

BEFORE THE ARIZONA STATE
BOARD OF TECHNICAL REGISTRATION



<p>In the Matter of:</p> <p>Eric Vilaverde Home Inspector Certification No. 43394</p> <p>Respondent</p>	<p>Case No. HI18-030</p> <p>CONSENT AGREEMENT and ORDER OF DISCIPLINE</p>
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In the interest of a prompt and judicious resolution of the above-captioned matter before the Arizona State Board of Technical Registration (“Board”) and consistent with the public interest, statutory requirements, and the responsibilities of the Board, and pursuant to A.R.S. § 32-101 et seq., and A.A.C. R4-30-120(G), the undersigned party, Eric Villaverde (“Respondent”), holder of Registration No. 43394, and the Board enter into the following Recitals, Findings of Fact, Conclusions of Law and Order (“Consent Agreement”) as a final disposition of this matter.

RECITALS

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

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

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

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

3 5. The Consent Agreement, any record prepared in this matter, all investigative
4 materials prepared or received by the Board and all related exhibits and materials, are public
5 records (as defined in A.R.S. § 41-158.18) upon acceptance by the Board of this Consent
6 Agreement and may be retained in the Board's files pertaining to this matter.

7 6. Respondent understands this Consent Agreement deals with Board case number
8 HI18-030, involving allegations that Respondent engaged in conduct that would subject him to
9 discipline under the Board's statutes and rules. The investigation into these allegations against
10 Respondent shall be concluded upon the Board's adoption of this Consent Agreement.

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

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

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

23 10. This Consent Agreement is subject to the approval of the Board and is effective
24 only when accepted by the Board and signed on behalf of the Board. If the Board does not accept
25 this Consent Agreement, the Board retains its authority to hold a formal administrative hearing
26 pursuant to A.R.S. § 32-128(E). In the event that the Board does not approve this Consent
27 Agreement, it is withdrawn and shall be of no evidentiary value and shall not be relied upon nor
28 introduced in any action by any party, except that the parties agree that should the Board reject

1 this Consent Agreement and this case proceeds to hearing, Respondent shall assert no claim that
2 the Board was prejudiced by its review and discussion of this document or any records relating
3 thereto.

4 11. If a court of competent jurisdiction rules that any part of this Consent Agreement is
5 void or otherwise unenforceable, the remainder of the Consent Agreement shall remain in full
6 force and effect.

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

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

11 FINDINGS OF FACT

12 1. The Board is the duly constituted authority for the regulation and control of the
13 practice of Certified Home Inspector in the State of Arizona.

14 2. Respondent is the holder of Arizona Certified Home Inspector No. 43394.

15 3. On March 12, 2018, the Respondent performed a home inspection and prepared a
16 home inspection report for the property located at 3601 N. 53rd Street, Phoenix, Arizona.

17 4. On March 27, 2018, the Board received a complaint alleging Respondent failed to
18 accurately report on the wall structure, roof sheathing, type of bathtub, overcurrent protection
19 device, GFCI, range and attic ventilation during a Home Inspection at 3601 N. 53rd Street,
20 Phoenix, on or about March 12, 2018.

21 5. On October 25, 2018, the Boards Enforcement Advisory Committee (“EAC”)
22 convened to review the complaint against Respondent. After reviewing the evidence, the
23 committee determined that Respondent failed to conduct a home inspection in accordance with
24 the Standards of Professional Practice for Arizona Home Inspectors (“SOP”) and found that:

- 25 A. Respondent failed to include his Certification number as required in S.O.P #2.2,
- 26 B. Respondent failed to include AZ standards of Practice as required in S.O.P #2.2,
- 27 C. Respondent failed to observe and report on the type and condition of the roof
28 structure as required in S.O.P #4.1,

- 1 D. Respondent failed to report on the type of the wall structure as required in S.O.P.
2 #4.2,
- 3 E. Respondent failed to accurately observe and report on the wall flashings and trim
4 as required in S.O.P # 5.1,
- 5 F. Respondent failed to observe and describe the eaves & soffits as required in S.O.P
6 #5.1,
- 7 G. Respondent failed to observe and report on the vegetation, with respect to its effect
8 on the condition of the building as required in S.O.P #5.1,
- 9 H. Respondent failed to observe and report on the type of roof sheathing as required in
10 S.O.P. 6.2,
- 11 I. Respondent failed to describe the type and condition of the interior supply
12 /distribution piping as required in S.O.P #7.1,
- 13 J. Respondent failed to observe and report on the condition of all the vent piping
14 supports and pipe insulation as required in S.O.P #7.1,
- 15 K. Respondent failed to describe the condition of the water heater automatic safety
16 controls as required in S.O.P #7.1,
- 17 L. Respondent failed to describe the condition of the flues and vents as required in
18 S.O.P #7.1,
- 19 M. Respondent failed to describe and observe waste material type as required in S.O.P
20 #7.2,
- 21 N. Respondent failed to describe and report on the plumbing faucets as required in
22 S.O.P. 7.2,
- 23 O. Respondent failed to observe and report on the condition of the overcurrent
24 protection devices as required in S.O.P. 8.1,
- 25 P. Respondent failed to describe the condition of the GFCI as required in S.O.P #8.1,
- 26 Q. Respondent failed to describe the condition of the electrical panel as required in
27 S.O.P #8.1,
- 28 R. Respondent failed to describe the condition of the electrical system lights and
switches as required S.O.P #8.1,
- S. Respondent failed to describe the of the heating system automatic safety controls as
required in S.O.P #9.1,
- T. Respondent failed to observe the condition of the heat distribution systems as
required in S.O.P #9.1,
- U. Respondent failed to observe or report on heat source located in each room as
required in S.O.P #9.1,
- V. Respondent failed to observe the condition of the cooling distribution systems as
required in S.O.P #10.1,
- W. Respondent failed to failed to observe or report on cooling source located in each
room as required in S.O.P #10.1,

- X. Respondent failed to observe or report on condition of fire separation walls as required in S.O.P #11.1,
- Y. Respondent failed to report on vapor retarder as required in S.O.P #12.1,
- Z. Respondent failed to observe the attic ventilation as required in S.O.P. 12.1,
- AA. Respondent failed to report on the Laundry room ventilation as in S.O.P #12.1.

6. On October 25, 2018, during the Board's Enforcement Advisory Committee meeting, Respondent acknowledged his Home Inspection Report for 3601 N. 53rd Street in Phoenix, Arizona, did not meet the Board's Standards of Professional Practice for Arizona Home Inspectors.

CONCLUSIONS OF LAW

1. The Board has jurisdiction in this matter pursuant to A.R.S. § 32-101, et seq.
2. The conduct alleged in the Findings of Fact constitutes grounds for discipline pursuant to A.R.S. § 32-12(C)(4) as it relates to A.A.C. R4-30-301.1(A), in that Respondent failed to conduct a Home Inspection in accordance with the Standards of Professional Practice for Arizona Home Inspectors.

ORDER

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

1. **LETTER OF REPRIMAND.** Respondent is hereby issued a Letter of Reprimand.
2. **STAYED SUSPENSION AND PROBATION.** Respondent's Certification as Home Inspector No. 43394, shall be suspended for Five (5) months; however, the suspension is stayed for as long as Respondent remains in compliance with this Order. During the stay of suspension, Respondent's certification as a Home Inspector is placed on probation for Five (5) months. If Respondent is non-compliant with any terms of this Order during the Five (5) months stayed suspension and probation period, the stay of the suspension shall be lifted and Respondent's certification as a Home Inspector shall be automatically suspended without a formal hearing, and remain suspended until Respondent is compliant with all terms of this Order.
3. **PEER REVIEW.** Within 30 Days of the effective date of this Consent Agreement, Respondent shall accompany a supervising Certified Home Inspector ("Peer Reviewer") for two Home Inspections, and perform inspections at the same time and location as the Peer Reviewer.

1 Respondent shall write a Home Inspection Report, and submit the written report to the Peer
2 Reviewer for review. The Respondent may select his Peer Reviewer who shall be in good
3 standing with the Board and shall not have received any disciplinary action from the Board within
4 the last 3-years. The Peer Reviewer shall have been continuously certified by the Board as a
5 Home Inspector for at least five (5) years and shall have conducted at least two hundred and fifty
6 (250) Home Inspections in the State of Arizona. The Respondent shall cause the Peer Reviewer to
7 sign an Affidavit and Agreement to Conduct Peer Review with the Board affirming that the Peer
8 Reviewer has met the Peer Review selection criteria prior to conducting any Peer Reviews. At the
9 conclusion of each peer reviewed Home Inspection, Respondent will submit his work product,
10 specifically a Home Inspection Report, to the Peer Reviewer who will review and make all
11 corrections to the Respondent's Home Inspection Report necessary for the report to meet the
12 Standards of Professional Practice for Arizona Home Inspectors. Respondent shall not perform
13 any Home Inspections or provide any client with a Home Inspection Report for a fee, until all
14 Peer Reviews are completed. Respondent shall ensure that the Peer Reviewer provides a written
15 report to the Board after each peer reviewed Home Inspection, detailing any deficiencies in the
16 Respondents practice, and certifying that the deficiencies have been explained and corrected, in
17 so far as the peer reviewed Home Inspection is concerned. Respondent shall retain the Peer
18 Reviewer at his own expense.

19 4. ADMINISTRATIVE PENALTY. Within Five (5) months from the effective date of
20 this Consent Agreement, Respondent shall pay an administrative penalty of One Thousand
21 Dollars (\$1,000.00) by certified check or money order made payable to the State of Arizona
22 Board of Technical Registration. The Respondent shall make Five (5) Payments of Two Hundred
23 Dollars (\$200.00), with the first payment to be submitted on the first of the month following the
24 Board's acceptance of the agreement, according to the provisions of A.R.S. § 32-128(H).

25 5. COST OF INVESTIGATION. Within Five (5) months from the effective date of
26 this Consent Agreement, Respondent shall pay the cost of investigation of Three Hundred
27 Ninety-Six Dollars (\$396.00) by certified check or money order made payable to the State of
28 Arizona Board of Technical Registration. The Respondent shall make Five (5) Payments of

1 ^{NINE (511)}
2 Seventy-~~Five~~ Dollars and Twenty Cents (\$79.20), with the first payment to be submitted on the
3 first of the month following the Board's acceptance of the agreement, according to the provisions
4 of A.R.S. § 32-128(H).

5 6. OBEY ALL LAWS. During the probationary period, Respondent shall obey all
6 federal, state and local laws, as well as, all rules governing the practice of Home Inspections in
7 the State of Arizona. The Board shall consider any violation of this paragraph to be a separate
8 violation of the rules and statutes governing the Arizona Board of Technical Registration. The
9 Board may also consider Respondent's non-compliance with this Order as a separate violation of
10 A.R.S. § 32-150.

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

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

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

20 ACCEPTED and ORDERED this 11 day of December, 2018.

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22 
23 _____
24 Alejandro Angel, P.E., Chairman
25 Arizona State Board of
26 Technical Registration
27
28

1 Consent Agreement and Order, No. HI18-030 accepted this 13th day of November, 2018.

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3 

4 Eric Villaverde, Respondent

5 **ORIGINAL** filed this 17th day of

6 DECEMBER, 2018, with:

7 Arizona State Board of Technical Registration
8 1110 W. Washington, Suite 240
9 Phoenix, AZ 85007

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

11 No. 9214 8901 9434 4600 0475 08 and

12 First Class mail this 17th day of December, 2018, to:

13 Eric Villaverde
14 Doubletree Inspection Services, LLC
15 1206 W. Stella Lane
16 Phoenix, AZ 85013

17 By: 