

BEFORE THE ARIZONA STATE  
BOARD OF TECHNICAL REGISTRATION

<p><b>In the Matter of:</b></p> <p><b>Thomas Denton</b> <b>Certified Home Inspector</b> <b>Registration No. 59413</b></p> <p style="text-align: center;"><b>Respondent</b></p>	<p style="text-align: center;"><b>Case No. HI19-012</b></p> <p style="text-align: center;"><b>CONSENT AGREEMENT</b> <b>and</b> <b>ORDER OF DISCIPLINE</b></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, Thomas Denton (“Respondent”), holder of Registration No. 59413, 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.

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

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

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

8           6.       Respondent understands this Consent Agreement deals with Board case number  
9 HI19-012 involving allegations that Respondent engaged in conduct that would subject him to  
10 discipline under the Board's statutes and rules. The investigation into these allegations against  
11 Respondent shall be concluded upon the Board's adoption of this Consent Agreement.

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

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

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

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

1 introduced in any action by any party, except that the parties agree that should the Board reject  
2 this Consent Agreement and this case proceeds to hearing, Respondent shall assert no claim that  
3 the Board was prejudiced by its review and discussion of this document or any records relating  
4 thereto.

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

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

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

12 **FINDINGS OF FACT**

13 1. The Board is the duly constituted authority for the regulation and control of the  
14 practice of Home Inspectors, in the State of Arizona.

15 2. Respondent is the holder of Arizona Certified Home Inspector, Registration No.  
16 59413.

17 3. On or about August 16, 2017, Respondent conducted a home inspection at 2627  
18 Southern Ave, Kingman, AZ.

19 4. On August 13, 2018, the Board received a complaint alleging the Respondent failed  
20 to observe and identify unsafe wiring under the electric range.

21 5. On November 27, 2018, the Board's Enforcement Advisory Committee ("EAC")  
22 convened to review the complaint against Respondent. After reviewing the evidence, the  
23 Committee determined Respondent failed to conduct a home inspection in accordance with the  
24 Standards of Professional Practice for Arizona Home Inspectors ("S.O.P.) and found that

25 a. Respondent failed to enter into a written agreement with the client before delivering  
26 the home inspection as required in S.O.P. #2.2,

27 b. Respondent failed to have the date of the inspection on the written agreement  
28 as required in S.O.P. #2.2,

- c. Respondent failed to provide the name, address and registration number of the Inspector on the agreement as required in S.O.P.#2.2,
- d. Respondent failed to provide the fee for service on the agreement as required in S.O.P. #2.2,
- e. Respondent refers the inspection as being conducted in accordance with ASHI standards instead of Arizona Standards of Professional Practice for Home Inspectors as required in S.O.P. #2.2,
- f. Respondent failed to report on columns as required in S.O.P. #4.1,
- g. Respondent failed to report on front porch as required in S.O.P. #5.1,
- h. Respondent failed to report on interior water supply supports and insulation as required in S.O.P. #7.1,
- i. Respondent failed to report on attic 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.
2. STAYED SUSPENSION AND PROBATION. Respondent's registration as a Certified Home Inspector, No. 59413, shall be suspended for Ninety (90) days; however, the suspension is stayed for as long as Respondent remains in compliance with this Order. During the stay of suspension, Respondent's registration as a Certified Home Inspector, is placed on probation for Ninety (90) days. If Respondent is non-compliant with any terms of this Order during the Ninety (90) day stayed suspension and probation period, the stay of the suspension

1 shall be lifted and Respondent's registration as a Home Inspector shall be automatically  
2 suspended without a formal hearing, and remain suspended until Respondent is compliant with all  
3 terms of this Order.

4 3. RESTITUTION. Within Thirty (30) days from the effective date of this Consent  
5 Agreement, Respondent shall pay restitution to the Client (Alleger) Tasha Velasquez, in the  
6 amount of Two Hundred Fifty (\$250.00) Dollars for the cost of the home inspection in case  
7 HI19-012. Respondent shall provide proof of payment to the client (copy of the check) to the  
8 Board of Technical Registration showing payment was made.

9 4. ADMINISTRATIVE PENALTY. Within Ninety (90) days from the effective  
10 date of this Consent Agreement, Respondent shall pay an administrative penalty of One  
11 Thousand Dollars (\$1000.00) by certified check or money order made payable to the State of  
12 Arizona Board of Technical Registration.

13 5. COST OF INVESTIGATION. Within Sixty (60) days from the effective date of  
14 this Consent Agreement, Respondent shall pay the cost of investigation of this case to the Board  
15 in the amount of Four Hundred Eighty Dollars (\$480.00) by certified check or money order made  
16 payable to the State of Arizona Board of Technical Registration, according to the provisions of  
17 A.R.S. § 32-128(H).

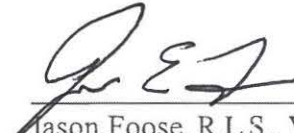
18 6. OBEY ALL LAWS. During the probationary period, Respondent shall obey all  
19 federal, state and local laws, as well as, all rules governing the practice of Home Inspections in  
20 the State of Arizona. The Board shall consider any violation of this paragraph to be a separate  
21 violation of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

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


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

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

5  
6 ACCEPTED and ORDERED this 22<sup>ND</sup> day of JANUARY, 2019.

7  
8   
9 Jason Foose, R.L.S., Vice  
10 Chairman, Arizona State Board  
11 of  
12 Technical Registration

13 Consent Agreement and Order, No. HI19-012 accepted this 17 day of December, 2018.

14   
15 Thomas Denton, Respondent

16 ORIGINAL filed this 25<sup>TH</sup> day of


17 JANUARY, 2019, with:

18 Arizona State Board of Technical Registration  
19 1110 W. Washington, Suite 240  
20 Phoenix, AZ 85007

21 COPY of the foregoing mailed via Certified Mail

22 No. 9214 8901 9434 4600 0493 35 and  
23 First Class mail this 25<sup>TH</sup> day of JANUARY, 2019, to:

24 Thomas Denton  
25 2017 Gene Autrey Dr.  
26 Kingman, AZ 86409

27 By:   
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