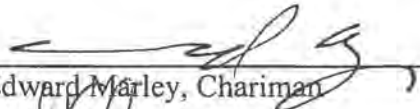
- A. National Council of Examiners for Engineering and Surveying ("NCEES")
Mr. Madison and Deputy Director Pritzl attended the meeting in Lincoln, NB. Mr. Madison reported that NCEES is going to try computer based testing for surveying in 2016 and PE exams in 2017. NCEES administered the initial test software for engineering with 16 applicants attending. He suggested that it is not certain that the Board will want to head down that path, at this time. Arizona will host the regional meeting with the Southern states in 2015.
- B. National Council of Architectural Registration Boards ("NCARB")
Mr. Marley, Mr. Brady, Director Cornelius, and Deputy Director Pritzl will be attending the annual meeting in Philadelphia, PA. in June 2014.
- C. Council of Landscape Architectural Registration Boards ("CLARB")
Mr. Brady had nothing to report.
- D. National Association of State Boards of Geology ("ASBOG")
Mr. Weiland reported that the next meeting will be in November. Mr. Steve Noel has been appointed to take his place on the Board.
- E. Public Member News/Information
- F. There was nothing to report.

14. **FUTURE BOARD MEETINGS** – Tuesday, June 24, 2014 at 9:00 a.m.


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

A. Discussing putting a time on applications regarding crimes

16. **MEETING ADJOURNMENT – 1:30 PM**



Edward Marley, Chairman



Melissa Cornelius, Executive Director

Minutes
ARIZONA STATE BOARD OF TECHNICAL REGISTRATION
1110 West Washington, Conference Room #240
Phoenix, AZ 85007

Tuesday, June 24, 2014
9:00 a.m.
OPEN SESSION

1. **CALL TO ORDER** – 9:01 AM

2. **ROLL CALL** – Board Members in attendance: Edward T. Marley, LeRoy Brady, Stuart R. Lane, Erick Weiland, Douglas Folk, Jason K. Madison, Stuart R. Lane. Absent: Robert M. Stanley, Douglas T. Whitneybell, and Alejandro Angel. Staff: Melissa Cornelius, Lorraine Brown, Douglas Parlin, Patrice Pritzl, and Michelle Johnson. Assistant Attorney General: Jeanne Galvin

3. **CALL TO THE PUBLIC** – No one addressed the Board.

4. **ADOPTION OF MINUTES**

Review, Consideration, and Possible Action on the following:
 - A. Approve, modify, and/or reject May 27, 2014 Board meeting minutes. The Board tabled its action on these minutes until the July 22, 2014 meeting.
 - B. Approve, modify, and/or reject May 27, 2014 Executive Session minutes. The Board tabled its action on these minutes until the July 22, 2014 meeting.

5. **FORMAL HEARINGS:**

None scheduled this month.

6. **ENFORCEMENT MATTERS**

Review, Consideration and Possible Vote on the following:
 - A. Complaints Proposed for Resolution by Dismissal:
 1. HI14-043, Friedrich H. Kelly, CHI #38438
 2. P14-063, Steven J. Goettl, Non-Registrant, Air-Zona Systems Engineering Inc., Non-Registrant Firm
 3. P14-060, Joe Borzacchiello, Non-Registrant

Mr. Madison moved to approve 6A1-6A3 as consent agenda items. Mr. Weiland seconded the motion. No further discussion. Motion carried. Mr. Folk moved to dismiss the complaints. Mr. Lane seconded the motion. No further discussion. Motion carried.

B. Complaints Proposed for Resolution by Letters of Concern:

1. HI14-007, Jesse B. Phinizy, CHI #46930

Ms. Marian Saffell addressed the Board via a telephone conference call. She explained that she did not feel she was given proper documentation regarding any potential problems with her home. Mr. Folk responded to Ms. Saffell stating that the Home Inspector did address pipes in his report. Further, he explained that the rules do not require Home Inspectors to address civil litigation. Mr. Folk moved to accept the staff recommendation to Issue a Letter of Concern to the Home Inspector advising him of reporting deficiencies in his report. Mr. Lane seconded the motion. No further discussion. Motion carried.

2. HI14-059, Robert J. Jeglum, CHI #42690
3. M11-031, Richard M. Pearson, RLS #26929
4. P14-024, Robert G. Dodson, RLS #13056
5. P14-075, Manuel Montano, RLS #16580

Mr. Folk moved to approve 6B2-6B5 as consent agenda items. Mr. Weiland seconded the motion. No further discussion. Motion carried. Mr. Brady moved to issue Letters of Concern to the above listed Respondents. Mr. Folk seconded. No further discussion. Motion carried.

C. Complaints Proposed for Resolution by Consent Agreement:

1. HI14-010, Eric M. Christman, CHI #41604
2. M09-134, Robert J. Jedinak, RLS #15332
3. P14-054, Paul G. Leroy, P.E. (Electrical) #50122

Mr. Lane moved to approve 6C1-6C3 as consent agenda items. Mr. Folk seconded the motion. No further discussion. Motion carried. Mr. Lane moved to approve the consent agreements from the above listed Respondents. Mr. Weiland seconded the motion. No further discussion. Motion carried.

D. Complaints Requiring Board Guidance:

1. P14-069, Richard I. Pigford, Architect #47260

Mr. Pigford addressed the Board via a telephone conference call. Mr. Pigford stated his assistant missed renewing his registration in State of Indiana. He is currently licensed in 28 states with various renewal dates. Mr. Pigford disclosed the disciplinary action against him on his application to the Board. Mr. Folk moved to close the investigation with no further action taken. Mr. Brady seconded the motion. No further discussion. Motion carried.

2. P14-081, Andrew A. Burg, P.E. (Civil) #21279

Mr. Lane moved to close the investigation with no further action. Mr. Folk seconded the motion. No further discussion. Motion carried.

E. Complaints Proposed for Offer of Consent Agreement:

1. P14-083, Stephen P. Maslan, P.E. (Civil) #31790 Mr. Madison moved to offer Respondent a consent agreement. If not signed in 30 days, the case will proceed to a formal hearing. Mr. Lane seconded the motion. No further discussion. Motion carried.

F. Review and Approval for appointment of EAC members:

1. Dwayne L. Haught, RLS #33859 – Mr. Lane moved to appoint Mr. Haught to the Enforcement Advisory Committee for Land Surveyors. Mr. Folk seconded the motion. No further discussion. Motion carried.

2. William R. Thompson, Architect #22321, P.E. (Structural) #29057, P.E. (Civil) #29020 – Mr. Folk moved to appoint Mr. Thompson to the Enforcement Advisory Committee for both architect and engineering matters. Mr. Brady seconded the motion. No further discussion. Motion carried.

7. LICENSING MATTERS

Discussion, Consideration and Vote on the following:

Time Specific 9:30 a.m.

A. Review, Consideration and Action to Accept, Modify or Reject the Administrative Law Judge's May 28, 2014 Recommended Decision and Order in: The Matter of Gary P. Menser, Applicant for Certification as an Alarm Agent in Arizona, Case No. 014F-132525-BTR. Mr. Weiland moved to adopt the Administrative Law Judge's Findings of Fact. Mr. Folk seconded the motion. Mr. Folk moved to adopt the Conclusions of Law by the Administrative Law Judge. Mr. Lane seconded the motion. Mr. Lane moved to accept the Administrative Law Judge's recommended order. Mr. Folk seconded. No further discussion. Motion carried.

B. Review, Consideration and Action to Accept, Modify or Reject the Administrative Law Judge's May 28, 2014 Recommended Decision and Order in: The Matter of Treman A. Gonzalez, Applicant for Certification as an Alarm Agent in Arizona, Case No. 014F-132215-BTR. Mr. Folk moved to adopt the Administrative Law Judge's Findings of Fact. Mr. Weiland seconded the motion. No further discussion. Motion carried. Mr. Weiland moved to adopt the Administrative Law Judge's Conclusions of Law. Mr.

Brady seconded the motion. No further discussion. Motion carried. Mr. Weiland moved to adopt the Administrative Law Judge's recommended order. Mr. Brady seconded the motion. No further discussion. Motion carried.

- C. Review, Consideration and Action to Accept, Modify or Reject the Administrative Law Judge's May 20, 2014 Recommended Decision and Order in: The Matter of Salvador Rincon, Applicant for Certification as an Alarm Agent in Arizona, Case No. 014F-132227-BTR. Mr. Weiland moved to adopt the Administrative Law Judge's Findings of Fact. Mr. Lane seconded the motion. No further discussion. Motion carried. Mr. Lane moved to adopt the Administrative Law Judge's Conclusions of Law. Mr. Folk seconded the motion. No further discussion. Motion carried. Mr. Folk moved to modify the Administrative Law Judge's order to dismiss the appeal without prejudice. Mr. Lane seconded the motion. No further discussion. Motion carried.
- D. Review, Consideration and Action to Accept, Modify or Reject the Administrative Law Judge's May 20, 2014 Recommended Decision and Order in: The Matter of Salvatore Sperrazza, III, Applicant for Certification as an Alarm Agent in Arizona, Case No. 014F-131375-BTR. Mr. Weiland moved to adopt the Administrative Law Judge's Findings of Facts. Mr. Lane seconded the motion. No further discussion. Motion carried. Mr. Lane moved to adopt the Administrative Law Judge's Conclusions of Law. Mr. Weiland seconded the motion. No further discussion. Motion carried. Mr. Folk moved to amend the Administrative Law Judge's order sustaining the dismissal of the appeal without prejudice to the applicant when filing a new application. Mr. Brady seconded the motion. No further discussion. Motion carried.

Review, Discussion, and Action to determine if an application is complete and/or should be granted or denied

- E. Ritsema, Rebecca, Architect Application # 130726 – Mr. Marley moved to deny the Applicant's request to waive the licensing requirement for IDP and asked the staff to advise Applicant to enroll in IDP, document previous experience as permitted by NCARB, and submit a completed IDP record documenting 36 months of experience to the Board. Mr. Brady seconded the motion. No further discussion. Motion carried.
- F. Busick, Jonah, Architect Application # 140968 - Mr. Marley moved to deny the Applicants request to waive the licensing requirement for IDP and asked the staff to advise Applicant to enroll in IDP, document previous experience as permitted by NCARB, and submit a completed IDP record documenting 36 months of experience to the Board. Mr. Brady seconded the motion. No further discussion. Motion carried.
- G. Amadas Simon, Bernat, Applicant # 132759
- H. Garcia Ruiz, Abraham, Applicant # 132756

Board voted to table agenda items 7G and 7H.

8. 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

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. Granting professional registrations, certifications or in-training designations or authorizations to test to those applicants who disclosed minor criminal history that has no reasonable relationship to the applicant's proposed area of practice or who disclosed lesser disciplinary action taken against their registrations in other jurisdictions, pursuant to A.R.S. §§32-122, 32-122.01 and § 32-123;
5. 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);
6. Deny Certification to Alarm Controlling Persons and Alarm Agents pursuant to A.R.S. § 32-122.07;
7. Cancellation of registrations that have been expired for three years and certifications that have been expired for one year.
8. List of Alarm firm and Alarm Agent certifications granted by the Executive Director pursuant to A.R.S. § 32-122.05 and A.R.S. § 32-122.06.

Mr. Weiland moved to grant professional registration, certifications or in-training to those listed in 8A1-8A8. Mr. Lane seconded the motion. No further discussion. Motion passed.

9. POLICY MATTERS

Review, Consideration, and Possible Action on the following:

- A. Board Member Training: Chemical Dependency and Addiction issues related to Professional Practice. Presented by Michel Sucher, M.D.
Time Specific: 11:00 a.m.

Dr. Michel Sucher presented information on chemical dependency and addiction important to regulatory boards and ways to address them.

B. The Executive Director's performance and compensation.

Mr. Marley moved to convene to an executive session to discuss confidential personnel matters at 11:28AM. Mr. Folk seconded the motion The Board went into executive session pursuant to A.R.S. § 38-431.03(A)(1) to discuss this matter.

Board returned from executive session at 11:53AM., and voted to approve a salary increase for the Executive Director.

C. Home Inspector EAC member qualifications.

Mr. Folk moved to adopt criteria for Home Inspector EAC Members. Mr. Weiland seconded the motion. No further discussion. Motion carried.

10. DIRECTOR'S REPORT

A. Budget Update

Mrs. Cornelius stated 92% of the budget year has elapsed with 79% of the appropriation spent and 92% of the revenue.

The 5 year rule report is up for comment at GRRC. There were not any corrections that were required to be made. This should lead to it passing on July 9, 2014.

B. Staff Update

Mrs. Cornelius introduced Gregg Wisher who joined the staff in an IT position to assist in updating our computer system.

C. Previous Meeting Follow-Up

Overhead Multiplier: The formula for the direct labor rate ($\times 2.9505$) will be implemented starting July 1, 2014.

D. Director's Meetings

Mrs. Cornelius, Ms. Pritzl, and Mr. Marley met with Representative Gowan. He previously assisted in amending the alarms law. A Stakeholders meeting has been rescheduled for some time in August. Representative Gowan may be able to assist with Sunset.

Mrs. Cornelius presented a lecture to the Structural Engineers Association on June 14. She was part of the ethics training.

Licensing statistics are as follows: We are currently down 3000 active registrants.

Enforcement is currently working 99 open cases and continues to monitor 29 drug labs.

11. BOARD CHAIR'S REPORT

- A. In appreciation for dedicated service to the Board: Presentation of Plaques to departing members, Erick Weiland, R.G., and Douglas Whitneybell, AIA. – Mr. Marley thanked Mr. Weiland for his services to the board for the last 6 years. He also thanked Mr. Whitneybell (who was not present) for his 3 years of service.

12. STANDING COMMITTEE REPORTS

- A. Legislation and Rules Committee – Nothing to report.
- B. Home Inspector Rules and Standards Committee – Nothing to report.
- C. Environmental Remediation Rules and Standards Committee – Nothing to report.

13. BOARD MEMBER REPORTS ON OUTSIDE ACTIVITIES

- A. National Council of Examiners for Engineering and Surveying (“NCEES”) – A meeting is scheduled in Seattle Washington in August 2014.
- B. National Council of Architectural Registration Boards (“NCARB”) – A regional meeting is scheduled in Long Beach, California in March 2015.
- C. Council of Landscape Architectural Registration Boards (“CLARB”) – A meeting is scheduled in Virginia in September 2014 .
- E. National Association of State Boards of Geology (“ASBOG”) – A meeting is scheduled in November 2014.
- E. Public Member News/Information – Nothing to report.

14. FUTURE BOARD MEETINGS – Tuesday, July 22, 2014 at 9:00 a.m.

15. SUGGESTED TOPICS FOR FUTURE MEETING AGENDAS. – Board plans to discuss changes in IDP, BEA, and BEFA.

16. MEETING ADJOURNMENT – 12:39PM



Ed Marley, Chairman



Melissa Cornelius, Executive Director

MINUTES

ARIZONA STATE BOARD OF TECHNICAL REGISTRATION
1110 West Washington, Conference Room #240
Phoenix, AZ 85007

Tuesday, August 26, 2014
9:00 a.m.
OPEN SESSION

1. **CALL TO ORDER** – 9:00 AM
2. **ROLL CALL** – Board Members in attendance: Edward T. Marley, LeRoy Brady, Stuart R. Lane, Douglas Folk, Jason K. Madison, Alejandro Angel, Robert M. Stanley, Stephen Noel. Staff Melissa Cornelius, Patrice Pritzl, Lorraine Brown, Douglas Kraemer, and Michelle Johnson. Assistant Attorney Generals: Jeanne Galvin and Sarah Selzer.
3. **CALL TO THE PUBLIC** – No one addressed the Board.

4. **ADOPTION OF MINUTES**

Review, Consideration, and Possible Action on the following:

- A. Approve, modify and/or reject July 22, 2014 Board meeting minutes
Mr. Brady moved to approve the minutes as amended. Mr. Stanley seconded the motion. No further discussion; motion carried.

5. **FORMAL HEARINGS** – No formal hearings were held this month.

6. **ENFORCEMENT MATTERS**

Review, Consideration and Possible Vote on the following:

- A. Complaints Proposed for Resolution by Dismissal:

1. A13-002, Thorpe SEEOP Corp., Non-Registrant Firm
2. HI14-045, John B. Elson, CHI #42312
3. HI14-050, Thomas P. McDonald, CHI #46793
Mr. Madison moved to approve the proposed consent agenda and dismiss complaints 6.A.1-6.A.3 and 6.A.6. Mr. Brady seconded the motion. No further discussion; motion carried.
4. P14-039, Scott Ritchie, Non-Registrant (Time Specific 10:30 AM)
Dr. Angel recused himself citing Conflict of Interest. Mr. Brady recused himself citing Conflict of Interest. Mr. Ritchie addressed the Board telephonically. Mr.

- Folk moved to direct staff to pursue a consent agreement, seek an assurance of discontinuance, and appropriate administrative penalties, to be signed within 30 days or the case would proceed to a formal hearing. Mr. Folk also directed Staff to review the Board's prior enforcement action against Mr. Ritchie and its records regarding his prior registration application. Mr. Lane seconded the motion. Mr. Folk, Mr. Marley, Mr. Stanley, and Mr. Lane voted in favor of it. Mr. Madison and Mr. Noel opposed. No further discussion; motioned carried.
5. P14-053, Donald Stoykovich, Non-Registrant
Mr. Folk moved to approve the proposed consent agenda and dismiss the complaint. Mr. Lane seconded the motion. No further discussion; motion carried.
- B. Complaints Proposed for Resolution by Letters of Concern:
1. A13-025, Carlos Padilla, RLS #46474
Mr. Lane moved to issue a Letter of Concern. Dr. Angel seconded the motion. No further discussion; motion carried.
- C. Complaints Proposed for Resolution by Consent Agreement:
1. HI14-041, Jeffrey K. Arellano, CHI #52571
Dr. Angel moved to approve proposed consent agreement. Mr. Lane seconded the motion. No further discussion; motion carried.
 2. HI14-004, Garry G Hukill, CHI #45509
Mr. Folk moved to accept Respondent's signed consent agreement. Mr. Brady seconded the motion. No further discussion; motion carried.
 3. M13-056, Tommie G. Stewart, RLS #15340
Mr. Lane moved to accept Respondent's signed consent agreement. Mr. Stanley seconded the motion. No further discussion; motion carried.
- D. Complaints Requiring Board Guidance:
1. P14-066, Lynn R. Arrington, Architect #10997
Mr. Folk recused himself citing a Conflict of Interest. Mr. Lynn Arrington addressed the Board. He explained that his firm could not register in Mississippi under its corporate name and he was registered under his individual name; but was unable to reactivate before responding to a client and federal projects, thus causing the Mississippi Board to discipline him. The matter has since been resolved. Mr. Stanley moved to dismiss complaint. Mr. Madison seconded the motion. No further discussion; motion carried.
 2. P14-067, Elizabeth R. Mitchell, Architect #42149
Mr. Lane moved to dismiss the complaint with no further action. Mr. Folk seconded the motion. No further discussion; motion carried.

3. P14-068, Brian V. Jasko, P.E. (Civil) #50139
Mr. Folk moved to dismiss the complaint with no further action. Mr. Lane seconded the motion. No further discussion; motion carried.
4. P14-070, Gregory E. Schwerdt, Architect #29731
Mr. Lane moved to amend the consent agreement to include a Letter of Reprimand; \$150 administrative penalty fees, plus the cost of the investigation. Mr. Madison seconded the motion. No further discussion; motion carried.
5. P14-071, Lawrence T. Goldberg, Architect #51984
Mr. Lawrence T. Goldberg addressed the Board. He thanked them for their consideration in this matter. Mr. Lane moved to dismiss the complaint with no further action. Mr. Folk seconded the motion. No further discussion; motion carried.
6. P14-072, Keven Dale Riley, RLS #42285
Dr. Angel moved to dismiss the complaint with no further action. Mr. Folk seconded the motion. No further discussion; motion carried.
7. P14-073, David Joseph Buttke, Architect #23461
Mr. Folk moved to present a consent agreement to Mr. Buttke which will include placing his registration on probation to run concurrently with his criminal offense. The conditions of probation being that he provides the Board with reports from his probation officer, along with a confirmation of the successful completion of his probation; failure to comply will result in a formal hearing. Mr. Lane seconded the motion. No further discussion; motion carried.
8. P14-079, Michael J. Castro, Architect #47264
Mr. Folk moved to offer Respondent a consent agreement assessing him with an administrative penalty fee of \$150; issue a Letter of Reprimand, and include fees for the cost of the investigation. Mr. Lane seconded the motion. No further discussion; motion carried.

E. Complaints Proposed for Offer of Consent Agreement:

1. H14-044, Craig L. Neubaur, CHI #53606
Dr. Angel moved to amend the proposed consent agreement to include additional training as directed by the EAC and require Mr. Neubaur to submit his next 5 inspections to the Board for review. Mr. Stanley seconded the motion. No further discussion; motion carried.
2. HI14-058, Perry E. Minetti, CHI #41149
Mr. Folk moved to offer a consent agreement to a Letter of Reprimand, Remedial Education, an administrative penalty fees in the amount of \$3000, and \$978 for the cost of the investigation. Dr. Angel seconded the motion. No further discussion; motion carried.

3. P14-035, Ahmad N. Zarifi, P.E. (Structural) #32008, P.E. (Civil) #41872
Attorney Eric Hawkins called in to address the Board on behalf of the Allegor, David Parri. Dr. Angel moved to amend the proposed consent agreement to require that Mr. Zarifi voluntary surrender both his structural and civil registrations, pay an administrative penalty fee in the amount of \$11,000, and \$2668 for cost of investigation. Failure to sign agreement within 30 days will result in a formal hearing. Mr. Lane seconded the motion. No further discussion; motion carried.

F. Compliance Monitoring Investigations:

1. M09-038, M09-042, M09-053, M09-097, M09-130, Frank G, Castro, P.E. (Civil) #15685
Dr. Angel recused himself citing Bias. Mr. Folk moved to accept the staff recommendation to reinstate Mr. Castro's registration. Mr. Stanley seconded the motion. No further discussion; motion carried.
2. P14-085, Kevin R. Ashby, P.E. (Civil) #35873
Mr. Madison moved to amend the consent agreement to a stayed suspension of 18 months and pay the remaining cost in 6 equal monthly payments; failure to comply will result in a formal hearing. Dr. Angel seconded the motion. Mr. Lane opposed. No further discussion; motioned carried.
3. P14-089, Holten A. Bjoin, RLS #37400
Dr. Angel moved to amend the consent agreement to a stayed suspension of 24 months and pay remaining cost in 6 equal monthly payments; failure to comply will result in formal hearing. Mr. Lane seconded the motion. No further discussion; motion carried.

7. LICENSING MATTERS

1. Discussion, Consideration and Vote on the following: Time Specific 9:30 a.m.

- A. Review, Consideration and Action to Accept, Modify or Reject the Administrative Law Judge's July 10, 2014 Recommended Decision and Order in: *The Matter of James Michael Dailey, Applicant for Certification as an Alarm Agent in Arizona, Case No. 014F-132775-BTR.*
Mr. Folk moved to adopt the Administrative Law Judge's Findings of Fact. Mr. Lane seconded the motion; motion passed. Mr. Folk moved to adopt the Administrative Law Judge's Conclusions of Law. Mr. Lane seconded the motion; motion passed. Mr. Folk moved to accept the Administrative Law Judge's recommended order which affirms the denial of Mr. Dailey's application for an alarm agent and deny his appeal. Mr. Lane seconded the motion. No further discussion; motion carried.

2. Discussion, Consideration, and Vote to Grant or Deny Registration

- A. Leonard, Jerry, Alarm Agent Application # 141007
Mr. Brady moved to deny Mr. Leonard's alarm agent application pursuant to A.R.S. § 32-122.07. Mr. Madison seconded the motion. No further discussion; motion carried.
- B. Merido, Elio, Alarm Agent Application # 141315
Mr. Lane moved to allow the applicant to withdraw this application and asked Staff to advise Mr. Merido to reapply within 30 days. Failure to do so will result in denial of application. Dr. Angel seconded the motion. No further discussion; motion carried.
- C. Ogram, Jason, Alarm Agent Application # 141218
Mr. Lane moved to allow the applicant to withdraw this application and asked Staff to advise Mr. Ogram to reapply within 30 days. Failure to do so will result in denial of application. Mr. Stanley seconded the motion. No further discussion; motion carried.
- D. Nichols, Aric, Alarm Agent Application # 141805
Mr. Madison moved to deny Mr. Nichols application pursuant to A.R.S. 32-122.07. Dr. Angel seconded the motion. No further discussion; motion carried.
- E. Mandil, Ahmed, Mechanical Engineer Application # 141102
Mr. Madison moved to approve Mr. Mandil's application. Dr. Angel seconded the motion. No further discussion; after a unanimous roll call vote, motion carried.
- F. Smith, Jeffrey, Mechanical Engineer Application # 140631
Mr. Madison moved to approve Mr. Smith's application. Mr. Folk seconded the motion. No further discussion; motion carried.

3. Discussion, Consideration, and Vote on Requests for Testing Extensions

- A. Nazneen, Sultana, Application # 141552
Dr. Angel moved to grant Ms. Nazneen an extension until May 2015. Mr. Stanley seconded the motion. No further discussion; motion carried.

8. 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

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. Granting professional registrations, certifications or in-training designations or authorizations to test to those applicants who disclosed minor criminal history that has no reasonable relationship to the applicant's proposed area of practice or who disclosed lesser disciplinary action taken against their registrations in other jurisdictions, pursuant to A.R.S. §§32-122, 32-122.01 and § 32-123;
5. 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);
6. Granting registration to Applicants who have met Boards requirements but Failed to Disclose on their application criminal history and convictions;
7. Cancellation of registrations and certifications that have been expired for one full renewal period;
8. List of Alarm firm and Alarm Agent certifications granted by the Executive Director pursuant to A.R.S. § 32-122.05 and A.R.S. § 32-122.06.

Dr. Angel moved to table Adam Yahl's application until next month's meeting. Mr. Stanley seconded the motion. No further discussion; motion carried.

Mr. Stanley moved to approve consent agenda items 8.A.1- 8.A.8. Dr. Angel seconded the motion. No further discussion; motion carried.

9. POLICY MATTERS

Review, Consideration, and Possible Action on the following:

1. Whether to move the September meeting date from September 23, 2014 to September 22, 2014, or to another mutually convenient date.
Mr. Brady moved to reschedule September's meeting from September 23 to September 22, 2014. Mr. Stanley seconded the motion. No further discussion; motion carried.
2. Whether to rename the Board.
Dr. Angel and Mr. Folk had different suggestions whether to rename the Board. Mr. Folk suggested no action at this time.
3. Whether to create a criminal conviction aggravation/mitigation Substantive Policy Statement.
A decision was made to table this matter until next meeting.

4. Official Board Response to proposed changes to NCARB IDP and BEA/BEFA programs
Mr. Stanley moved to ratify NCARB's proposed changes to the IDP program. Mr. Folk seconded the motion. No further discussion; motion carried.

Dr. Angel moved to support NCARB's proposed changes to the BEFA program. Mr. Stanley seconded the motion. No further discussion. Motion carried.

Dr. Angel moved to take no position on the proposed change to the BEA program. Mr. Stanley seconded the motion. No further discussion; motion carried.

10. DIRECTOR'S REPORT

A. Budget Update

Ms. Cornelius stated with 8% of the FY15 budget year elapsed, we spent 8% of our appropriation and 91% of our revenue. The Board's ending appropriation balance for FY14 was \$344,764 and our ending Fund Balance was \$1,544,086.42.

Ms. Cornelius and Ms. Guerra met with CSB to complete the budget proposal for FY2016 on August 18, 2014.

B. Staff Update

Tanya Salinas, a long time Board employee in the Licensing Section, left the Board late in July to pursue her education full-time.

C. Previous Meeting Follow-Up

SQL Update: Microsoft updates to our SQL did not occur as expected in July. The enhancements will be attempted again in late August 2014.

AG ISA: Ms. Cornelius met with John Tellier, the Section Chief of the Licensing Enforcement Section. He proposed that we accept a lawyer with a few years of experience at the AG's Office, Sarah Selzer. It is proposed that Ms. Selzer will work for us 45% of her time; for Liquor 30%, and for the Medical Board 25%.

D. Director's Meetings

Ms. Pritzl will be attending a meeting at the Legislature with our Lobbyists on September 4, 2014, at the request of Legislative Staff, to discuss finding the Alarm Industry a new home. The meeting will include "stakeholders" such as the Arizona Alarm Industry (the Phoenix Association), Cox, and Arizona Alarm Dealers Association.

Ms. Cornelius and Mr. Parlin gave a lecture at the City of Scottsdale on August 13, 2014, discussing the Board's accomplishments this past year and its plans for the future.

Ms. Cornelius reported Enforcement is currently working 101 open cases and monitoring 30 drug labs.

11. BOARD CHAIR'S REPORT

We continue to await a replacement for Mr. Whitneybell on the Board.

12. STANDING COMMITTEE REPORTS

- A. Legislation and Rules Committee – Met on August 7, 2014. The committee will continue to review statutes and rules.
- B. Home Inspector Rules and Standards Committee – Meeting scheduled for September 9, 2014.
- C. Environmental Remediation Rules and Standards Committee – Nothing to report.

13. BOARD MEMBER REPORTS ON OUTSIDE ACTIVITIES

- A. National Council of Examiners for Engineering and Surveying (“NCEES”) – Computer based testing is going well for FE and FS. They plan to move ahead with testing for all other engineering branches with the exception of the structural branch. A proposal was made to remove the Bachelor’s plus thirty from the model law and put it in a policy statement.
- B. National Council of Architectural Registration Boards (“NCARB”) – Nothing to report.
- C. Council of Landscape Architectural Registration Boards (“CLARB”) – Nothing to report.
- D. National Association of State Boards of Geology (“ASBOG”) – Meeting scheduled in November.
- E. Public Member News/Information

14. FUTURE BOARD MEETINGS – Tuesday, September 23, 2014 at 9:00 a.m.

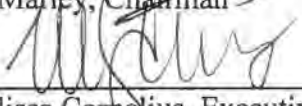
15. SUGGESTED TOPICS FOR FUTURE MEETING AGENDAS.

Suggestions can be emailed to Ms. Cornelius.

16. MEETING ADJOURNMENT – 12:36 PM



Ed Marley, Chairman



Melissa Cornelius, Executive Director

Minutes
ARIZONA STATE BOARD OF TECHNICAL REGISTRATION
1110 West Washington, Conference Room #240
Phoenix, AZ 85007

Monday, September 22, 2014

9:00 a.m.

OPEN SESSION

1. **CALL TO ORDER** – 9:00AM
2. **ROLL CALL** – Board Members in attendance: Edward T. Marley, LeRoy Brady, Stuart R. Lane, Douglas Folk, Jason K. Madison, Robert M. Stanley, Alejandro Angel, and Stephen Noel. Staff: Melissa Cornelius, Lorraine Brown, Douglas Parlin, and Michelle Johnson. Assistant Attorney General Sarah Selzer.

3. **CALL TO THE PUBLIC** – No one addressed the Board.

4. **ADOPTION OF MINUTES**

Review, Consideration, and Possible Action on the following:

A. Approve, modify and/or reject August 23, 2014 Board meeting minutes – Tabled until next month's meeting.

5. **FORMAL HEARINGS:**

There were none scheduled during this Board meeting.

6. **ENFORCEMENT MATTERS**

Review, Consideration and Possible Vote on the following:

A. Complaints Proposed for Resolution by Dismissal:

1. M11-005, Resource Concepts, Inc., Firm Registration #16022

Mr. Folk moved to refer this back to the Staff for further investigation. Mr. Brady seconded the motion. No further discussion; motion carried.

2. HI14-060, John W. Phelps, CHI #40657

Dr. Angel moved to dismiss this complaint. Mr. Noel seconded the motion. No further discussion; motion carried.

B. Complaints Proposed for Resolution by Letters of Concern:

1. HI14-055, Douglas C. Zumach, CHI #48113

Mr. Folk moved to resolve this complaint by issuing a Letter of Concern. Mr. Brady

seconded the motion. No further discussion; motion carried.

2. P14-032, Adow D. Albert, RLS #09428

Mr. Jerry Webster addressed the Board explaining his concerns about this complaint. Mr. Lane moved to refer this matter to the Enforcement Advisory Committee to review. Mr. Folk seconded the motion. No further discussion; motion carried.

3. P14-033, James J. O'Connor, RLS #30361

Mr. Lane moved to resolve this case by issuing a Letter of Concern. Mr. Stanley seconded the motion. No further discussion; motion carried.

4. P15-010, Daniel Istrate, Firm Principal at Kontexture, LLC

Mr. Marley recused himself citing a Conflict of Interest. Dr. Angel moved to resolve this case by issuing a Letter of Concern. Mr. Stanley seconded the motion. Mr. Folk opposed. No further discussion; motion carried.

C. Complaints Proposed for Resolution by Consent Agreement:

1. AL-008, Kenneth E. Johnson, Controlling Person/Alarm Agent #56037

Dr. Angel moved to amend the current Consent Agreement to include a Letter of Reprimand; stayed suspension for 12 months, pay an Administrative Penalty in the amount of \$1000; and pay the Costs of the Investigation of \$240. Failure to sign the amended Consent Agreement within 30 days will result in the case being forwarded to a formal hearing. Mr. Madison seconded the motion. No further discussion; motion carried.

2. P15-006, Michael Mecham, Non-Registrant

Mr. Brady recused himself citing a Conflict of Interest. Mr. Mecham addressed the Board regarding this matter. Dr. Angel moved to amend the current Consent Agreement to include an Assurance of Discontinuance; pay the Civil Penalty in the amount of \$1000; and pay the Costs of the Investigation in the amount of \$145. Failure to sign the amended Consent Agreement within 30 days will result in the case being forwarded to a formal hearing. Mr. Lane seconded the motion. No further discussion; motion carried.

Mr. Folk moved to reopen agenda item 6C and accept Mr. Mecham's signed Consent Agreement. Mr. Lane seconded the motion. No further discussion; motion carried.

D. Complaints Requiring Board Guidance:

1. P15-001, William Gilbert, P.E. (Civil) #41931, Gilbert Structural LLC, #16904

Mr. Folk moved to offer the respondent a Consent Order for suspension of the registration; pay a Civil Penalty in the amount of \$2000, pending the repayment of the deposit in the amount of \$4900, and pay for the Costs of Investigation. Failure to sign within 30 days will result in the case being forwarded to a formal hearing. Mr. Lane seconded the motion. No further discussion; motion carried. Mr. Folk moved to refer to the case to the Attorney General's office to pursue a civil action pursuant to A.R.S. § 32-148 for refusal to obey a subpoena. Mr. Lane seconded the motion. If

respondent fails to respond to the subpoena by September 24, 2014, this case will be referred to the Attorney General's office to pursue civil action pursuant to A.R.S. §32-148. No further discussion; motion carried.

E. Complaints Proposed for Offer of Consent Agreement:

1. AL14-004, Rex Sorensen, Alarm Agent #58001

Dr. Angel moved to amend the Consent Agreement to include \$500 in Administrative Penalty fees to be paid in 6 monthly payments; \$150 for the Costs of the Investigation. Failure to sign within 30 days will result in the case being forwarded to a formal hearing. Mr. Lane seconded the motion. No further discussion; motion carried.

2. P14-076, Scott Beck Architect #18715, NTD Architecture #13390

Mr. Folk recused himself citing a Conflict of Interest. Mr. Beck addressed the Board regarding this matter. The Board voted to break the case into 2 parts: one relating to Mr. Beck and one relating to NTD, the firm. With regard to NTD, the firm, Dr. Angel moved to issue a Consent Agreement to request that NTD voluntarily surrender its firm registration. Failure to sign the Consent Agreement within 30 days will result in the case being forwarded to a formal hearing. Mr. Lane seconded the motion. No further discussion; motion carried. With regard to Mr. Beck, Dr. Angel moved to issue a Consent Agreement to include a Letter of Reprimand; pay a Civil Penalty in the amount of \$1000; plus the Costs of the Investigation. Failure to sign within 30 days will result in the case being forwarded to a formal hearing. Mr. Lane seconded the motion. No further discussion; motion carried.

3. P14-091, Wayne Coates, P.E. (Agricultural) #15259

Mr. Lane moved to approve and offer the proposed Consent Agreement. The Respondent's failure to sign within 30 days will result in the case be forwarded to a formal hearing. Mr. Folk seconded the motion. No further discussion; motion carried.

F. Review and Approval for Appointment of EAC members:

1. Richard M. Anderson, P.E. (Civil) #36487

2. Keith D. Smith, CHI #38977

Dr. Angel moved to take 6F1 and 6F2 as consent agenda items and to approve the candidates as EAC members. Mr. Stanley seconded the motion. No further discussion; motion carried.

G. Compliance Monitoring Investigations:

1. HI14-010, Eric Christman, CHI #41604

Mr. Brady moved to accept the three names proposed for the peer review. Mr. Stanley seconded the motion. No further discussion; motion carried.

7. LICENSING MATTERS

1. Discussion, Consideration and Vote on the following: Time Specific 9:30 a.m.

- A. Review, Consideration and Action to Accept, Modify or Reject the Administrative Law Judge's August 27, 2014 Recommended Decision and Order in: *The Matter of Eric Willis, Applicant for Certification as an Alarm Agent in Arizona, Case No. 014F-140219-BTR.*

Mr. Lane moved to adopt the Administrative Law Judge's Findings of Fact. Mr. Stanley seconded the motion. No further discussion; motion carried. Mr. Lane moved to adopt the Administrative Law Judge's Conclusions of Law. Mr. Stanley seconded the motion. No further discussion; motion carried. Mr. Lane moved to adopt the Administrative Law Judge's decision to uphold the Board's denial of the application. Mr. Brady seconded the motion. No further discussion; motion carried.

2. Discussion, Consideration, and Vote to Grant or Deny Registration

B. Yahl, Adam, Home Inspector Application # 141091
Mr. Lane moved to deny the application. Dr. Angel seconded the motion. No further discussion; motion carried.

C. Mecham, Michael, Civil Engineer Application # 141148
Mr. Mecham addressed the Board regarding this matter. Mr. Lane moved to grant registration upon Mr. Mecham signing the amended Consent Agreement; pay the Civil Penalty in the amount of \$200; and pay the Costs of Investigation in the amount of \$145. Dr. Angel seconded the motion. No further discussion; motion carried.

8. 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

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. Granting professional registrations, certifications or in-training designations or authorizations to test to those applicants who disclosed minor criminal history that has no reasonable relationship to the applicant's proposed area of practice or who disclosed lesser disciplinary action taken against their registrations in other jurisdictions, pursuant to A.R.S. §§32-122, 32-122.01 and § 32-123;
 5. 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);
 6. Granting registration to Applicants who have met Board's requirements but Failed to Disclose on their application criminal history and convictions;
 7. Cancellation of registrations and certifications that have been expired for one full renewal period;
 8. List of Alarm firm and Alarm Agent certifications granted by the Executive Director pursuant to A.R.S. § 32-122.05 and A.R.S. § 32-122.06.
- Mr. Stanley moved to approve consent agenda items 8.A.1-8.A.8. Mr. Lane seconded the motion. No further discussion; motion carried.

9. POLICY MATTERS

Review, Consideration, and Possible Action on the following:

1. Election of Board Officers.
Mr. Brady nominated Mr. Marley to serve as the Board's Chairman. Dr. Angel seconded the motion. No further discussion; motion carried.
Mr. Folk nominated Mr. Brady to serve as Vice-Chairman. Mr. Madison seconded the motion. No further discussion; motion carried.
Mr. Folk nominated Mr. Stanley to serve as the Board's Secretary. Mr. Madison seconded the motion. No further discussion; motion carried.
2. Update on the NCEES Regional Meeting in Scottsdale in March.
NCEES estimated that 225 people will attend this event. The meeting will be held at the Chaparral Suites in Scottsdale. We have been asked to provide several guest speakers. The Mayor of Scottsdale Jim Lane has agreed to welcome the attendees. We are currently planning a guest tour and a conference dinner site.
3. Initial Discussion Regarding Increasing Application Fees.
This item was discussed. Mr. Folk suggested we should develop a justification for fees increases. Mr. Madison suggested inquiring what out of state Boards charge for their fees. The staff will continue to research this issue.
4. Receipt of Legal Advice regarding the Fingerprinting Board's List of Crimes and whether to use it in review of crimes disclosed on applications for registration.

Mr. Folk suggested that Ms. Cornelius and Ms. Selzer make recommendations on this matter for the Board to be reviewed at a future meeting

10. DIRECTOR'S REPORT

A. Budget Update

With 17% of the FY15 budget year elapsed, we have spent 14% of our appropriation and 100% of our revenue.

B. Staff Update

Sylvia Bates has agreed to accept the Licensing Unit's Assistant Manager position. We also posted to fill the Licensing position for alarm applications. Andrew Gomez will be leaving the Board on October 2, 2014 to pursue an opportunity with the Racing Commission.

C. Previous Meeting Follow-Up

SQL Update: ADOA upgraded the Board's software from CRM 4.0 to CRM 2013 in August.

AG ISA: We are still awaiting the accounting for this past fiscal year.

D. Director's Meetings

On August 27, 2014, Ms. Cornelius and Ms. Pritzl met with Eric Bistow, Chief Deputy Attorney General and Richard Rice, the Civil Division Chief, to discuss the Board's Services proved by the Licensing Enforcement Section of the AG's Office this past Fiscal Year.

Ms. Pritzl attended a meeting at the Legislature with our Lobbyist on September 4, 2014 to discuss finding the Alarm Industry a possible new home. A second meeting will be held on September 30, 2014 to discuss the pros and cons of 5 different scenarios regarding how to regulate the alarm industry.

Ms. Cornelius attended an ACEC Breakfast meeting on September 2, 2014 and talked to the group about the Board's legislative plans, the pending sunset, the investigative processes at the Board, and answered many questions.

Ms. Cornelius spent the weekend of September 4-7, 2014 in Washington D.C. to assist NCARB as Chair of the MBE Committee with planning the "regional summit" and the MBE meeting in the spring of 2015.

Ms. Cornelius gave a lecture to the PEs licensed to work at the Palo Verde Nuclear Power Plant on September 12, 2014 about the importance of licensure and the ethical requirements of registered practice.

Ms. Cornelius gave a lecture about the Board and its accomplishments this past year to the Arizona ASHI Home Inspectors' Association on September 19, 2014. She provided the association with Home Inspector specific statistics and discussed consistent complaint concerns.

E. Miscellaneous

The staff submitted the Board's annual report, now known as the AZIPPS to the Governor's Office of Strategic Planning and Budgeting on September 2, 2014. It contained information regarding 3 archaic goals from an unknown strategic plan, which need to be modified and updated, along with various performance measures reflecting the number of people the Board registered and the percentage of decisions entered without appeal. We will be working on updating those goals and performance measures for next year to more clearly reflect the work the Board accomplishes each year.

ADOA asked all state employees to take an Employee Survey earlier this year. Sixteen out of 20 employees from the Board of Technical Registration took the survey. We received very good survey results.

The Governor's Office has not yet named a replacement for the Architect position on the Board that is vacant.

We are planning to create Board Facebook and Twitter accounts to communicate with our younger applicants and registrants. We are considering hiring a new staff person to regularly check these accounts and post new information to them, and assist in other duties.

11. BOARD CHAIR'S REPORT

We got the results from NCARB for the request for feedback from Member Boards on IDP streamlining and the BEA and the BEFA programs. Most of the results paralleled the thoughts of this Board. Thirty out of 54 Member Boards supported the phase one streamlining of the IDP option which will reduce the hours to just the core hours. There are other aspects like the major realignment to the exam. The NCARB Board of Directors will vote on this at the annual meeting in June 2015. Forty-five of the 54 Member Board supported the phase two overhaul option, aligning it with the ARE. For the BEA, there was a lot of discussion from the 17 jurisdictions. For BEFA, support for this area came from 37 of the Member Boards, to require for the foreign applicants to take the ARE.

12. STANDING COMMITTEE REPORTS

- A. Legislation and Rules Committee – Nothing new to report.
- B. Home Inspector Rules and Standards Committee – A new candidate was approved for EAC.
- C. Environmental Remediation Rules and Standards Committee – Nothing to report.

13. BOARD MEMBER REPORTS ON OUTSIDE ACTIVITIES

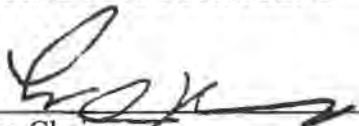
- A. National Council of Examiners for Engineering and Surveying (“NCEES”) – Nothing new to report.

- B. National Council of Architectural Registration Boards (“NCARB”) – Nothing new to report.
- C. Council of Landscape Architectural Registration Boards (“CLARB”) – Annual meeting scheduled in Reston, VA on September 24 – 27, 2014.
- D. National Association of State Boards of Geology (“ASBOG”) – Annual meeting is scheduled for November 10 - 15, 2014 in Indianapolis, IN.
- E. Public Member News/Information – Nothing new to report.


14. **FUTURE BOARD MEETINGS** – Tuesday, October 28, 2014 at 9:00 a.m.

15. **SUGGESTED TOPICS FOR FUTURE MEETING AGENDAS** – The Board plans to discuss an “ethics” review for registrants.

16. **MEETING ADJOURNMENT** – 12:18 PM



Ed Marley, Chairman



Melissa Cornelius, Executive Director

Minutes
ARIZONA STATE BOARD OF TECHNICAL REGISTRATION
1110 West Washington, Conference Room #240
Phoenix, AZ 85007

Tuesday, October 28, 2014

9:00 a.m.

OPEN SESSION

1. **CALL TO ORDER** – 9:06 AM
2. **ROLL CALL** – Board Members in attendance: Edward T. Marley, LeRoy Brady, Douglas Folk, Stuart R. Lane, Stephen Noel, Dr. Alejandro Angel, and Jason Madison. Absent: Robert M. Stanley. Staff: Melissa Cornelius, Patrice Pritzl, Douglas Parlin, Lorraine Brown, and Michelle Johnson. Assistant Attorney General: Sarah Seltzer

3. **CALL TO THE PUBLIC** – No one addressed the Board.

4. **ADOPTION OF MINUTES**

Review, Consideration, and Possible Action on the following:

- A. Approve, modify and/or reject September 22, 2014 Board meeting minutes – The Board tabled its action on these minutes until the November 18, 2014 meeting.

5. **FORMAL HEARINGS:**

- A. HI12-005, HI12-006: Franklin, Dwayne S., CHI #39204 – Roll call was taken prior to hearing. The Board accepted the State's request to vacate case #H12-006. Mr. Lane moved to table the hearing in the matter of case #H12-005 to allow the parties an opportunity to work on a Consent Agreement. Mr. Brady seconded the motion. Dr. Angel opposed. No further discussion; motion carried.

6. **ENFORCEMENT MATTERS**

Review, Consideration and Possible Vote on the following:

- A. Complaints Proposed for Resolution by Dismissal:

1. AL14-007, Shae Hensley, Non-Registrant Alarm Agent
2. P14-037, Tommie G. Stewart, RLS #15340
Mr. Lane moved to take 6(A)(1) and 6(A)(2) as consent agenda items and administratively close both. Dr. Angel seconded the motion. No further discussion; motion carried.

B. Complaints Proposed for Resolution by Letters of Concern:

1. HI14-005, David W. Goedecke, CHI #41661- Mr. Madison moved to issue a Letter of Concern. Mr. Folk seconded the motion. No further discussion; motion carried.
2. P14-084, Timothy L. Hammes, RLS #29263 – Mr. Hammes addressed the Board. Mr. Lane moved to issue a Letter of Concern. Mr. Folk seconded the motion. No further discussion; motion carried.

C. Complaints Proposed for Resolution by Consent Agreement:

1. P14-087, Rick Bennett, Principal of RBA Architecture, Non-Registrant Firm – Dr. Angel moved to approve the proposed Consent Agreement issuing an Assurance of Discontinuance, Civil Penalty Fees in the amount of \$1000, Cost of the Investigation in the amount of \$170 and Cost of Compliance. Mr. Brady seconded the motion. No further discussion; motion carried.
2. P15-002, Helmut J. Hammen, Architect #32886 – Mr. Folk recused himself, citing a conflict of interest. Mr. Marley moved to amend the proposed Consent Agreement to issue a Letter of Reprimand, impose Administrative Penalty Fees in the amount of \$1000, and the Cost of the Investigation in the amount of \$823. Failure to sign the agreement within 30 days will result in the matter being forwarded to a formal hearing. Mr. Madison seconded the motion. No further discussion; motion carried.

D. Complaints Requiring Board Guidance:

1. AL14-006, Rex Sorenson, Alarm Agent #58001- Mr. Sorenson was present and addressed the Board. He denied the allegation that misleading tactics were used in the marketing of the alarm services. Mr. Folk moved to dismiss this complaint as unsubstantiated. Mr. Lane seconded the motion. Mr. Madison opposed. No further discussion; motion carried.

E. Complaints Proposed for Offer of Consent Agreement:

1. HI14-056, Irvin Johnson, CHI #40623 – Dr. Angel moved to offer Mr. Johnson the proposed Consent Agreement. Failure to sign the agreement within 30 days will result in the matter being forwarded to a formal hearing. Mr. Brady seconded the motion. No further discussion; motion carried.
2. P14-065, Gerald R. Kesler, Architect #13452 – Dr. Angel moved to offer Mr. Kesler the proposed Consent Agreement. Failure to sign the agreement within 30 days will result in the matter being forwarded to a formal hearing. Mr. Brady seconded the motion. No further discussion; motion carried.

3. P14-077, Alan E. Money, P.E. (Civil) #30865 – Mr. Madison recused himself, citing a conflict of interest. Dr. Angel moved to offer Mr. Money the proposed Consent Agreement with modifications to include 2 years of Stayed Suspension/Probation, indefinite Restriction of Practice of structural engineering until the Respondent can demonstrate that he is competent and qualified to practice structural engineering by providing documentation of having passed the applicable examination through NCEES. Respondent shall not advertise or display any card that may indicate to the public that he is qualified to practice structural engineering until licensed by the Board. Mr. Noel seconded the motion. No further discussion; motion carried.

Mr. Folk excused himself from the meeting at 12:55 PM.

4. HI15-002, Jerry Spicer, CHI #49761 – Dr. Angel moved to offer Mr. Spicer the proposed Consent Agreement. Failure to sign the agreement within 30 days will result in the matter being forwarded to a formal hearing. Mr. Brady seconded the motion. No further discussion; motion carried
5. P14-008, Dina Rosas, Non-Registrant, D. Rosas Architecture Design Group, Non-Registrant Firm – Ms. Rosas was present and addressed the Board. Dr. Angel moved to offer Ms. Rosas a Consent Agreement to include a Civil Penalty in the amount of \$1000. Failure to sign the agreement within 30 days will result in the matter being forwarded to a formal hearing. Mr. Lane seconded the motion. No further discussion; motion carried.
6. P14-009, James F. Kollenda, Architect #29067 – Mr. Kollenda was present and addressed the Board. Dr. Angel moved to offer Mr. Kollenda the proposed Consent Agreement. Failure to sign the agreement within 30 days will result in the matter being forwarded to a formal hearing. Mr. Lane seconded the motion. No further discussion; motion carried.
7. M13-039, Andrei S. Neiciulescu, P.E. (Civil) #49559 – Mr. Madison moved to offer the Mr. Neiciulescu the proposed Consent Agreement to include 2 years of Stayed Suspension/Probation, indefinite Restriction of Practice of structural engineering until the Respondent can demonstrate that he is competent and qualified to practice structural engineering by providing documentation of having passed the applicable examination through NCEES, Respondent shall not advertise or display any card that may indicate to the public that he is qualified to practice structural engineering until licensed by the Board. Dr. Angel seconded the motion. No further discussion; motion carried.
8. AL14-005, Marcelino Martinez, Alarm Agent #58664 – Dr. Angel moved to offer Mr. Martinez the proposed Consent Agreement. Failure to sign the agreement within 30 days will result in the matter being forwarded to a formal hearing. Mr. Brady seconded the motion. No further discussion; motion carried.
9. AL14-003, Jason Stoepker, Non-Registrant Alarm Agent – Dr. Angel moved to offer Mr. Stoepker the proposed Consent Agreement. Failure to sign the

agreement within 30 days will result in the matter being forwarded to a formal hearing. Mr. Brady seconded the motion. No further discussion; motion carried.

10. M13-038, John H. Davis, RLS #26410 – Mr. Marley moved to convene an executive session to review and discuss confidential information at 1:13PM. Mr. Madison seconded the motion. The Board went into executive session pursuant to A.R.S. § 38-431.03(A)(1) to discuss this matter.

The Board returned from the executive session at 1:17 PM.

Mr. Lane moved to offer Mr. Davis the proposed Consent Agreement with a stayed suspension rather than a stayed revocation. Failure to sign the agreement within 30 days will result in the matter being forwarded to a formal hearing. Mr. Brady seconded the motion.

Items 6E1, 6E2, 6E4, 6E8, and 6E9 were combined into one consent agenda.

F. Compliance Monitoring Investigations:

1. P14-047, Omar Rodriguez, Architect #35431 – Mr. Madison moved to send this case to a formal hearing based upon Mr. Rodriguez's alleged non-compliance with a previous Board order. Mr. Lane seconded the motion. No further discussion; motion carried.

G. Review, Consideration and Action on State's Request for Reconsideration:

1. Scott Beck, Architect #18715
NTD Architecture, Firm Registration #13390
Case No. P14-076 – Mr. Marley moved to convene to an executive session for legal advice at 12:00 PM. Dr. Angel seconded the motion. The Board went into executive session pursuant to A.R.S. § 38-431.03(A)(1) to discuss this matter.

The Board returned from the executive session at 12:17 PM.

Mr. Folk recused himself, citing a conflict of interest. Dr. Angel moved to offer the Respondents' a Consent Agreement encompassing a Letter of Reprimand. Failure to sign the agreement within 30 days will result in the matter being forwarded to a formal hearing. Mr. Lane seconded the motion. Mr. Lane opposed. Mr. Folk did not vote. No further discussion; motion carried.

Dr. Angel moved to include reference to A.R.S. § 32.128(C)(5), A.R.S. § 32.141(B)(C) and R4-301-20 in the Letter of Reprimand issued to Mr. Beck. Mr. Madison seconded the motion. Mr. Folk did not vote. No further discussion; motion carried.

2. Bradley W. Isaly, Non-Registrant, Case No. HI10-030 – Mr. Folk moved to refer this case back to the staff for further investigation. Dr. Angel seconded the motion. No further discussion; motion carried.
3. Frank Long, Non-Registrant
Long Enterprises, Non-Registrant Firm
Case No. HI11-001 – Mr. Folk moved to refer this case back to the staff for further investigation. Mr. Lane seconded the motion. No further discussion; motion carried.
4. John O'Coin, CHI #39184, Case No. HI09-013 – Mr. Folk moved to have an investigator appointed to update this file and issue a report to the Board prior to sending the case to a formal hearing. Mr. Lane seconded the motion. No further discussion; motion carried.

7. LICENSING MATTERS

Discussion, Consideration and Vote on the following:

A. Request for an Extension

1. Nyakoe, Raymond, Architect Application # 081957 – Mr. Marley moved to grant the Applicant an extension of three months. Mr. Madison seconded the motion. No further discussion; motion carried.

B. Discussion, Consideration, and Vote to Grant or Deny Registration

1. Merida, Elio, Alarm Agent Application # 141248 – Mr. Lane moved to deny the application under the statute that applied at the time the application was submitted. Mr. Brady seconded the motion. No further discussion; motion carried.
2. Ogram, Jason, Alarm Agent Application # 141218 – Mr. Lane moved to deny the application under the statute that applied at the time the application was submitted. Mr. Noel seconded the motion. No further discussion; motion carried.
3. Smith, Curtis, Electrical Engineer Application # 141634 – Mr. Madison moved to grant the application. Mr. Noel seconded the motion. No further discussion; motion carried.

C. Review, Consideration and Action on State's Request for Reconsideration:

1. Adam Yahl, Home Inspector Applicant #141091 – Dr. Angel moved to deny Mr. Yahl's application based upon his lack of good moral character and

reputation as demonstrated by his criminal record. Mr. Folk seconded the motion. No further discussion; motion carried.

8. 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

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. Granting professional registrations, certifications or in-training designations or authorizations to test to those applicants who disclosed minor criminal history that has no reasonable relationship to the applicant's proposed area of practice or who disclosed lesser disciplinary action taken against their registrations in other jurisdictions, pursuant to A.R.S. §§32-122, 32-122.01 and § 32-123;
5. 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);
6. Granting registration to Applicants who have met Board's requirements but Failed to Disclose on their application criminal history and convictions;
7. Cancellation of registrations and certifications that have been expired for one full renewal period;
8. List of Alarm firm and Alarm Agent certifications granted by the Executive Director pursuant to A.R.S. § 32-122.05 and A.R.S. § 32-122.06.

Agenda item 8A4; Dr. Angel moved to table Jesse Bird and Lynn Broussard applications to invite the applicants to address the Board. Mr. Lane seconded the motion. No further discussion; motion passed. Mr. Brady moved to grant the remaining applications in 8A4. Dr. Angel seconded the motion. No further discussion; motion carried.

Mr. Brady moved to approve 8A1 – 8A3 and 8A5 – 8A8. Mr. Noel seconded the motion. No further discussion. Motion carried.

9. POLICY MATTERS

Review, Consideration, and Possible Action on the following:

- ### A. Redefining the Licensure and Renewal Process, including the Fees, for Alarm Controlling Persons and Alarm Businesses. – Mr. Lane moved to redefine the

Licensing renewal process and raise fees for the alarm industry. Mr. Madison seconded the motion. No further discussion; motion carried.

- B. October 2014 Newsletter Draft. – Ms. Cornelius informed the Board that the newsletter will be posted on the website by the end of the month.
- C. Reappoint Home Inspector Rules and Standards Committee Members Randy West, David Swartz, and Peter Leeds.
Mr. Lane moved to reappoint Mr. Randy West to a one year term to expire on October 30, 2015; Mr. David Swartz to a three year term to expire on October 30, 2017; and Mr. Peter Leeds to a two year term to expire on October 30, 2016. Dr. Angel seconded the motion. No further discussion; motion carried.
- D. Interaction between Federal Rule 23 CFR 635.110(F)(2) and A.R.S. § 32-101(B) (17) and Whether the Definition of ‘Engineering Practice’ Requires Registration Prior to Submitting Proposals for Work in Arizona. – Mr. Folk recused himself, citing a conflict of interest. Mr. Brady recused himself, citing a conflict of interest. Mr. Robert Samore, Senior State Deputy Engineer for the Arizona Department of Transportation addressed the Board about the South Mountain Freeway Project.

Mr. Marley moved to go into an executive session for legal advice at 9:26 AM. Dr. Angel seconded the motion. The Board went into executive session pursuant to A.R. S. § 38-431.03(A) to discuss this matter.

The Board returned from the executive session at 9:45 AM.

Dr. Angel moved to consider issuing a Substantive Policy Statement to clarify its statutes in regards to projects where federal requirements might conflict with state statutes, specifically in the two stage process selection. In the RFQ process, professionals are to be required to show they are registered in another state with similar qualifications to Arizona and in the same discipline. Also, prior to any work being started, the professional must be registered in the State of Arizona. Mr. Madison seconded the motion. Mr. Stuart opposed. No further discussion; motion carried.

- E. Proposed Substantive Policy Statement Regarding Board Use of Criminal History Information When Considering to Grant or Deny Registration or Certification. – The Board discussed this matter and forwarded it to the Legislation and Rules Committee to review it.
- F. Possible Fees Increases – Mr. Marley moved to increase professional renewal fees by \$10 for individual professionals and firm registrations to \$50, effective January 1, 2015. Mr. Brady seconded the motion. No further discussion; motion carried.

- G. The Proposal to De-Certify Clandestine Drug Lab Workers, Supervisors and Firms and Remediation Specialists. – Ms. Cornelius updated the Board on the proposal to remove the Clandestine Drug Lab and Remediation Specialist from the jurisdiction of the BTR.

10. DIRECTOR'S REPORT

A. Budget Update

Ms. Cornelius stated that 25% of the FY15 budget year elapsed, 20% of the appropriation and 91% of our revenue has been spent.

B. Staff Update

Ms. Cornelius reported that Kayla Blanco was promoted to fill the Enforcement Unit Administrative Assistant position. Jeff Hunt was hired to fill the investigator position that Andrew Gomez vacated and Shelly McEachrin was hired to fill the Administrative Assistant position in Licensing.

C. Previous Meeting Follow-Up

AG ISA: The Board is still awaiting a detailed accounting for our Attorney General ISA money.

NCEES Zone Meeting: Mrs. Cornelius has requested for NCEES to assume the responsibility for planning the meeting.

D. Director's Meetings

Ms. Cornelius reported that Ms. Pritzl attended a meeting at the Legislature with the Board's Lobbyists on September 30, 2014 at the request of the Legislative Staff, to discuss finding the Alarm Industry a possible new home. The meeting included "stakeholders" such as Arizona Alarm Industry, Cox, and Arizona Alarm Dealers Association.

Ms. Cornelius and Ms. Pritzl met with directors of the agency called Building, Life and Fire Safety to discuss the possibility of that agency assuming responsibility for regulating the Alarm industry. BLFS will be present at the next Stakeholders meeting on November 3, 2014.

Ms. Cornelius and Mr. Brady attended the CLARB annual meeting in Reston, VA from September 23-27, 2014. Mrs. Cornelius presented an "Ignite" presentation on "A Day in the Life of a MBE" and 3 additional presentations on CLARB's idea of creating a "Model Board".

Ms. Cornelius attended the FARB meeting in Annapolis, Maryland October 2-5, 2014. There were several interesting lectures about Boards using social media to communicate with their registrants.

E. Licensing

All application numbers are down this month from last month.

F. Enforcement

Enforcement is working 68 open cases against registrants and 28 complaints against non-registrants. They continue to monitor 30 unremediated drug labs. Of the cases referred for Criminal Prosecution, 4 have been resolved by conviction, 1 was declined and the remainders are pending.

11. BOARD CHAIR'S REPORT – Nothing new to report.

12. STANDING COMMITTEE REPORTS

- A. Legislation and Rules Committee – Next meeting Tuesday, December 11, 2014.
- B. Home Inspector Rules and Standards Committee – Next meeting Tuesday, November 4, 2014.
- C. Environmental Remediation Rules and Standards Committee – Nothing new to report.


13. BOARD MEMBER REPORTS ON OUTSIDE ACTIVITIES

- A. National Council of Examiners for Engineering and Surveying (“NCEES”) – Nothing new to report.
- B. National Council of Architectural Registration Boards (“NCARB”) – Next meeting Thursday, October 30, 2014.
- C. Council of Landscape Architectural Registration Boards (“CLARB”) – Meeting was recently held in Reston, VA.
- D. National Association of State Boards of Geology (“ASBOG”) – Next meeting scheduled for November 14, 2014.
- E. Public Member News/Information – Nothing new to report.

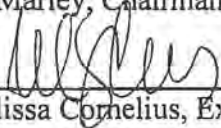
14. FUTURE BOARD MEETINGS – Tuesday, November 18, 2014 at 9:00 a.m.

15. SUGGESTED TOPICS FOR FUTURE MEETING AGENDAS. – Nothing added at this time.

16. MEETING ADJOURNMENT – 2:41 PM



Ed Marley, Chairman



Melissa Cornelius, Executive Director

Minutes
ARIZONA STATE BOARD OF TECHNICAL REGISTRATION
1110 West Washington, Conference Room #240
Phoenix, AZ 85007

Tuesday, November 18, 2014

9:00 a.m.

OPEN SESSION

1. **CALL TO ORDER** – 9:04AM
2. **ROLL CALL** – Board Members in attendance: Alejandro Angel, LeRoy Brady, Neal Jones, Stuart R. Lane, Jason K. Madison, Edward T. Marley, and Robert M. Stanley. Absent: Douglas Folk and Stephen Noel. Staff: Lorraine Brown, Melissa Cornelius, Michelle Johnson, Douglas Parlin, and Patrice Pritzl. Assistant Attorney General: Sarah Seltzer.

3. **CALL TO THE PUBLIC** – No one addressed the Board.

4. **ADOPTION OF MINUTES**

Review, Consideration, and Possible Action on the following:

Approve, modify and/or reject September 22, 2014 Board meeting minutes – Mr. Brady moved to approve the minutes. Dr. Angel seconded the motion. No further discussion; motion carried.

5. **FORMAL HEARINGS:**

- A. Review, Consideration, and Action on State's Motion to Deem M10-025-BTR, Shreeve GPS Services and Timothy Z. Shreeve, Non-Registrants Respondent was not present for the hearing. Mr. Lane moved to grant the State's request to deem allegations admitted. Mr. Stanley seconded the motion. No further discussion; motion carried. Mr. Lane moved to adopt the State's Findings of Fact and Conclusions of Law. Mr. Stanley seconded the motion. No further discussion; motion carried. Dr. Angel moved to assess a Civil Penalty in the amount of \$2000, issue an Assurance of Discontinuance, and impose the Cost of the Investigation. Mr. Stanley seconded the motion. No further discussion; motion carried.

6. **ENFORCEMENT MATTERS**

Review, Consideration and Possible Vote on the following:

- A. Complaints Proposed for Closure:

1. AL15-003, Sunthiphab J. Boupha, Non-Registrant Alarm Agent
2. AL15-004, Adam Conrad, Non-Registrant Alarm Agent

Mr. Stanley moved to combine items 6A1 and 6A2. Mr. Brady seconded the motion.

Mr. Lane moved to administratively close these complaints and directed the staff to resume a formal investigation if the respondents are located in the future. Mr. Brady seconded the motion. No further discussion; motion carried.

B. Complaints Requiring Board Guidance:

1. P14-086, Bruce DiFrancisco, P.E. (Civil) #30181 – Dr. Angel moved to take no action. Mr. Stanley seconded the motion. No further discussion; motion carried.
2. P14-092, Charles H. Moss, P.E. (Civil) #29431 – Dr. Angel moved to take no action. Mr. Stanley seconded the motion. No further discussion; motion carried.

C. Complaints Proposed to Offer Consent Agreement:

1. P15-009, Mark Morris, Non-Registrant, Morris Systems Inc., Non-Registrant Firm – Mr. Marley moved to offer a Consent Agreement to assess a Civil Penalty in the amount of \$1000, obtain an Assurance of Discontinuance, and impose the Cost of the Investigation in the amount of \$500. Failure to sign the Consent Agreement within 30 days will result in the case being forwarded to a formal hearing. Mr. Lane seconded the motion. No further discussion; motion carried.
2. P14-093, John Heffernan, P.E. (Civil) #42092 – Dr. Angel moved to offer the proposed Consent Agreement with a Letter of Reprimand, Administrative Penalty in the amount of \$150, and impose the Cost of the Investigation in the amount of \$174.00. Failure to sign the Consent Agreement within 30 days will result in the case being forwarded to a formal hearing. Mr. Lane seconded the motion. No further discussion; motion carried.
3. P14-094, Thomas W. Patrick, RLD #37420 – Mr. Patrick addressed the Board explaining his concern about this complaint. Mr. Lane moved to offer the Respondent the proposed Consent Agreement with a Letter of Reprimand; Administrative Penalty in the amount of \$150, and impose the Cost of the Investigation in the amount of \$174.00. Dr. Angel seconded the motion. No further discussion; motion carried.

4. HI14-042, Steve L. Anderson, CHI #51896 – Mr. Brady moved to pend this agenda item. Mr. Madison seconded the motion. No further discussion; motion carried.
5. HI15-001, Mark A. Timpani, CHI #41074 – Dr. Angel moved to offer the proposed Consent Agreement with a Letter of Reprimand, Administrative Penalty in the amount of \$500, and Cost of the Investigation in the amount of \$456.00. Failure to sign the Consent Agreement within 30 days will result in the case being forwarded to a formal hearing. Mr. Lane seconded the motion. No further discussion; motion carried.
6. P15-019, Bruce W. Yeomans, Non-Registrant, B. Yeomans Consulting, LLC, Non-Registrant Firm – Mr. Lane moved to approve the signed Consent Agreement. Mr. Madison seconded the motion. No further discussion; motion carried.
7. HI14-009, Theodore R. Gossard, CHI #39084 – Mr. Gossard addressed the Board explaining his concern about this complaint. Mr. Lane moved to dismiss this complaint. Mr. Madison seconded the motion. Dr. Angel opposed. No further discussion; motion carried.
8. HI14-046, Theodore R. Gossard, CHI #39084 – Mr. Gossard addressed the Board explaining his concern about this complaint. Mr. Madison moved to amend the Consent Agreement to issue a Letter of Reprimand and the Cost of the Investigation in the amount of \$690. Failure to sign the Consent Agreement within 30 days will result in the case being forwarded to a formal hearing.

D. Compliance Monitoring Investigations:

1. HI15-009, David Sturgeon, CHI #40109 – Mr. Lane moved to dismiss this case as resolved. Dr. Angel seconded the motion. No further discussion; motion carried.

E. Complaints Proposed to Forward to Formal Hearing:

1. P15-021, P14-052, P15-004, Teodorico I. Gutierrez, P.E. (Civil) #17984 – Mr. Lane moved to combine all three cases and forward them to a formal hearing for revocation of P.E. Registration #17984. Mr. Brady seconded the motion. No further discussion; motion carried.

F. Close File and Remove from Monitoring List:

1. DL09-019, 523 West Kathleen Road, Phoenix, Arizona – Dr. Angel voted to remove this address from the list of unremediated property. Mr. Lane seconded the motion; no further discussion; motion carried.

G. Review, Consideration and Action on Respondent's Counter-Offer of Consent

Mr. Marley moved to convene to an executive session for legal advice at 10:33 AM. Mr. Stanley seconded the motion. The Board went into executive session pursuant to A.R.S. § 38-431.03(A)(1) to discuss this matter.

The Board returned from the executive session at 10:48 AM.

1. P14-039, Scott Ritchie, Non-Registrant – Dr. Angel recused himself, citing a conflict of interest. Mr. Brady recused himself, citing a conflict of interest. Mr. Ritchie and his attorney Jason Ebe addressed the Board regarding this matter. Mr. Marley moved to amend the Consent Agreement to include the requirement that Mr. Ritchie hire a registrant registered in Arizona to be the principal for his firm, and impose the Cost of the Investigation. The Registrant must be hired within 60 days and the firm registered with the Board within 60 days. Mr. Stanley seconded the motion. No further discussion; motion carried.

2. P14-077, Alan E. Money, P.E. (Civil) #30865 – Mr. Madison recused himself, citing a conflict of interest. Mr. Money addressed the Board regarding this matter. Mr. Stanley moved to amend the Consent Agreement to exclude to the restriction of practice. Mr. Money is required to take a course in wood design that is acceptable to the Board and his next two projects are to be submitted for peer review. Mr. Brady seconded the motion. No further discussion; motion carried.

7. LICENSING MATTERS

Discussion, Consideration and Vote on the following:

A. Discussion, Consideration, and Vote to Grant or Deny Registration

1. Ockfen, Alex, Mechanical Engineer Application # 141741 – Mr. Stanley moved to grant the application. Mr. Madison seconded the motion. No further discussion; motion carried.
2. Broussard, Lynn, Alarm Agent Application # 141337 – Mr. Broussard addressed the Board regarding his application. Mr. Madison moved to grant the application. Mr. Stanley seconded the motion. No further discussion; motion carried.
3. Bird, Jesse, Alarm Agent Application # 141643 – Mr. Bird addressed the Board regarding his application. Dr. Angel moved to grant the application. Mr. Madison seconded the motion. No further discussion; motion carried.

B. Review, Consideration and Re-Open File of Agent Closed in Error:

1. Belike, Neil, Alarm Agent Application # 56385
 2. Miller, Paul, Alarm Agent Application # 55798
- Mr. Madison moved to combine agenda items 7.B.1 and 7.B.2 and reopen the agent certifications. Mr. Lane seconded the motion. No further discussion; motion carried.

8. 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

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. Granting professional registrations, certifications or in-training designations or authorizations to test to those applicants who disclosed minor criminal history that has no reasonable relationship to the applicant's proposed area of practice or who disclosed lesser disciplinary action taken against their registrations in other jurisdictions, pursuant to A.R.S. §§32-122, 32-122.01 and § 32-123;
5. 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);
6. Granting registration to Applicants who have met Board's requirements but Failed to Disclose on their application criminal history and convictions;
7. Cancellation of registrations and certifications that have been expired for one full renewal period;
8. List of Alarm firm and Alarm Agent certifications granted by the Executive Director pursuant to A.R.S. § 32-122.05 and A.R.S. § 32-122.06.

Mr. Stanley moved to approve consent agenda items 8.A.1-8.A.8 with the exception of not closing Robert Eardley's application. Mr. Lane seconded the motion. No further discussion; motion carried.

9. POLICY MATTERS

Review, Consideration, and Possible Action on the following:

- A. Proposed Substantive Policy Statement Regarding the Board's Interpretation of the Definition of "Engineering Practice." – Mr. Brady moved to approve the

Proposed Substantive Policy Statement. Mr. Madison seconded the motion. No further discussion; motion carried.

- B. The Visit from NCARB's Executive Director, Michael Armstrong, Esq. – Mr. Michael Armstrong, Ms. Katherine Hillegas, and Derrick Hayes shared with the Board NCARB's ideas for their "Passage to Licensure" and other information.
- C. The Proposed Mutual Recognition Agreement Between NCARB and the Canadian Architectural Licensing Authorities (CALA). – Mr. Marley moved to approve the MRA and CALA. Dr. Angel seconded the motion. No further discussion; motion carried.

10. DIRECTOR'S REPORT

- A. Budget Update – Ms. Cornelius stated that 33% of the FY15 budget year elapsed, 30% of our appropriation and 101% of our revenue has been spent.
- B. Staff Update – Ms. Cornelius reported that Andrew Puccino filled the Front Desk position for the Operations Unit on November 10, 2014.
- C. Previous Meeting Follow Up –
AG ISA: Ms. Cornelius shared she had signed the ISA from the AG's Office. The Newsletter was "published" on October 31, 2014.
Ms. Cornelius received and signed the Loyalty Oath taken by Mr. Neal Jones, the new architect board member, on November 5, 2014. He is officially a member of the Board.
- D. Director's Meetings – Ms. Cornelius attended the AIA Convention in Phoenix on October 23, 2014 to answer questions from architectural students interested in registration.

Ms. Cornelius and Ms. Pritzl attended a stakeholders' meeting at the Legislature regarding the alarm industry on November 4, 2014. DPS presented information to the group regarding how they process fingerprints and it appears that DPS will be the agency designated as the new home for the industry in the proposed legislation that will be introduced this coming legislative session.

Ms. Cornelius attended the ACEC Board of Director's meeting at ASU on Nov. 6, 2014 to talk about current events at the Board and to answer questions.

- E. Licensing – Ms. Cornelius reported that the Board received 57 more professional applications for registration than last month and granted 68 more professional registrations than in September. The Board received 77 more IT applications than last month, but received 116 fewer renewals than last month.

11. BOARD CHAIR'S REPORT – Nothing new to report.

12. STANDING COMMITTEE REPORTS

- A. Legislation and Rules Committee – Next meeting scheduled for December 11, 2014.
- B. Home Inspector Rules and Standards Committee – Next meeting scheduled for January 12, 2015.
- C. Environmental Remediation Rules and Standards Committee – No meetings scheduled at this time.

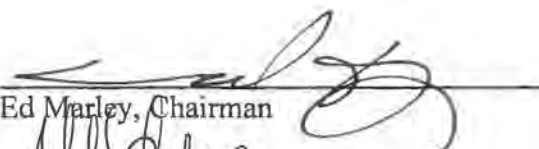
13. BOARD MEMBER REPORTS ON OUTSIDE ACTIVITIES

- A. National Council of Examiners for Engineering and Surveying (“NCEES”) – Nothing new to report.
- B. National Council of Architectural Registration Boards (“NCARB”) – Mr. Armstrong, Ms. Hillegas, and Mr. Hayes shared information from NCARB.
- C. Council of Landscape Architectural Registration Boards (“CLARB”) – Nothing new to report.
- D. National Association of State Boards of Geology (“ASBOG”) – Board Member Stephen Noel was recognized at the annual meeting as being one of the first from Arizona to get ASBOG up and going.
- E. Public Member News/Information – Nothing new to report.

14. **FUTURE BOARD MEETINGS** – Tuesday, December 16, 2014 at 9:00 a.m.

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

16. **MEETING ADJOURNMENT** – 12:30PM


Ed Marley, Chairman


Melissa Cornelius, Executive Director

STRATEGIC PLANNING MEETING MINUTES
ARIZONA STATE BOARD OF TECHNICAL REGISTRATION

1110 West Washington, Conference Room #240

Phoenix, AZ 85007

Tuesday, February 11, 2014

8:00 a.m.

OPEN SESSION

1. CALL TO ORDER/ROLL CALL Board Members in attendance: Edward T. Marley, LeRoy Brady, Jason K. Madison, Douglas T. Whitneybell, Robert Stanley, Douglas Folk, Alejandro Angel, Ph.D. Staff: Melissa Cornelius, Patrice Pritzl and Eric Blake. Assistant Attorney General: Jeanne Galvin. Absent: Erick Weiland and Stuart Lane.

2. Review, consideration and possible action on the Board's Mission Statement, and discussion regarding the Board's core purpose and core values.

- Consider establishing a new direction for the Board
Mr. Marley briefly gave an overview for the purpose of the Strategic Planning Meeting. He stated that with Director Cornelius taking over as the Executive Director, the Board will discuss short-term and long-term goals. He noted that among the Boards concerns, he would like to see a review of administrative procedures, such as applications.
- Develop Operational, Short-term Goals for the Board, including but not limited to:
 - Computer system update
Director Cornelius is finalizing the Project Investment Justification which will be presented to ADOA for review. GL Solution is the selected vendor. The computer system update will allow for online applications, online renewals, online credit card payment, and uploading of files. An update will be presented to the Board at its February 25, 2014 Board Meeting.
 - Online applications/renewals
 - Online payments
 - Records Retention Schedule modifications
 - Records Organization
 - Hiring a lobbyist
Director Cornelius stated that a request for proposal has been published and will be up for another week. More information will be available at the February 25, 2014 meeting.
 - Rules updates-compile a list of those rules
Director Cornelius explained the 5 year rule review process and described the rules she believes require amendment. The Board identified additional rules for possible amendment, repeal, or creation as new rule.
 - Policy Statements-review and possibly update existing policies and/or create new policies

Mr. Marley advised that the Board should evaluate all rules and policies to see if they are in the right place, or should be promulgated as rule.

- Communications
 - Website Updates

Director Cornelius briefly discussed options for website updates. ADOA will still provide hosting and is currently rolling out website updates for several agencies. Director Cornelius will research options to use a vendor to help redesign the Board's website.
 - Newsletter

The Board discussed producing a quarterly newsletter, content to be included and distribution methods. Ms. Cornelius indicated a tentative deadline of the April Board meeting to produce a draft.
 - Board Outreach to Stakeholder Communities

Mr. Marley opened discussion by noting the Board's need to be more involved at the Universities. Dr. Angel advised that the Board can consider a traveling Board meeting, one Board meeting in Tucson and one in Flagstaff. Director Cornelius reported that she has been appointed to three committees.
- Best Use of National Councils' resources

Director Cornelius discussed that more of the councils are providing reimbursement for Board Members to travel to national council meetings. Mr. Folk discussed that the Board should have a clearly written policy on who, when, and why staff and Board members travel. Director Cornelius discussed that being a member of NCARB, NCEES, and ASBOG makes updates and news more readily available.
- EAC Member Recruitment and Training

Director Cornelius explained that Mr. Parlin has created an updated EAC Member list and the staff is always looking to add more members. The Board directed that the first issue of the newsletter should include information on the role of EAC members.
- Develop Strategic, Long-term Goals for the Board. The Board Discussed the Following.
 - Practice Act (statutory) updates, including but not limited to:
 - Request the Sunset of certain certifications such as Remediation Specialists and the Clandestine Drug Lab Program.

Director Cornelius stated that there are twelve registered remediation specialists, twenty two drug lab workers and supervisors, and one drug lab firm. At the moment, the Board is not getting any methamphetamines labs reported, but is getting other types of chemical lab seizures reported. She noted the Board does not have authority on these new labs and drugs. Director Cornelius suggested a meeting with ADEQ to have them take over the program.
 - Consider Increasing Board Member terms

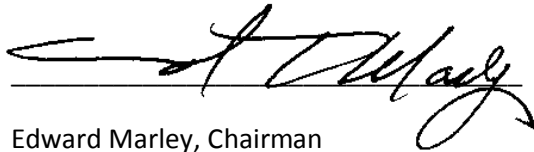
Mr. Folk and Director Cornelius discussed that there shouldn't be a change to term limits.
 - Update Professional Practice definitions, including, but not limited to the definition of "land surveyor".

Mr. Folk discussed the update of professional practice definitions and land surveyor. He reported that there is a discussion draft out for feedback, but it is not yet completed. It was noted that this goal will require a statutory change.

- Consider modifying Practice Exemptions
The Board did not recommend changes at this time.
- Consider defining Incidental Practice
The Board will take no action.
- Create a Cease and Desist Authority
Director Cornelius discussed cease and desist authority. She reported other Boards have this option instead of issuance of discontinuance. The Board stated it will consider this type of regulation.
- Consider whether to define ethical marketing practices
The Board will take no action.

- Consider methods to Improve Process and Outcome of Enforcement Actions
Director Cornelius stated that new methods have been put in place to monitor compliance.
- Anticipate Change and the Possibility of Administering future programs
The Board and Director Cornelius discussed changes and future programs. It was determined that the Board will look at any program to see if it is a good fit and viable for the Board to regulate prior to agreeing to commitments.

3. ADJOURNMENT – 11:49 am



Edward Marley, Chairman



Melissa Cornelius, Executive Director