

BEFORE THE ARIZONA STATE
BOARD OF TECHNICAL REGISTRATION

<p>In the Matter of:</p> <p>Edward Robles Certified Home Inspector Registration No. 66057</p> <p style="text-align: center;">Respondent</p>	<p style="text-align: center;">Case No. HI19-007</p> <p style="text-align: center;">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, Edward Robles ("Respondent"), holder of Registration No. 66057, 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.

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

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

6. Respondent understands this Consent Agreement deals with Board case number HI19-007 involving allegations that Respondent engaged in conduct that would subject him to discipline under the Board's statutes and rules. The investigation into these allegations against Respondent shall be concluded upon the Board's adoption of this Consent Agreement.

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

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

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

10. This Consent Agreement is subject to the approval of the Board and is effective only when accepted by the Board and signed on behalf of the Board. If the Board does not accept this Consent Agreement, the Board retains its authority to hold a formal administrative hearing pursuant to A.R.S. § 32-128(E). In the event that the Board does not approve this Consent Agreement, it is withdrawn and shall be of no evidentiary value and shall not be relied upon nor 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 Home Inspectors in the State of Arizona.

14 2. Respondent is the holder of Arizona Certified Home Inspector, Registration No.
15 66057.

16 3. On or about March 23, 2018, Respondent conducted a home inspection at 21145 E.
17 Via De Olivos in Queen Creek, AZ.

18 4. On or about July 18, 2018, the Board received a complaint alleging the Respondent
19 failed to operate an outdoor spigot, report on the condition of the stucco and the condition of the
20 exterior trim.

21 5. On November 15, 2018, the Board's Enforcement Advisory committee ("EAC")
22 convened to review the complaint against Respondent. After reviewing the evidence and
23 interviewing the Allegor and Respondent, the committee determined that Respondent failed to
24 conduct a home inspection in accordance with the Standards of Professional Practice for Arizona
25 Home Inspectors ("S.O.P.") and found that

- 26 a. Respondent failed to report on whether he operated the outside spigot and its
27 condition as required in S.O.P. #7.2.

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- b. Respondent failed to report on the condition of the stucco on the rear of the house as required in S.O.P. #5.1.
- c. Respondent failed to report on the condition of the exterior trim as required in S.O.P. #5.1.
- d. Respondent failed to site the Standards of Professional Practice for Arizona Home Inspectors in the agreement as required in S.O.P. #2.2.
- e. Respondent failed to report on the condition of the foundation as required in S.O.P. #4.1.
- f. Respondent failed to report on supports and insulation as required in S.O.P. #7.1.
- g. Respondent failed to report on functional drainage as required in S.O.P. #7.1.
- h. Respondent failed to report on the condition of the duct system as required in S.O.P. #9.1.
- i. Respondent failed to report on the automatic safety controls as required in S.O.P. #9.1.
- j. Respondent failed to report on the fire separation wall and ceiling as required in S.O.P. #11.1.
- k. Respondent failed to report on vapor retarder as required in S.O.P. #12.1.

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. § 32-128(C)(4) as it relates to A.A.C. R4-30-301.01, 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.

1 2. STAYED SUSPENSION AND PROBATION. Respondent's registration as a
2 Certified Home Inspector, No. 66057, shall be suspended for ninety (90) days; however, the
3 suspension is stayed for as long as Respondent remains in compliance with this Order. During
4 the stay of suspension, Respondent's registration as a Certified Home Inspector is placed on
5 probation for ninety (90) days. If Respondent is non-compliant with any terms of this Order
6 during the ninety (90) days stayed suspension and probation period, the stay of the suspension
7 shall be lifted and Respondent's registration as a Certified Home Inspector shall be automatically
8 suspended without a formal hearing, and remain suspended until Respondent is compliant with all
9 terms of this Order.

10 3. RESTITUTION. Within thirty (30) days from the effective date of this Consent
11 Agreement, Respondent shall pay restitution to the Client (Alleger) Todd Paluck, in the amount
12 of Two Hundred Ninety Five (\$295.00) Dollars for the cost of the home inspection in case
13 HI19-007. Respondent shall provide proof of payment to the client (copy of the check) to the
14 Board of Technical Registration showing payment was made.

15 4. ADMINISTRATIVE PENALTY. Within ninety (90) days from the effective
16 date of this Consent Agreement, Respondent shall pay an administrative penalty of Five Hundred
17 Dollars (\$500.00) by certified check or money order made payable to the State of Arizona Board
18 of Technical Registration.

19 5. COST OF INVESTIGATION. Within sixty (60) days from the effective date of
20 this Consent Agreement, Respondent shall pay the cost of investigation of this case to the Board
21 in the amount of Four Hundred Eighty Five Dollars (\$485.00) by certified check or money order
22 made payable to the State of Arizona Board of Technical Registration, according to the provisions
23 of A.R.S. § 32-128(H).

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

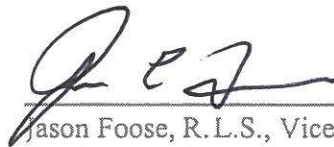
1 A.R.S. § 32-150.

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

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

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

11
12 ACCEPTED and ORDERED this 22ND day of JANUARY, 2019.

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15 Jason Foose, R.L.S., Vice
16 Chairman, Arizona State Board
of Technical Registration

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18 Consent Agreement and Order, No. HI19-007 accepted this 30 day of November, 2018.

19 

20 Edward Robles, Respondent

21
22 ORIGINAL filed this 25th day of

23 JANUARY, 2019, with:

24 Arizona State Board of Technical Registration
25 1110 W. Washington, Suite 240
Phoenix, AZ 85007


26 COPY of the foregoing mailed via Certified Mail

27 No. 9214 8901 9434 4600 0493 29 and 9214 8901 9434 4600 0439 11

28 First Class mail this 25 day of JANUARY, 2019, to:

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BY:  _____