

## TELEPHONE CONFERENCE MINUTES

Arizona Board of Technical Registration

January 14, 2003

9:00 A.M.

1. CALL TO ORDER – The monthly telephone conference of the Board of Technical Registration was called to order at 9:03 a.m. by Vice-Chair Fred Goldman.
2. ROLL CALL – **Present:** Fred Goldman, Gregory Tuttle, Robert Roos, Joseph A. Gardner, Chet Pearson, Richard Pawelko, Ronald Starling. **Board Staff:** Ron Dalrymple, LaVern Douglas, Nan Mitchell, Melinda Baughman, Kathryn Fuller, Cassie Goodwin, Diane Aubert, Matt Krueger, Toni Jacobs, Mary Martinez, and Lisa Burns. **Absent:** William Greenslade, Joy Lyndes **Telephonic appearance:** None **Public Present:** Wayne Davis, Jesse Reeves and Dan Glines.
3. PUBLIC COMMENT - None.
4. ADOPTION OF MINUTES (December 6, 2002 and December 30, 2002 MEETINGS)  
Mr. Tuttle moved to accept and approve the minutes of the December 6, 2002 meeting. Seconded by Mr. Starling. MOTION CARRIED. Mr. Tuttle moved to accept and approve the minutes of the December 30, 2002 meeting. Seconded by Mr. Pearson. MOTION CARRIED.
5. ENFORCEMENT MATTERS –
  - A. DISMISSALS
    1. M03-009/MIR02-043, Jack W. Kaufman, Architect #04224- After discussion, Mr. Starling moved to accept the assessor's recommendation to dismiss this matter. Seconded by Mr. Pawelko. MOTION CARRIED.
  - B. DISCUSSION, RECONSIDERATION, AND POSSIBLE ACTION
    1. M02-034/MIR02-086 James D. Downing, P.E. (Agricultural) #19202- Mr. Tuttle is recused from this matter. After discussion, Mr. Starling moved to accept the assessor's finding that allegation #1 is substantiated; the respondent failed to seal a professional document and a letter of concern be issued. Allegation #2, that the professional document failed to meet technical knowledge and skill standards is dismissed. Seconded by Mr. Gardner MOTION CARRIED.
    2. M03-019 Ted A. Luther, P.E. (Civil) #28279-After Discussion, Mr. Pawelko moved that staff begin negotiating a new consent agreement to be signed within the next 30 days, containing provisions for payment of outstanding monies and interest accrued at the legal rate. If staff cannot obtain a new consent agreement to start proceedings for suspension of registration. This action will be taken unless the outstanding funds are received today. Seconded by Mr. Tuttle. MOTION CARRIED. (Respondent's payment was received by the end of the meeting.)

- C. LETTER OF CONCERN
1. M03-018/MIR03-041, Site Design Group, Inc. After discussion, Mr. Gardner moved accept staff recommendation to issue Letter of Concern to the firm and the principal regarding control of the accounting/billing system. Seconded by Mr. Starling. MOTION CARRIED.
- D. ENFORCEMENT ADVISORY COMMITTEE CANDIDATE
1. Frank S. Turek – Mr. Tuttle moved to accept candidate as a committee member. Seconded by Mr. Starling. MOTION CARRIED.
6. EVALUATIONS OF APPLICATIONS UNDER A.R.S. § 32-122.01(E)
- A. Khaled Hassen- Mechanical Engineer (Pearson) - After Discussion, Mr. Pearson moved to accept this application. Seconded by Mr. Starling. MOTION CARRIED.
  - B. Michael Oanes- Mechanical Engineer (Pearson) - After discussion, Mr. Pearson moved to waive the examination for this applicant. Seconded by Mr. Tuttle. MOTION CARRIED.
7. EVALUATION OF APPLICATIONS UNDER R4-30-101 (10)
- A. MARYLENE HOLLER- ELECTRICAL ENGINEER (Pearson)- After discussion, Mr. Pearson moved to recommend this applicant to take the examination. Seconded by Mr. Starling. MOTION CARRIED.
  - B. KIRK HOOPER- ELECTRICAL ENGINEER (Pearson) After discussion, Mr. Pearson moved to recommend this applicant to take the examination. Seconded by Mr. Gardner. MOTION CARRIED.
- NOTE: THE AGENDA INADVERTANTLY DID NOT CONTAIN AN ITEM #8.**
- 8.(9) EVALUATION COMMITTEE RECOMMENDATIONS
- A. Recommendation for approval of professional registration or in-training designation.
  - B. Recommendation for approval to sit for the professional or in-training examination.
  - C. Recommendation for denial to sit for the professional or in-training examination.
  - D. Recommendation for denial of professional registration or in-training designation.
  - E. Recommendation for approval of home inspector certification.
- Mr. Tuttle moved to approve and accept the Evaluation Committee recommendations for items A - E as presented. Seconded by Mr. Starling. MOTION CARRIED. (See attached list)
9. (10) GRANTING OF REGISTRATION NUMBERS- Mr. Tuttle moved to grant registration numbers 38847 through 38854, and 38834 to 38846. Seconded by Mr. Roos. MOTION CARRIED.
- 10.(11) APPOINTMENT OF EMERITUS MEMBERS TO THE NATIONAL COUNCIL OF EXAMINERS FOR ENGINEERING AND SURVEYING- Mr. Roos moved to appoint Mr. Tuttle as an emeritus member to the National Council of Examiners for Engineering and Surveying. Seconded by Mr. Goldman. MOTION CARRIED.

11.(12)PROPOSED LEGISLATION CHANGES- Mr. Tuttle presented proposed changes to the current statutes that have been approved by the Legislation and Rules Committee. After review and discussion, Mr. Tuttle moved that the Board approve and accept the proposed changes and that they be forwarded to the Legislature for consideration. Seconded by Mr. Starling. MOTION CARRIED.

12. (13) PROPOSED NEW RULE PACKAGE –

a. Definition of “Good Moral Character and Repute” – Mr. Tuttle reported to the Board that the Legislation and Rules Committee has authorized staff to prepare a new rule package to modify the definition of this term. That rule package will also include the proposed rule omitted from the current rule package regarding a written scope of services for land surveyor engagements.

13. (14)CONTINUING AGENDA ITEMS – None at this time.

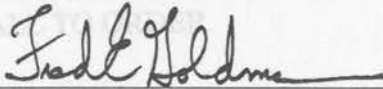
14. (15) FUTURE AGENDA ITEMS-

The drug lab remediation committee will make a report at the next Board meeting.

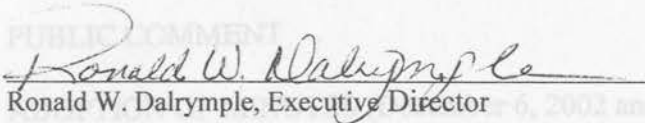
15. (16) FUTURE BOARD MEETINGS – The next meeting will be a telephone conference held on February 11, 2003 at 9:00 a.m..

16. (17) ADJOURNMENT – Mr. Starling moved to adjourn at 11:40 a.m. Seconded by Mr. Roos. MOTION CARRIED.

#### ARIZONA STATE BOARD OF TECHNICAL REGISTRATION



Fred E. Goldman, Vice Chairman of the Board



Ronald W. Dalrymple, Executive Director

5. ENFORCEMENT MATTERS (Under Separate Cover)

#### NEW BUSINESS

6. EVALUATION OF APPLICATIONS UNDER A.R.S. § 32-122.01(E)

A. Khaleel Hossain – Mechanical Engineer (Pearson)

B. Michael Oanes – Mechanical Engineer (Pearson)

7. EVALUATION OF APPLICATIONS UNDER R4-30-101.10

A. MARYLENE HOLLER – ELECTRICAL ENGINEER (PEARSON)

B. KIRK HOOPER – ELECTRICAL ENGINEER (PEARSON)

AGENDA  
AMENDED JANUARY 13, 2003  
STATE BOARD OF TECHNICAL REGISTRATION

JANUARY 14, 2003

OPEN SESSION

**Title II of the Americans with Disabilities Act (ADA) prohibits the Board of Technical Registration from discriminating on the basis of disability in its public meetings. Persons with a disability may request a reasonable accommodation such as a sign language interpreter contacting LaVern Douglas at (602) 364-4937. Requests should be made as early as possible to allow time to accommodate the request.**

NOTE: The Board may discuss, consider or take action on any item on the Agenda. At the discretion of the board, Agenda items may be taken out of order.

All examination material, transcripts, educational records, reference forms and applications are confidential pursuant to ARS 32-129.

The Board may vote to go into executive session intermittently during the meeting on any of the following agenda items to review statutorily confidential materials or receive legal advice from counsel pursuant to ARS 38-431.03(A)(2)or(3).

1. CALL TO ORDER
2. ROLL CALL
3. PUBLIC COMMENT
4. ADOPTION OF MINUTES (December 6, 2002 and December 30, 2002 MEETINGS)
5. ENFORCEMENT MATTERS (Under Separate Cover)

NEW BUSINESS

6. EVALUATION OF APPLICATIONS UNDER A.R.S. § 32-122.01(E)
  - A. Khaled Hassan – Mechanical Engineer ( Pearson)
  - B. Michael Oanes – Mechanical Engineer (Pearson)
7. EVALUATION OF APPLICATIONS UNDER R4-30-101.10
  - A. MARYLENE HOLLER – ELECTRICAL ENGINEER (PEARSON)
  - B. KIRK HOOPER – ELECTRICAL ENGINEER (PEARSON)

9. EVALUATION COMMITTEE RECOMMENDATIONS

- A. Recommendation for approval of professional registration or in-training registration
- B. Recommendation for approval to sit for the professional or in-training examination
- C. Recommendation for denial to sit for the professional or in-training examination
- D. Recommendation for denial of professional registration or in-training registration
- E. Recommendation for approval of home inspector certification

10. GRANTING OF REGISTRATION NUMBERS

11. APPOINTMENT OF EMERITUS MEMBERS TO THE NATIONAL COUNCIL OF EXAMINERS FOR ENGINEERING AND SURVEYING - <sup>7/11/12</sup>

*ROUS V. 10710.11 - starting*

12. PROPOSED LEGISLATION CHANGES

13. PROPOSED NEW RULE PACKAGE

- a. Definition of "Good Moral Character and Repute"

14.. CONTINUING AGENDA ITEMS

15. FUTURE AGENDA ITEMS

16. FUTURE BOARD METINGS - The next meeting of the Board will be a telephone conference held on February 11, 2003 at 9:00 a.m.

4. ADOPTION OF MINUTES of November 12, 2002 Meeting

Mr. Goldmann moved to approve and adopt the November 12, 2002 minutes.  
Seconded by Mr. Tuttle. MOTION CARRIED.

5. ENFORCEMENT MATTERS

A. PROPOSED CONSENT AGREEMENTS

- 1. MD0-034 Merrick B. Paulman Architect #11688 - Mr. Pawelka is recused from this matter. After discussion regarding the respondent having signed a consent agreement that had yet to arrive in the mail, Mr. Gardner moved to accept the signed consent agreement when it does arrive, provided there are no objections by the respondent. The consent agreement encompasses an administrative reprimand, peer review of the respondent's next three (3) projects of similar electrical design in Arizona, successful completion of an open book test on the Board's Codes and Rules, and cost of investigation in the amount of \$100.00. Seconded by Mr. Starling. MOTION CARRIED.

## OPEN SESSION MINUTES

### Arizona Board of Technical Registration

December 6, 2002 Quarterly Meeting

9:00 A.M.

1. CALL TO ORDER – The quarterly meeting of the Board of Technical Registration was called to order at 9:10 A.M.
2. ROLL CALL –**Present:** Board Members: William Greenslade, Fred Goldman, Gregory Tuttle, Robert Roos, Ronald Starling, Joy Lyndes, Joseph Gardner, Chet Pearson and Richard Pawelko; Board Staff: Ron Dalrymple, LaVern Douglas, Nan Mitchell, Kathryn Fuller, Melinda Baughman, Cassie Goodwin, Diane Aubert, Toni Jacobs, Matt Krueger and Blair Driggs, A. A. G. and . Lisa Burns, A.A.G.  
  
**Public Present:** Herb Schneider, Robert Burgheimer, Ken Feyen, Gary Reinhart, Jack Jacobs, Jerry Kerns, Mike Lentino, Scott Warga, Peter Leeds, Jeff Firestone, Thomas Reinert, Jack Jacobs, David Berry, Thomas Moorehead, Richard Franco, William Swier, Tom Settles, Thomas Sullivan, Jerry Kerns, Brian Stevens, Anthony Stacy, Rich Ritzwoller, Douglas Brown, William Mundy, Thomas Mischke, and John Branham.
3. PUBLIC COMMENT – Mr. Schneider and Mr. Burgheimer addressed the Board regarding adoption of an Internship Development Program in Arizona.
4. ADOPTION OF MINUTES of November 12, 2002 Meeting  
Mr. Goldman moved to approve and adopt the November 12, 2002 minutes. Seconded by Mr. Tuttle. MOTION CARRIED.
5. ENFORCEMENT MATTERS –
  - A. PROPOSED CONSENT AGREEMENTS
    1. M00-054, Merrick B. Fredman Architect #33688- Mr. Pawelko is recused from this matter. After discussion regarding the respondent having signed a consent agreement that had yet to arrive in the mail, Mr. Gardner moved to accept the signed consent agreement when it does arrive, provided there are no changes by the respondent. The consent agreement encompasses an administrative reprimand, peer review of the respondent's next three (3) projects of similar electrical design in Arizona, successful completion of an open book test on the Board's Codes and Rules, and cost of investigation in the amount of \$660.00. Seconded by Mr. Starling. MOTION CARRIED.

- 2. M03-013/MIR01-088, Edward A. Stubenbach, Architect #29405 – After discussion, Mr. Gardner moved to accept the signed consent agreement encompassing an administrative reprimand and cost of investigation in the amount of \$428.00. Seconded by Mr. Pawelko. MOTION CARRIED.
    - 3. M02-055/MIR00-107, Thomas H. Trimble, Land Surveyor #15343; P.E. (Civil) #15620 – After discussion, Mr. Tuttle moved to accept the signed consent agreement encompassing a letter of reprimand, an administrative penalty in the amount of \$1,000.00 and cost of investigation in the amount of \$680.00. Seconded by Ms. Lyndes. MOTION CARRIED.
  - B. DISMISSALS
    - 1. M03-017/MIR02-099. Mark A. Hanshaw. Land Surveyor #26058; P. E. (Civil) #15598- After discussion. Mr. Tuttle moved to dismiss the matter. Seconded by Mr. Pawelko. MOTION CARRIED.
  - C. DISCUSSION AND CONSIDERATION
    - 1. M03-016/MIR01-152, Grove M. Garrison, P.E. (Civil) #06562; Land Surveyor #10845 – After discussion, Mr. Tuttle moved to dismiss the matter, with prejudice. Seconded by Mr. Gardner. MOTION CARRIED.
    - 2. Lot Splits and Subdivision Creations – After discussion, the matter was forwarded to the Legislation and Rules Committee for study.
- 6. EVALUATION OF APPLICATIONS UNDER A.R.S. § 32-122.01(E)
  - A. Edgar Elsinger (Structural) – After discussion, Mr. Starling moved continue to process this application. Seconded by Mr. Pawelko. MOTION CARRIED.
- 7. EVALUATION OF HOME INSPECTOR APPLICATIONS UNDER A.R.S. § 32-122.02(7) and R4-30-101(10)
  - A. Thomas Reinert – After discussion and document review, Mr. Starling moved to accept application number 020362 of Thomas Reinert. Seconded by Mr. Pawelko. MOTION CARRIED.
  - B. Jack Jacobs – After discussion and document review, Mr. Gardner moved to accept application number 020783 of Jack Jacobs. Seconded by Mr. Goldman. MOTION CARRIED.
  - C. David Berry – After discussion and document review, Ms. Lyndes moved to accept application number 020606 of David Berry. Seconded by Mr. Starling. MOTION CARRIED.

- D. Thomas Moorehead – After discussion and document review, Mr. Roos moved to accept application number 020620 of Thomas Moorehead. MOTION CARRIED.
- E. Richard Franco - After discussion and document review, Mr. Roos moved to accept application number 020473 of Richard Franco. Seconded by Mr. Pawelko. MOTION CARRIED.
- F. Ted Hallet – After discussion and review of a request for extension by the applicant, Mr. Roos moved to reject application number 020575 of Ted Hallet. Seconded by Mr. Tuttle. MOTION CARRIED.
- G. William Swier – After discussion and review of documents, Mr. Pawelko moved to accept application number 020656 of William Swier. Seconded by Mr. Pearson. MOTION CARRIED.
- H. Tom Settles – After discussion and review of documents, Mr. Roos moved to accept application number 020804 of Tom Settles. Seconded by Mr. Pearson. MOTION CARRIED.
- I. Thomas Sullivan – After discussion and review of documents, Mr. Pawelko moved to accept application number 020589 of Thomas Sullivan. Seconded by Ms. Lyndes. MOTION CARRIED.
- J. Jerry Kerns – After discussion and review of documents, Mr. Gardner moved to accept application number 020523 of Jerry Kerns. Seconded by Mr. Starling. MOTION CARRIED.
- K. Brian Stevens – After discussion and review of documents, Mr. Roos moved to accept application number 020520 of Brian Stevens. Seconded by Mr. Pawelko. MOTION CARRIED.
- L. Anthony Stacy – After discussion and review of documents, Mr. Pawelko moved to accept application number 020524 for Anthony Stacy. Seconded by Mr. Tuttle. MOTION CARRIED.
- M. Rich Ritzwoller – After discussion and review of documents, Mr. Roos moved to accept application number 020647 of Rich Ritzwoller. Seconded by Mr. Pearson. MOTION CARRIED.
- N. Douglas Brown – After discussion and review of documents, Mr. Pawelko moved to accept application number 020883 of Douglas Brown. Seconded by Mr. Roos. MOTION CARRIED.
- O. Arthur McKay – After discussion and review of documents, Mr. Roos moved to accept application number 020578 of Arthur McKay. Seconded by Mr. Pearson. MOTION CARRIED.
- P. Scott Warga – After discussion and review of documents, Mr. Gardner moved to take no action against certificate number 38062 belonging to Scott Warga since there was no evidence of misconduct regarding his application. Seconded by Mr. Pawelko. MOTION CARRIED.
- Q. Wes Keysor – After discussion and review of documents, Mr. Gardner moved to accept application number 020940 of Wes Keysor. Seconded by Mr. Roos. MOTION CARRIED.
- R. William Mundy – After discussion and review of documents, Ms. Lyndes moved to accept application number 020854 of William Mundy. Seconded by Mr. Tuttle. MOTION CARRIED.



S. Thomas Mischke – After discussion and review of documents, Mr. Gardner moved to accept application number 021240 of Thomas Mischke. Seconded by Mr. Starling. MOTION CARRIED.

T. John Branham – After discussion and review of documents, Ms. Lyndes moved to accept application number 021241 of John Branham. Seconded by Mr. Roos. MOTION CARRIED.

8. EVALUATION COMMITTEE RECOMMENDATIONS

A. Recommendation for approval of professional registration or in-training registration

B. Recommendation for approval to sit for the professional or in-training examination

C. Recommendation for denial to sit for the professional or in-training examination

D. Recommendation for denial of professional registration or in-training registration

E. Recommendation for approval of home inspector certification

Mr. Goldman moved to approve the report of the Evaluation Committee regarding the evaluation of applicants for all disciplines. Seconded by Mr. Roos. MOTION CARRIED.

9. GRANTING OF REGISTRATION NUMBERS - Mr. Goldman moved to grant registration numbers beginning with #38506, Michael Colety, P. E. (Civil) and ending with 38626, Thomas Mischke, Home Inspector. Seconded by Mr. Tuttle. MOTION CARRIED.

10. LAPSED LIST - Mr. Gardner moved to accept the listing of individuals with lapsed registrations. Seconded by Mr. Goldman. MOTION CARRIED.

11. ENFORCEMENT ADVISORY COMMITTEE CANDIDATES – Mr. Goldman moved to approve David Swartz, Certified Home Inspector #38046 and Jim Keller, Certified Home Inspector #38055, as Enforcement Advisory Committee members. Seconded by Mr. Roos. MOTION CARRIED.

12. R4-30-221 – Revise incorrect rule citation – After discussion, Mr. Starling moved to approve the revision of R4-30-221 with the current citation of R4-30-301(10), (11), and (12) to R4-30-301(B)(3). Seconded by Mr. Pawelko. MOTION CARRIED.

13. A.R.S. § 32-128(B) – Addition of a definition of “Insufficient Evidence to the definitions found at R4-30-101. The proposed definition is as follows:

Insufficient Evidence is interpreted to mean:

1. The Board determines there was no violation of board statutes or rules; or

2. The Board determines there was a violation of board statutes or rules, however:

a. The violation had no direct impact on public health, safety and welfare; or

19. EXECUTIVE DIRECTOR'S REPORT – Mr. Tuttle reported that the Board has been working on a letter of concern and has work regarding the remediation training and has work regarding the proposed changes to current legislation.
- b. The Board determines that a letter of concern would be as effective a resolution as a letter of reprimand in deterring future violations of a like nature.

After discussion, Mr. Tuttle moved to accept the definition of Insufficient Evidence proposed by the Legislation and Rules Committee with one change, the word “or” found in the proposed definition at 2(a) to “and”. Seconded by Mr. Starling. MOTION CARRIED.

14. PROPOSED MODIFICATIONS OF A.R.S. § 32-131 – After discussion, Mr. Tuttle moved that the Board recommend to the Legislature that A.R.S. § 32-131 be modified as follows:

- a. Paragraphs A and B be deleted;
- b. Paragraph C is renumbered to A; the first sentence is deleted; and the second sentence is modified to read: “The Remediation Specialist Certification program shall provide for certification of persons ...”
- c. Paragraphs D and E be deleted;
- d. Paragraph F is renumbered to B;
- e. Paragraph G is renumbered to C;
- f. Paragraph H is deleted
- g. Paragraph I is re-numbered to D; and
- h. Paragraph J is deleted.

Seconded by Mr. Starling. MOTION CARRIED.

15. A.R.S. § 32-143- Defining areas of cross-practice and removing the terms “necessary and incidental” from the statute – After discussion, Mr. Starling moved to leave the language of the statute as is. Seconded by Mr. Pawelko. MOTION CARRIED.

16. DEFINITION OF “FIRM” be changed to read:

“Firm” means any individual or partnership, corporation, or other types of associations, including the association of a non-registrant and a registrant who offer to the public professional services regulated by the Board.

After discussion, Mr. Tuttle moved to recommend to the Legislature that the definition of “Firm” found at A.R.S. § 32-101(B)(14) be modified as state above. Seconded by Mr. Roos. MOTION CARRIED.

17. PROPOSED SUBSTANTIVE POLICY STATEMENT REGARDING DATING OF SEALS – Mr. Starling reported the development of a proposed substantive policy statement regarding the dating of seals and asked that the Board approve and enact it as Substantive Policy Statement number 7. Seconded by Mr. Roos. MOTION CARRIED.

18. CHAIR REPORT – Mr. Greenslade had no report.

19. EXECUTIVE DIRECTOR REPORT – Mr. Dalrymple welcomed the newly assigned Assistant Attorney General, Lisa Burns. He also reported on the environmental remediation training he recently attended in Oregon and his work regarding the proposed changes to current legislation.

## 20. STANDING COMMITTEE REPORTS

### a. Legislation and Rules Committee- Mr. Tuttle

(1.) Board approval of proposed Rule Package – After discussion regarding the development of the proposed rule package and proposed changes regarding R4-30-304 (G) to conform with a newly enacted Substantive Policy Statement, Mr. Tuttle moved that the Board approve the rule package and begin to move it through the final review process. Seconded by Mr. Starling. MOTION CARRIED.

### b. Budget Committee – Mr. Tuttle reported that there were no budgetary problems.

c. Education and Examination Committee – Mr. Goldman reported on the possible meeting of this committee to discuss the issue of credit for individuals with engineering technology degrees.

d. Home Inspector Rules and Standards Committee – Committee member Peter Leeds reported that the Committee has been concentrating on review of reports in order to assist staff and proposing certification to as many individuals as qualify prior to the legislative deadline of December 31, 2002.

e. Environmental Remediation Rules and Standards Committee – Mr. Pearson reported that individuals had all been selected for this Committee. The Committee will consist of himself, Mr. Starling, Chris Boyles, Bob Hutzel and Pete Allard. Ms. Lyndes moved to accept the recommended individuals as Committee members. Seconded by Mr. Goldman. MOTION CARRIED. An initial meeting of the Committee was scheduled for December 19, 2002 at 9:00 a.m.

## 21. BOARD MEMBER REPORTS

(a) Mr. Goldman reported on the upcoming Civil Engineering Examination Committee meeting in Phoenix and encouraged members of the Board to attend.

(b) Mr. Tuttle provided minutes from the August 6, 2002 meeting of the Arizona Geographic Information Council and discussed that group's movement toward organization. He will report on any future issues that may have relevance to this Board.

TELEPHONE CONFERENCE MINUTES

- (c) Mr. Pawelko provided Board members with a written report on the National Council of Architectural Registration Boards (NCARB) 5<sup>th</sup> Triennial Member Board Chair Conference and gave a summary of that report.
- (d) Mr. Gardner reported on the upcoming National Council of Architectural Registration Boards (NCARB) computerized examination.

22. CONTINUING AGENDA ITEMS

- a. Internship Development Programs – Mr. Herb Schneider and Mr. Rob Burkheimer addressed the Board regarding Internship Development Programs (IDP). They encouraged the Board to adopt mandatory IDP, stating California and Arizona were the only states that currently did not have the requirement. They acknowledged that while Arizona does accept IDP, they don't feel our rules go far enough. The Board will take the matter of mandatory IDP under advisement.
- b. Mr. Pawelko moved to accept the modified architectural registration work requirements as recommended by the Legislative and Rules Committee. Seconded by Mr. Gardner. MOTION CARRIED.

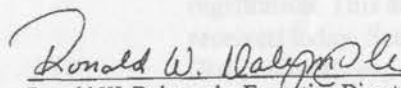
23. FUTURE AGENDA ITEMS - A discussion was held on the upcoming meetings of the National Council of Examiners for Engineering and Surveying (NCEES) and the Western Regional Council of Architectural Boards (WESCARB) to be held in Alaska.

24. FUTURE MEETINGS - Mr. Goldman expressed concern regarding the length of time until the next Board meeting (January 14, 2003) and asked the Board to consider holding an emergency meeting prior to December 31 to certify those home inspector applicants who may become eligible. Mr. Greenslade agreed that if the Home Inspector Rules and Standards Committee could telephone conference in the morning, the Board could telephone conference in the afternoon and additional certifications of home inspectors could be granted. December 30, 2002 was selected and Mr. Greenslade scheduled an emergency telephone conference meeting, with the only item on the agenda to be certification of home inspector applicants, for 1:00 p.m.

25. ADJOURNMENT – Mr. Greenslade gaveled the meeting adjourned at 4:45 P.M.

ARIZONA STATE BOARD OF TECHNICAL REGISTRATION

  
\_\_\_\_\_  
William M. Greenslade, Chair

  
\_\_\_\_\_  
Ronald W. Dalrymple, Executive Director

## TELEPHONE CONFERENCE MINUTES

Arizona Board of Technical Registration

January 14, 2003

9:00 A.M.

1. CALL TO ORDER – The monthly telephone conference of the Board of Technical Registration was called to order at 9:03 a.m. by Vice-Chair Fred Goldman.
2. ROLL CALL –**Present:** Fred Goldman, Gregory Tuttle, Robert Roos, Joseph A. Gardner, Chet Pearson, Richard Pawelko, Ronald Starling. **Board Staff:** Ron Dalrymple, LaVern Douglas, Nan Mitchell, Melinda Baughman, Kathryn Fuller, Cassie Goodwin, Diane Aubert, Matt Krueger, Toni Jacobs, Mary Martinez, and Lisa Burns. **Absent:** William Greenslade, Joy Lyndes **Telephonic appearance:** None **Public Present:** Wayne Davis, Jesse Reeves and Dan Glines.
3. PUBLIC COMMENT - None.
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5. ENFORCEMENT MATTERS –
  - A. DISMISSALS
    1. M03-009/MIR02-043, Jack W. Kaufman, Architect #04224- After discussion, Mr. Starling moved to accept the assessor's recommendation to dismiss this matter. Seconded by Mr. Pawelko. MOTION CARRIED.
  - B. DISCUSSION, RECONSIDERATION, AND POSSIBLE ACTION
    1. M02-034/MIR02-086 James D. Downing, P.E. (Agricultural) #19202- Mr. Tuttle is recused from this matter. After discussion, Mr. Starling moved to accept the assessor's finding that allegation #1 is substantiated; the respondent failed to seal a professional document and a letter of concern be issued. Allegation #2, that the professional document failed to meet technical knowledge and skill standards is dismissed. Seconded by Mr. Gardner MOTION CARRIED.
    2. M03-019 Ted A. Luther, P.E. (Civil) #28279-After Discussion, Mr. Pawelko moved that staff begin negotiating a new consent agreement to be signed within the next 30 days, containing provisions for payment of outstanding monies and interest accrued at the legal rate. If staff cannot obtain a new consent agreement to start proceedings for suspension of registration. This action will be taken unless the outstanding funds are received today. Seconded by Mr. Tuttle. MOTION CARRIED. (Respondent's payment was received by the end of the meeting.)

C. LETTER OF CONCERN

1. M03-018/MIR03-041, Site Design Group, Inc. After discussion, Mr. Gardner moved accept staff recommendation to issue Letter of Concern to the firm and the principal regarding control of the accounting/billing system. Seconded by Mr. Starling. MOTION CARRIED.

D. ENFORCEMENT ADVISORY COMMITTEE CANDIDATE

1. Frank S. Turek – Mr. Tuttle moved to accept candidate as a committee member. Seconded by Mr. Starling. MOTION CARRIED.

6. EVALUATIONS OF APPLICATIONS UNDER A.R.S. § 32-122.01(E)

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B. Michael Oanes- Mechanical Engineer (Pearson) - After discussion, Mr. Pearson moved to waive the examination for this applicant. Seconded by Mr. Tuttle. MOTION CARRIED.

7. EVALUATION OF APPLICATIONS UNDER R4-30-101 (10)

A. MARYLENE HOLLER- ELECTRICAL ENGINEER (Pearson)- After discussion, Mr. Pearson moved to recommend this applicant to take the examination. Seconded by Mr. Starling. MOTION CARRIED.

B. KIRK HOOPER- ELECTRICAL ENGINEER (Pearson) After discussion, Mr. Pearson moved to recommend this applicant to take the examination. Seconded by Mr. Gardner. MOTION CARRIED.

**NOTE: THE AGENDA INADVERTANTLY DID NOT CONTAIN AN ITEM #8.**

8.(9) EVALUATION COMMITTEE RECOMMENDATIONS

- A. Recommendation for approval of professional registration or in-training designation.
- B. Recommendation for approval to sit for the professional or in-training examination.
- C. Recommendation for denial to sit for the professional or in-training examination.
- D. Recommendation for denial of professional registration or in-training designation.
- E. Recommendation for approval of home inspector certification.

Mr. Tuttle moved to approve and accept the Evaluation Committee recommendations for items A - E as presented. Seconded by Mr. Starling. MOTION CARRIED. (See attached list)

9. (10) GRANTING OF REGISTRATION NUMBERS- Mr. Tuttle moved to grant registration numbers 38847 through 38854, and 38834 to 38846. Seconded by Mr. Roos. MOTION CARRIED.

10.(11) APPOINTMENT OF EMERITUS MEMBERS TO THE NATIONAL COUNCIL OF EXAMINERS FOR ENGINEERING AND SURVEYING- Mr. Roos moved to appoint Mr. Tuttle as an emeritus member to the National Council of Examiners for Engineering and Surveying. Seconded by Mr. Goldman. MOTION CARRIED.

THE FOLLOWING APPLICANTS HAVE BEEN EVALUATED BY THE

11.(12)PROPOSED LEGISLATION CHANGES- Mr. Tuttle presented proposed changes to the current statutes that have been approved by the Legislation and Rules Committee. After review and discussion, Mr. Tuttle moved that the Board approve and accept the proposed changes and that they be forwarded to the Legislature for consideration. Seconded by Mr. Starling. MOTION CARRIED.

12. (13) PROPOSED NEW RULE PACKAGE –

a. Definition of “Good Moral Character and Repute” – Mr.Tuttle reported to the Board that the Legislation and Rules Committee has authorized staff to prepare a new rule package to modify the definition of this term. That rule package will also include the proposed rule omitted from the current rule package regarding a written scope of services for land surveyor engagements.

13. (14)CONTINUING AGENDA ITEMS – None at this time.

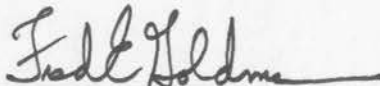
14. (15) FUTURE AGENDA ITEMS-

The drug lab remediation committee will make a report at the next Board meeting.


15. (16) FUTURE BOARD MEETINGS – The next meeting will be a telephone conference held on February 11, 2003 at 9:00 a.m..

16. (17) ADJOURNMENT – Mr. Starling moved to adjourn at 11:40 a.m. Seconded by Mr. Roos. MOTION CARRIED.

ARIZONA STATE BOARD OF TECHNICAL REGISTRATION



Fred E. Goldman, Vice Chairman of the Board



Ronald W. Dalrymple, Executive Director

ARIZONA STATE BOARD OF TECHNICAL REGISTRATION  
THE FOLLOWING APPLICANTS HAVE BEEN EVALUATED BY THE  
EVALUATION COMMITTEE AND IT HAS BEEN RECOMMENDED THAT  
THEY BE GRANTED CERTIFICATION AND ASSIGNED THE FOLLOWING  
CERTIFICATION NUMBERS.

<u>HOME INSPECTORS</u>	<u>CERTIFICATION NUMBER</u>
BEHRENS, THOMAS	38847
BLAGG, MICHAEL	38848
GAFFNEY, CARTER	38849
GLINES, DANIEL	38850
GONZALES, PAUL	38851
PARKER, MINNIE	38852
RANDALL, JACK	38853



ARIZONA STATE BOARD OF TECHNICAL REGISTRATION

FROM: HOME INSPECTOR RULES AND STANDARDS COMMITTEE

RE: EVALUATION OF APPLICANTS

THE HOME INSPECTOR RULES AND STANDARDS COMMITTEE HAS REVIEWED THE LISTED APPLICANTS AND MAKES TO THE BOARD THE FOLLOWING RECOMMENDATIONS REGARDING APPLICATION FOR CERTIFICATION TO CONDUCT HOME INSPECTIONS IN ARIZONA.

THE FOLLOWING APPLICANTS, HAVING SATISFIED THE COMMITTEE THAT THEY ARE QUALIFIED TO RECEIVE CERTIFICATION AS HOME INSPECTORS UNDER A.R.S. § 32-122.02, ARE HEREBY RECOMMENDED FOR CERTIFICATION:

- |                 |                |
|-----------------|----------------|
| Behrens, Thomas | Parker, Minnie |
| Blagg, Michael  | Glines, Daniel |
| Gonzales, Paul  | Randall, Jack  |
| Gaffney, Carter |                |

SAGE, RONALD

SUN, MICHAEL

WEIHERLT, TODD

CIVIL ENGINEERS

BADERA, JAMES JR.

BARTUSEK, MICHAEL

DEPONTY, JERRY

LATOSKI, STEVEN

PRICE, HARRY

STAMER, WILLIAM

WEBER, EDWARD

MECHANICAL ENGINEER

ASHE, THOMAS

MINE ENGINEER

FALLETTA, ROBERT

STRUCTURAL ENGINEER

FEGHHL, MASOOD

**ARIZONA STATE BOARD OF TECHNICAL REGISTRATION**

FROM: EVALUATION COMMITTEE

RE: EVALUATION OF APPLICANTS

A. THE EVALUATION COMMITTEE HAS REVIEWED THE LISTED APPLICANTS AND MAKE TO THE BOARD THE FOLLOWING RECOMMENDATIONS REGARDING APPLICATION FOR REGISTRATION TO PRACTICE IN ARIZONA.

THE FOLLOWING APPLICANTS, HAVING SATISFIED THE COMMITTEE THAT THEY ARE QUALIFIED TO RECEIVE REGISTRATION IN ARIZONA UNDER A.R.S. 32-122.01. AND A.R.S. 32-126 ARE HEREBY RECOMMENDED FOR PROFESSIONAL REGISTRATION:

<b>ARCHITECT</b>	PARTS 1,2,3,4,5,7,8,9
SAGE, RONALD	
SUN, MICHAEL	
WETHERILT, TODD	

<b>CIVIL ENGINEERS</b>	PARTS 1,2,4,5
BADERA, JAMES JR.	PARTS 1,2,4,5
BARTUSEK, MICHAEL	PARTS 1,2,4,5
DEPONTY, JERSY	PARTS 1,2,4,5
LATOSKI, STEVEN	PARTS 1,2,4,5
PRICE, HARRY	
STAMER, WILLIAM	
WEBER, EDWARD	PART 2

<b>MECHANICAL ENGINEER</b>	PART 2
JAMES, JERRY	PART 2
ASHE, THOMAS	PART 2

<b>MINING ENGINEER</b>	PARTS 1,2
PROFFIT, PETER	PART 2
FALLETTA, ROBERT	PART 2

**STRUCTURAL ENGINEER**

FEGHHI, MASOOD

B. THE FOLLOWING APPLICANTS WERE EVALUATED BY THE COMMITTEE AND IT IS RECOMMENDED THAT THEY BE APPROVED FOR THE LISTED EXAMINATIONS, BE GRANTED REGISTRATION IN THE APPROPRIATE CATEGORY AND BE ISSUED A REGISTRATION NUMBER BY THE EXECUTIVE DIRECTOR, OR HIS DESIGNEE, UPON SUCCESSFUL COMPLETION OF THE EXAMINATION AND A STAFF DETERMINATION OF CONTINUED ELIGIBILITY FOR REGISTRATION:

**ARCHITECTS**

BROWN, TAYLOR	PARTS 1,2,3,4,5,7,8,9
ENGLISH, EDWARD	PARTS 1,2,3,4,5,7,8,9
HO, SAM	PARTS 1,2,3,4,5,7,8,9
LUPONE, GUY	PARTS 1,2,3,4,5,7,8,9
MEEHAN, THOMAS	PARTS 1,2,3,4,5,7,8,9
MUSHENSKI, KEITH	PARTS 1,2,3,4,5,7,8,9
PERRY, BETSY	PARTS 1,2,3,4,5,7,8,9
RING, KEVIN	PARTS 1,2,3,9
ROOME, SIOBHAN	PARTS 1,2,3,4,5,7,8,9
SMITH, KIMBERLY	PARTS 1,2,3,9

**ARCHITECT IN TRAINING**

CHOUINARD, JASON	PARTS 1,2,4,5
DIEBOLT, AUBREE	PARTS 1,2,4,5
HEIM, CARLA	PARTS 1,2,4,5
KALM, JEFFREY	PARTS 1,2,4,5
SCHOOLER, MICHAEL	PARTS 1,2,4,5
THORNE, WINSTON	PARTS 1,2,4,5

**CIVIL ENGINEERS**

BLAKEMAN, JAMIE	PART 1	
BULIGA, NICOLETA	PART 2	
DAVILA, JOSE	PART 2	PARTS 1,2
JAMES, JERRY	PART 2	
MCARTHUR, JEREMY	PART 2	
MOCK, PETER	PARTS 1,2	OR LACK OF SAISFACTORY
NOWSHIRAVANI, JAHANYAR	PART 2	
PROFFIT, PETER	PART 2	
YAPA, LAL	PART 2	LACK 29 MONTHS
THE STROM, MICHAEL	GEOLOGY	LACK 30 MONTHS

C. THE FOLLOWING APPLICATIONS ARE BEING DENIED FOR FAILURE TO COMPLETE THE REQUIREMENTS OF THE BOARD WITHIN A REASONABLE LENGTH OF TIME:

**ELECTRICAL ENGINEER**

DELANEY, KENYON

EIT  
CIVIL  
ARCHIT PART 2

**ENVIRONMENTAL ENGINEER**

BUYUKONMEZ, FAITH

PART 2

**MECHANICAL ENGINEER**

DEALDAY, PEPITO

PART 2

**NUCLEAR ENGINEER**

VOSS, JAMES

PART 2

**STRUCTURAL ENGINEERS**

STROCK, STEVEN

PARTS 4,5

XIAO, CAN

PARTS 3,4,5

**ENGINEER IN TRAINING**

EVANS, H. BRUCE

PART 1

JONES, JAMES

PART 1

PHILLIPS, JASON

PART 1

MITCHELL, SEAN

PART 1

**LAND SURVEYORS IN TRAINING**

WEBER, DAVID

PART 1

**GEOLOGY**

MOSS, GEOFFREY

PARTS 1,2

**C. THE FOLLOWING APPLICATIONS ARE BEING DENIED FOR LACK OF SAISFACTORY WORK EXPERIENCE:**

HALL, TRACI

EIT

LACK 29 MONTHS

HILSTROM, MICHAEL

GEOLOGY

LACK 30 MONTHS

**D. THE FOLLOWING APPLICATIONS ARE BEING DENIED FOR FAILURE TO COMPLETE THE REQUIREMENTS OF THE BOARD WITHIN A REASONABLE LENGTH OF TIME:**

LINETSKY, MICHAEL  
MILLER, MYRNA  
NEISS, DAVID  
TROSTINETZKY, DAMIAN

EIT  
CIVIL  
ARCHITECT  
ARCHITECT

FEBRUARY 11, 2003

OPEN SESSION

Title II of the Americans with Disabilities Act (ADA) prohibits the Board of Technical Registration from discriminating on the basis of disability in its public meetings. Persons with a disability may request a reasonable accommodation such as a sign language interpreter contacting LaVern Douglas at (602) 364-4937. Requests should be made as early as possible to allow time to accommodate the request.

NOTE: The Board may discuss, consider or take action on any item on the Agenda. At the discretion of the Board, Agenda items may be taken out of order.

All examination material, transcripts, educational records, reference forms and applications are confidential pursuant to ARS 32-129.

The Board may vote to go into executive session intermittently during the meeting on any of the following agenda items to review statutorily confidential materials or receive legal advice from counsel pursuant to ARS 38-431.03(A)(3), or to review statutorily confidential materials on agenda items 5, 6, 7, and 8 pursuant to A.R.S. § 38-431.03 (2).

1. CALL TO ORDER
2. ROLL CALL
3. PUBLIC COMMENT
4. ADOPTION OF MINUTES JANUARY 14, 2003 MEETING
5. ENFORCEMENT MATTERS (Under Separate Cover)

NEW BUSINESS

6. EVALUATION OF APPLICATIONS UNDER (32-122.01 E)
  - A. Phillip Goetze - Geologist (Greenbald)
  - B. Terry Hulbert - Industrial (Pearson)
  - C. Patrick Gony - Electrical (Pearson)
  - D. Weiyang Li - Civil (Goldman)
  - E. Zane Winterman - Electrical (Goldman)

7. EVALUATION OF APPLICATIONS UNDER (32-122.01.E)

A. Vevek Davoudi – Electrical (Pearson)

B. Darla Kaufman – **AMENDED (February 6, 2003)**

C. Douglas Patriquin – Engineer-in-training

D. Richard STATE BOARD OF TECHNICAL REGISTRATION

E. Jesse Roedel – Board Inspector Applicants (2003)

FEBRUARY 11, 2003

8. EVALUATION COMMITTEE RECOMMENDATIONS (List available at Board office)

OPEN SESSION

I. Recommendation for approval of professional registration or in-training registration

**Title II of the Americans with Disabilities Act (ADA) prohibits the Board of Technical Registration from discriminating on the basis of disability in its public meetings. Persons with a disability may request a reasonable accommodation such as a sign language interpreter contacting LaVern Douglas at (602) 364-4937. Requests should be made as early as possible to allow time to accommodate the request.**

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1. CALL TO ORDER
2. ROLL CALL
3. PUBLIC COMMENT
4. ADOPTION OF MINUTES JANUARY 14, 2003 MEETING
5. ENFORCEMENT MATTERS (Under Separate Cover)

NEW BUSINESS

6. EVALUATION OF APPLICATIONS UNDER (32-122.01.E)
  - A. Phillip Goetze – Geologist (Greenslade)
  - B. Terry Hulbert – Industrial (Pearson)
  - C. Patrick Garey – Electrical (Pearson)
  - D. **Wenyng Li – Civil (Goldman)**
  - E. **Zane Wilsterman – Electrical (Goldman)**

7. EVALUATION OF APPLICATIONS UNDER (R4-30-101.10)
  - A. Vahik Davoudi – Electrical (Pearson)
  - B. Darin Kaufman – Civil (Goldman)
  - C. Douglas Patriquin – Engineer-in-training
  - D. Richard Schneider – Home Inspector Applicant 020950
  - E. Jesse Reeves – Home Inspector Applicant 020374
  
8. EVALUATION COMMITTEE RECOMMENDATIONS (List available at Board office)
  1. Recommendation for approval of professional registration or in-training registration.
  2. Recommendation for approval to sit for the professional or in-training examination.
  3. Recommendation for denial to sit for the professional or in-training examination
  4. Recommendation for denial of professional registration or in-training registration
  5. **Home Inspector Applications closed for failure to meet requirements**
  6. **Recommendation for approval of home inspector certification**
  
9. GRANTING OF REGISTRATION NUMBERS (List available at Board office)
  
10. FUTURE BOARD MEETINGS – The next meeting of the Board will be the quarterly meeting on March 11, 2003 at 9:00 a.m.
  
11. ADJOURNMENT

4. ADOPTION OF MINUTES JANUARY 14, 2003 MEETING – Mr. Goldman moved to accept and approve the minutes of the January 14, 2003 meeting. Seconded by Mr. Pawelko. MOTION CARRIED.

5. ENFORCEMENT MATTERS

A. DISMISSALS

1. M03-020/MIR01-087 Robert R. Kowals, P.E. (Civil) #06390 - After discussion, Mr. Goldman moved to dismiss the matter. Seconded by Mr. Sterling. MOTION CARRIED.
  
2. M03-021/MIR01-114 Joseph A. Bosty, P.E. (Civil) #02060 - After discussion, Mr. Sterling moved to accept the Assessor's Recommendations to dismiss the matter. Seconded by Mr. Goldman. MOTION CARRIED.
  
3. M03-022/MIR03-407 Bradley J. Huss, P.E. (Civil) #18718 - After discussion, Mr. Gardner moved to dismiss the matter. Seconded by Mr. Lyndes. MOTION CARRIED.
  
4. M03-023/MIR03-018 David H. Murray, Land Surveyor #13013 - After discussion, Mr. Tuttle moved to accept the Assessor's recommendation to dismiss. Seconded by Mr. Lyndes. MOTION CARRIED. (Mr. Tuttle was excused from the meeting.)
  
5. M03-024/MIR03-049 Peter Mazza, Certified Home Inspector #18076 - Mr. Goldman removed himself. After discussion, Mr. Gardner moved to issue a letter of concern. Seconded by Mr. Pawelko. MOTION VAILED. After further discussion, Mr. Sterling moved to dismiss the matter. Seconded by Mr. Pearson. MOTION CARRIED.

## TELEPHONE CONFERENCE MINUTES

### Arizona Board of Technical Registration

February 11, 2003

9:00 A.M.

1. CALL TO ORDER - The monthly telephone conference of the Board of Technical Registration was called to order at 9:01 a.m.
2. ROLL CALL - **Present:** William Greenslade, Fred Goldman, Joseph Gardner, Gregory Tuttle, Ronald Starling, Chet Pearson, and Richard Pawelko. **Board Staff:** Ron Dalrymple, LaVern Douglas, Nan Mitchell, Melinda Baughman, Kathryn Fuller, Cassie Goodwin, Diane Aubert, Matt Krueger, Toni Jacobs, Mary Martinez, Lisa Burns, Assistant Attorney General, and Victoria Mangiapane, Solicitor General. **Absent:** Robert Roos. **Telephonic Appearance:** Joy Lyndes and Debbie Harper, member of the public. **Public Present:** Jesse Reeves, Jimmy Stewart, Douglas Patriquin, Dieter Brune.
3. PUBLIC COMMENT - Mr. Pearson, as a member of the public, reported that the Environmental Remediation Rules and Standards Committee would submit a draft copy of Best Practice and Standards for clandestine drug laboratory remediation at the March meeting.
4. ADOPTION OF MINUTES JANUARY 14, 2003 MEETING - Mr. Goldman moved to accept and approve the minutes of the January 14, 2003 meeting. Seconded by Mr. Pawelko. MOTION CARRIED.
5. ENFORCEMENT MATTERS
  - A. DISMISSALS
    1. M03-020/ MIR 01-087 Robert R. Koons, P.E. ( Civil ) #06393 - After discussion, Mr. Goldman moved to dismiss the matter. Seconded by Mr. Starling. MOTION CARRIED.
    2. M03-021/ MIR01-114 Joseph A. Beatty, P.E. (Civil) #08069 - After discussion, Mr. Starling moved to accept the Assessors' Recommendations to dismiss the matter. Seconded by Mr. Goldman. MOTION CARRIED.
    3. M03-022/ MIR03-003 Bradley J. Huza, P.E. (Civil) #16718 - After discussion, Mr. Gardner moved to dismiss the matter. Seconded by Ms. Lyndes. MOTION CARRIED.
    4. M03-023/ MIR02-018 David H. Murrey, Land Surveyor #13013 - After discussion, Mr. Tuttle moved to accept the Assessors' recommendation to dismiss. Seconded by Ms. Lyndes. MOTION CARRIED. (Mr. Tuttle was excused from the meeting.)
    5. M03-024/ MIR03-049 Peter Maxie, Certified Home Inspector #38076 - Mr. Goldman recused himself. After discussion, Mr. Gardner moved to issue a letter of concern. Seconded by Mr. Pawelko. MOTION FAILED. After further discussion, Mr. Starling moved to dismiss the matter. Seconded by Mr. Pearson. MOTION CARRIED.



B. DISCUSSION AND CONSIDERATION

1. M02-031/ MIR01-154 Manuel Aguirre, Architect #28487 - Mr. Starling recused himself. After discussion, Mr. Gardner moved to accept the Recommended Decision and Order of the Administrative Law Judge in its entirety. Seconded by Mr. Goldman. MOTION CARRIED. The Order, dated 01-27-03, states as follows:
  - a) On the effective date of the Order entered in this matter, the Board shall issue a letter of reprimand to Mr. Aguirre informing him of the violations established herein.
  - b) Commencing on the effective date of the Order entered in this matter, Mr. Aguirre's Arizona Registered Architect Registration (No. 28487) shall be suspended until Mr. Aguirre has provided proof to the Board that any and all outstanding billings for work performed by Diamond on the project have been satisfied. If Mr. Aguirre provides such proof to the Board on or before the deadline identified above, then the above-provided suspension shall not be imposed.
  - c) Mr. Aguirre shall pay to the Board its reasonable costs and expenses incurred in conducting the investigation and administrative hearing of this matter within thirty (30) days after receipt from the Board of a statement for said costs.
2. M03-002/ MIR02-085 Robert Beamish, P.E. (Civil) #13623. After discussion, Mr. Starling moved to:
  - a) deem the allegations of the complaint admitted. Seconded by Mr. Tuttle. MOTION CARRIED.
  - b) adopt paragraphs 1-5 of the complaint as findings of fact. Seconded by Mr. Goldman. MOTION CARRIED.
  - c) adopt paragraphs 6 & 7 of the complaint as conclusion of law. Seconded by Mr. Pearson. MOTION CARRIED.
  - d) accept the committee recommendation of an administrative penalty in the amount of \$2,000.00, Cost of Investigation, and assurance of discontinuance from practice of structural engineering until he has taken and successfully passed Structural Engineering Examinations 1 & 2. Seconded by Ms. Lyndes. MOTION CARRIED.
3. MIR03-141 Carl C. Ramsey, Architect #34063. Mr. Starling moved to motion the board to review the matter to determine jurisdiction. Seconded by Mr. Pearson. MOTION CARRIED. After discussion, Mr. Starling moved to motion that the matter be returned to staff for an EAC meeting to review misuse of seal on non-architectural drawings. Seconded by Mr. Pearson. MOTION CARRIED.

C. ENFORCEMENT ADVISORY COMMITTEE CANDIDATES

1. David B. Boggs, P.E (Sanitary) #25125
2. Paul D. Staron, Certified Home Inspector #38061
3. Douglas C. Zumach, Certified Home Inspector #38631
4. Pat A. Thiel, Certified Home Inspector #38051

Mr. Gardner moved to appoint the above individuals to the Enforcement Advisory Committee. Seconded by Mr. Goldman. MOTION CARRIED

6. EVALUATION OF APPLICATIONS UNDER (32-122.01)

- A. Phillip Goetze – Geologist (Greenslade). After discussion Mr. Greenslade recommended applicant to sit for professional exam. Seconded by Mr. Tuttle. MOTION CARRIED.
- B. Terry Hulbert – Industrial (Pearson). After discussion Mr. Pearson recommended applicant to sit for professional exam. Seconded by Mr. Gardner. MOTION CARRIED.
- C. Patrick Garey – Electrical (Pearson). After discussion Mr. Pearson moved waiver of exam. Seconded by Mr. Starling. MOTION CARRIED.
- D. Wenying Li – Electrical (Goldman). After discussion Mr. Goldman moved to accept for Civil exam. Seconded by Mr. Pearson. MOTION CARRIED.
- E. Zane Wilsterman – Electrical (Goldman). After discussion Mr. Goldman moved to allow applicant to take professional exam. Seconded by Mr. Pearson. MOTION CARRIED.

7. EVALUATION OF APPLICATIONS UNDER (R4-30-101(10))

- A. Vahik Davoudi – Electrical (Pearson)- moved to grant registration.
- B. Darin Kaufman – Civil (Goldman)-moved to accept for professional exam.
- C. Douglas Patriquin – Engineer-in-training-Move to accept for EIT Exam.
- D. Richard Schneider – Home Inspector Applicant 020950. At 10:03 Mr. Goldman moved to go into Executive session to receive legal advice. Seconded by Mr. Tuttle. MOTION CARRIED. Mr. Gardner moved to return to public session at 10:15 and to table this matter until end of meeting to allow the applicant to appear. Seconded by Mr. Starling. MOTION CARRIED. Mr. Goldman moved to accept the application and grant certification. Seconded by Mr. Starling. MOTION CARRIED.
- E. Jesse Reeves – Home Inspector Applicant 020374- Mr. Reeves addressed the Board regarding his application. After discussion, Mr. Starling moved to accept the application and grant certification. Seconded by Mr. Goldman. MOTION CARRIED.

8. EVALUATION COMMITTEE RECOMMENDATIONS

- 1. Recommendation for approval of professional registration or in-training registration.
- 2. Recommendation for approval to sit for the professional or in-training examination.
- 3. Recommendation for denial to sit for the professional or in-training examination.
- 4. Recommendation for denial of professional registration or in- training registration.
- 5. Home Inspector Applications closed for failure to meet requirements.
- 6. Recommendation for approval of home inspector certification.

After discussion, Mr. Goldman moved to accept the evaluation committee recommendations in items 7A- through 7E and items 8-1 through 8-6. Seconded by Mr. Starling. Motion carried.

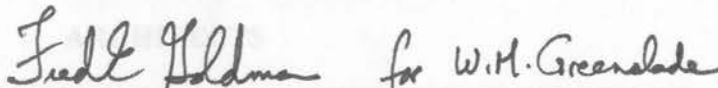
9. GRANTING OF REGISTRATION NUMBERS LISTED

Mr. Goldman moved to issue the registration numbers as listed, beginning with Braganza, #33895 and ending with Jesse Reeves, #38989. Seconded by Mr. Tuttle. MOTION CARRIED.

10. FUTURE BOARD MEETINGS – The next meeting of the Board will be the quarterly meeting on March 11, 2003 at 9:00 a.m.

11. ADJOURNMENT – Mr. Greenslade gavelled the meeting adjourned at 12:20 p.m.

ARIZONA STATE BOARD OF TECHNICAL REGISTRATION



William M. Greenslade, Board Chair

  
Ronald W. Dalrymple, Executive Director

LANDSCAPE ARCHITECTS

BURNEY, SUSAN  
GRAHAM, GREGORY  
JOHNSON, TIMOTHY  
KENYON, DAVID  
SCHATTINGER, MARI  
SHUPPER, STEVEN  
SIDWELL, DENISE

CIVIL ENGINEERS

AGUIRRE, KEVIN  
BASUL, SATURNINO  
BERRY, JOHN  
CROSBY, PATRICK  
GELBERTS, RONALD  
OUZEL, FATI  
GUTMAN, RICARDO

**ARIZONA STATE BOARD OF TECHNICAL REGISTRATION**

FROM: EVALUATION COMMITTEE

RE: EVALUATION OF APPLICANTS

1. THE EVALUATION COMMITTEE HAS REVIEWED THE LISTED APPLICANTS AND MAKE TO THE BOARD THE FOLLOWING RECOMMENDATIONS REGARDING APPLICATION FOR REGISTRATION TO PRACTICE IN ARIZONA.

THE FOLLOWING APPLICANTS, HAVING SATISFIED THE COMMITTEE THAT THEY ARE QUALIFIED TO RECEIVE REGISTRATION IN ARIZONA UNDER A.R.S. 32-122.01. AND A.R.S. 32-126 ARE HEREBY RECOMMENDED FOR PROFESSIONAL REGISTRATION:

**ARCHITECTS**

BRAGANZA, BRIAN  
CHOW, YANNIE  
COOK, CLIFFORD  
DUNSTAN, KENNETH  
HARMS, KEVIN  
ISAMIL, SAAD  
STRICKLAND, CLIFTON III  
ZUPAN, CRAIG

**LANDSCAPE ARCHITECTS**

GORNEY, SUSAN  
GRAHAM, GREGORY  
JOHNSON, TIMOTHY  
KENYON, DAVID  
SCHATTINGER, MARK  
SHUPPER, STEVEN  
SIDWELL, DENISE

**CIVIL ENGINEERS**

AGUIGUI, KEVIN  
BASUIL, SATURNINO  
BERRY, JOHN  
CROBSY, PATRICK  
GEURTS, RONALD  
GUZEK, PAUL  
GUZMAN, RICARDO

HOLMQUIST, DARREL  
KOBBER, MICHAEL  
MILLIGAN, MERVYN  
NAUMAN, JASON  
NEPTUNE, BLAINE  
RIMMER, RUSTY  
SCHAFER, DUSTYN  
TIPTON, LESLIE II  
SHISHIDO, ROBIN  
HOFF, JOHN VAN  
WARREN, THOMAS JR.  
WASHBURN, LARRY  
WOLF, MICHAEL  
ZORACK, JOSEPH

PARTS 1,2,3,4,5,7,8,9  
PARTS 1,2,3,9  
PARTS 1,2,3,4,5,7,8,9  
PARTS 1,2,3,4,5,7,8,9  
PARTS 1,2,3,7,9

**ELECTRICAL ENGINEERS**

FLORES, ROMEO  
FUSSELL, MICHAEL  
GERACE, VINCENT  
MONTANO, JOHN

PARTS 1,2,4,5  
PARTS 1,2,4,5

**FIRE PROTECTION ENGINEER**

WHEELER, ROBERT

PART 2

**MECHANICAL ENGINEERS**

CASALINO, NOE  
CULLING, LARRY  
DO, NAM  
MORELAND, JAMES  
SHARPE, JAMES

PART 2  
PART 2  
PART 1  
PART 2  
PARTS 1,2  
PART 2  
PART 2  
PART 2  
PART 2

**STRUCTURAL ENGINEER**

BARKER, DON  
BUTTS, JOHN  
ESLINGER, EDGAR

PART 1

**GEOLOGIST**

CROOKS, BRIAN

UHLMAN, KRISTINE

2. THE FOLLOWING APPLICANTS WERE EVALUATED BY THE COMMITTEE AND IT IS RECOMMENDED THAT THEY BE APPROVED FOR THE LISTED EXAMINATIONS, BE GRANTED REGISTRATION IN THE APPROPRIATE CATEGORY AND BE ISSUED A REGISTRATION NUMBER BY THE EXECUTIVE DIRECTOR, OR HIS DESIGNEE, UPON SUCCESSFUL COMPLETION OF THE EXAMINATION AND A STAFF DETERMINATION OF CONTINUED ELIGIBILITY FOR REGISTRATION:

**ARCHITECTS**

AGUILAR, SERGIO	PARTS 1,2,3,4,5,7,8,9
FROST, JEFFERY	PARTS 1,2,3,9
KENNEY, JAMES	PARTS 1,2,3,4,5,7,8,9
MARCOUX, MICHAEL	PARTS 1,2,3,4,5,7,8,9
SPRY, ERIC	PARTS 1,2,3,7,9

**ARCHITECT IN TRAINING**

KULLUKIAN, DANIEL	PARTS 1,2,4,5
MONTGOMERY, KELSI	PARTS 1,2,4,5

**CIVIL ENGINEERS**

ALBERT, LUKE	PART 2
ANDREW, CHARLES	PART 2
BRAWLEY-CHESWORTH, ALICE	PART 2
BURDETTE, DEBRA	PART 2
DEE, WAYNE	PARTS 1,2
PEREZ, MONICA	PART 2
PFEFFER, CHRISTOPHE	PART 2
TIHAMI, MONCEF	PART 2
TIXIER, RAPHAEL	PART 2
WHITE, CHASE	PART 2

**CONTROL SYSTEMS ENGINEER**

FLEDDERJOHN, THOMAS	PART 2
---------------------	--------

**ELECTRICAL ENGINEERS**

DE LANEY, KENYON PART 2  
THOMPSON, CHARLES PART 2  
TREESE, ERIC PART 2

**ENVIRONMENTAL ENGINEERS**

LOPEZ, GUSTAVO PART 2  
MILLER, MARLA PART 2

**STRUCTURAL ENGINEER**

TOTH, JANOS PARTS 4,5

**ENGINEER IN TRAINING**

ADAMS, CHRISTOPHE PART 1  
DIETZ, CHRIS PART 1  
OH, JUTA EK PART 1  
O'LEARY, PATRICK PART 1

**GEOLOGIST**

BLAES, DANIEL PART 2  
GABORA, MICHAEL PART 2  
JOHNSON, MICHAEL PART 2  
MEYER, JOHN PART 2  
VANDEGRIFT, EDWIN PART 2  
WILSON, ERIC PART 2  
YARAB, GERRY PART 2

**GEOLOGIST IN TRAINING**

ABOUNADER, STARR PART 1  
REED, DAWN PART 1  
WHITE, CHASE PART 1  
WRIGHT, JON PART 1

**LAND SURVEYORS**

BARKER, WILLIAM PART 3  
FISHER, BRIAN PARTS 2,3  
HAMILTON, CHRIS PART 3  
MELTON, JOHN PARTS 2,3

SALAZAR, ADAM PARTS 2,3  
SULLIVAN, MICHAEL PARTS 2,3

**LAND SURVEYOR IN TRAINING**

ACKEN, ROBERT PART 1  
BOYD, JESSE PART 1  
NORD, THOMAS PART 1

3. THE FOLLOWING APPLICATIONS ARE BEING DENIED FOR LACK OF SAISFACTORY WORK EXPERIENCE:

ABOJARADEH, MOHAMMAD CIVIL  
HENRY, RILEY LAND SURVEYOR

4. THE FOLLOWING APPLICATIONS ARE BEING DENIED FOR FAILURE TO COMPLETE THE REQUIREMENTS OF THE BOARD WITHIN A REASONABLE LENGTH OF TIME:

ABNEY, KEVIN EIT  
ABRIL, JULIE EIT  
ADAIR, LEON EIT  
ANDERSON, JEFFREY EIT  
ANDONYAN, GEORGE EIT  
ANDOR, TAMAS EIT  
ANDROS, DEANNA EIT  
BALL, KEITH EIT  
BALLAPRAGADA, BHASKAR EIT  
BAYLON, LUEL EIT  
BHEEMIDI, ARATI EIT  
BIAGI, DOUGLAS EIT  
BOGERT, KEVIN EIT  
BOLLMANN, JANET EIT  
BONILLAS, FRANCISCO EIT  
BOURIAQUE, JOEL EIT  
BRENNAN, BRIAN EIT  
BURGER, FREDERICK EIT  
BURSEY, TODD EIT  
CANEZ, ANA EIT  
CARLSON, MARK EIT  
CARRIER, DOUGLAS EIT  
CHERRILL, ADAM EIT  
CROSBY, KEVIN EIT  
DCARPIO, LUIS EIT  
DEFTU, LUCIAN EIT  
DE VALDES, TODD EIT  
ELMWOOD, OTIS EIT



ESQUER, RAFAEL	EIT
FAWLEY, TERENCE	EIT
FENCIL, LEE	EIT
FIKENTSCHER, KATHLEEN	EIT
GARCIA, STEVEN	EIT
GARDNER, DAVID	EIT
GENTILE, LESLIE	ARCHITECT
GRAHAM, BRANDON	EIT
GRAY, SUSAN	EIT
GRAY, HEATHER	EIT
HAILE, DANICA	EIT
HANRAHAN, SHAWN	EIT
HANZLICK, KENNETH	EIT
HENDERSON, ROCHELLE	EIT
HERRIMAN, GREGORY	EIT
HESELIUS, TINA	EIT
HILL, LANCE	EIT
HONG, LEE	EIT
HOWELL, BAIRD	EIT
HU, PETER	EIT
HUERTA, ENRIQUE	EIT
HUNNICUTT, ROBERT	EIT
HUNT, BRET	EIT
ISMAIL, HUSAM	EIT
JANS, JUSTIN	EIT
JOHNSON, RICHARD	EIT
JOLAYEMI, MAGNUS	EIT
JOYNER, JUDSON	EIT
KATTAN, HISHAM	EIT
KELLER, RICHARD	EIT
KRAKOWIAK, SERGE	EIT
KUCHARO, ROBERT	EIT
LACHINI, MISHIEL	EIT
LEMASCUS, STEVEN	GEOLOGIST
LANGHOLZ, KURT	EIT
LARSEN, JOEL	EIT
LARSEN, LISA	EIT
LATAM, CHRISTOHE	EIT
LEWIS, DALE	EIT
LIM, JOHNNY	EIT
LIU, ALBERT	ARCHITECT
LIU, EDWARD	ARCHITECT
LOVERICH, JEREMIAH	EIT
MAROHN, AMY	EIT
MARTINEZ, MICHELLE	EIT
MCKERCHER, DAVID	EIT

MCMANIS, GEORGE	EIT
MCMILLAN, MARK	EIT
MESEROLE, PAUL	EIT
MITRI, OMAAR	EIT
MOLINA, BLANCA	EIT
MONTOYA, TOMAS	EIT
MORTERA, OSCAR	EIT
NGUYEN, VINCENT	EIT
NSENKYIRE, DENNIS	EIT
ONG, JOHNNY	CIVIL
OSWALD, WILLIAM	EIT
PALMER, TIMOTHY	EIT
PANDEY, MANOJ	EIT
PAPAGEORGIU, ONA	EIT
PEREZ, JOSEPHINE	EIT
PETROLLE, SHELLEY	EIT
POKHARIYAL, DEVESH	EIT
RANA, VIVEK	EIT
RAZOUQI, MAEN	EIT
RAZZAQ, ABDUL	EIT
REED, KATHLEEN	EIT
RHODES, LEE	EIT
RODRIGUEZ, JORGE	EIT
ROJAS, JESUS	EIT
ROMERO, MACK	EIT
RONDA, MATTHEW	EIT
RUBIN, JASON	EIT
RUCKEL, PAUL	EIT
SALCIDO, PAUL	GEOLOGIST
SALAZAR, ERNEST	EIT
SANCHEZ, JAMES	EIT
SCHETTLER, DAVID	EIT
SCIONTI, JOSEPH	EIT
STACHYRA, MARK	EIT
STRNAD, GEORGE	EIT
SUVERKRUP, TROY	EIT
SZE-TO, MARK	EIT
TAGGART, BRIAN	MECHANICAL
TAKSALI, GIRI	CIVIL
TAYLOR, STEVEN	EIT
TEEVIN, JEROME	EIT
TERLECKI, TODD	EIT
THOMAS, JON	EIT
TOMANY, AARON	EIT
WALKER, VICKI	EIT
WALTERS, GERALD	EIT

ARIZONA STATE BOARD OF TECHNICAL REGISTRATION

WHITE, PAUL EIT  
WHITMER, CHRISTOPHE EIT  
WILCOX, DAVID EIT  
WILKER, CHRISTINE EIT  
WINTERS, JOHN EIT  
WOODS, ERIK EIT  
XI, JIM EIT  
ZINN, BRIAN EIT

THE FOLLOWING APPLICANTS, HAVING SATISFIED THE COMMITTEE THAT THEY ARE QUALIFIED TO RECEIVE CERTIFICATION AS HOME INSPECTORS UNDER A.R.S. § 32-122.02, ARE HEREBY RECOMMENDED FOR CERTIFICATION:

- |                    |                     |
|--------------------|---------------------|
| Brown, Gary        | Dacey, Richard      |
| Davis, Wayne R.    | Dieter, Bruce       |
| Duke, James H.     | Kalaszczak, Robert  |
| Kent, Steven       | Klingerman, Kurt    |
| Kreyer, Aaron      | Mikos, John         |
| Moore, William     | Reynolds, Melby E.  |
| Roberts, Michael   | Schamel, John       |
| Srivastava, Nand   | Stewart, Jimmy R.   |
| Brown, Jerry       | Mendoza, Fernando   |
| Zipp, Peter        | Grant, Howard       |
| Nussa, Howard      | West, Michael       |
| Brown, Jerry       | Ritzwoller, Richard |
| Riding, Benjamin   | Smith, Keith        |
| Blackburn, Richard |                     |

ARIZONA STATE BOARD OF TECHNICAL REGISTRATION

FROM: HOME INSPECTOR RULES AND STANDARDS COMMITTEE

RE: EVALUATION OF APPLICANTS

THE HOME INSPECTOR RULES AND STANDARDS COMMITTEE HAS REVIEWED THE LISTED APPLICANTS AND MAKES TO THE BOARD THE FOLLOWING RECOMMENDATIONS REGARDING APPLICATION FOR CERTIFICATION TO CONDUCT HOME INSPECTIONS IN ARIZONA.

THE FOLLOWING APPLICANTS, HAVING SATISFIED THE COMMITTEE THAT THEY ARE QUALIFIED TO RECEIVE CERTIFICATION AS HOME INSPECTORS UNDER A.R.S. § 32-122.02, ARE HEREBY RECOMMENDED FOR CERTIFICATION:

- |                    |                     |
|--------------------|---------------------|
| Brown, Gary        | Dacey, Richard      |
| Davis, Wayne R.    | Dieter, Brune       |
| Duke, James H.     | Kaliszczjk, Robert  |
| Kent, Stephen      | Klingerman, Kurt    |
| Kruger, Aaron      | Mikos, John         |
| Moore, William     | Reynolds, Melby E.  |
| Rothman, Michael   | Schimmel, John      |
| Shirvanian, Norier | Stewart, Jimmy R.   |
| Brown, Jerry       | Mendoza, Fernando   |
| Zipp, Peter        | Grant, Howard       |
| Nusso, Howard      | West, Michael       |
| Brown, Jerry       | Ritzwoller, Richard |
| Riding, Benjamin   | Smith, Keith        |
| Blackburn, Richard |                     |

CIVIL ENGINEERS

- |                            |       |
|----------------------------|-------|
| AGUIGUL, KEVIN G.          | 38910 |
| BASUIL, SATURNINO TACUYCUI | 38911 |
| BERRY, JOHN CURTIS         | 38912 |
| CROSSY, PATRICK EDWARD     | 38913 |
| CEURTS, RONALD ARTHUR      | 38914 |
| GUZEK, PAUL ALLEN          | 38915 |
| GUZMAN, RICARDO ALFREDO    | 38916 |
| HOEMQUIST, DARRREL VERNON  | 38917 |
| KOBER, MICHAEL JOHN        | 38918 |
| MILLIGAN, MERVYN FRANCIS   | 38919 |
| NAUMAN, JASON CARL         | 38920 |
| NEPTUNE, BLAINE STEVEN     | 38921 |
| RIMMER, RUSTY              | 38922 |

GRANT LIST ADDEMDUM

FEBRUARY 5, 2003

THE FOLLOWING APPLICANTS WERE EVALUATED BY THE EVALUATION COMMITTEE AND IT HAS BEEN RECOMMENDED THAT THEY BE GRANTED REGISTRATION AND ASSIGNED THE FOLLOWING REGISTRATION NUMBERS

ELECTRICAL ENGINEERS

ARCHITECTS

REGISTRATION NUMBER

BRAGANZA, BRIAN JOHN	38895
CHOW, YANNIE SHUK-YAN	38896
COOK, CLIFFORD WILLIAM	38897
DUNSTAN, KENNETH KINCAID	38898
HARMS, KEVIN WILLIAM	38899
ISMAIL, SAAD A.J.	38900
STRICKLAND III, CLIFTON NORMAN	38901
ZUPAN, CRAIG F.	38902

LANDSCAPE ARCHITECTS

GORNEY, SUSAN LEE	38903
GRAHAM, GREGORY G.	38904
JOHNSON, TIMOTHY SHELDON	38905
KENYON, DAVID ANDREW	38906
SCHATTINGER, MARK ALAN	38907
SIDWELL, DENISE E.	38908
SHUPPER, STEVEN BLAKE	38909

CIVIL ENGINEERS

AGUIGUI, KEVIN G.	38910
BASUIL, SATURNINO TACUYCUI	38911
BERRY, JOHN CURTIS	38912
CROSBY, PATRICK EDWARD	38913
GEURTS, RONALD ARTHUR	38914
GUZEK, PAUL ALLEN	38915
GUZMAN, RICARDO ALFREDO	38916
HOLMQUIST, DARRREL VERNON	38917
KOBER, MICHAEL JOHN	38918
MILLIGAN, MERVYN FRANCIS	38919
NAUMAN, JASON CARL	38920
NEPTUNE, BLAINE STEVEN	38921
RIMMER, RUSTY	38922

SHAFFER, DUSTYN W.	38923
TIPTON II, LESLIE JOHN	38924
SHISHIDO, ROBIN KIMIO	38925
VAN HOFF, JOHN GERARD	38926
WARREN JR., THOMAS DELBERT	38927
WASHBURN, LARRY DEAN	38928
WOLF, MICHAEL SILVIO	38929
ZORACK, JOSEPH ALFRED	38930

#### **ELECTRICAL ENGINEERS**

FLORES, ROMEO S.	38931
FUSSELL, MICHAEL THOMAS	38932
GERACE, VINCENT CARMEN	38933
MONTANO, JOHN MARTIN	38934

#### **FIRE PROTECTION**

WHEELER, ROBERT JOSEPH	38935
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#### **MECHANICAL ENGINEERS**

CASALINO, NOE EMILIO	38936
CULLING, LARRY B.	38937
DO, NAM M.	38938
MORELAND, JAMES WILSON	38939
SHARPE, JAMES NICHOLS	38940

#### **STRUCTURAL ENGINEERS**

BARKER, DON WAYMENT	38941
BUTTS, JOHN FITZGERALD	38942
ESLINGER, EDGAR CLAUDE	38943

#### **GEOLOGIST**

CROOKS, BRIAN CAMERON	38944
UHLMAN, KRISTINE ANN	38945

#### **ARCHITECTS**

DAVIS, MELISSA DAWN	38946
BARSOUM, BARSOUM MORCOS	38947

**CIVIL ENGINEERS**

HUTCHISON, ROBERT DIXON 38948  
IZAGUIRRE, HECTOR HUGH 38949  
KELLEY, JAMES DEE 38950  
SIMPSON, DARREN A. 38951  
SPELSHAUS, FRED MICHAEL 38952  
ZUO, JUN 38953

**ELECTRICAL ENGINEERS**

DAVOUDI, VAHIK 38954  
LOMBARDI, RICHARD JAMES 38955  
YOUNG, BRIAN GEORGE 38956

**MECHANICAL ENGINEERS**

CLARK, STUART ALAN 38957  
THOMAS, DENNIS BRYAN 38958

MIKOS, JOHN 38959  
REYNOLDS, MELBY E. 38970  
HIDING, BENJAMIN 38971  
RITZWOLLER, RICHARD 38972  
ROTHMAN, MICHAEL 38973  
SCHIMMEL, JOHN 38974  
SHIRVANIAN, NORIIE 38975  
SMITH, KEITH 38976  
STEWART, JIMMY R. 38977  
BROWN, JERRY 38978  
MENDOZA, FERNANDO 38979  
ZIPP, PETER 38980  
GRANT, HOWARD 38981  
NUSSO, EDWARD 38982  
38983

THE FOLLOWING APPLICANTS HAVE BEEN EVALUATED BY THE EVALUATION COMMITTEE AND IT HAS BEEN RECOMMENDED THAT THEY BE GRANTED CERTIFICATION AND ASSIGNED THE FOLLOWING CERTIFICATION NUMBERS.

**HOME INSPECTORS**

**CERTIFICATION NUMBER**

BLACKBURN, RICHARD	38959
BROWN, GARY	38960
BROWN, JERRY	38961
DACEY, RICHARD	38962
DAVIS, WAYNE R.	38963
DIETER, BRUNE	38964
DUKE, JAMES H.	38965
KALISZCZJK, ROBERT	38966
KENT, STEPHEN	38967
KLINGERMAN, KURT	38968
KRUGER, AARON	38969
MIKOS, JOHN	38970
REYNOLDS, MELBY E.	38971
RIDING, BENJAMIN	38972
RITZWOLLER, RICHARD	38973
ROTHMAN, MICHAEL	38974
SCHIMEL, JOHN	38975
SHIRVANIAN, NORIER	38976
SMITH, KEITH	38977
STEWART, JIMMY R.	38978
BROWN, JERRY	38979
MENDOZA, FERNANDO	38980
ZIPP, PETER	38981
GRANT, HOWARD	38982
NUSSO, EDWARD	38983

4. ADOPTION OF MINUTES OF FEBRUARY 11, 2003 MEETING

5. ENFORCEMENT MATTERS (Under Separate Cover)

NEW BUSINESS

6. EVALUATION OF APPLICATIONS UNDER (12-122.01.F)

- A. Michael McCormick - Electrical (Pearson)
- B. Gary Kent - Electrical (Pearson)
- C. Peter Mack - Civil (Goldman)
- D. Mahesh Khan - Civil (Goldman)



AGENDA

Second Amendment March 7, 2003

STATE BOARD OF TECHNICAL REGISTRATION

MARCH 11, 2003

OPEN SESSION

**Title II of the Americans with Disabilities Act (ADA) prohibits the Board of Technical Registration from discriminating on the basis of disability in its public meetings. Persons with a disability may request a reasonable accommodation such as a sign language interpreter contacting LaVern Douglas at (602) 364-4937. Requests should be made as early as possible to allow time to accommodate the request.**

NOTE: The Board may discuss, consider or take action on any item on the Agenda. At the discretion of the board, Agenda items may be taken out of order.

All examination material, transcripts, educational records, reference forms and applications are confidential pursuant to ARS 32-129.

The Board may vote to go into executive session intermittently during the meeting on any of the following agenda items to review statutorily confidential materials or receive legal advice from counsel pursuant to ARS 38-431.03(A)(2) or (3).

1. CALL TO ORDER
2. ROLL CALL
3. PUBLIC COMMENT
4. ADOPTION OF MINUTES OF FEBRUARY 11, 2003 MEETING
5. ENFORCEMENT MATTERS (Under Separate Cover)

NEW BUSINESS

6. EVALUATION OF APPLICATIONS UNDER (32-122.01.E)
  - A. Michael McCormick – Electrical (Pearson)
  - B. Gary Kesti - Electrical (Pearson)
  - C. Peter Mock – Civil (Goldman)
  - D. Shahzad Khan – Civil (Goldman)

MINUTES OF THE  
ARIZONA BOARD OF TECHNICAL REGISTRATION

7. EVALUATION COMMITTEE RECOMMENDATIONS (List available at Board office)
  1. Recommendation for approval of professional registration or in-training registration.
  2. Recommendation for approval to sit for the professional or in-training examination.
  3. Recommendation for denial to sit for the professional or in-training examination
  4. Recommendation for denial of professional registration or in-training registration
  5. Recommendation for approval of home inspector certification
8. GRANTING OF REGISTRATION NUMBERS (List available at Board office)
9. LAPSED LIST (List available at Board office)
10. DISCUSSION ON DELEGATION OF AUTHORITY OF DIRECTOR TO ISSUE HOME INSPECTION CERTIFICATES UNDER CERTAIN CIRCUMSTANCES
11. STANDING COMMITTEE REPORTS
  - a. Legislation and Rules Committee
  - b. Education and Examination Committee
  - c. Drug Laboratory Remediation Rules and Standards Committee
  - d. Home Inspector Rules and Standards Committee
    - (i) Continuing Education for home inspectors
12. EXECUTIVE DIRECTOR REPORT
13. BOARD MEMBER REPORTS ON OUTSIDE ACTIVITIES
  - a. WCARB Report
  - b. CLARB Report
  - c. NCEES Report
14. ADEQ RULE CLARIFICATION
15. REGISTRANT SERVICES ON IRRIGATION LAND LEVELING PROJECTS
16. CONTINUING AGENDA ITEMS
17. FUTURE AGENDA ITEMS
18. FUTURE BOARD MEETINGS – The next meeting will be held on April 8, 2003 at 9:00 a.m.
19. ADJOURNMENT

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

MARCH 11, 2003 MEETING  
9:00 A.M.

1. CALL TO ORDER - The meeting of the Board of Technical Registration was called to order at 9:01 a.m. by Vice- chair Fred Goldman.
2. ROLL CALL - **Present:** Fred Goldman, Joseph Gardner, Gregory Tuttle, Ronald Starling, Chet Pearson, and Richard Pawelko. **Board Staff:** Ron Dalrymple, LaVern Douglas, Nan Mitchell, Melinda Baughman, Kathryn Fuller, Cassie Goodwin, Diane Aubert, Toni Jacobs, Mary Martinez, Lisa Burns. **Absent:** Robert Roos, William Greenslade. **Public Present:** Aaron Kizer, Rodney Shedd, and Tiffany Shedd, and Stuart Lane.
3. PUBLIC COMMENT – Mr. Stuart Lane addressed the Board and said he would like to see registrant enforcement history accessible to the public from the Boar web site.
4. ADOPTION OF MINUTES FEBRUARY 11, 2003 MEETING – Mr. Tuttle moved to accept and approve the minutes of the February 11, 2003 meeting. Seconded by Mr. Pawelko. MOTION CARRIED.
5. ENFORCEMENT MATTERS
  - A. DISMISSALS
    1. M03-026/ MIR01-094 Leslie D. Irwin, Land Surveyor #24522 - After discussion, Mr. Tuttle moved to dismiss the matter. Seconded by Mr. Starling. MOTION CARRIED.
  - B. DISCIPLINARY ACTIONS
    1. M00-074 James C. Roach, Land Surveyor #11659 - After discussion, Mr. Tuttle moved to accept the signed consent agreement. Seconded by Mr. Starling. MOTION CARRIED. The Order, dated 03-11-03, encompasses a letter of reprimand, costs of investigation in the amount of \$560.00 and probation with the following terms:
      - a) Peer Review of the next three boundary surveys. Probation will remain in effect until the three peer reviews have been submitted and approved.
      - b) Successful completion of an open book test on the Board's Codes and Rules.
    2. M02-039/ MIR02-080 Fernando S. Ochoa, Non-registrant. After discussion, Mr. Gardner moved to accept the recommended consent agreement. Seconded by Mr. Starling. MOTION CARRIED. The Order encompasses an assurance of discontinuance, a \$5,000.00 civil penalty, and costs of investigation in the amount of \$532.00.

C. DISCUSSION AND CONSIDERATION

1. M03-025/MIR03-212 Joseph G. Sewell #25399. Mr. Tuttle moved that revocation be stayed for one year. If after one year all terms of the consent agreement have not been completed, the stay would be lifted and the license revoked. Alternatively, the respondent can voluntarily surrender his license under a new consent agreement. Seconded by Mr. Starling. MOTION CARRIED.

D. ENFORCEMENT ADVISORY COMMITTEE CANDIDATES

1. Elwood D. Livingston, Certified Home Inspector #38147 - After discussion, Mr. Pawelko moved to appoint the above individual to the Enforcement Advisory Committee. Seconded by Mr. Tuttle. MOTION CARRIED

6. EVALUATION OF APPLICATIONS UNDER (32-122.01)

- A. Michael McCormick- Electrical (Pearson)- After discussion, Mr. Pearson recommended applicant to sit for professional exam. Seconded by Ms. Lyndes. MOTION CARRIED.

- B. Gary Kesti- Electrical (Pearson)- After discussion, Mr. Pearson recommended applicant to sit for exam. Seconded by Ms. Lyndes. MOTION CARRIED.

- C. Peter Mock- Civil (Goldman) - Mr. Gardner took over as chair so that Mr. Goldman could address items 6C & 6D. After discussion, Mr. Goldman moved to approve a waiver of the Fundamentals of Engineering exam. Seconded by Mr. Pearson. MOTION CARRIED.

- D. Shahzad Khan- Civil – Electrical (Goldman). After discussion, Mr. Goldman moved to accept the applicants experience and allow this applicant to sit for exam. Seconded by Mr. Pearson. MOTION CARRIED.

7 EVALUATION COMMITTEE RECOMMENDATIONS

1. Recommendation for approval of professional registration or in-training registration.
2. Recommendation for approval to sit for the professional or in-training examination.
3. Recommendation for denial to sit for the professional or in-training examination.
4. Recommendation for denial of professional registration or in- training registration.
5. Home Inspector Applications closed for failure to meet requirements.

After discussion, Mr. Gardner moved to accept the evaluation committee recommendations in items 1-5. Seconded by Mr Tuttle. MOTION CARRIED.

8. GRANTING OF REGISTRATION NUMBERS

After discussion, Mr. Gardner moved to accept grant Registration Numbers 39029 thru 39091. Seconded by Mr. Tuttle. MOTION CARRIED

9. LAPSED LIST

Mr. Gardner moved to accept the lapsed list as presented. Seconded by Mr. Starling. MOTION CARRIED.

10. DISCUSSION ON DELEGATION OF AUTHORITY OF DIRECTOR TO ISSUE HOME INSPECTION CERTIFICATES UNDER CERTAIN CIRCUMSTANCES

Ms. Mitchell addressed the Board and indicated that it is a hardship for individuals who have complete files and who are eligible for certification to have to wait sometimes up to 3 weeks until the Board meets to have certification issued. Ms. Burns indicated the Board could delegate the Authority to the Executive Director to issue certifications to qualified home inspector applicants provided they established specific criteria to be followed. After discussion Mr. Pawelko moved to grant authority to the Executive Director to issue certifications to home inspector applicants having met the following criteria:

1. Application is complete and all fees have been paid;
2. There are no "yes" answers to the questions on the application regarding prior disciplinary matters or arrest;
3. No criminal history record is sent to the board as a result of fingerprint submission;
4. Inspection reports have been reviewed and recommendation for certification is received from the evaluator;
5. Successful completion of the National Home Inspection Examination;
6. Evidence of 30 parallel inspections, or 100 inspections, lawfully conducted in another jurisdiction;
7. Evidence of a minimum of 80 classroom hours of education from a facility with either a license to provide post – secondary education or having a Distance Education Training Council (DETC) accreditation, or other accreditation recognized by the United States Department Of Education;
8. A list of Certification Numbers issued will be provided to the Board.

Seconded by Mr. Tuttle. MOTION CARRIED.

11. STANDING COMMITTEE REPORTS

A. Legislation and Rules Committee – Mr. Tuttle Reported that the Committee had not met but needed to schedule meeting.

B. Education and Examination Committee – No Report was given.

C. Drug Laboratory Remediation Rules and standards Committee- Mr. Pearson presented the Board with a copy of the best practices Recommendations approved by the Joint Legislative Committee, along with drafts of proposed standards of practice, definitions pertaining to the practice and application provisions for firms on-site workers and remediation supervisors. He explained the time constraints mandated in the legislation and indicated that even though the committees were still hard at work refining the documents, Board approval was needed at next month's meeting in order to timely implement the program.

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Home  
Insp

D. Home Inspector Rules and Standards Committee – Peter Leeds updated the Board on the progress of the committee. He also indicated the committee had requested he address the issue of continuing education for home inspectors with the Board. The committee does not want to begin work in that area if the Board would not be inclined to accept their recommendations. After discussion, the Board was polled and the consensus of the Board was not to mandate continuing education for home inspectors.

12. EXECUTIVE DIRECTOR'S REPORT – Mr. Dalrymple reported on the current status of House Bill 2466, the current legislative housekeeping bill. The bill has passed 2 committees and moves on to the Rules Committee before going to the full house. Passage of the bill could give the Board unfettered authority to set fees in the rulemaking so process that requires Governor's Regulatory Review Council (GRRC) approval. He also announced the beginning of an Arizona regulatory investigator training program in conjunction with Arizona Government University. The program will consist of 48 hours of training, (8 hours per week for 6 consecutive weeks) and will afford participants 3 college credits. The in-state training program will enable all state agencies utilizing investigations to provide this training at a much reduced cost over the national organizations training currently offered.

### 13. BOARD MEMBER REPORTS ON OUTSIDE ACTIVITIES

A. WCARB Report- Mr. Gardner and Mr. Pawelko reported on the meeting held 2-28-03 and 2-29-03 in Alaska. Mr. Gardner provided a written report of the highlights of the meeting.

B. CLARB Report- Ms. Lyndes reported on meeting in Austin Texas. She indicated the objective of the organization is to keep fees low. They also determined that the best means of revoking or suspension of licensure was to follow the member board's regulations in that area.

C. NCEES Report- Mr. Starling and Mr. Dalrymple reported on the recent conference in Alaska. Mr. Starling indicated that ABET no longer Recognizes as an accreditation organization by Department Of Education as they are out come Assessed not Curriculum based. 2. ABET and non ABET should have similar 1<sup>st</sup> time pass rates for FE exams.recommend BTR review policy on education credit. 3. NCEES had video program to assist in presentation to Engineering schools regarding value of registration. Very were done- Recommend Board Review Video when it becomes available

14. ARIZONA DEPARTMENT OF ENVIRONMENTAL QUALITY RULE CLARIFICATION- Mr. Goldman relinquished chair to Mr. Gardner to discuss this issue. It appears the Arizona Department of Environmental Quality (A.D.E.Q.) Rule clarification regarding wastewater treatment may be in conflict with our rules. After discussion, Mr. Tuttle moved to request staff and counsel to research the matter and report back to the Board. Seconded by Mr. Starling. MOTION CARRIED.

15. REGISTRANT SERVICES ON IRRIGATION LAND LEVELING PROJECTS- Rodney and Tiffany Shedd addressed the Board regarding the issue of whether only a registrant could level

land for irrigation purposes. After discussion Mr. Tuttle asked that this matter be a continuing agenda item and that the board invite a member of the National Resources Conservation Service (NRCS) to address the Board.

16. CONTINUING AGENDA ITEMS

- A. Registrant Services On Irrigation Land Leveling Projects
- B. Drug Laboratory Remediation Rules
- C. A.D.E.Q. Wastewater Treatment Rule Follow Up

17. FUTURE AGENDA ITEMS - None

18. FUTURE BOARD MEETINGS- The meeting will be held on April 8, 2003 at 9:00 am

19. ADJOURNMENT 1:45 PM

ARCHITECTS

ARIZONA STATE BOARD OF TECHNICAL REGISTRATION

BATRA, ANOOP KUMAR	39033
CALDERON, JOSE ARTURO	39034
<hr/>	
Fred E. Goldman, Vice-Chair	39035
EWERS, RUSSELL EDWARD	39036
CERLING, KENNETH ALLEN	39037
HAERTLE, JOHNE	39038
<hr/>	
Ronald W. Dalrymple, Executive Director	39039
LEONG, ANDREW K.F.	39040
McMURTY, BARRETT K.	39041
MOK, CHIN MAN	39042
PAULSON, JOHN EDWARD	39043
ROBER, JEFFREY T.	39044
SHIRAZI, ABBASS SHADMAN	39045
WALLIS, LAURA LYNN	39046
WIGGINS, GARY LEO	39047

CIVIL ENGINEERS

NIXON, ELIZABETH ARVILLA 39048

ENVIRONMENTAL

MOK, CHIN MAN 39049

GEOLOGICAL ENGINEER

MECHANICAL ENGINEERS

ADDENDUM  
MARCH 5, 2003

DADERIAN, BETRAK MISSAI  
HARRIS, THEODORE VINCENT

39030  
39031

THE FOLLOWING APPLICANTS WERE EVALUATED BY THE EVALUATION COMMITTEE AND IT HAS BEEN RECOMMENDED THAT THEY BE GRANTED REGISTRATION AND ASSIGNED THE FOLLOWING REGISTRATION NUMBERS

STRUCTURAL ENGINEERS

HWANG, BYUNGH ISAAC

39032

ARCHITECTS

REGISTRATION NUMBER

JANIK, ROBERT STANLEY  
LEVERETT, DAMON KEITH  
SWENSON, BRAD MICHAEL

39029  
39030  
39031

CIVIL ENGINEERS

ANDERSON, JEFF LEONEL  
BATRA, ANOOP KUMAR  
CALDERON, JOSE ARTURO  
DUNNAM, SAMUEL COLLIN  
EWERS, RUSSELL EDWARD  
GERLING, KENNETH ALLEN  
HAERTLE, JOHN E.  
HULTEEN, KURT R.  
LEONG, ANDREW K.F.  
McMURTY, BARRETT K.  
MOK, CHIN MAN  
PAULSON, JOHN EDWARD  
ROBER, JEFFREY T.  
SHIRAZI, ABBASS SHADMAN  
WALLIS, LAURA LYNN  
WIGGINS, GARY LEO

39032  
39033  
39034  
39035  
39036  
39037  
39038  
39039  
39040  
39041  
39042  
39043  
39044  
39045  
39046  
39047

ENVIRONMENTAL

NIXON, ELIZABETH ARVILLA

39048

GEOLOGICAL ENGINEER

MOK, CHIN MAN

39049



8/10/03

**MECHANICAL ENGINEERS**

DADERIAN, SETRAK MISSAK 39050  
HARRIS, THEODORE VINCENT 39051

**STRUCTURAL ENGINEERS**

HWANG, BUWOON ISAAC 39052  
MARI, WALEED M. 39053  
McPHERSON, ROLAND E. 39054  
NEAL, DONALD WILLIAM 39055

**ARCHITECTS**

COMMEREE JR., DAVID LEE 39056  
HANSON, ERIC ALAN 39057

**CIVIL ENGINEER**

GOODMAN, NIGEL VERNON 39058

**ELECTRICAL ENGINEERS**

ABERNATHY, JERRY ALAN 39059  
EPSTEIN, ROBERT DAVID 39060  
MARTENS, DONALD E. 39061

**MECHANICAL ENGINEERS**

BOUSE, JOHN CHARLES 39062  
DeBONIS, ERIC 39063  
PRETZMAN, RICHARD KEITH 39064

**STRUCTURAL ENGINEER**

KUBAJAK, MARK J. 39065

**GEOLOGIST**

JACOBS, JAMES ALAN 39066  
KROHN, JOSEPH M. 39067

3/11/03

THE FOLLOWING APPLICANTS HAVE COUNCIL RECORDS AND  
ASSIGNED THE FOLLOWING REGISTRATION NUMBER

THE FOLLOWING APPLICANTS HAVE BEEN EVALUATED BY THE  
EVALUATION COMMITTEE AND IT HAS BEEN RECOMMENDED THAT  
THEY BE GRANTED CERTIFICATION AND ASSIGNED THE FOLLOWING  
CERTIFICATION NUMBERS.

<u>HOME INSPECTORS</u>	<u>CERTIFICATION NUMBER</u>
SMITH, W.L.	39068
COFFEY, DANIEL	39069
NELSON, RODNEY	39070
BELJAN, DENNIS	39071
BESTHOFF, MARK	39072
HUNT, GLEN	39073
MATTINGLY, THOMAS	39074
DEPASQUALE, JOHN	39075
HUGGINS, RANDY	39076
BODDYE, THOMAS	39077
BROWER, DAVID	39078
CALLAHAN, STEVEN	39079
BLEICH, RICHARD	39080
SCHNICK, DENNIS	39081
KOALSKA, DEAN	39082
JOHNSTON, GERALD	39083
GROSSARD, THEODORE	39084
THORN, DAVID	39085
DAVISON, MATT	39086
FELSON, JOHN	39087
FLORES, JULIAN	39088
BATES, ARLO	39089
WRIGHT, KORY	39090
THOMAS, MARK	39091

THE FOLLOWING APPLICANTS HAVE COUNCIL RECORDS AND ASSIGNED THE FOLLOWING REGISTRATION NUMBER

THE FOLLOWING APPLICANTS HAVE BEEN EVALUATED BY THE EVALUATION COMMITTEE AND IT HAS BEEN RECOMMENDED THAT THEY BE GRANTED CERTIFICATION AND ASSIGNED THE FOLLOWING CERTIFICATION NUMBERS

ARCHITECTS REGISTRATION NUMBER

BRUNDIGE, MARC WESLEY 39092

CIVIL ENGINEER CERTIFICATION NUMBER

BRITTON, LESLEY SMITH 39093  
EISENBRAUN, RODNEY WAYNE 39094  
FORD, DAVID THURMAN 39095

ELECTRICAL ENGINEER 29102

CLEVEN, TIMOTHY MICHAEL 39096  
WARREN, E. LEE 39097

STRUCTURAL ENGINEER

McGINNIS, DANIEL WARREN 39098

THE FOLLOWING APPLICANT PASSED ALL EXAMINATIONS AND WAS ASSIGNED THE FOLLOWING REGISTRATION NUMBER

LANDSURVEYOR REGISTRATION NUMBER

GROMATZKY, ROBERT A. 39099

THE FOLLOWING APPLICANTS HAVE BEEN EVALUATED BY THE EVALUATION COMMITTEE AND IT HAS BEEN RECOMMENDED THAT THEY BE GRANTED CERTIFICATION AND THEY HAVE BEEN ASSIGNED THE FOLLOWING CERTIFICATION NUMBERS.

HOME INSPECTORS

CERTIFICATION NUMBER

JOHNSON, STEVEN	39100
LEAHEY, MATTHEW	39101
GRANGE, MARK	39102
ROSSI, STEVEN ROBERT	39111
FRANCK, BRUCE	39112
SHAW, MICHAEL MILTON	39113
STEVEY, KATHLEEN ANNE	39114

CIVIL ENGINEER

ABOLHASSANI, ALI	39115
GEHART, BRANDON LANE	39116
CERVELLONE, MAURIZIO	39117
NG, LEWIS Y.	39118
NIEHOFF, JAMES WILLIAM	39119
ROBERTSON, RICHARD MARSHALL	39120
VANDEROSTYNE, DAVID ANDREW	39121

ELECTRICAL ENGINEER

GREGORY, LAWRENCE DEAN	39122
PENN, DONALD JAMES	39123
ZAJECK, STEPHEN R.	39124

MECHANICAL ENGINEER

HUN, LARRY	39125
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THE FOLLOWING APPLICANTS HAVE COUNCIL RECORDS AND  
ASSIGNED THE FOLLOWING REGISTRATION NUMBER

ARCHITECTS

REGISTRATION NUMBER

BROKERING, PAUL J.	39103
COUPER, DOUGLAS S.	39104
ESKEW, RALPH ALLEN	39105
HOLL, STEVEN MYRON	39106
KEHN, DAVID WILLIAM	39107
KLUMB, RAYMOND A.	39108
MASON, RON L.	39109
MAURER, PAUL E.	39110
ROSSI, STEVEN ROBERT	39111
SEKANICK, BRUCE	39112
SHAW, MICHAEL MILTON	39113
STEVER, KATHLEEN ANNE	39114

CIVIL ENGINEER

ABOLHASSANI, ALI	39115
GEBHART, BRANDON LANE	39116
CERVELLIONE, MAURIZIO	39117
NG, LEWIS Y.	39118
NIEHOFF, JAMES WILLIAM	39119
ROBERTSON, RICHARD MARSHALL	39120
VANDEROSTYNE, DAVID ANDREW	39121

ELECTRICAL ENGINEER

GREGORY, LAWRENCE DEAN	39122
PENN, DONALD JAMES	39123
ZAJICEK, STEPHEN R.	39124

MECHANICAL ENGINEER

SUN, LARRY	39125
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THE FOLLOWING APPLICANTS PASSED ALL EXAMINATIONS AND WERE ASSIGNED THE FOLLOWING REGISTRATION NUMBERS

ARCHITECTS

REGISTRATION NUMBER

BERNSTEIN, STEVEN MARTIN	39126
LEVENTHAL, STEPHANIE DARLEEN	39127
PERKINS, MATHEW RALPH	39128

LAND SURVEYORS

BASUIL, SATURNINO TACUYCUY	39129
JUNKAR, GREGORY BRIAN	39130
MILUSKI, PAUL EDWARD	39131

GASTA, WILLIAM LEONARD	39139
KISNER, RICHARD JON	39140
UNDERWOOD, MARLYS A.	39141

CIVIL ENGINEER

ADAMS, JOHN RUSSELL	39142
CORDOVA, EDWARD SAMUEL	39143
COSTA, WAYNE JOSEPH	39144
DELPHEY, REID CROCKER	39145
DISH, P. HERBERT JOSEPH	39146
FRIEBERG, ERIC JOHN	39147
GABRIEL, STEVEN BERNARD	39148
HUFFMAN, RYAN LIVINGSTON	39149
JEMIE, DELANDO	39150
KOSAR, KEITH MICHAEL	39151
MAC OLLVRARY, TODD JOHN	39152
MCWILLAN, DOUGLAS JOHN	39153
MURAD, FRANCIS A.	39154
MITCHELL, JOHN VAN	39155
MOBLE, STEVEN A.	39156
PALMQUIST, ALAN EDWARD	39157
PATTERSON, KELLY JAMES	39158
RIDGEL, JOHN PATRICK	39159
RIGGS, LYNN ADELBERT	39160
SENN, ANDREW MICHAEL	39161
SCHULTE, ROBERT PATRICK	39162
STANPHILL, DEAN RAY	39163

STARBUCK III, EARL DAVID 39134  
THE FOLLOWING APPLICANTS WERE EVALUATED BY THE EVALUATION COMMITTEE AND IT HAS BEEN RECOMMENDED THAT THEY BE GRANTED REGISTRATION AND ASSIGNED THE FOLLOWING REGISTRATION NUMBERS

MCVEY, DAVID PRESOTT 39135  
ARCHITECT EDWARD

REGISTRATION NUMBER

ALTOMARE, PAUL J. ENGINEER 39132  
GREEN, MONICA J. 39133  
HEIM, RICHARD PAUL 39134  
LEE, CHARLES ANDREW SANG HO 39135  
PHILLIPS III, LEROY MITCHELL 39136  
RILEY, KEITH E. 39137  
SCHULTZ, RICHARD JOHN 39138

LANDSCAPE ARCHITECT

GASTA, WILLIAM LEONARD 39139  
RISNER, RICHARD JON 39140  
UNDERWOOD, MARLYS A. 39141

WILSON, TERRY PAULAS 39173  
CIVIL ENGINEER

ADAMS, JOHN RUSSELL 39142  
CORDOVA, EDWARD SAMUEL 39143  
COSTA, WAYNE JOSEPH 39144  
DELPHEY, REID CROCKER 39145  
DISHLIP, HERBERT JOSEPH 39146  
FROBERG, ERIC JOHN 39147  
GABRIEL, STEVEN BERNARD 39148  
HUFFMAN, RYAN LIVINGSTON 39149  
JEREZ, ORLANDO 39150  
KOSAR, KEITH MICHAEL 39151  
MAC GILLVRARY, TODD JOHN 39152  
MCMILLAN, DOUGLAS JOHN 39153  
MURAD, FRANCIS A. 39154  
MITCHELL, JOHN VAN 39155  
NOBLE, STEVEN K. 39156  
PALMQUIST, ALAN EDWARD 39157  
PATTERSON, KELLY JAMES 39158  
RIEGEL, JOHN PATRICK 39159  
RIGGS, LYNN ADELBERT 39160  
SENN, ANDREW MICHAEL 39161  
SCHULTE, ROBERT PATRICK 39162  
STANPHILL, DEAN RAY 39163

STARBOARD III, EARL DAVID 39164  
YPARRAGUIRRE, RAY PATOSA 39165

**ELECTRICAL ENGINEER**

MCVEY, DAVID PRESCOTT 39166  
PLIZGA, JOHN EDWARD 39167

**ENVIRONMENTAL ENGINEER**

FOSTER, ERIC LYNN 39168

**FIRE PROTECTION ENGINEER**

WOJCIK, MICHAEL JOSEPH 39169

**MECHANICAL ENGINEER**

BANERJEE, AJOY KUMAR 39170  
FLOWERS, PHILIP T. 39171  
GOETZ, JEFFREY SCOTT 39172  
WILSON, TERRY DUGLAS 39173

**STRUCTURAL ENGINEER**

FITE, SONNY JAMES 39174  
SAPIN, ARMANDO C. 39175

**GEOLOGIST**

MCKENZIE, BRUCE E. 39176  
SEEL, KURT ERIC 39177



THE FOLLOWING APPLICANTS HAVE BEEN EVALUATED BY THE EVALUATION COMMITTEE AND IT HAS BEEN RECOMMENDED THAT THEY BE GRANTED CERTIFICATION AND ASSIGNED THE FOLLOWING CERTIFICATION NUMBERS.

HOME INSPECTORS

CERTIFICATION NUMBER

Davis, Daniel	39178
Neilan, Joseph	39179
Blake, Randolph	39180
Bihl, Peter	39181
Bray, Brewster	39182
O'Coin, John	39183
Forrest, Dean	39184

CERTIFICATE NUMBER	LAST	FIRST	DISCIPLINE CODE	STATUS CODE	EXPIRE DATE
27595	ABI-SAMRA	NICHOLAS	605	DL	19991231
27519	BIRKEY	MELVIN	100	DL	19991231
30848	BRENNFOERDER	DWIGHT	100	DL	19991231
30910	CLEVINGER	REXFORD	603	DL	19991231
30767	CONNER	JEFFREY	100	DL	19991231
27572	DAFTUAR	SUSHIL	611	DL	19991231
23188	FAKOURI	HASSAN	605	DL	19991231
11910	FANCHER	ROBERT	100	DL	19991231
24816	FARNAN	RICHARD	100	DL	19991231
10276	FARRELL	ROBERT	604	DL	19991231
21248	FEINSTEIN	SHELDON	100	DL	19991231
12927	FENSTER	LARRY	605	DL	19991231
24184	FIELD	DAVID	300	DL	19991231
15785	FINNEY	JAMES	100	DL	19991231
12982	FISHER	LAWRENCE	616	DL	19991231
04993	FLEENOR	J	100	DL	19991231
19062	FLYNN	MICHAEL	605	DL	19991231
17971	FORREST	RICHARD	300	DL	19991231
22663	FORTNEY	RAY	611	DL	19991231
16418	FOULKES	JOHN	605	DL	19991231
19551	FOX	ARTHUR	611	DL	19991231
09971	FRAKER	JAMES	400	DL	19991231
07176	FRANKIAN	RICHARD	604	DL	19991231
12115	FRATESSA	PAUL	617	DL	19991231
30889	FREEBORN	BRETT	604	DL	19991231
19083	FRESE	KARL	617	DL	19991231
09700	FROMM	RICHARD	611	DL	19991231
14468	FROMM	RICHARD	604	DL	19991231
21249	FURRY	LOYAL	100	DL	19991231
21634	GACK	JOHN	100	DL	19991231
08666	GAFFEY	JOHN	604	DL	19991231
14904	GALFIONE	LAWRENCE	604	DL	19991231
23192	GARBINI	GAIL	500	DL	19991231
12056	GARDNER	WILLIAM	604	DL	19991231
27587	GARNER	ERIN	300	DL	19991231

CERTIFICATE NUMBER	LAST	FIRST	DISCIPLINE CODE	STATUS CODE	EXPIRE DATE
18519	GASCHLER	ALBERT	604	DL	19991231
20360	GASCHLER	ALBERT	400	DL	19991231
09108	GASSMAN	MICHAEL	100	DL	19991231
11541	GELLER	ALVIN	617	DL	19991231
16826	GELLHAUS	ERNEST	400	DL	19991231
09847	GIFFELS	DONALD	611	DL	19991231
15595	GIFFORD	STEPHEN	604	DL	19991231
23433	GIFFORD	BLAINE	500	DL	19991231
10450	GILLESPIE	PAUL	604	DL	19991231
24920	GILLIS	JOHN	604	DL	19991231
14182	GINGLES	WILLIAM	400	DL	19991231
13102	GLOVER	JAMES	611	DL	19991231
02966	GODFREY	RALPH	613	DL	19991231
17234	GODFREY	RALPH	400	DL	19991231
11823	GOLDBERG	JACK	605	DL	19991231
10028	GOMEZ	PAUL	611	DL	19991231
24158	GOMEZ	HECTOR	605	DL	19991231
22760	GONITZKE	MONTE	400	DL	19991231
18228	GOODMAN	CARY	100	DL	19991231
19798	GOODRICH	JAMES	300	DL	19991231
21897	GORCZYNSKI	THOMAS	100	DL	19991231
14115	GORD	DAVID	611	DL	19991231
13822	GORMAN	JACK	611	DL	19991231
21285	GORNET	DAVID	604	DL	19991231
12381	GOULET	JAMES	604	DL	19991231
27612	GRAEBE	GERALD	617	DL	19991231
21770	GRAHAM	JAMES	400	DL	19991231
11157	GRANGER	EDDIE	604	DL	19991231
23641	GRAUL	RICHARD	604	DL	19991231
07709	GRAY	RALPH	100	DL	19991231
07781	GRAY	RALPH	617	DL	19991231
15178	GREEN	JAMES	616	DL	19991231
13034	GREENE	ODIS	100	DL	19991231
18109	GREENWOOD	WILLIAM	611	DL	19991231
08155	GREGG	ROBERT	604	DL	19991231

CERTIFICATE LAST NUMBER	FIRST	DISCIPLINE CODE	STATUS CODE	EXPIRE DATE	
15196	GRIBBIN	THOMAS	400	DL	19991231
06993	GROSS	JEROME	604	DL	19991231
23151	GRULKE	ROGER	100	DL	19991231
20457	GUHL	GARY	604	DL	19991231
19296	GUMERMAN	ROBERT	616	DL	19991231
13630	GUNN	GARY	604	DL	19991231
21605	GUNNY	ROBERT	617	DL	19991231
19409	GUNTHER	JENNES	604	DL	19991231
14988	GUTHRIE	KENNETH	100	DL	19991231
25152	GUTHRIE	KEITH	604	DL	19991231
30858	HIDELL	WILLIAM	100	DL	19991231
27537	JOHNSTON	RUSSELL	500	DL	19991231
30863	KIDWELL	RICHARD	100	DL	19991231
30864	KIRK	JOHN	100	DL	19991231
30894	LARKIN	MICHAEL	604	DL	19991231
30909	PARK	WILLIAM	300	DL	19991231
27579	RANGEL	EDDIE	611	DL	19991231
27616	VONDER HAAR	STEPHEN	300	DL	19991231
30908	WANG	MING-TA	617	DL	19991231
27609	WEAVER	ARCHIBALD	611	DL	19991231
30829	YAGER	DONALD	604	DL	19991231

\*\*\* END OF REPORT \*\*\*



Water Quality Division  
RULE CLARIFICATION

Section	Subject	Comments	Applicable	Final Comment	Revised
Section 101	Water Quality				
Section 102	Water Quality				
Section 103	Water Quality				
Section 104	Water Quality				
Section 105	Water Quality				
Section 106	Water Quality				
Section 107	Water Quality				
Section 108	Water Quality				
Section 109	Water Quality				
Section 110	Water Quality				
Section 111	Water Quality				
Section 112	Water Quality				
Section 113	Water Quality				
Section 114	Water Quality				
Section 115	Water Quality				
Section 116	Water Quality				
Section 117	Water Quality				
Section 118	Water Quality				
Section 119	Water Quality				
Section 120	Water Quality				



## Water Quality Division RULE CLARIFICATION

RC #: 001	Title: 18	Chapter: 9	Article: 3	Rule Citation: R18-9-A312(A)
Date Issued: 2/20/01		Withdrawn or Superseded? No <input checked="" type="checkbox"/> Yes <input type="checkbox"/> Date: _____		
<b>Topic of Rule Needing Clarification:</b> General design requirements (system design qualifications)				
<b>Text of Rule Needing Clarification:</b>				
R18-9-A312				
A. General design requirements. A person designing the on-site wastewater treatment facility shall:				
<ol style="list-style-type: none"> <li>1. Sign design documents submitted as part of the Notice of Intent to Discharge or subsequently to obtain a Provisional Verification of General Permit Conformance, including plans, specifications, drawings, reports, and calculations; and</li> <li>2. Locate and design the on-site wastewater treatment facility project using good design judgement and rely on appropriate design methods and calculations.</li> </ol>				
<b>Question Needing Clarification:</b>				
What specific qualifications are needed for a person to perform the requirements of subsections (1) and (2) above?				
<b>Clarification of Rule:</b>				
R18-9-A312(A)(2) requires location and design of an on-site wastewater treatment facility (regardless of cost) to follow "good design judgement and rely on appropriate design methods and calculations." The Department considers this requirement to be satisfied if, based on submissions to the reviewing agency, the pertinent factors related to utilization of site data; system selection, location, and sizing; plan depictions; calculations; and construction and operation feasibility are assessed and realized in a technically correct, logical and documented manner. Fulfillment of this requirement is through specific knowledge of the rule and relevant technical knowledge and skill that would be applied by others who successfully obtain Provisional Verifications and Verifications of General Permit Conformance under this program. The following persons are considered to typically possess appropriate knowledge and skills:				
<ol style="list-style-type: none"> <li>1. An Arizona-registered professional engineer who applies "the technical knowledge and skill which would be applied by all other registrants who practice the same profession in the same area at the same time." [Quoted text is from rule of the Arizona Board of Technical Registration, Arizona Administrative Code, R4-30-301(A)(7)].</li> <li>2. An Arizona-registered sanitarian with knowledge of and competence with the subject system.</li> <li>3. A representative of a delegated agency with knowledge of and competence with the subject system.</li> <li>4. A representative of the Arizona Department of Environmental Quality with knowledge of and competence with the subject system.</li> <li>5. A person who has been certified or approved by a recognized authority as having knowledge of and competence with the subject system.</li> <li>6. A person who has otherwise demonstrated to the Department or the delegated agency knowledge of and competence with the subject system.</li> </ol>				

Mr. John P. ...  
Kathryn Fuller

Paul J. ...  
and Legal Counsel to the  
Board of Technical Registration



FRED E. GOLDMAN, P.L.D., P.E.  
190 W. Camelback Rd., Suite 401  
Phoenix, AZ 85015-3465 • (602) 255-4053, Writer's ext. 211 • Fax (602) 255-4051

## State of Arizona BOARD OF TECHNICAL REGISTRATION

1990 West Camelback Road, Suite 406, Phoenix, Arizona 85015-3465 • (602) 255-4053, Writer's ext. 211 • Fax (602) 255-4051  
In-State 1-888-252-3456 • [www.btr.state.az.us](http://www.btr.state.az.us)

October 2, 2000

Michele Robertson  
Arizona Department of Environmental Quality  
3033 N. Central Avenue  
Mail Drop M0401A  
Phoenix, AZ 85012

Re: A.R.S. § 32-144(6)

Dear Michele:

Pursuant to our telephone conversations concerning this statute, I have discussed it with Ron Dalrymple, Executive Director to the Board of Technical Registration, and Kathryn Fuller, the Board's Investigations Manager. Our understanding of this statute, and the manner in which it is enforced by the Board, is that a water or wastewater treatment system whose total cost (design and construction) does not exceed \$12,500.00 (twelve thousand five hundred dollars) is exempt from the requirement that it be designed by a registered engineer. If a registered engineer does the design, then he or she is subject to all of the applicable codes and rules of the Board.

It is also our understanding that A.R.S. § 32-144(3) exempts the design of a detached single-family dwelling from the registration requirement and this includes the water or wastewater system. Therefore, if a wastewater design is for a single-family dwelling, it is exempt even if the cost of the system is more than \$12,500.00.

In summary, the design and construction of a conventional or alternative water or wastewater treatment system does not require a registered engineer if: (a) the design and construction do not cost more than \$12,500.00, or (b) the design and construction is for a detached single-family dwelling, no matter what the cost of the system.

If you encounter questions regarding this statute that have not been adequately addressed, please refer them to Kathryn Fuller. Thank you for your assistance in clearing up this matter.

Very truly yours,

Patti J. Shelton  
Assistant Attorney General  
and Legal Counsel to the  
Board of Technical Registration

cc: Mr. John Freeman  
Kathryn Fuller

Lavern

Received  
FEB 13 2003  
B.T.R.

**FRED E. GOLDMAN, Ph.D, P.E.**  
1990 W. Camelback Rd., Suite 401  
Phoenix, Arizona 85015  
TEL (602) 246-7759 FAX (602) 246-7645  
e-mail: [fredg@GTAengineering.com](mailto:fredg@GTAengineering.com)

**MEMORANDUM**

=====

**DATE:** February 11, 2003  
**TO:** Ron Dalrymple, Executive Director, State Board of Technical Registration  
Elizabeth Burns, Assistant Attorney General  
**FROM:** Fred Goldman *Fred*  
**SUBJECT:** ADEQ "Rule Clarification" regarding qualifications for design of on-site wastewater facilities.

1. Please review the attached ADEQ "Rule Clarification". It defines "qualifications" for design of an on-site system that appear to be in conflict with our Code and Rules.
2. We do allow non-registrants to design on-site systems if the cost is less than \$12,500 and for a detached single family dwelling of any cost. (see attached letter from Patti Shelton).
3. Could you schedule a discussion of this situation for the March meeting.

Copy: Bill Greenslade, BTR Chair.

NEW BUSINESS

6. EVALUATION OF APPLICATIONS UNDER (24-12201.6)

- A. Donald Pickett - EIT (Goldman)
- B. Jerry Flizacos - Mechanical (Pearson)

7. EVALUATION OF APPLICATIONS UNDER (24-30-101.10)

- A. William Damon - Mechanical (Pearson)

2. EVALUATION COMMITTEE RECOMMENDATIONS AGENDA ITEMS

Modified April 3, 2003

STATE BOARD OF TECHNICAL REGISTRATION

APRIL 8, 2003

3. GRANTING OF REGISTRATIONS OPEN SESSION

**Title II of the Americans with Disabilities Act (ADA) prohibits the Board of Technical Registration from discriminating on the basis of disability in its public meetings. Persons with a disability may request a reasonable accommodation such as a sign language interpreter contacting LaVern Douglas at (602) 364-4937. Requests should be made as early as possible to allow time to accommodate the request.**

NOTE: The Board may discuss, consider or take action on any item on the Agenda. At the discretion of the board, Agenda items may be taken out of order.

All examination material, transcripts, educational records, reference forms and applications are confidential pursuant to ARS 32-129.

The Board may vote to go into executive session intermittently during the meeting on any of the following agenda items to review statutorily confidential materials or receive legal advice from counsel pursuant to ARS 38-431.03(A)(2)or(3).

1. CALL TO ORDER
2. ROLL CALL
3. PUBLIC COMMENT
4. ADOPTION OF MINUTES MARCH 11, 2003 MEETING
5. ENFORCEMENT MATTERS (Under Separate Cover)

NEW BUSINESS

6. EVALUATION OF APPLICATIONS UNDER (32-122.01.E)
  - A. Donald Perkins – EIT (Goldman)
  - B. Jerzy Fiszdon – Mechanical (Pearson)
7. EVALUATION OF APPLICATIONS UNDER (R4-30-101.10)
  - A. William Damon – Mechanical (Pearson)



MINUTES OF THE  
ARIZONA BOARD OF TECHNICAL REGISTRATION

8. EVALUATION COMMITTEE RECOMMENDATIONS

1. Recommendation for approval of professional registration or in-training registration.
2. Recommendation for approval to sit for the professional or in-training examination.
3. Recommendation for denial to sit for the professional or in-training examination
4. Recommendation for denial of professional registration or in-training registration
5. Recommendation for approval of home inspector certification

9. GRANTING OF REGISTRATION NUMBERS

10. STATUS OF REGISTRANT SERVICES ON IRRIGATION LAND LEVELING PROJECTS

11. DISCUSSION OF NATIONAL COUNCIL DIRECT EXAMINATION PROGRAMS

12. DRUG LAB REMEDIATION RULES AND STANDARDS COMMITTEE

13. FUTURE BOARD MEETINGS - The next meeting is scheduled for May 13, 2003.

14. ADJOURNMENT

A. DISCIPLINARY ACTIONS

1. MTR-016 / MTR02-047 Janet L. Jones, Land Surveyor #19353. Mr. Goldman moved to accept the signed consent agreement. Seconded by Mr. Staring. MOTION CARRIED. The consent agreement and other documents:

a) To be valid until the following terms are met:

Revision of the boundary survey dated August 16, 1995 to reflect current conditions. The revised survey is to be reviewed and approved by a representative appointed by the Board before providing copies to both property owners and recording with the Maricopa County Auditor.

Pre-review of the next three boundary surveys using Global Positioning System.

b) Cost of investigation is the amount of \$500.00

2. MTR-014 / MTR02-088 Earl D. Miller, Land Surveyor #33319. Mr. Tuttle moved to accept the signed consent agreement. Seconded by Mr. Lyden. MOTION CARRIED. The consent agreement and other documents post review of the next three boundary or ALTA/ACSM surveys, and cost of investigation in the amount of \$450.00.

3. MTR-015 / MTR02-118 Donald J. Ardland, P.E. (Mechanical) #10543. Mr. Goldman moved to accept the signed consent agreement. Seconded by Mr. Powell. MOTION CARRIED. The consent agreement and other documents post review of the next three HVAC system projects, and cost of investigation in the amount of \$325.00.

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

APRIL 8, 2003 MEETING  
9:00 A.M.

1. CALL TO ORDER - The meeting of the Board of Technical Registration was called to order at 9:00 a.m.
2. ROLL CALL - **Present:** William Greenslade, Fred Goldman, Joseph Gardner, Gregory Tuttle, Ronald Starling, Chet Pearson, and Richard Pawelko. **Board Staff:** Ron Dalrymple, La Vern Douglas, Nan Mitchell, Melinda Baughman, Kathryn Fuller, Cassie Goodwin, Diane Aubert, Mary Martinez, Solicitor General : Victoria Managiapane , And Montgomery Lee A.A.G., **Absent:** Robert Roos  
**Public Present:** Allan Pereren, Fred Fox, Michael Hawes, Sharon Freerks, David Deatherage, Noller Herbert.
3. PUBLIC COMMENT- No members of the public addressed the board.
4. ADOPTION OF MINUTES MARCH 11, 2003 MEETING - Mr. Tuttle moved to accept and approve the minutes of the March 11, 2003 meeting. Seconded by Mr. Pawelko. MOTION CARRIED.
5. ENFORCEMENT MATTERS
  - A. DISCIPLINARY ACTIONS
    1. M03-006 / MIR02-047 Jerrel L. Jones, Land Surveyor #15333. Mr. Goldman moved to accept the signed consent agreement. Seconded by Mr. Starling. MOTION CARRIED. The consent agreement and order encompasses:
      - a) Probation until the following terms are met:
        - Revision of the boundary survey dated August 16, 1999 to reflect current conditions. The revised survey is to be reviewed and approved by a representative appointed by the Board before providing copies to both property owners and recording with the Maricopa County Recorder.
        - Peer review of the next three boundary surveys using Global Positioning System.
      - b) Cost of investigation in the amount of \$500.00
    2. M03-014 / MIR02-088 Kent D. Miller, Land Surveyor #33319. Mr. Tuttle moved to accept the signed consent agreement. Seconded by Ms. Lyndes. MOTION CARRIED. The consent agreement and order encompasses peer review of the next three boundary or ALTA/ACSM surveys, and cost of investigation in the amount of \$485.00.
    3. M03-015 / MIR02-110 Donald I. Aadland, P.E. (Mechanical) #10542. Mr. Goldman moved to accept the signed consent agreement. Seconded by Mr. Pawelko. MOTION CARRIED. The consent agreement and order encompasses a Letter of Reprimand, peer review of the next three HVAC system projects, and cost of investigation in the amount of \$325.00.

B. DISCUSSION AND CONSIDERATION

1. M02-031 / MIR01-154 Manuel Aguirre, Architect #28487. After discussion, Mr. Pawelko moved to deny respondent's Motion for Rehearing. Seconded by Ms. Lyndes. MOTION CARRIED.
2. M03-032 / MIR03-141 Carl C. Ramsey, Architect #34063. After discussion, Mr. Gardner moved to return the matter to staff for further investigation. Seconded by Mr. Pawelko. MOTION CARRIED.

C. ENFORCEMENT ADVISORY COMMITTEE CANDIDATES

1. Peter Maxie, Certified Home Inspector #38076. Mr. Goldman moved to appoint Mr. Maxie to the Enforcement Advisory Committee. Seconded by Mr. Starling. MOTION CARRIED.

6. EVALUATION OF APPLICATIONS UNDER (32-122.01)

- A. Donald Perkins- EIT (Goldman) - After discussion, Mr. Goldman move to accept and allow applicant to sit for FE exam. Seconded by Mr. Pearson. MOTION CARRIED.
- B. Jerry Fiszdon - Mechanical (Pearson) - After discussion, Mr. Pearson move to grant registration for Jerry Fiszdon. Seconded by Ms. Lyndes. MOTION CARRIED.

7. EVALUATION OF APPLICATIONS UNDER ( R4-30-101.10)

- A. William Damon - Mechanical (Pearson) After discussion Mr. Pearson move to grant registration For William Damon. Seconded by Ms Lyndes. MOTION CARRIED.

8. EVALUATION COMMITTEE RECOMMENDATIONS

1. Recommendation for approval of professional registration or in-training registration.
2. Recommendation for approval to sit for the professional or in-training examination.
3. Recommendation for denial to sit for the professional or in-training examination.
4. Recommendation for denial of professional registration or in-training registration.
5. Home Inspector Applications closed for failure to meet requirements.

After discussion, Mr. Gardner moved to accept the evaluation committee recommendations in items 1-5. Seconded by Mr. Tuttle. MOTION CARRIED.

9. GRANTING OF REGISTRATION NUMBERS

After discussion, Mr. Gardner moved to grant Registration Numbers 39029 through 39091. Seconded by Mr. Tuttle. MOTION CARRIED

10. STATUS OF REGISTRANT SERVICES ON IRRIGATION LAND LEVELING PROJECTS

Mr. Dalrymple reported meeting with Mr. Herbert regarding more information on NRCS Program. He has agreed to facilitate a meeting with the Cotton Growers association, the Farm Bureau and the individuals who brought the issue forward. The matter will be placed on the April 22 Legislation & Rules Committee Agenda.

11. DISCUSSION OF NATIONAL COUNCIL DIRECT EXAMINATION PROGRAMS

Mr. Dalrymple addressed the board regarding a newly proposed examination program by the National Council of Examiners for Engineering and Surveying. This board has always looked at good moral character and repute, education and experience of an applicant in addition to testing. A number of people already have taken the exam when they apply in Arizona and the Board accepts the national results of the examination as long as it is appropriate and current (within 5 years.) The National Council of Examiners for Engineering and Surveying keeps records of testing and examination and the board has honored these records. The National Council of Examiners for Engineering and Surveying has recently implemented a similar program in Michigan. They are hopeful it will become available in all states. Mr. Dalrymple has reviewed the National Council of Examiners for Engineering and Surveying Contract with Michigan and that version would not be consistent with Arizona registration. He will present any proposed agreement he might receive from the National Council of Examiners for Engineering and Surveying NCEES to the board for its consideration. Mr. David Deatherage spoke to the board on behalf of The Arizona Society of Civil Engineers and would like to have time to provide input on the project. The matter will become a continuing agenda item.

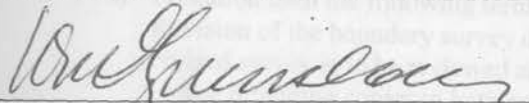
12 DRUG LABORATORY SITE REMEDIATION RULES AND STANDARDS COMMITTEE

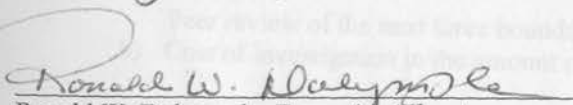
Mr. Pearson explained process used to draft current proposed rule package addressed concerns raised by the Board. The Committee followed recommendation of Joint Legislative Oversight Committee on Residual Contamination of Drug Properties established and used the Burgess report as a foundation. After discussion Mr. Goldman move to adopt Drug Laboratory Rules as amended. Seconded by Mr. Pearson. MOTION CARRIED

13. FUTURE BOARD MEETINGS - The meeting will be held on May 13, 2003 at 9:00 a.m.

14. ADJOURNMENT- 12:15 PM

ARIZONA STATE BOARD OF TECHNICAL REGISTRATION

  
William M. Greenslade, Chair

  
Ronald W. Dalrymple, Executive Director

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

APRIL 8, 2003 MEETING  
9:00 A.M.

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12 DRUG LABORATORY SITE REMEDIATION RULES AND STANDARDS COMMITTEE

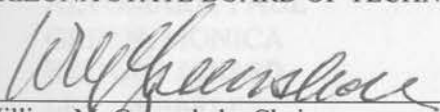
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13. FUTURE BOARD MEETINGS - The meeting will be held on May 13, 2003 at 9:00 a.m.

14. ADJOURNMENT- 12:15 PM

ARCHITECTS

ARIZONA STATE BOARD OF TECHNICAL REGISTRATION

  
\_\_\_\_\_  
William M. Greenslade, Chair

ATLEY, KATH  
EQUITY, RICHARD  
\_\_\_\_\_  
Ronald W. Dalrymple, Executive Director

LANDSCAPE ARCHITECT

GASTA, WILLIAM  
RISNER, RICHARD  
UNDERWOOD, MARLYS

CIVIL ENGINEERS

ADAMS, JOHN  
CORDOVA, EDWARD  
COSTA, WAYNE

DELPHY, REID  
DISHLI, HERBERT  
FRIBERG, ERIC  
GABRIEL, STEVEN **ADDENDUM 4/5/03**

HUFFMAN, RYAN  
JERREY, ORLANDO  
KOSAR, KEITH  
MACGILLIVRAY, TODD  
MCMILLAN, DOUGLAS

**ARIZONA STATE BOARD OF TECHNICAL REGISTRATION**

MURAD, FRANCIS  
NOBLE, STEVEN

FROM: LM EVALUATION COMMITTEE

PATTERSON, KELLY

RE: RECO EVALUATION OF APPLICANTS

RUGGS, LYNN

1. THE EVALUATION COMMITTEE HAS REVIEWED THE LISTED APPLICANTS AND MAKE TO THE BOARD THE FOLLOWING RECOMMENDATIONS REGARDING APPLICATION FOR REGISTRATION TO PRACTICE IN ARIZONA.

STARBUCK, EARL III

THE FOLLOWING APPLICANTS, HAVING SATISFIED THE COMMITTEE THAT THEY ARE QUALIFIED TO RECEIVE REGISTRATION IN ARIZONA UNDER A.R.S. 32-122.01. AND A.R.S. 32-126 ARE HEREBY RECOMMENDED FOR PROFESSIONAL REGISTRATION:

MEYER, DAVID

**ARCHITECTS**

ALTOMARE, PAUL **ENGINEER**

GREEN, MONICA

HEIM, RICHARD

LEE, CHARLES

PHILLIPS, LEROY **ENGINEER**

RILEY, KEITH

SCHULTZ, RICHARD

**LANDSCAPE ARCHITECT**

GASTA, WILLIAM

RISNER, RICHARD

UNDERWOOD, MARLYS

WILSON, TERRY

**CIVIL ENGINEERS**

**STRUCTURAL ENGINEERS**

ADAMS, JOHN

CORDOVA, EDWARD

COSTA, WAYNE



DELPHEY, REID  
DISHLIP, HERBERT  
FROBERG, ERIC  
GABRIEL, STEVEN  
HUFFMAN, RYAN  
JEREZ, ORLANDO  
KOSAR, KEITH  
MACGILLVRAY, TODD  
MCMILLAN, DOUGLAS  
MITCHELL, JOHN  
MURAD, FRANCIS  
NOBLE, STEVEN  
PALMQUIST, ALAN  
PATTERSON, KELLY  
RIEGEL, JOHN  
RIGGS, LYNN  
SENN, ANDREW  
SCHULTE, ROBERT  
STANPHILL, DEAN  
STARBOARD, EARL III  
YPARRAGUIREE, RAY

**ELECTRICAL ENGINEERS**

MCVEY, DAVID  
PLIZGA, JOHN

**ENVIRONMENTAL ENGINEER**

FOSTER, ERIC

**FIRE PROTECTION ENGINEER**

WOJCIK, MICHAEL

**MECHANICAL ENGINEERS**

BANERJEE, AJOY  
FLOWERS, PHILIP  
GOETZ, JEFFREY  
WILSON, TERRY

**STRUCTURAL ENGINEERS**

FITE, SONNY  
SAPIN, ARMANDO

PARTS 1,2,3,4,5,7,8,9

PARTS 1,2,3,4,5,7,8,9

PARTS 1,2,3,4,5,7,8,9

PARTS 1,2,3,4,5,7,8,9

PARTS 1,2,3,4,5,7,8,9

PARTS 1,2,3,4,5,7,8,9

PARTS 1,2,3,4,5,7,8,9

PART 2

PART 2

PART 2

PART 2

PART 2

PART 2

PART 2

PART 2

PART 2

PART 2

PART 2

PARTS 1,4

PART 4

PART 4

PART 1,4

ENGINEER IN TRAINING

HEYMAN, JEFFREY

PART 1

**GEOLOGIST**

PART 1

MCKENZIE, BRUCE

SEEL, KURT

WILMORE, DONN

PART 2

2. THE FOLLOWING APPLICANTS WERE EVALUATED BY THE COMMITTEE AND IT IS RECOMMENDED THAT THEY BE APPROVED FOR THE LISTED EXAMINATIONS, BE GRANTED REGISTRATION IN THE APPROPRIATE CATEGORY AND BE ISSUED A REGISTRATION NUMBER BY THE EXECUTIVE DIRECTOR, OR HIS DESIGNEE, UPON SUCCESSFUL COMPLETION OF THE EXAMINATION AND A STAFF DETERMINATION OF CONTINUED ELIGIBILITY FOR REGISTRATION:

ROKERS, JOHN

PARTS 2,3

**ARCHITECTS**

PART 3

TEICHMANN, GEOFFREY

PARTS 2,3

AQUINO, JOSELITO

PARTS 1,2,3,4,5,7,8,9

DUPONT, MARTIN

PARTS 1,2,3,4,5,7,8,9

SHEPERD, KRISTA

PARTS 1,2,3,4,5,7,8,9

SO, KWONG

PARTS 1,2,3,4,5,7,8,9

TAN, PECK

PARTS 1,2,3,4,5,7,8,9

TOBIN, JAMES

PARTS 1,2,3,4,5,7,8,9

WARNER, EVAN

PARTS 1,2,3,4,5,7,8,9

**CIVIL ENGINEERS**

DUFF, JEREMY

CIVIL

LACK 19 MONTHS

BODILY, MELVIN

STRUCTURAL

LACK 15 MONTHS

CHAVEZ-FLORES, LUIS

EIT

LACK 24 MONTHS

EARLEY, JACOB

CIVIL

LACK 22 MONTHS

GROENDYK, APRIL

EIT

LACK 13 MONTHS

JOCIC, GORDANA

ARCHT

LACK 78 MONTHS

LANGER, DERRILL

PART 2

MOORE, CHRISTOPHER

PART 2

PETERSON, WILLIAM

PART 2

RHOADES, RYAN

PART 2

WELCH, KENNETH

PART 2

PART 2

**STRUCTURAL ENGINEERS**

CHWILL, JAMES

ELECTRICAL

HILL, JANET

EIT

LIU, XUEGANG

GEOLOGIST

MCCANS, JAMES

PARTS 3,4

SNIDER, JOSHUA

PART 4

GOODWIN, DAVID

PART 4

HAJD, FERDON

PART 3,4

EIT

EIT

**ENGINEER IN TRAINING**

HEYMAN, JEFFREY  
ZHOU, JING

LIST  
STRUCTURAL  
PART 1  
PART 1

**GEOLOGIST**

PILLMORE, DONN

EIT  
GEOLOGY  
GIT  
PART 2

**LAND SURVEYORS**

BOTSFORD, JAMES  
BYTNER, MICHAEL  
DUNNO, ANNE  
ROGERS, JOHN  
SORENSEN, RANDY  
TEICHMANN, GEOFFREY

GIT  
GIT  
PART 3  
PART 3  
PART 3  
PARTS 2,3  
PART 3  
PARTS 2,3

**LAND SURVEYOR IN TRAINING**

DAVIS, JOSEPH

CIVIL  
GIT  
GIT  
PART 1

3. THE FOLLOWING APPLICATIONS ARE BEING DENIED FOR LACK OF SAISFACTORY WORK EXPERIENCE:

CHANG, JOSEPH	CIVIL	LACK 19 MONTHS
DUFF, JEREMY	STRUCTURAL	LACK 15 MONTHS
GERSZEWSKI, NICHOLE	EIT	LACK 24 MONTHS
KROEKER, KELVIN	CIVIL	LACK 22 MONTHS
LAOS, FERNANDO	EIT	LACK 13 MONTHS
LABLANC, CHRISTOPHER	ARCHITECT	LACK 78 MONTHS

4. THE FOLLOWING APPLICATIONS ARE BEING DENIED FOR FAILURE TO COMPLETE THE REQUIREMENTS OF THE BOARD WITHIN A REASONABLE LENGTH OF TIME:

ALBRIGHT, CHARLIE	ARCHITECT
ATTALURI, SUJANA	EIT
BEARDEN, ALLEN	ELECTRICAL
CULLOM, CHARLES	GIT
CRISWELL, JAMES	GEOLOGIST
DESAI, RAMESH	STRUCTURAL
DIAMOND, JOHN	GIT
DILLARD, BROOKS	GIT
DO, TIM	EIT
GOODWIN, DAVID	GIT
HAJO, FERIDON	EIT

HEATH, JERRY  
HUNT, BERNARD  
IBEJI, AMARA  
KLINE, BOBBY C.  
KRIZANSKY, MICHAEL  
LANDRUM, VALTON  
LOGES, EDMUND  
MANES, JOHN  
MAUGHAN, GLENN  
MILOVANOVIC, MIODRAG  
MITCHELL, KATHLEEN  
MORIC, ROBERT  
NIELSEN, MARK  
OBLANDER, PETER  
O'BRIEN, CRAIG  
ROOT, JON  
SCHWINDENHAMMER, MICHAEL  
SOELLNER, JESKO  
STEVENS, ROBERT  
SWANSON, JAMES  
TWOMBLY, SUSAN  
VAN BEYNEN, AMY  
WATNE, JAMES  
WERTH, MARCY

LSIT  
STRUCTURAL  
CIVIL  
AIT  
EIT  
GEOLOGY  
GIT  
GIT  
GEOLOGIST  
GIT  
GIT  
ARCHITECT  
GIT  
GIT  
GIT  
LAND SURVEYOR  
ARCHITECT  
CIVIL  
GIT  
GIT  
GIT  
GIT  
EIT  
GIT

ARCHITECTS

AFFUMAZE, PAUL  
GREFF, MONICA  
KERN, RICHARD  
LEE, CHARLES  
PHILLIPS, LEROY  
RILEY, KEITH  
SCHULTZ, RICHARD

LANDSCAPE ARCHITECT

GASTA, WILLIAM  
RISNER, RICHARD  
UNDERWOOD, MARLYS

CIVIL ENGINEERS

ADAMS, JOHN  
CORDOVA, EDWARD  
COSTA, WAYNE

DELPHY, RED  
DISHUP, HERBERT  
FROBERG, ERIC  
GABRIEL, STEVEN  
HUFFMAN, RYAN  
JERREZ, ORLANDO  
KOSAR, KEITH  
MAGGILLVRAY, TODD  
MCMILLAN, DOUGLAS  
MURAD, FRANCIS  
NOBLE, STEVEN

AMENDED 4/7/03

**ARIZONA STATE BOARD OF TECHNICAL REGISTRATION**

FROM: EVALUATION COMMITTEE

RE: EVALUATION OF APPLICANTS

1. THE EVALUATION COMMITTEE HAS REVIEWED THE LISTED APPLICANTS AND MAKE TO THE BOARD THE FOLLOWING RECOMMENDATIONS REGARDING APPLICATION FOR REGISTRATION TO PRACTICE IN ARIZONA.

THE FOLLOWING APPLICANTS, HAVING SATISFIED THE COMMITTEE THAT THEY ARE QUALIFIED TO RECEIVE REGISTRATION IN ARIZONA UNDER A.R.S. 32-122.01. AND A.R.S. 32-126 ARE HEREBY RECOMMENDED FOR PROFESSIONAL REGISTRATION:

**ARCHITECTS**

ALTOMARE, PAUL  
GREEN, MONICA  
HEIM, RICHARD  
LEE, CHARLES  
PHILLIPS, LEROY  
RILEY, KEITH  
SCHULTZ, RICHARD

**LANDSCAPE ARCHITECT**

GASTA, WILLIAM  
RISNER, RICHARD  
UNDERWOOD, MARLYS

**CIVIL ENGINEERS**

ADAMS, JOHN  
CORDOVA, EDWARD  
COSTA, WAYNE

DELPEY, REID  
DISHLIP, HERBERT  
FROBERG, ERIC  
GABRIEL, STEVEN  
HUFFMAN, RYAN  
JEREZ, ORLANDO  
KOSAR, KEITH  
MACGILLVRAY, TODD  
MCMILLAN, DOUGLAS  
MITCHELL, JOHN  
MURAD, FRANCIS  
NOBLE, STEVEN  
PALMQUIST, ALAN  
PATTERSON, KELLY  
RIEGEL, JOHN  
RIGGS, LYNN  
SENN, ANDREW  
SCHULTE, ROBERT  
STANPHILL, DEAN  
STARBOARD, EARL III  
YPARRAGUIREE, RAY

**ELECTRICAL ENGINEERS**

MCVEY, DAVID  
PLIZGA, JOHN

**ENVIRONMENTAL ENGINEER**

FOSTER, ERIC

**FIRE PROTECTION ENGINEER**

WOJCIK, MICHAEL

**MECHANICAL ENGINEERS**

BANERJEE, AJOY  
FLOWERS, PHILIP  
GOETZ, JEFFREY  
MORAN, CHARMAGNE  
WILSON, TERRY

PARTS 1,2,3,4,5,7,8,9  
PARTS 1,2,3,4,5,7,8,9  
PARTS 1,2,3,4,5,7,8,9  
PARTS 1,2,3,4,5,7,8,9  
PARTS 1,2,3,4,5,7,8,9  
PARTS 1,2,3,4,5,7,8,9

PART 2  
PART 2  
PART 2  
PART 2  
PART 2  
PART 2  
PART 2  
PART 2

PARTS 1,4  
PART 4  
PART 4  
PART 1,4

## STRUCTURAL ENGINEERS

FITE, SONNY  
SAPIN, ARMANDO

## GEOLOGIST

MCKENZIE, BRUCE  
SEEL, KURT

2. THE FOLLOWING APPLICANTS WERE EVALUATED BY THE COMMITTEE AND IT IS RECOMMENDED THAT THEY BE APPROVED FOR THE LISTED EXAMINATIONS, BE GRANTED REGISTRATION IN THE APPROPRIATE CATEGORY AND BE ISSUED A REGISTRATION NUMBER BY THE EXECUTIVE DIRECTOR, OR HIS DESIGNEE, UPON SUCCESSFUL COMPLETION OF THE EXAMINATION AND A STAFF DETERMINATION OF CONTINUED ELIGIBILITY FOR REGISTRATION:

## ARCHITECTS

AQUINO, JOSELITO	PARTS 1,2,3,4,5,7,8,9
DUPONT, MARTIN	PARTS 1,2,3,4,5,7,8,9
SHEPERD, KRISTA	PARTS 1,2,3,4,5,7,8,9
SO, KWONG	PARTS 1,2,3,4,5,7,8,9
TAN, PECK	PARTS 1,2,3,4,5,7,8,9
TOBIN, JAMES	PARTS 1,2,3,4,5,7,8,9
WARNER, EVAN	PARTS 1,2,3,4,5,7,8,9

## CIVIL ENGINEERS

BODILY, MELVIN	PART 2
CHAVEZ-FLORES, LUIS	PART 2
EARLEY, JACOB	PART 2
GROENDYK, APRIL	PART 2
JOCIC, GORDANA	PART 2
LANGER, DERRILL	PART 2
MOORE, CHRISTOPHER	PART 2
PETERSON, WILLIAM	PART 2
RHOADES, RYAN	PART 2
WELCH, KENNETH	PART 2

## STRUCTURAL ENGINEERS

HILL, JANET	PARTS 3,4
LIU, XUEGANG	PART 4
MCCANS, JAMES	PART 4
SNIDER, JOSHUA	PART 3,4

**ENGINEER IN TRAINING**

HEYMAN, JEFFREY  
ZHOU, JING

PART 1  
PART 1

**GEOLOGIST**

PILLMORE, DONN

PART 2

**LAND SURVEYORS**

BOTSFORD, JAMES  
BYTNER, MICHAEL  
DUNNO, ANNE  
ROGERS, JOHN  
SORENSEN, RANDY  
TEICHMANN, GEOFFREY

PART 3  
PART 3  
PART 3  
PARTS 2,3  
PART 3  
PARTS 2,3

**LAND SURVEYOR IN TRAINING**

DAVIS, JOSEPH

PART 1

3. THE FOLLOWING APPLICATIONS ARE BEING DENIED FOR LACK OF SAISFACTORY WORK EXPERIENCE:

CHANG, JOSEPH	CIVIL	LACK 19 MONTHS
DUFF, JEREMY	STRUCTURAL	LACK 15 MONTHS
GERSZEWSKI, NICHOLE	EIT	LACK 24 MONTHS
KROEKER, KELVIN	CIVIL	LACK 22 MONTHS
LAOS, FERNANDO	EIT	LACK 13 MONTHS
LABLANC, CHRISTOPHER	ARCHITECT	LACK 78 MONTHS

4. THE FOLLOWING APPLICATIONS ARE BEING DENIED FOR FAILURE TO COMPLETE THE REQUIREMENTS OF THE BOARD WITHIN A REASONABLE LENGTH OF TIME:

ALBRIGHT, CHARLIE	ARCHITECT
ATTALURI, SUJANA	EIT
BEARDEN, ALLEN	ELECTRICAL
CULLOM, CHARLES	GIT
CRISWELL, JAMES	GEOLOGIST
DESAI, RAMESH	STRUCTURAL
DIAMOND, JOHN	GIT
DILLARD, BROOKS	GIT
DO, TIM	EIT



GOODWIN, DAVID	GIT
HAJO, FERIDON	EIT
HEATH, JERRY	LSIT
HUNT, BERNARD	STRUCTURAL
IBEJI, AMARA	CIVIL
KRIZANSKY, MICHAEL	EIT
LANDRUM, VALTON	GEOLOGY
LOGES, EDMUND	GIT
MANES, JOHN	GIT
MAUGHAN, GLENN	GEOLOGIST
MILOVANOVIC, MIODRAG	GIT
MITCHELL, KATHLEEN	GIT
MORIC, ROBERT	ARCHITECT
NIELSEN, MARK	GIT
OBLANDER, PETER	GIT
O'BRIEN, CRAIG	GIT
ROOT, JON	LAND SURVEYOR
SCHWINDENHAMMER, MICHAEL	ARCHITECT
SOELLNER, JESKO	CIVIL
STEVENS, ROBERT	GIT
SWANSON, JAMES	GIT
TWOMBLY, SUSAN	GIT
VAN BEYNEN, AMY	GIT
WATNE, JAMES	EIT
WERTH, MARCY	GIT

ARIZONA STATE BOARD OF TECHNICAL REGISTRATION

FROM: HOME INSPECTOR RULES AND STANDARDS COMMITTEE

RE: EVALUATION OF APPLICANTS

THE HOME INSPECTOR RULES AND STANDARDS COMMITTEE HAS REVIEWED THE LISTED APPLICANTS AND MAKES TO THE BOARD THE FOLLOWING RECOMMENDATIONS REGARDING APPLICATION FOR CERTIFICATION TO CONDUCT HOME INSPECTIONS IN ARIZONA.

THE FOLLOWING APPLICANTS, HAVING SATISFIED THE COMMITTEE THAT THEY ARE QUALIFIED TO RECEIVE CERTIFICATION AS HOME INSPECTORS UNDER A.R.S. § 32-122.02, ARE HEREBY RECOMMENDED FOR CERTIFICATION:

- |                 |                |
|-----------------|----------------|
| Davis, Daniel   | Bihl, Peter    |
| Neilan, Joseph  | Bray, Brewster |
| Blake, Randolph | O'Coin, John   |
| Forrest, Dean   |                |

ENFORCEMENT MATTERS

A. Dismissals

1. M03-037 / M0303-158 George Paul Zepcech, Architect #18241. After discussion, Mr. Powellko moved to accept the Assessors' recommendation to dismiss. Seconded by Mr. Sterling. MOTION CARRIED. (Mr. Tuttle was not present at this time.)

B. Proposed Consent Agreements

1. M03-027 / M0301-135 David M. Gisham, Land Surveyor #19824. After discussion, Mr. Tuttle moved to reject respondent's signed consent agreement and order and approve a new order encompassing the following:
  - \* Probation for twelve months or until the following requirements are met:
    - A. Respondent shall work with Jeffrey Flahart to re-survey a portion of the Ranch at Prescott Unit VII, including Lot 773;
    - B. Verify property corners and reset all of the property corners that are out of position, place a survey tag on all of the damaged corners, and contact those property owners that have been affected by the corner adjustment;
    - C. Provide written notice to those property owners that have been affected by the corner adjustment and provide verification to the Board;
    - D. Prepare a draft map of the resurveyed property for approval by a representative appointed by the Board. Record the resurvey and provide verification to the Board;
    - E. Sign and seal the resurvey, in addition to it being signed and sealed by Jeff Flahart;
    - F. Professional Education - ethics course;
    - G. Open Book Test on the Board's Codes and Rules;
  - \* Pay cost of investigation in the amount of \$440.00.Seconded by Mr. Lyndes. MOTION CARRIED.

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

May 13, 2003 MEETING

9:03 A.M.

1. CALL TO ORDER - The meeting of the Board of Technical Registration was called to order at 9:00 a.m. by Chair William Greenslade.
2. ROLL CALL - **Present:** William Greenslade, Fred Goldman, Joseph Gardner, Gregory Tuttle, Ronald Starling, Chet Pearson, and Richard Pawelko. **Board Staff:** Ron Dalrymple, LaVern Douglas, Nan Mitchell, Melinda Baughman, Kathryn Fuller, Cassie Goodwin, Diane Aubert, Mary Martinez. **Telephonic:** Joy Lyndes. **Assistant Attorney General:** Elizabeth Burns. **Public Present:** Genny Setford, James H. Duke, Michael Jennings, Cindy Luders, Joe Webb, Kwame Aayare, Jim Klein. (Mr. Tuttle left the meeting at 11:00 am.)
3. PUBLIC COMMENT - Mr. James Duke addressed the Board regarding evaluation of the home inspector sample reports. Mr. Jim Klein addressed the board regarding clarification of the certification process.
4. ADOPTION OF MINUTES - April 8 and April 15, 2003 meetings. Mr. Roos abstained from April 8<sup>th</sup> vote. Mr. Starling moved to accept both April 8 and April 15, 2003 minutes. Seconded by Mr. Goldman. MOTION CARRIED.
5. ENFORCEMENT MATTERS
  - A. Dismissals
    1. M03-037 / MIR01-158 George Paul Zajacek, Architect #18241. After discussion, Mr. Pawelko moved to accept the Assessors' recommendation to dismiss. Seconded by Mr. Starling. MOTION CARRIED. (Mr. Tuttle was not present at this time.)
  - B. Proposed Consent Agreements
    1. M03-027 / MIR01-135 David M. Graham, Land Surveyor #19824. After discussion, Mr. Tuttle moved to reject respondent's signed consent agreement and order and approve a new order encompassing the following:
      - Probation for twelve months or until the following requirements are met:
        - A. Respondent shall work with Jeffrey Flahart to re-survey a portion of the Ranch at Prescott Unit VII, including Lot 775;
        - B. Verify property corners and reset all of the property corners that are out of position, place a survey tag on all of the untagged corners, and contact those property owners that have been affected by the corner adjustment;
        - C. Provide written notice to those property owners that have been affected by the corner adjustment and provide verification to the Board;
        - D. Prepare a drawing of the resurveyed property for approval by a representative appointed by the Board. Record the resurvey and provide verification to the Board;
        - E. Sign and seal the resurvey, in addition to it being signed and sealed by Jeff Flahart;
        - F. Professional Education – ethics course;
        - G. Open Book Test on the Board's Codes and Rules;
      - Pay cost of investigation in the amount of \$440.00.Seconded by Ms. Lyndes. MOTION CARRIED.

2. M03-028 / MIR01-135 Jeffrey M. Flahart, Land Surveyor #34711. After discussion, Mr. Tuttle moved to reject respondent's signed consent agreement and order and approve a new order encompassing the following:
- Probation for twelve months or until the following requirements are met:
    - A. Respondent shall work with David Graham to re-survey a portion of the Ranch at Prescott Unit VII, including Lot 775;
    - B. Verify property corners and reset all of the property corners that are out of position, place a survey tag on all of the untagged corners, and contact those property owners that have been affected by the corner adjustment;
    - C. Provide written notice to those property owners that have been affected by the corner adjustment and provide verification to the Board;
    - D. Prepare a drawing of the resurveyed property for approval by a representative appointed by the Board. Record the resurvey and provide verification to the Board;
    - E. Sign and seal the resurvey, in addition to it being signed and sealed by David Graham.
    - F. Professional Education – ethics course;
    - G. Open Book Test on the Board's Codes and Rules;
  - Pay cost of investigation in the amount of \$440.00.
- Seconded by Mr. Goldman. MOTION CARRIED.

3.a. M03-029 / MIR02-082 Alexander J. Kory, P.E. (Civil) #10219. Mr. Goldman moved to accept the signed consolidated consent agreement encompassing a letter of reprimand and cost of investigation in the amount of \$819.00. Seconded by Mr. Pawelko. MOTION CARRIED. (Mr. Tuttle was not present at this time.)

3.b. M03-030 / MIR02-069 Alexander J. Kory, P.E. (Civil) #10219. Mr. Goldman moved to accept the signed consolidated consent agreement encompassing a letter of reprimand and cost of investigation in the amount of \$819.00. Seconded by Mr. Pawelko. MOTION CARRIED. (Mr. Tuttle was not present at this time.)

4. M03-033 / MIR02-117 Andrew C. Panopio, P. E. (Electrical) #10807. Mr. Goldman moved to accept the signed consent agreement encompassing:

- Letter of Reprimand
- Assurance of Discontinuance - discontinue the authorizing of others to sign or use his seal.
- Probation until the following conditions are met:
  - a) Professional Education – ethics course;
  - b) Open Book Test on the Board's Codes and Rules;
- Cost of Investigation – pay \$320.00.

Seconded by Mr. Pawelko. MOTION CARRIED. (Mr. Tuttle was not present at this time.)

5. M03-036 / MIR02-129 Carter J. Case, Architect #34409. Mr. Goldman moved to accept the signed consent agreement stipulating that respondent's voluntary surrender of his Arizona Architectural Registration No. 34409 would be considered a revocation. Seconded by Mr. Roos. MOTION CARRIED. (Mr. Tuttle was not present at this time.)

#### C. Peer Review Candidates

1. M00-074 James C. Roach, Land Surveyor #11659. Mr. Tuttle moved to approve Craig T. Micek, Land Surveyor #31600 and Lee W. Johnson, Land Surveyor #32231, as peer reviewers for this case. Seconded by Mr. Roos. MOTION CARRIED.

2. M03-014 Kent D. Miller, Land Surveyor #33319. Mr. Tuttle moved to approve Thomas V. Craft, Land Surveyor #28219 and John E. Courtney, Land Surveyor #12216 as peer reviewers for this case. Seconded by Mr. Starling. MOTION CARRIED.
- D. Enforcement Advisory Committee Candidates
  1. Cynthia J. Sylvester, Architect #31212. Ms. Lyndes moved to appoint Ms. Sylvester as a member of the Enforcement Advisory Committee. Seconded by Mr. Goldman. MOTION CARRIED. (Mr. Tuttle was not present at this time.)
6. EVALUATION OF APPLICATIONS UNDER A.R.S. § 32-122.01 (Mr. Tuttle was not present at this time.)
  - A. Jerry Miel - Electrical. After discussion, Mr. Pearson moved that applicant be granted registration. Seconded by Mr. Goldman. MOTION CARRIED.
  - B. William Jones - Mechanical. After discussion, Mr. Pearson moved that applicant be granted registration. Seconded by Mr. Pawelko. MOTION CARRIED.
  - C. Clarence McAllister - Electrical. After discussion, Mr. Pearson moved that applicant be granted registration. Seconded by Mr. Goldman. MOTION CARRIED.
  - D. Andrew Paschall - Mechanical. After discussion, Mr. Pearson moved to allow applicant to sit for professional exam. Seconded by Mr. Pawelko. MOTION CARRIED.
7. EVALUATION OF APPLICATIONS UNDER R4-30-101.10
  - A. Matthew Lawinger - Civil. After discussion, Mr. Goldman moved that applicant be granted registration. Seconded by Mr. Pearson. MOTION CARRIED. (Mr. Tuttle was not present at this time.)
  - B. Michael Jennings - LSIT. After discussion, Mr. Tuttle moved to allow applicant to take the fundamental exam, but his application and attachments will go to enforcement for investigation of allegation. Seconded by Mr. Pearson. MOTION CARRIED.
8. EVALUATION COMMITTEE RECOMMENDATIONS (Mr. Tuttle was not present at this time.)
  1. Recommendation for approval of professional registration or in-training registration.
  2. Recommendation for approval to sit for the professional or in-training examination.
  3. Recommendation for denial to sit for the professional or in-training examination.
  4. Recommendation for approval of home inspector certifications.

After discussion, Mr. Goldman moved to accept the Evaluation Committee recommendations #1-#3 as amended on May 9, 2003. Seconded by Mr. Gardner. MOTION CARRIED.

Mr. Greenslade moved to accept Evaluation Committee recommendation #4 as listed in agenda item #9.2. Seconded by Mr. Gardner. MOTION CARRIED.
9. GRANTING OF REGISTRATION NUMBERS (Mr. Tuttle was not present at this time.)
  1. Staff provided the Board with a list of applicants who were granted registration numbers from April 9, 2003 through May 12, 2003.
  2. Mr. Roos moved to grant registration numbers 39259 through 39321. Seconded by Mr. Starling. MOTION CARRIED.

10. DISCUSSION AND ACTION ON PROPOSED RULE CHANGE FROM THE LEGISLATIVE RULES COMMITTEE (Mr. Tuttle was not present at this time.)

R4-30-101	R4-30-106	R4-30-107	R4-30-201	R4-30-202
R4-30-202.01	R4-30-203	R4-30-204	R4-30-209	R4-30-210
R4-30-211	R4-30-212	R4-30-214	R4-30-221	R4-30-222
R4-30-224	R4-30-242	R4-30-244	R4-30-247	R4-30-252
R4-30-254	R4-30-262	R4-30-264	R4-30-282	R4-30-284
R4-30-303	R4-30-307			

After discussion, Mr. Starling moved to send Article 3. Regulatory Provisions, as amended, to the Governor's Regulatory Review Council (GRRC) as a stand-alone rules package. Seconded by Mr. Pearson. MOTION CARRIED. Mr. Starling moved to send GRRC a second rules package consisting of R4-30-101 through R4-30-303, as amended. Seconded by Mr. Roos. MOTION CARRIED.

11. DISCUSSION OF NATIONAL COUNCIL DIRECT EXAMINATION PROGRAMS

No action taken.

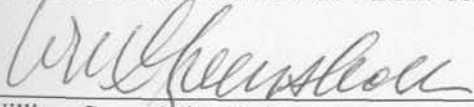
12. DISCUSSION ON CONSIDERATION AND RECOMMENDED ACTION ON APPLICANT, GENNY SETFORD - Application #020842. Mr. Goldman and Mr. Roos recused. Mr. Tuttle moved to accept the Rules and Standards Committee recommendation to grant respondent certification as a Home Inspector and to accept the signed consent agreement and order encompassing the following:

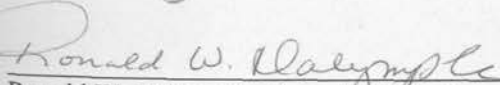
- Respondent's certificate is immediately placed on probation for one year subject to completion of these terms and conditions:
  - A. Successfully complete a Board-approved ethics course;
  - B. Attend two Board Home Inspector Rules and Standards Committee meetings;
  - C. Cost of Investigation – pay \$592.00;
  - D. Obey all laws and rules of the Board of Technical Registration applicable to Certified Home Inspectors.

13. FUTURE BOARD MEETINGS - The next meeting on June 10, 2003 at 9:00 a.m. will be a quarterly meeting. A special meeting may be held on June 30, 2003 at 1:30 p.m. to evaluate applications of firms, supervisors and workers for the Clandestine Drug Laboratory Site Remediation Program.

14. ADJOURNMENT - Mr. Goldman moved to adjourn at 12:15 P.M. Seconded by Mr. Starling. MOTION CARRIED.

ARIZONA STATE BOARD OF TECHNICAL REGISTRATION

  
William Greenslade, Chair

  
Ronald W. Dalrymple, Executive Director

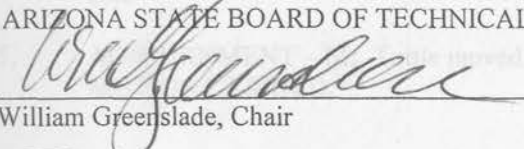
SPECIAL TELEPHONE CONFERENCE MEETING MINUTES  
**MINUTES OF THE  
ARIZONA BOARD OF TECHNICAL REGISTRATION**

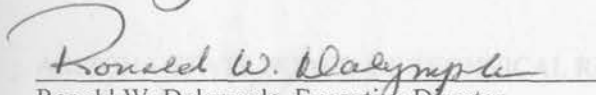
April 15, 2003 MEETING  
9:05 A.M.

SPECIAL TELEPHONE CONFERENCE MEETING

1. CALL TO ORDER - The meeting of the Board of Technical Registration was called to order at 9:05 a.m.
2. ROLL CALL - **Present:**, Gregory Tuttle, William Greenslade Chet Pearson, **Board Staff:** Ron Dalrymple, LaVern Douglas, Nan Mitchell, Melinda Baughman, , Mary Martinez, and Lisa Burns, Assistant Attorney General; **Appearing Telephonically:** Ronald Starling, Fred Goldman
3. DISCUSSION OF, AND POSSIBLE ADOPTION OF, DRUG LAB REMEDIATION PROPOSED RULES- Mr. Tuttle move to accept and adopt The Drug Laboratory Site Remediation Rules. Seconded by Mr. Pearson. MOTION CARRIED.
4. FUTURE BOARD MEETINGS- The next regular meeting is scheduled for May 13, 2003.
5. ADJOURNMENT- 9:10 a.m.

ARIZONA STATE BOARD OF TECHNICAL REGISTRATION

  
William Greenslade, Chair

  
Ronald W. Dalrymple, Executive Director

  
William M. Greenslade, Chair

  
Ronald W. Dalrymple, Executive Director

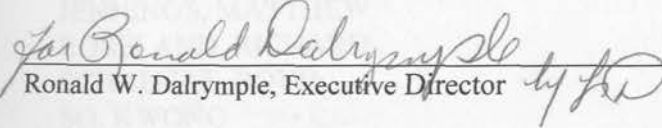
**SPECIAL TELEPHONE CONFERENCE MEETING MINUTES**  
Arizona Board of Technical Registration

May 27, 2003  
9:00 A.M.

1. CALL TO ORDER – The special telephone conference meeting of the Board of Technical Registration was called to order at 9:00 a.m. by Chair William Greenslade.
2. ROLL CALL – **Present:** Gregory Tuttle, Ronald Starling and Chet Pearson. **Board Staff:** Ron Dalrymple, LaVern Douglas, Melinda Baughman and Kay Reed. **Absent:** Fred Goldman, Joy Lyndes, Robert Roos and Richard Pawelko. **Telephonic Appearance:** William Greenslade, Joseph Gardner and Mary Williams, A.A.G. on behalf of Lisa Burns. **Public Present:** None.
3. DISCUSSION OF, AND POSSIBLE ADOPTION OF, REMOVING R4-30-271(A)(11 & 12) AND R4-30-272(A)(9) OF THE DRUG LAB REMEDIATION RULES  
After discussion relating to a lack of training availability at this time, Mr. Tuttle moved to remove R4-30-271(A)(11 & 12) and R4-30-272(A)(9) from the Drug Lab Remediation Rules. Seconded by Mr. Starling. MOTION CARRIED.
4. FUTURE BOARD MEETINGS – The next meeting will be held on June 10, 2003 at 9:00 a.m.
5. ADJOURNMENT – Mr. Tuttle moved to adjourn at 9:40 a.m. Seconded by Mr. Starling. MOTION CARRIED.

ARIZONA STATE BOARD OF TECHNICAL REGISTRATION

  
\_\_\_\_\_  
William M. Greenslade, Chair

  
\_\_\_\_\_  
Ronald W. Dalrymple, Executive Director



CIVIL ENGINEERS

ANDERSON, VICTOR  
CAWLEY, MATTHEW  
CERBKI, QUENTIN  
CHALY, AHMED  
HORTON, LYLE  
LIU, XULIANG  
LUDBYA, MELISSA  
MANDICH, EDWARD

AMENDED 5/9/03

**ARIZONA STATE BOARD OF TECHNICAL REGISTRATION**

OSKOD, STEWART  
SAVICH, SASHA

FROM: EVALUATION COMMITTEE

RE: EVALUATION OF APPLICANTS

1. THE EVALUATION COMMITTEE HAS REVIEWED THE LISTED APPLICANTS AND MAKE TO THE BOARD THE FOLLOWING RECOMMENDATIONS REGARDING APPLICATION FOR REGISTRATION TO PRACTICE IN ARIZONA.

THE FOLLOWING APPLICANTS, HAVING SATISFIED THE COMMITTEE THAT THEY ARE QUALIFIED TO RECEIVE REGISTRATION IN ARIZONA UNDER A.R.S. 32-122.01. AND A.R.S. 32-126 ARE HEREBY RECOMMENDED FOR PROFESSIONAL REGISTRATION:

**ARCHITECTS**

ALBRIGHT, CHARLIE  
BLUM, ALAN  
HANSAL, RHONDA  
JARRARD, JOHN  
JENNINGS, MATTHEW  
ROSELAND, RICHARD  
SCHALNAT, BOYD  
SO, KWONG

**LANDSCAPE ARCHITECTS**

LOWMAN, DAVID  
SOCHA, ROGER

WILSON, DAVID  
MIEDING, JOHN  
SALAZAR LENTINI, PAMELA  
SULLIVAN, DUSTIN

**CIVIL ENGINEERS**

- ANDERSON, VICTOR
- CAWLEY, MATTHEW
- GERBIG, QUENTIN
- GHALY, AHMED
- HORTON, LYLE
- LIU, XUEGANG
- LOZOYA, MELISSA
- MANDICH, EDWARD
- MOTENSEN, JEFFREY
- OSGOOD, STEWART
- SAVICH, SASHA
- SIERACKE, MARK
- SKULSTAD, ERIK
- STOUT, THOMAS
- SUDEKAMP, ANDREW
- THATCHER, TRENT
- THURGOOD, GLEN
- TUTER, JOHN
- WILLIAMS, EDMUND
- WITTER, KELLY

**ELECTRICAL ENGINEERS**

- ANDERSON, KELLY
- BOOTH, GREGORY
- KUENNEN, JEROME
- LEDBETTER, JAMES
- PETERSEN, FORREST
- SOLARO, JAMES

PARTS 1,2,3,4,5,7,8,9  
 PARTS 1,2,3,4,5,7,8,9  
 PARTS 1,2,3,4,5,7,8,9

**ENVIRONMENTAL ENGINEER**

- BISKIS, EDWARD
- BRYCK, JOHN

PARTS 4,5,7,8

**MECHANICAL ENGINEERS**

- CANTRELL, PATRICK
- FITCH, SCOTT
- HORN, DAVID
- MIEDING, JOHN
- SALAZAR-LENTINI, PAMELA
- SULLIVAN, DUSTIN

SECTIONS A,B,C,D,E

PART 2  
 PART 2  
 PART 2  
 PART 2

**METALLURGICAL ENGINEER**

CURRIE, DAVID

**STRUCTURAL ENGINEER**

DUBINSKY, ELIEZER

DUNN, W.

GIPSON, RANDALL

GRIFFIN, JOHN

ZYLSTRA, DONALD

**GEOLOGIST**

KACZMAREK, MICHAEL

OPELL, DOUGLAS

SNYDER, WILLIAM

2. THE FOLLOWING APPLICANTS WERE EVALUATED BY THE COMMITTEE AND IT IS RECOMMENDED THAT THEY BE APPROVED FOR THE LISTED EXAMINATIONS, BE GRANTED REGISTRATION IN THE APPROPRIATE CATEGORY AND BE ISSUED A REGISTRATION NUMBER BY THE EXECUTIVE DIRECTOR, OR HIS DESIGNEE, UPON SUCCESSFUL COMPLETION OF THE EXAMINATION AND A STAFF DETERMINATION OF CONTINUED ELIGIBILITY FOR REGISTRATION:

**ARCHITECTS**

KLEPFER, RICHARD

O'SULLIVAN, PAUL

SOLTANI, SAEED

PARTS 1,2,3,4,5,7,8,9

PARTS 1,2,3,4,5,7,8,9

PARTS 1,2,3,4,5,7,8,9

**ARCHITECT IN TRAINING**

SCOTT, JERRY

PARTS 4,5,7,8

**LANDSCAPE ARCHITECT**

ELLWOOD, LAURA

SECTIONS A,B,C,D,E

**CIVIL ENGINEERS**

ABJOARADEH, MOHAMMAD

ANGEL, ALEJANDRO

APODACA, ROBERT

BEIMER, JEFF

PART 2

PART 2

PART 2

PART 2

CIRONE, JOSEPH	PART 2
DIETERT, LINDSEY	PART 2
ERICKSEN, CARL	PART 2
FITZPATRICK, DAN	PART 2
GILBERT, WILLIAM	PART 2
GROENDYK, JASON	PART 2
GUVENEN, HALDUM	PART 2
HANUMANTHA, MADHU	PARTS 1,2
HOWEY, BRETT	PART 2
HUNT, CRAIG	PART 2
HURST, THURSTON	PART 2
LEUBNER, JAMES	PART 2
LEWIS, MARK	PART 2
MULDROW, SHELISE	PARTS 1,2
PROSNIER, ERIC	PART 2
SCHILKE, RICHARD	PARTS 1,2
SPIKER, JOHN	PART 2

**CONTROL SYSTEMS ENGINEER**

RAHEEL, RAHIMULLAH	PART 2
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**ENVIRONMENTAL ENGINEERS**

HOWARD, DAVID	PART 2
MOHAN, SMEET	PART 2

**GEOLOGICAL ENGINEER**

NICKEL, GREGORY	PART 2
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**MECHANICAL ENGINEERS**

JOHNSON, LINDSAY	PART 2
MACALUSO, FRANK	PART 2
MARONEY, EDWARD	PART 2
TAGGART, BRIAN	PART 2

**LAND SURVEYORS**

BALLING, DAVID	PART 3
BUTCHER, JOHN	PARTS 2,3
CAMPBELL, RUSSELL	PART 3
DOUGLAS, MICHAEL	PARTS 2,3
HARNESS, WENDELL	PART 3

JONES, MICHAEL	PART 3
MARTIN, STEVEN	PARTS 2,3
POLYDOROS, MARK	PARTS 2,3
REYES, JOHN	PARTS 2,3
ROGERS, JOHN	PARTS 2,3

**STRUCTURAL ENGINEERS**

AMLIE, JENS	PARTS 3,4,5
COPP, GREGORY	PARTS 3,4,5
SCOTT, KELLY	PARTS 3,4,5
YOUNG, DAVID	PARTS 3,4,5

**ENGINEER IN TRAINING**

LUTZ, CHRISTA

**GEOLOGIST**

GPETZKE, PHILLIP	PART 2
NICKEL, GREGORY	PART 2
PASKI, PHILLIP	PART 2
SEMMENS, BESTY	PART 2

3. THE FOLLOWING APPLICATIONS ARE BEING DENIED FOR LACK OF SAISFACTORY WORK EXPERIENCE:

COOK, SUSAN	LANDSCAPE ARCHITECT LACK 20 MOS.
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VICTOR EUGENE	39268
CAWLEY, MATTHEW RAY	39270
SEARNG, QUENTIN ALAN	39271
GHALY, AHMED M.	39272
HORTON, LYLE JEAN	39273
LIU, XUEGANG	39274
LOZOVA, ARLISSA KENER	39275
MANDIG, EDWARD ANTHONY	39276
MORTENSEN, JEFFREY JUSTAV	39277
USGOLD, STEWART B.	39278
RYVICH, SASHA	39279
SIEBCKE, MARK DOUGLAS	39280
SKULSTAD, ERIK HANS	39281
STOUT, THOMAS BROOKE	39282
MUDEKAMP, ANDREW JOHN	39283
THATCHER, TRENT WINSTON	39284
THURGOOD, GLIN J.	39285
TUTER, JOHN CALVIN	39286
WILLIAMS, EDMUND CARL	39287

THE FOLLOWING APPLICANTS HAVE BEEN EVALUATED BY THE  
 EVALUATION COMMITTEE AND IT HAS BEEN RECOMMENDED THAT THEY  
 BE GRANTED REGISTRATION AND ASSIGNED THE FOLLOWING  
 REGISTRATION NUMBER.

**ARCHITECTS**

**REGISTRATION NUMBER**

ALBRIGHT, CHARLIE HOLMES	39259
BLUM, ALAN LEE	39260
HANSAL, RHONDA	39261
JARRARD, JOHN LEONARD	39262
JENNINGS, MATTHEW EDWARD	39263
ROSELAND, RICHARD JAMES	39264
SCHALNAT, BOYD ALAN	39265
SO, KWONG PING	39266

**LANDSCAPE ARCHITECTS**

LOWMAN, DAVID BRUCE	39267
SOCHA, ROGER	39268

**CIVIL ENGINEERS**

ANDERSON, VICTOR EUGENE	39269
CAWLEY, MATTHEW RAY	39270
GERBIG, QUENTIN ALAN	39271
GHALY, AHMED M.	39272
HORTON, LYLE SEAN	39273
LIU, XUEGANG	39274
LOZOYA, MELISSA RENEE	39275
MANDICH, EDWARD ANTHONY	39276
MORTENSEN, JEFFREY GUSTAV	39277
OSGOOD, STEWART G.	39278
SAVICH, SASHA	39279
SIERACKE, MARK DOUGLAS	39280
SKULSTAD, ERIK HANS	39281
STOUT, THOMAS BROOKS	39282
SUEDKAMP, ANDREW JOHN	39283
THATCHER, TRENT WINSTON	39284
THURGOOD, GLEN J.	39285
TUTER, JOHN CALVIN	39286
WILLIAMS, EDMUND CARL	39287

WITTWER, KELLY J.

39288

**ELECTRICAL ENGINEERS**

ANDERSON, KELLY W.

39289

BOOTH, GREGORY LEE

39290

KUENNEN, JEROME EDWARD

39291

LEDBETTER, JAMES E.

39292

PETERSEN, FORREST DEAN

39293

SOLARO, JAMES PHILLIP

39294

**ENVIRONMENTAL ENGINEERS**

BISKIS, EDWARD JOHN

39295

BRYCK, JOHN MICHAEL GUY

39296

**MECHANICAL ENGINEERS**

CANTRELL, PATRICK TIMOTHY

39297

FITCH, SCOTT DAVID

39298

HORN, DAVID L.

39299

MIEDING, JOHN P.

39300

SALAZAR-LENTINI, PAMELA M.

39301

SULLIVAN, DUSTIN ERIC

39302

**METALLURGICAL ENGINEER**

CURRIE, DAVID ALEXANDER

39303

**STRUCTURAL ENGINEERS**

DUBINSKY, ELIEZER

39304

DUNN, W. GARY

39305

GIPSON, RANDALL W.

39306

GRIFFIN, JOHN D.

39307

ZYLSTRA, DONALD BRUCE

39308

**GEOLOGIST**

KACZMAREK, MICHAEL BERNARD

39309

OPELL, DOUGLAS A.

39310

SNYDER, WILLIAM SCOTT

39311

**THE FOLLOWING APPLICANTS HAVE BEEN EVALUATED BY THE EVALUATION COMMITTEE AND IT HAS BEEN RECOMMENDED THAT THEY BE GRANTED CERTIFICATION AND ASSIGNED THE FOLLOWING CERTIFICATION NUMBERS.**

**HOME INSPECTORS**

**CERTIFICATION NUMBER**

Frederick, Todd	39312
Boughton, Brett	39313
Pottinger, Scott	39314
Robertson, Patrick	39315
Schafer, Richard	39316



**R4-30-208. Education and Work Experience**

**A. Education credit.**

1. The Board shall grant credit according to the following:
  - a. Architectural applicants with five-year National Architectural Accrediting Board accredited degree (NAAB) 60 months
  - b. Architectural applicants with four-year NAAB accredited degree 48 months
  - c. Landscape Architectural applicants with five-year Landscape Architectural Accrediting Board accredited degree (LAAB) 60 months
  - d. Landscape Architectural applicants with four-year LAAB accredited degree 48 months
  - e. Engineering applicants with an Accreditation Board of Engineering and Technology (ABET) accredited bachelor degree and a (ABET) master's or doctorate degree in the branch of engineering that registration is sought 60 months
  - f. Engineering applicants with an ABET accredited bachelor degree in the branch of engineering that registration is sought 48 months
  - g. Engineering applicants with four-year ABET accredited degrees in a branch other than that in which registration is sought 36 months
  - h. Land Surveying applicants with ABET accredited bachelor degree in land surveying 48 months
  - i. Geology applicants with four-year degree in geology 48 months
  - j. Assayer applicants with four-year degree in chemistry, metallurgy or other science directly related to the analysis of metal and ores 48 months
  - k. Remediation specialist applicants with an undergraduate degree as specified in subsection (A), or up to five years of education directly relating to remediation.
2. The Board shall grant all other education credit according to the following:
  - a. Credit shall not be granted for course work obtained in the United States or its possessions unless attained at an institution of higher education accredited by an accrediting agency recognized by the U.S. Department of Education.
  - b. Pro rata credit shall be granted for successful completion of courses substantially equivalent to the courses contained in the pertinent degree program identified in subsection (A) of this rule.
  - c. Credit shall not be given for general education courses in excess of the number of hours allowed in the pertinent program identified in subsection (A).
  - d. In determining pro rata credit, 30 semester hours or 45 quarter hours shall equal 12 months' credit.
  - e. An applicant shall be granted both education and work experience for the same period provided the total months' credit granted in a period does not exceed the number of months in that period.
  - f. Foreign education evaluation service acceptable to the Board shall be required of foreign-educated applicants and shall be provided at applicants' cost.

**B. The Board shall credit work experience as follows:**

1. One hundred and thirty hours or more of work per month is equal to one month of work experience.
2. Between 85 hours and 129 hours of work per month is equal to one-half month of work experience.
3. The Board shall not grant credit for less than 85 hours of work experience in a month.
4. Experience shall be substantiated by the employer before the Board grants the credit.
5. Remediation specialist applicants shall have at least eight years of acceptable education and remediation experience, including at least three years of experience supervising remediations.
6. The board shall not credit as work experience more than one years experience gained by applicant who is a majority owner of the business entity that employs or contracts with the individual supervising the applicants work

A. Review and Consideration Regarding Initiation of Board Complaint:  
1. MTR03-117: Peganda Mandawa, Certified Home Inspector #38980  
2. MTR03-152: Howard A. Pogolow, Certified Home Inspector #38084  
3. MTR03-176: Paul T. Bernard, Certified Home Inspector #38445

B. Peer Reviewer Candidates:  
1. MTR03-094: Merrick B. Erdman, Architect #33682  
2. MTR03-019: Donald E. Aulland, P.E. (Mechanical) #10542

ADDENDUM 6/6/03

AGENDA

STATE BOARD OF TECHNICAL REGISTRATION

1110 W. Washington, Suite 250

Phoenix, AZ 85007

June 10, 2003 Quarterly Meeting

9:00 AM

OPEN SESSION

Title II of the Americans with Disabilities Act (ADA) prohibits the Board of Technical Registration from discriminating on the basis of disability in its public meetings. Persons with a disability may request a reasonable accommodation such as a sign language interpreter contacting LaVern Douglas at (602) 364-4937. Requests should be made as early as possible to allow time to accommodate the request.

The Board may discuss, consider or take action on any item on the Agenda. At the discretion of the Board, Agenda items may be taken out of order.

All examination material, transcripts, educational records, reference forms and applications are confidential pursuant to A.R.S. § 32-129.

The Board may vote to go into executive session intermittently during the meeting on any of the following agenda items to review statutorily confidential materials or receive legal advice from counsel pursuant to A.R.S. § 38-431.03(A)(2) or (3).

1. CALL TO ORDER
2. ROLL CALL
3. CALL TO THE PUBLIC
4. ADOPTION OF MINUTES - May 13, 2003 and May 27, 2003 Meetings
5. ENFORCEMENT MATTERS
  - A. Review and Consideration Regarding Initiation of Board Complaint
    1. MIR03-117 Fernando Mendoza, Certified Home Inspector #38980
    2. MIR03-152 Howard A. Pegelow, Certified Home Inspector #38084
    3. MIR03-156 Paul T. Bernard, Certified Home Inspector #38445
  - B. Peer Reviewer Candidates
    1. M00-054 Merrick B. Fredman, Architect #33688
    2. M03-015 Donald I. Aadland, P.E. (Mechanical) #10542

C. Proposed Amended Consent Agreement

1. M02-039 / MIR02-080 Fernando S. Ochoa, Non-registrant

NEW BUSINESS

6. EVALUATION OF APPLICATIONS UNDER A.R.S. § 32-122.01(E)
  - A. Simon Jeff – Electrical (Pearson)
7. EVALUATION OF APPLICATIONS UNDER A.A.C. R4-30-101(10)
  - A. Scott Coburn – Architect
  - B. Joseph Pence – Civil (Goldman)
  - C. Terry Sebring – Home Inspector
8. EVALUATION COMMITTEE RECOMMENDATION (List available at Board's office)
  1. Recommendation for approval of professional registration or in-training registration.
  2. Recommendation for approval to sit for the professional or in-training examination.
  3. Recommendation for denial to sit for the professional or in-training examination
  4. Recommendation for approval of home inspector certification
9. PROPOSED MODIFICATION TO DELEGATION OF AUTHORITY OF DIRECTOR TO ISSUE HOME INSPECTOR CERTIFICATES UNDER CERTAIN CIRCUMSTANCES
10. REGISTRATION NUMBERS ISSUED BY STAFF SINCE MAY 14, 2003 (List available at Board's office)
11. GRANTING OF REGISTRATION NUMBERS TO INDIVIDUALS APPROVED IN ITEM #8
12. EXPIRED REGISTRATIONS TO BE LAPSED (List available at Board's office)
13. NATIONAL COUNCIL OF EXAMINERS FOR ENGINEERING AND SURVEYING (NCEES) DIRECT EXAMINATION PROGRAM
14. CERTIFICATION OF HOME INSPECTOR APPLICANTS PRIOR TO RECEIPT OF CRIMINAL HISTORY INFORMATION
15. EXECUTIVE DIRECTOR REPORT
16. STANDING COMMITTEE REPORTS
  1. Legislation and Rules Committee
  2. Budget Committee
  3. Education and Examination Committee
  4. Home Inspector Rules and Standards Committee

5. Environmental Remediation Rules and Standards Committee
17. BOARD MEMBER REPORTS ON OUTSIDE ACTIVITIES
1. National Council of Examiners for Engineering and Surveying (NCEES)
  2. National Council of Architectural Registration Boards (NCARB)
  3. Council of Landscape Architectural Registration Boards (CLARB)
  4. National Association of State Boards of Geology (ASBOG)
18. CONTINUING AGENDA ITEMS
1. Registrant Services on Irrigation Land Leveling Projects
  2. A.D.E.Q. Wastewater Treatment Rule Clarification Follow-up
19. ADOPTION OF PROPOSED RULE CHANGES TO A.A.C. R4-30-303
20. TENANT SECURITY – COST BREAKDOWN
21. FUTURE AGENDA ITEMS
22. FUTURE BOARD MEETINGS
23. ADJOURNMENT
- A. Consideration Regarding Indictment of Board Complaints
1. MIRD-117 Fernando Mendez, Certified Home Inspector #34988. After discussion, Mr. Starling moved not to open an investigative research file. Seconded by Mr. Pawelko. MOTION CARRIED. Ms. Lyndes and Mr. Tuttle voted nay. Mr. Mendez excused and addressed the Board.
  2. MIRD-152 Howard A. Piquero, Certified Home Inspector #38084. After discussion, Mr. Lyndes moved not to open an investigative research file. Seconded by Mr. Rose. MOTION CARRIED.
  3. MIRD-156 Paul T. Bernard, Certified Home Inspector #38445. After discussion, Mr. Goldmann moved not to open an investigative research file. Seconded by Mr. Pymon. MOTION CARRIED.
- B. Peer Review of Candidates
1. MCG-054 Merrick B. Friedman, Architect #33028. Mr. Goldmann moved to approve James H. Evans, P.E. (Electrical) #06630 and Yashvanti V. Kulkarni, P.E. (Electrical) #10529, as peer reviewers for this case. Seconded by Mr. Gardner. MOTION CARRIED. Mr. Pawelko voted nay.
  2. MCG-015 Donald I. Asland, P.E. (Mechanical) #10542. Mr. Pawelko moved to approve Allysa R. Colon, P.E. (Mechanical) #04935, Frank A. Valach, P.E. (Mechanical) #07887 and Robert L. Hancu, P.E. (Mechanical) #09406, as peer reviewers for this case. Seconded by Mr. Starling. MOTION CARRIED.
- C. Proposed Amended Consent Agreement
1. MCG-039 / MIRD-080 Francisco S. Ochoa, Non-registrant. Mr. Goldmann moved to accept the signed amended consent agreement with the following amended Order:
    - \* Civil Penalty – pay a civil penalty of \$5,000.00 in installments of \$1,000 upon the effective date of the amended agreement and subsequent payments of \$400.00 per month for a period of ten months; subsequent payments shall be due by the first of each month.
 Seconded by Ms. Lyndes. MOTION CARRIED.

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

June 10, 2003 Quarterly Meeting  
9:00 A.M.

1. **CALL TO ORDER** - The quarterly meeting of the Board of Technical Registration was called to order at 9:00 a.m. by Chair William Greenslade.
2. **ROLL CALL - Present:** William Greenslade, Fred Goldman, Joseph Gardner, Gregory Tuttle, Joy Lyndes, Robert Roos, Ronald Starling, Chet Pearson, and Richard Pawelko. **Board Staff:** Ron Dalrymple, LaVern Douglas, Nan Mitchell, Melinda Baughman, Kathryn Fuller, Diane Aubert, Patricia Vera, Kay Reed. **Assistant Attorney General:** Elizabeth Burns. **Public Present:** Terry Sebring, Fernando Mendoza and Robert Byerly.
3. **PUBLIC COMMENT**
4. **ADOPTION OF MINUTES** – May 13, 2003 and May 27, 2003 meetings. Mr. Tuttle moved to accept the May 27, 2003 minutes and the May 13, 2003 minutes as amended. Seconded by Ms. Lyndes. **MOTION CARRIED.**
5. **ENFORCEMENT MATTERS**
  - A. **Review and Consideration Regarding Initiation of Board Complaint**
    1. **MIR03-117** Fernando Mendoza, Certified Home Inspector #38980. After discussion, Mr. Starling moved not to open an investigative research file. Seconded by Mr. Pawelko. **MOTION CARRIED.** Ms. Lyndes and Mr. Tuttle voted nay. Mr. Mendoza attended and addressed the Board.
    2. **MIR03-152** Howard A. Pegelow, Certified Home Inspector #38084. After discussion, Ms. Lyndes moved not to open an investigative research file. Seconded by Mr. Roos. **MOTION CARRIED.**
    3. **MIR03-156** Paul T. Bernard, Certified Home Inspector #38445. After discussion, Mr. Goldman moved not to open an investigative research file. Seconded by Mr. Pawelko. **MOTION CARRIED.**
  - B. **Peer Reviewer Candidates**
    1. **M00-054** Merrick B. Fredman, Architect #33688. Mr. Goldman moved to approve James H. Evans, P.E. (Electrical) #06680 and Yashavant V. Kulkarni, P.E. (Electrical) #10529, as peer reviewers for this case. Seconded by Mr. Gardner. **MOTION CARRIED.** Mr. Pawelko voted nay.
    2. **M03-015** Donald I. Aadland, P.E. (Mechanical) #10542. Mr. Pawelko moved to approve Allyn R. Colen, P.E. (Mechanical) #04955, Frank A. Valesh, P.E. (Mechanical) #07887 and Robert L. Bassett, P.E. (Mechanical) #09406, as peer reviewers for this case. Seconded by Mr. Starling. **MOTION CARRIED.**
  - C. **Proposed Amended Consent Agreement**
    1. **M02-039 / MIR02-080** Fernando S. Ochoa, Non-registrant. Mr. Goldman moved to accept the signed amended consent agreement with the following amended Order:
      - Civil Penalty – pay a civil penalty of \$5,000.00 in installments of \$1,000 upon the effective date of the amended agreement and subsequent payments of \$400.00 per month for a period of ten months; subsequent payments shall be due by the first of each month. Seconded by Ms. Lyndes. **MOTION CARRIED.**

6. EVALUATION OF APPLICATIONS UNDER A.R.S. § 32-122.01(E)

- A. Simon Jeff – Electrical. After discussion, Mr. Pearson moved that applicant be granted registration. Seconded by Mr. Starling. MOTION CARRIED.

7. EVALUATION OF APPLICATIONS UNDER A.A.C. R4-30-101(10)

- A. Scott Coburn – Architect. After discussion, Mr. Gardner moved that applicant be granted registration. Seconded by Mr. Goldman. MOTION CARRIED. Mr. Pearson and Mr. Tuttle voted nay.
- B. B. Joseph Pence – Civil. After discussion, Mr. Roos moved to table action until staff can acquire more information from the Kentucky Board. Seconded by Mr. Starling. MOTION CARRIED
- C. Terry Sebring – Home Inspector. After discussion, Ms. Lyndes moved to accept the application as complete. Seconded by Mr. Goldman. MOTION CARRIED. Mr. Starling moved to authorize Mr. Dalrymple to approve applicant for certification if there is no discrepancy between the fingerprint results and the information applicant provided. Seconded by Mr. Roos. MOTION CARRIED. Mr. Sebring attended and addressed the Board.

8. EVALUATION COMMITTEE RECOMMENDATIONS

1. Recommendation for approval of professional registration or in-training registration.
2. Recommendation for approval to sit for the professional or in-training examination.
3. Recommendation for denial to sit for the professional or in-training examination.
4. Recommendation for approval of home inspector certifications.

After discussion, Mr. Goldman moved to accept the Evaluation Committee recommendations #1 - #4, excluding Joseph Pence from the list of Civil Engineers and Terry Sebring from the list of Home Inspectors. Seconded by Mr. Pawelko. MOTION CARRIED.

9. PROPOSED MODIFICATION TO DELEGATION OF AUTHORITY OF DIRECTOR TO ISSUE HOME INSPECTOR CERTIFICATES UNDER CERTAIN CIRCUMSTANCES

Mr. Roos moved to adopt the proposed criteria as amended. Seconded by Mr. Tuttle. MOTION CARRIED.

10. REGISTRATION NUMBERS ISSUED BY STAFF SINCE MAY 14, 2003 - No action taken.

11. GRANTING OF REGISTRATION NUMBERS TO INDIVIDUALS APPROVED IN ITEM #8

Mr. Tuttle moved to grant registration numbers 39365 through 39422. Seconded by Mr. Goldman. MOTION CARRIED.

12. EXPIRED REGISTRATIONS TO BE LAPSED - Mr. Tuttle moved to accept the lapsed list.

Seconded by Mr. Gardner. MOTION CARRIED.

13. NATIONAL COUNCIL OF EXAMINERS FOR ENGINEERING AND SURVEYING (NCEES) DIRECT EXAMINATION PROGRAM

Discussion will continue at the Legislative and Rules Committee meeting on June 23, 2003, at which time the Assistant Attorney General will present her research findings.

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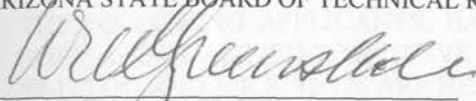
14. CERTIFICATION OF HOME INSPECTOR APPLICANTS PRIOR TO RECEIPT OF CRIMINAL HISTORY INFORMATION  
Mr. Tuttle moved that home inspector certifications not be granted prior to receiving criminal history results. Seconded by Mr. Starling. MOTION CARRIED.
15. EXECUTIVE DIRECTOR REPORT  
Mr. Dalrymple reported that the legislature is still in session and has not approved a final budget. However, it appears our appropriations will not be reduced and only the larger Boards are being considered for consolidation. He also stated that House Bill 2466 was signed by the governor and will go into effect 90 days after the Legislature adjourns. At that time new code books will be printed.
16. STANDING COMMITTEE REPORTS
  1. Legislation and Rules Committee – Mr. Tuttle had nothing to report.
  2. Budget Committee - Mr. Tuttle had nothing to report.
  3. Education and Examination Committee – no report
  4. Home Inspector Rules and Standards Committee – no report
  5. Environmental Remediation Rules and Standards Committee – Mr. Pearson stated that drafted changes to the Environmental Remediation Rules and Standards will be put on the June 30, 2003 agenda.
17. BOARD MEMBER REPORTS ON OUTSIDE ACTIVITIES
  1. National Council of Examiners for Engineering and Surveying (NCEES)  
Mr. Goldman and Mr. Starling reported on the regional conference they attended in Red Lodge, Montana.
  2. National Council of Architectural Registration Boards (NCARB) – no report
  3. Council of Landscape Architectural Registration Boards (CLARB)  
Ms. Lyndes stated she is working in outreach and helping to grade exams.
  4. National Association of State Boards of Geology (ASBOG)  
Mr. Greenslade stated that statistics have shown the ASBOG exams perform well.
18. CONTINUING AGENDA ITEMS
  1. Registrant Services on Irrigation Land Leveling Projects – Mr. Tuttle stated that this item has been completed.
  2. A.D.E.Q. Wastewater Treatment Rule Clarification Follow-up – Assistant Attorney General Burns met with ADEQ's A.A.G. and reported that the ADEQ's rule clarification will be re-worded.
19. ADOPTION OF PROPOSED RULE CHANGES TO A.A.C. R4-30-303  
Mr. Tuttle moved to adopt A.A.C. R4-30-303 as further amended. Seconded by Mr. Starling. MOTION CARRIED.
20. TENANT SECURITY – COST BREAKDOWN  
Mr. Gardner moved not to accept A.D.E.Q.'s request for funds to enhance building security. Seconded by Mr. Tuttle. MOTION CARRIED.
21. FUTURE AGENDA ITEMS
  1. Modification of Applications
  2. Environmental Remediation Rules and Standards

22. FUTURE BOARD MEETINGS - The next meeting on June 30, 2003 at 1:30 p.m. will be a special meeting.

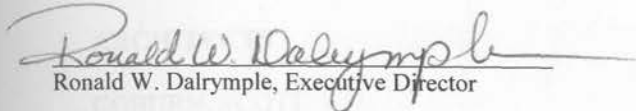
EXECUTIVE SESSION - Mr. Roos moved to go into Executive Session at 9:15 a.m. Seconded by Mr. Tuttle. MOTION CARRIED. The Board returned to Open Session at 9:25 a.m.

23. ADJOURNMENT - Mr. Tuttle moved to adjourn at 12:25 p.m. Seconded by Mr. Gardner. MOTION CARRIED.

ARIZONA STATE BOARD OF TECHNICAL REGISTRATION



William Greenslade, Chair



Ronald W. Dalrymple, Executive Director

CHING, YON HUNG

DOON, GARY

HINKER, PERRY

KING, DAVID

LIM, ALBERT

CHEMICAL ENGINEERS

VERDUN, RICHARD

CIVIL ENGINEERS

LEVY, RICHARD

PIPER, GEORGE

COBURN, EMIL

DAWSON, BARBARA

DAVIES, THOMAS

FULTON, ALLEN

FRANK, CLYDE

FRANK, CLYDE

HOWARD, ADAM

JOHNSON, RICHARD

KRUEGER, KELVIN

MCNEIL, KIM

REYNOLDS, ROBERT



**ARIZONA STATE BOARD OF TECHNICAL REGISTRATION**

FROM: EVALUATION COMMITTEE

RE: EVALUATION OF APPLICANTS

1. THE EVALUATION COMMITTEE HAS REVIEWED THE LISTED APPLICANTS AND MAKE TO THE BOARD THE FOLLOWING RECOMMENDATIONS REGARDING APPLICATION FOR REGISTRATION TO PRACTICE IN ARIZONA.

THE FOLLOWING APPLICANTS, HAVING SATISFIED THE COMMITTEE THAT THEY ARE QUALIFIED TO RECEIVE REGISTRATION IN ARIZONA UNDER A.R.S. 32-122.01. AND A.R.S. 32-126 ARE HEREBY RECOMMENDED FOR PROFESSIONAL REGISTRATION:

**ARCHITECTS**

COBURN, SCOTT  
CHUNG, WEN-HUNG  
DODSON, GARY  
JOHNSEN, RICKY  
KING, DAVID  
LIU, ALBERT

**CHEMICAL ENGINEER**

VERDUIN, RICHARD

**CIVIL ENGINEERS**

BENVEGNI, RAPHAEL  
BUYS, GEORGE  
COLBAUGH, EMIL  
DARLINGTON, BARBARA  
DAVIES, THOMAS  
FOLTA, ALLEN  
FROMM, GLEN  
GHAVIDEL, BEHROUZ  
HOMELVIG, ADAM  
JOHNSON, RICHARD  
KROEKER, KELVIN  
MCCOY, KEVIN  
PATTON, SAMUEL

REMMETTER, MARK  
 ROKNI, TOORAJ  
 SCHMITT, LOUIS  
 SCOTT, CHRISTOPHE  
 SHINE, MICHAEL  
 SKYLES, DANA  
 XU, YANLI  
 YANO, RICHARD

PARTS 1,2,3,4,9  
 PARTS 1,2,3,4,5,7,8,9  
 PART 2

**ELECTRICAL ENGINEERS**

ANDERSON, JOHN  
 ERICKSON, DANIEL  
 MOYLE, ROWE  
 NEUKAM, BRADY  
 SIMON, JEFF

PART 2  
 PART 2

**FIRE PROTECTION ENGINEER**

MACDONALD, JAMES

PART 3  
 PART 3  
 PART 3

**SANITARY ENGINEER**

MOHAN, SUMEET

PART 4

**STRUCTURAL ENGINEERS**

HUNT, BERNARD  
 KAPLAN, JAMES  
 STEWART, JOSEPH  
 THOMSEN, STEEN  
 TINKER, SCOTT

APPLICATIONS ARE BEING DENIED FOR LACK OF SATISFACTORY  
 ALL LACK 3 MONTHS  
 LACK 3 MONTHS

2. THE FOLLOWING APPLICANTS WERE EVALUATED BY THE COMMITTEE AND IT IS RECOMMENDED THAT THEY BE APPROVED FOR THE LISTED EXAMINATIONS, BE GRANTED REGISTRATION IN THE APPROPRIATE CATEGORY AND BE ISSUED A REGISTRATION NUMBER BY THE EXECUTIVE DIRECTOR, OR HIS DESIGNEE, UPON SUCCESSFUL COMPLETION OF THE EXAMINATION AND A STAFF DETERMINATION OF CONTINUED ELIGIBILITY FOR REGISTRATION:

**ARCHITECTS**

DILLARD, CHRISTOPHE  
 GODT, DANIELLE  
 JENNINGS, MATTHEW

PARTS 1,2,3,4,5,7,8,9  
 PARTS 1,2,3,4,5,7,8,9  
 PARTS 1,2,3,4,5,7,8,9

PATHANGEY, NAVIN  
SMITH, BRENT

PARTS 1,2,3,4,9  
PARTS 1,2,3,4,5,7,8,9

**CIVIL ENGINEER**

HURTIENNE, BRETT

PART 2

**ENVIRONMENTAL ENGINEER**

HESTER, BEVERLEY

PART 2

**MINING ENGINEER**

NESS, MICHAEL

PART 2

**LAND SURVEYORS**

GILES, ELWOOD  
HANSON, MARK  
WRIGHT, EDWARD

PART 3  
PART 3  
PART 3

**STRUCTURAL ENGINEER**

MILLER, LISA

PART 4

3. THE FOLLOWING APPLICATIONS ARE BEING DENIED FOR LACK OF SAISFACTORY WORK EXPERIENCE:

BISTODEAU, MICHAEL  
DECARLO, BRANDON

AIT  
LSIT

LACK 54 MONTHS  
LACK 38 MONTHS

CERTIFICATE NUMBER	LAST	FIRST	DISCIPLINE CODE	STATUS CODE	EXPIRE DATE
30936	ABDALLA	NASER	604	DL	20000331
27759	ADNAMS	BARRY	100	DL	20000331
27635	ANDERSON	DAVID	604	DL	20000331
27680	BENNETT	JOHN	611	DL	20000331
31231	BLAIR	ROBERT	605	DL	20000331
27871	BROWN	STEPHEN	100	DL	20000331
30981	BUTLER	CHESTER	611	DL	20000331
31078	DOWNY	TIMOTHY	611	DL	20000331
30983	EVENSON	ROBERT	611	DL	20000331
30919	FILLER	AUTRY	100	DL	20000331
31043	FRESN	SKIP	100	DL	20000331
27723	GALLAGHER	CHARLES	604	DL	20000331
15366	HAINES	THOMAS	604	DL	20000331
17251	HALEY	WILLIAM	400	DL	20000331
20671	HALL	JAMES	611	DL	20000331
14608	HAMMOND	DARRELL	604	DL	20000331
17254	HAMMOND	DARRELL	400	DL	20000331
27818	HAMOUD	ABDELSAMAD	604	DL	20000331
08781	HARDIN	IRA	604	DL	20000331
08900	HARDIN	IRA	400	DL	20000331
00998	HARDWICK	WILLIAM	613	DL	20000331
14352	HARRISON	JOHN	100	DL	20000331
16026	HARROWER	ROBERT	604	DL	20000331
17264	HARROWER	ROBERT	400	DL	20000331
20781	HARTMAN	RANDALL	604	DL	20000331
31236	HARVEY	JERALD	605	DL	20000331
08156	HAWKINS	CLARK	604	DL	20000331
24952	HAYER	WILLIAM	100	DL	20000331
24211	HAYNES	MARK	604	DL	20000331
25605	HEIDEMAN	MURDOCH	611	DL	20000331
05140	HELLMAN	ALBERT	611	DL	20000331
09419	HENDERSON	WALTER	617	DL	20000331
23647	HENRICHSEN	KARL	604	DL	20000331
20916	HERBRANSON	LAURA	604	DL	20000331
13373	HILL	JOHN	604	DL	20000331

CERTIFICATE NUMBER	LAST	FIRST	DISCIPLINE CODE	STATUS CODE	EXPIRE DATE
08565	HILLEBRANDT	DONALD	604	DL	20000331
11230	HINDO	KHALID	604	DL	20000331
05647	HIRSCH	LAWRENCE	604	DL	20000331
20067	HLAVATY	ANDREW	617	DL	20000331
19233	HOEL	DONALD	604	DL	20000331
15789	HOMOLKA	FRANK	100	DL	20000331
09039	HORIUCHI	KATSUHIRO	611	DL	20000331
15132	HOWELL	RICHARD	604	DL	20000331
20673	HOWIE	ROBERT	611	DL	20000331
20783	HSU	TEH-HONG	604	DL	20000331
05085	HUCKINS	DANIEL	300	DL	20000331
24496	HUDSON	JAMES	100	DL	20000331
18642	HUNTER	JACK	611	DL	20000331
08192	HUTCHINGS	SELAR	611	DL	20000331
06390	HUTCHINSON	QUINN	604	DL	20000331
09777	HYUN	DAVID	100	DL	20000331
15005	IKEDA	JARED	500	DL	20000331
27740	IRVING	RAY	400	DL	20000331
24091	ISAACSON	IRWIN	611	DL	20000331
31265	KONG	ALBERT	617	DL	20000331
34530	LEIFERMAN	MICHAEL	604	DL	20000331
31206	LITZINGER	WESLEY	100	DL	20000331
30945	LOPER	JAMES	604	DL	20000331
27651	MAHDAVI	SAID	604	DL	20000331
31133	MUSSA	RENATUS	604	DL	20000331
27687	PASLEY	DAVID	611	DL	20000331
31241	REITTERER	MARY	605	DL	20000331
30929	ROBINSON	RICHARD	100	DL	20000331
31258	RODE	RONALD	611	DL	20000331
27631	RUNK	GERALD	100	DL	20000331
31054	SAMBUCETTI	RICHARD	100	DL	20000331
27875	SANCHEZ	ARMANDO	100	DL	20000331
31227	SCHLIMGEN	WILLIAM	604	DL	20000331
30973	SCHMIDT	DAVID	605	DL	20000331
31145	SHAKERI	HOSSEIN	604	DL	20000331

CERTIFICATE NUMBER	LAST	FIRST	DISCIPLINE CODE	STATUS CODE	EXPIRE DATE
27805	SHOLES	DAVID	300	DL	20000331
27860	SOMERS	FREDERICK	611	DL	20000331
31262	SPENCER	GEOFFREY	611	DL	20000331
27718	TEILMANN-WAY	TARA	100	DL	20000331
31187	WALTERS	JOHN	611	DL	20000331
27885	WISS	RONALD	604	DL	20000331
31230	WITOSHYNSKY	JOHN	604	DL	20000331
31161	XU	LIANG	604	DL	20000331
27668	YOW	MICHAEL	604	DL	20000331

\*\*\* END OF REPORT \*\*\*

DISCIPLINE FILE UPDATE

100 ARCHITECT	612 ENGINEER/METALLURGICAL
199 ARCHITECT-IN-TRAINING	613 ENGINEER/MINING
200 ASSAYER	614 ENGINEER/NUCLEAR
299 ASSAYER-IN-TRAINING	615 ENGINEER/PETROLEUM
300 GEOLOGIST	616 ENGINEER/SANITARY
399 GEOLOGIST-IN-TRAINING	617 ENGINEER/STRUCTURAL
400 LAND SURVEYOR	618 FIRE PROTECTION
499 LAND-SURVEYOR-IN-TRAINING	619 ENGINEER/ENVIRONMENTAL
500 LANDSCAPE ARCHITECT	620 ENGINEER/CONTROL SYSTEMS
599 LANDSCAPE ARCH-IN-TRAINING	621 CIVIL & ELECTRICAL ENGINEER
601 ENGINEER/AERONAUTICAL	622 CIVIL, ELEC, STRUC ENGINEER
602 ENGINEER/AGRICULTURAL	623 CIVIL & MECHANICAL ENGINEER
603 ENGINEER/CHEMICAL	624 CIVIL & MINING ENGINEER
604 ENGINEER/CIVIL	625 CIVIL & SANITARY ENGINEER
605 ENGINEER/ELECTRICAL	626 CIVIL & STRUCTURAL ENGINEER
606 ENGINEERING SCIENTIST	628 CHEMICAL & METALLURGICAL ENG
607 ENGINEER/GEOLOGICAL	631 MINING & METALLURGICAL ENGR
608 ENGINEER/GEOPHYSICAL	699 ENGINEER-IN-TRAINING
609 HIGHWAY ENGINEER	799 HOME INSPECTOR-IN-TRAINING
610 ENGINEER/INDUSTRIAL	902 REMEDIATION SPECIALIST
611 ENGINEER/MECHANICAL	903 HOME INSPECTOR

The Board may vote to go into executive session intermittently during the meeting on any of the following agenda items to review statutorily confidential materials or receive legal advice from counsel pursuant to A.R.S. § 38-431.05(A)(2) or (3).

1. CALL TO ORDER
2. ROLL CALL
3. CALL TO THE PUBLIC
4. ADOPTION OF MINUTES - June 30, 2003 Meeting
5. ENFORCEMENT MATTERS
  - A. Review and Consideration (Initiation of Board Complaint)
    1. MIR01-157 Dwayne S. Franklin, Certified Home Inspector #39204
    2. MIR03-191 David W. Thom, Certified Home Inspector #39085
    3. MIR03-202 Antoni C. Goux, Certified Home Inspector #38572
  - B. Review and Consideration (Proceed to Formal Hearing)
    1. MIR03-011 / MIR03-005 Mojtaba Mir Mosellai, P.E. (Civil) #34671

## AGENDA

STATE BOARD OF TECHNICAL REGISTRATION  
1110 W. Washington, Building Conference Room Suite 250  
Phoenix, AZ 85007

July 08, 2003  
9:00 AM

### OPEN SESSION

Title II of the Americans with Disabilities Act (ADA) prohibits the Board of Technical Registration from discriminating on the basis of disability in its public meetings. Persons with a disability may request a reasonable accommodation such as a sign language interpreter by contacting LaVern Douglas at (602) 364-4937. Requests should be made as early as possible to allow time to accommodate the request.

The Board may discuss, consider or take action on any item on the Agenda. At the discretion of the Board, Agenda items may be taken out of order.

All examination material, transcripts, educational records, reference forms and applications are confidential pursuant to A.R.S. § 32-129.

The Board may vote to go into executive session intermittently during the meeting on any of the following agenda items to review statutorily confidential materials or receive legal advice from counsel pursuant to A.R.S. § 38-431.03(A)(2) or (3).

1. CALL TO ORDER
2. ROLL CALL
3. CALL TO THE PUBLIC
4. ADOPTION OF MINUTES - June 30, 2003 Meeting
5. ENFORCEMENT MATTERS
  - A. Review and Consideration (Initiation of Board Complaint)
    1. MIR03-157 Dwayne S. Franklin, Certified Home Inspector #39204
    2. MIR03-195 David W. Thorn, Certified Home Inspector #39085
    3. MIR03-200 Antone C. Goetz, Certified Home Inspector #38572
  - B. Review and Consideration (Proceed to Formal Hearing)
    1. M03-031 / MIR02-005 Mojtaba Mir Mosallai, P.E. (Civil) #34671



- C. Dismissals
1. M03-045 / MIR02-081 Kyle L. Lyman P.E. (Electrical) #34746
  2. M03-046 / MIR02-081 Brian D. Downing, P.E. (Electrical) #31724
6. EVALUATION OF APPLICATIONS UNDER A.R.S. § 32-122.01(E) – WORK EXPERIENCE NOT UNDER A REGISTRANT
- A. Linus Keating - Geology (Greenslade)
  - B. James Schlicke – Mechanical (Pearson)
7. EVALUATION OF HOME INSPECTOR APPLICATIONS UNDER A.R.S. § 32-122.02(7) and R4-30-101(10) AND POSSIBLE GRANTING OF CERTIFICATION
- A. Kevin M. Junior – Applicant #030607
  - B. Robert G. McDaniel – Applicant #030671
8. EVALUATION COMMITTEE AND STAFF RECOMMENDATIONS AND POSSIBLE GRANTING OF REGISTRATION OR CERTIFICATION (List available at Board's office)
1. Granting of professional or in-training registration.
  2. Approval to sit for the professional or in-training examination.
  3. Denial to sit for the professional or in-training examination.
  4. Recommendation for denial of professional registration or in-training designation.
  5. Drug Lab Site Remediation On-site Workers Registration
  6. Drug Lab Site Remediation On-site Supervisors Certification
9. PROPOSED MODIFICATION TO DELEGATION OF AUTHORITY OF DIRECTOR TO ISSUE HOME INSPECTOR CERTIFICATES UNDER CERTAIN CIRCUMSTANCES
1. Application is complete, all fees have been paid and fingerprint submission has been received;
  2. There are not any "yes" answers to the questions on the application regarding prior disciplinary matters;
  3.
    - a) There are not any "yes" answers on the application regarding convictions and no criminal history record was found as a result of the fingerprint submission, or
    - b) There is a "yes" answer on the application regarding convictions, all convictions are 15 years or older and no conviction over 15 years old involves theft, dishonesty or violence, or
    - c) There is a "yes" answer regarding a conviction and the conviction is for driving while intoxicated, possession of marijuana or narcotics - not for sale, and the conviction is more than two years old;
  4. Inspection reports have been reviewed and recommendation for certification is received from the evaluator;
  5. Successful completion of the National Home Inspection Examination;

6. Evidence of 30 parallel inspections conducted in Arizona or 100 inspections lawfully conducted in another jurisdiction;
  7. Evidence of a minimum of 80 classroom hours of education from a facility with either a license to provide post – secondary education or having a Distance Education Training Council (DETC) accreditation, or other accreditation recognized by the United States Department Of Education;
  8. A list of Certification Numbers issued will be provided to the Board.
9. FUTURE AGENDA ITEMS
10. FUTURE BOARD MEETINGS - The next meeting is scheduled for August 12, 2003
11. ADJOURNMENT

1. PUBLIC COMMENT - None

4. ADOPTION OF MINUTES – June 10, 2003 meeting. Mr. Goldstein moved to accept the June 10, 2003 minutes as amended. Seconded by Mr. Tuttle. MOTION CARRIED.

5. EVALUATION OF APPLICATIONS UNDER A.C. RA-30-10410 AND POSSIBLE GRANTING OF REGISTRATION

A. Joseph Ponce – Civil. After discussion, Mr. Goldstein moved that applicant be granted registration. Seconded by Mr. Gardner. MOTION CARRIED. Mr. Tuttle voted nay.

6. EVALUATION OF HOME INSPECTOR APPLICATIONS UNDER A.R.S. § 32-12100(F) AND RA-30-10110 AND POSSIBLE GRANTING OF CERTIFICATION

A. Denny E. Hovell – Applicant #030377. After discussion, Mr. Goldstein moved that applicant be granted certification. Seconded by Mr. Parnes. MOTION CARRIED.

B. James F. Winkler – Applicant #021664. After discussion, Mr. Goldstein moved that applicant be granted certification. Seconded by Mr. Parnes. MOTION CARRIED.

7. HOME INSPECTOR RULES AND STANDARDS COMMITTEE CANDIDATE

A. Brian C. Omet - Certified Home Inspector #31043. Mr. Goldstein moved that Mr. Omet be re-appointed as a member to the committee. Seconded by Mr. Ross. MOTION CARRIED.

8. PROPOSED CHANGES TO A.A.C. RA-30-271 B AND RA-30-272 B. After discussion, Mr. Gardner moved to accept the changes to A.A.C. RA-30-271 B and RA-30-272 B as presented. Seconded by Mr. Parnes. MOTION CARRIED.

9. NATIONAL COUNCIL OF EXAMINERS FOR ENGINEERING AND SURVEYING (NCEES) EMERITUS STATUS RECOMMENDATION. Mr. Tuttle moved to grant Mr. Goldstein NCEES Emeritus Status. Seconded by Mr. Starling. MOTION CARRIED.

10. REDUCTION OF HOME INSPECTOR APPLICATION FEE AND RENEWAL FEE. After discussion, Mr. Starling moved to authorize the director to change the application fee for home inspector certification to \$90.00 and to \$70.00 for home inspector re-training applicants, and to begin a rule package for reduction of the renewal fee to \$30.00. Seconded by Mr. Lyndin. MOTION CARRIED.

**SPECIAL TELEPHONE CONFERENCE MEETING MINUTES**  
Arizona Board of Technical Registration

June 30, 2003  
1:30 P.M.

1. CALL TO ORDER – The special telephone conference meeting of the Board of Technical Registration was called to order at 1:30 p.m. by Chair William Greenslade.
2. ROLL CALL – **Present:** William Greenslade, Fred Goldman, Gregory Tuttle, Robert Roos, Ronald Starling and Chet Pearson. **Board Staff:** Ron Dalrymple, LaVern Douglas, Melinda Baughman, Kathryn Fuller, Diane Aubert and Kay Reed. **Absent:** Richard Pawelko. **Telephonic Appearance:** Joseph Gardner, Joy Lyndes and Mary Williams, A.A.G. counsel for the Board.
3. PUBLIC COMMENT - None
4. ADOPTION OF MINUTES – June 10, 2003 meeting. Mr. Goldman moved to accept the June 10, 2003 minutes as amended. Seconded by Mr. Tuttle. MOTION CARRIED.
5. EVALUATION OF APPLICATIONS UNDER A.A.C. R4-30-101(10) AND POSSIBLE GRANTING OF REGISTRATION
  - A. Joseph Pence – Civil. After discussion, Mr. Goldman moved that applicant be granted registration. Seconded by Mr. Gardner. MOTION CARRIED. Mr. Tuttle voted nay.
6. EVALUATION OF HOME INSPECTOR APPLICATIONS UNDER A.R.S. § 32-122.02(7) AND R4-30-101(10) AND POSSIBLE GRANTING OF CERTIFICATION
  - A. Denny E. Heidel – Applicant #030377. After discussion, Mr. Goldman moved that applicant be granted certification. Seconded by Mr. Pearson. MOTION CARRIED.
  - B. Duane F. Washchuck – Applicant #021664. After discussion, Mr. Goldman moved that applicant be granted certification. Seconded by Mr. Pearson. MOTION CARRIED.
7. HOME INSPECTOR RULES AND STANDARDS COMMITTEE CANDIDATE
  - A. Brion C. Grant - Certified Home Inspector #38043. Mr. Goldman moved that Mr. Grant be re-appointed as a member to the committee. Seconded by Mr. Roos. MOTION CARRIED.
8. PROPOSED CHANGES TO A.A.C. R4-30-271.B AND R4-30-272.B. After discussion, Mr. Gardner moved to accept the changes to A.A.C. R4-30-271.B and R4-30-272.B as presented. Seconded by Mr. Pearson. MOTION CARRIED.
9. NATIONAL COUNCIL OF EXAMINERS FOR ENGINEERING AND SURVEYING (NCEES) EMERITUS STATUS RECOMMENDATION. Mr. Tuttle moved to grant Mr. Goldman NCEES Emeritus Status. Seconded by Mr. Starling. MOTION CARRIED.
10. REDUCTION OF HOME INSPECTOR APPLICATION FEE AND RENEWAL FEE. After discussion, Mr. Starling moved to authorize the director to change the application fee for home inspector certification to \$90.00 and to \$30.00 for home inspector in-training applicants, and to begin a rule package for reduction of the renewal fee to \$350.00. Seconded by Ms. Lyndes. MOTION CARRIED.

11. PROPOSED MODIFICATION TO DELEGATION OF AUTHORITY OF DIRECTOR TO ISSUE HOME INSPECTOR CERTIFICATES UNDER CERTAIN CIRCUMSTANCES.  
Tabled until next meeting on July 8, 2003.

12. EVALUATION OF ON-SITE REMEDIATION SUPERVISOR AND ON-SITE WORKER APPLICATIONS

A. Evaluation of On-Site Remediation Supervisors under A.R.S. §§ 32-122.03 and 32-122.04 and A.A.C. R4-30-271 and Possible Granting of Certification

- a) Hector M. Salinas
- b) Cesar G. Flores

B. Evaluation of On-Site Worker Applications under A.R.S. §§ 32-122.03 and 32-122.04 and A.A.C. R4-30-272 and Possible Granting of Registration

- a) Carlos A. Benitez
- b) Alejandro Mendivil
- c) Jose A. Frayde
- d) Jose L. Cardona
- e) Juan Cota
- f) Max Moreno

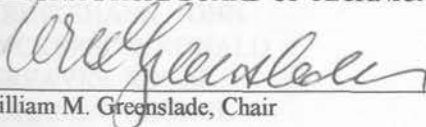
Mr. Pearson moved to grant certification to the above-referenced supervisors and registration to the above-referenced workers. Seconded by Mr. Starling. MOTION CARRIED. Mr. Gardner abstained.

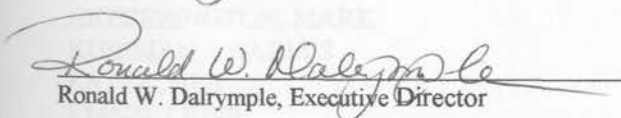
13. FUTURE AGENDA ITEMS – Item #11 above.

14. FUTURE BOARD MEETINGS – The next meeting will be held on July 8, 2003 at 9:00 a.m.

15. ADJOURNMENT – Mr. Roos moved to adjourn at 2:30 p.m. Seconded by Mr. Tuttle.

ARIZONA STATE BOARD OF TECHNICAL REGISTRATION

  
William M. Greenslade, Chair

  
Ronald W. Dalrymple, Executive Director

RUSSELL, WARREN  
NEED, KEVIN  
**ARIZONA STATE BOARD OF TECHNICAL REGISTRATION**  
TAYLOR, CHARLES  
TENN, JEFFREY

FROM: EVALUATION COMMITTEE

RE: EVALUATION OF APPLICANTS

1. THE EVALUATION COMMITTEE HAS REVIEWED THE LISTED APPLICANTS AND MAKE TO THE BOARD THE FOLLOWING RECOMMENDATIONS REGARDING APPLICATION FOR REGISTRATION TO PRACTICE IN ARIZONA.

THE FOLLOWING APPLICANTS, HAVING SATISFIED THE COMMITTEE THAT THEY ARE QUALIFIED TO RECEIVE REGISTRATION IN ARIZONA UNDER A.R.S. 32-122.01. AND A.R.S. 32-126 ARE HEREBY RECOMMENDED FOR PROFESSIONAL REGISTRATION:

MECHANICAL ENGINEERS

**ARCHITECTS**

BROWNELL, JAMES

ANTHONY, TONI

GIBSON, MICHAEL

MAUK, RUSSELL

SEMSMEIER, MARK

**CIVIL ENGINEERS**

AGUIRRE, DANIEL ENGINEERS

ARIDI, FAYSAL

ARMBUSTER, EDWARD

BENSON, RALPH

CRUIKSHANK, JOHN

DICKERSON, RONALD

GREAVES, ROGER

JOHNSON, GEORGE

HETHERINGTON, MARK

KUBISIAK, CHARLES

LATTA, NEIL APPLICANTS WERE EVALUATED BY THE COMMITTEE AND IT IS

LIANG, LIDER THAT THEY BE APPROVED FOR THE LISTED EXAMINATIONS, BE

MARCHI, MARK TATION IN THE APPROPRIATE CATEGORY AND BE ISSUED A

MCDOWELL, MICHAEL BY THE EXECUTIVE DIRECTOR, OR HIS DESIGNEE, UPON

MEANS, J. COMPLETION OF THE EXAMINATION AND A STAFF DETERMINATION

MILLS, CHRISTOPHE QUALITY FOR REGISTRATION.

MUTCH, STEPHAN

NIES, JOSH

OLSON, TIMOTHY

PERKO, KEVIN

RUSSELL, WARREN  
SENN, KEVIN  
SEOW, SHENG-WEN  
TAYLOR, CHARLES  
TEIG, JEFFREY  
WYSOCKI, CLARENCE

**ELECTRICAL ENGINEERS**

ANDERSON, BETH  
ANDERSON, ERIK  
BEARDEN, ALLEN  
FIRESTONE, CHRISTOPHER  
NELSON, FORREST  
STEWART, DAVID  
WAKIM, TONY

**MECHANICAL ENGINEERS**

BROWNELL, JAMES  
BRUCE, ROBERT  
GATLIN, JEFFRY  
LAM, TRUNG  
SENSMEIER, MARK  
VEROSTKO, JOSEPH

**STRUCTURAL ENGINEERS**

SMITH, JUDSON  
STEPHENS, EDWARD  
YUEN, GARY

**GEOLOGIST**

RICHARDSON, GEORGE

2. THE FOLLOWING APPLICANTS WERE EVALUATED BY THE COMMITTEE AND IT IS RECOMMENDED THAT THEY BE APPROVED FOR THE LISTED EXAMINATIONS, BE GRANTED REGISTRATION IN THE APPROPRIATE CATEGORY AND BE ISSUED A REGISTRATION NUMBER BY THE EXECUTIVE DIRECTOR, OR HIS DESIGNEE, UPON SUCCESSFUL COMPLETION OF THE EXAMINATION AND A STAFF DETERMINATION OF CONTINUED ELIGIBILITY FOR REGISTRATION:

**ARCHITECTS**

ALEMI, BEHROOZ	PARTS 1,2,3,4,5,7,8,9
ALMEIDA, ANTONIO	PARTS 1,2,3,4,5,7,8,9
ANDERSON, KENNETH	PARTS 1,2,3,4,5,7,8,9
CASTRO, RAFAEL	PARTS 1,2,3,4,5,7,8,9
VAN OOSTEN, CHRISTOPHER	PARTS 1,2,3,4,5,7,8,9
KRAINSKI, MATTHEW	PARTS 1,2,3,4,5,7,8,9
KRANZ, MARK	PARTS 1,2,3,9
MACKOS, STEPHAN	PARTS 1,2,3,4,5,7,8,9
MERFELD, RICHARD	PARTS 1,2,3,4,5,7,8,9
NORTH, ANDREW	PARTS 1,2,3,4,5,7,8,9
OWEN, DAVID	PARTS 1,2,3,4,5,7,8,9
RYAN, BRET	PARTS 1,2,3,4,5,7,8,9
SKINNER, CONRAD	PARTS 1,2,3,4,5,7,8,9

**ARCHITECT IN TRAINING**

ROWLES, DEIRDE	PARTS 1,2,4,5
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**CHEMICAL ENGINEER**

CRANDALL, DONALD	PART 2
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**CIVIL ENGINEERS**

BAIRD, MICHAEL	PART 2
CANEZ, ELISA	PART 2
HARTMANN, JOSH	PART 2
HENRY, MICAH	PART 2
KRAMER, MARK	PART 2
MCDUGALL, KEVIN	PART 1
NARANJO, PABLO	PART 2
SANDERS, JOSHUA	PART 2
SCHLADWEILER, CATHERINE	PART 2
SCHADWEILER, SCOTT	PART 2
SHY, JOSEPH	PART 2
TERRELL, YOLANDA	PART 2
TRETBAR, BRIAN	PART 2
YASMIN, FARZANA	PART 2

CHARLES, CURTIS	
CHAKRABARTI, DEBINA	
DIVUAK, JOSEPH	
FOLBER, DEREK	
GAGLIARDINO, VINCENT	
HALL, RYAN	
HASSLER, KURTIS	

**ENGINEER IN TRAINING**

ADAIR, LEON  
ARIZMENDI, MONICA  
BARKLEY, MICHAEL

**MECHANICAL ENGINEERS**

GRBIC, MIROSLAV  
MIKHAILOV, MICHAEL

**STRUCTURAL ENGINEER**

QURESHI, ABBAS

**LAND SURVEYORS**

BAGLEY, JOSHUA  
CROWLEY, ROBERT  
HAGLER, ROBERT

**GEOLOGY**

GOOTEE, BRIAN  
ZALESKI, KATHRYN

ARCHITECT  
EIT  
LAND PART 1 OR  
CIVIL PART 1  
CIVIL PART 1  
MECHANICAL  
ELECTRICAL  
ARCHITECT  
ELECTRICAL  
EIT PART 2  
CIVIL PART 2  
MECHANICAL  
LSIT  
MECHANICAL  
LAND PARTS 3,4,5  
AIT  
AIT  
EIT  
AIT PARTS 2,3  
EIT PART 3  
CIVIL PARTS 2,3  
STRUCTURAL  
ELECTRICAL  
AIT  
CIVIL PART 2  
LSIT PART 2  
CIVIL

3. THE FOLLOWING APPLICATIONS ARE BEING DENIED FOR LACK OF SATISFACTORY WORK EXPERIENCE:

BISTODEAU, MICHAEL	AIT	LACK 54 MONTHS
DECARLO, BRANDON	LSIT	LACK 38 MONTHS

4. THE FOLLOWING APPLICATIONS ARE BEING DENIED FOR FAILURE TO COMPLETE THE REQUIREMENTS OF THE BOARD WITHIN A REASONABLE LENGTH OF TIME:

ALDERSON, BRECK	ELECTRICAL
BROTHERS, PETE	ENGINEER IN TRAINING
CHARLES, CURTIS	CIVIL
CHAKKARABAVI, BEENA	EIT
<del>CHAVES, JEFFREY</del>	<del>GIT</del>
DIVIJAK, JOSEPH	EIT
FELBER, DEREK	GIT
GAGLIARDO, VINCENT	MECHANICAL
HALL, RYAN	LSIT
HASSLER, KURTIS	CIVIL



HILL, GREGORY	ARCHITECT
HELWA, AMRO	EIT
HUNSAKER, BRUCE	LAND SURVEYOR
KAAKOUCH, ZIAD	CIVIL
KASSEL, SCOTT	CIVIL
KEANE, RAYMOND	MECHANICAL
KORTEKAAS, NICHOLAS	ELECTRICAL
LI, HOWARD	ARCHITECT
LYLE, JOHN	ELECTRICAL
MCMAMARA, BRIAN	EIT
MALLICK, KESHAW	CIVIL
MASON, JUDITH	MECHANICAL
MONTGOMERY, ORVILLE	LSIT
NOLEN, DEREK	MECHANICAL
PAISANO, MICHAEL	LAND SURVEYOR
PETERSON, ERIK	AIT
POETZL, JON	AIT
PRECIADO, RICHARD	EIT
RELLA, ANTONIO	AIT
ROTTER, JOHN	EIT
SHAH, SUMILKUMAR	CIVIL
SHISHIDO, ROBIN	STRUCTURAL
SHUMAKER, GREGORY	ELECTRICAL
SPILOTRO, MARY	AIT
TURNER, STEPHEN	CIVIL
WILSON, CHARLES	LSIT
VON FAY, PAUL	CIVIL

5. THE FOLLOWING APPLICANT HAVING SATISFIED STAFF THAT HE IS QUALIFIED UNDER ARS 32-122.04 IS RECOMMENDED FOR CERTIFICATION AS AN ON-SITE REMEDIATION SUPERVISOR

CILLIAN, DALE

6. THE FOLLOWING APPLICANT HAVING SATISFIED STAFF THAT HE IS QUALIFIED UNDER ARS. 32-122.05 IS RECOMMENDED FOR REGISTRATION AS AN ON-SITE WORKER

MATUS, ANDY

39150

BRIDEN, MICHAEL KEVIN

39150

LAUK, RUSSELL WILLIAM

39150

CIVIL ENGINEERS

AGUIRRE, DANIEL S.

39270

ARID, FAYSAL ABDALLAH

39270

ARMERBUSTER, EDWARD JOSEPH

39270

BENSON, RALPH DAVID

39270

CRUIK SHANK, JOHN MICHAEL

39270

DICKERSON, RONALD B.

39270

CREAVES, ROGER E.

39270

JOHNSON, CROUPE ALAN

39270

HETHERINGTON, MARK DOUGLAS

39270

KRUSIAK, CHARLES ROBERT

39270

LATTA, NEIL ALAN

39270

LIANG, ANDY

39270

MARCH, MARK P.

39270

MCDOWELL, MICHAEL DAVID

39270

MEANS, J. GWAFEME

39270

MILLS, CHRISTOPHER CHELSEY

39270

MUTCH, STEPHEN DOUGLAS

39270

NILES, RYAN A.

39270

OLSON, TIMOTHY JOHN

39270

PERKO, KEVIN SCOTT

39270

RUSSELL, WARREN CURTIS

39270

TENN, KEVIN ANDREW

39270

SLOW, SHING-WEN

39270

TAYLOR, CHARLES ANDREW

39270

TRIG, JEFFREY WAYNE

39270

WYSOCKI, CLARENCE WILLIAM

39270

ELECTRICAL ENGINEERS

ANDERSON, BETH TRENE 39626  
THE FOLLOWING APPLICANTS WERE EVALUATED BY THE EVALUATION  
COMMITTEE AND IT HAS BEEN RECOMMENDED THEY BE GRANTED  
REGISTRATION AND ASSIGNED THE FOLLOWING REGISTRATION NUMBER.

WILSON, FOREST DAVID 39630  
WILSON, DAVID 39631

ARCHITECTS

REGISTRATION NUMBER

ANTHONY, TONI JEANNE 39597  
GIBSON, MICHAEL KEVIN 39598  
MAUK, RUSSELL WILLIAM 39599

CIVIL ENGINEERS

AGUIRRE, DANIEL S. 39600  
ARIDI, FAYSAL ABDALLAH 39601  
ARMBRUSTER, EDWARD JOSEPH 39602  
BENSON, RALPH DAVID 39603  
CRUIKSHANK, JOHN MICHAEL 39604  
DICKERSON, RONALD B. 39605  
GREAVES, ROGER F. 39606  
JOHNSON, GEORGE ALAN 39607  
HETHERINGTON, MARK DOUGLAS 39608  
KUBISIAK, CHARLES ROBERT 39609  
LATTA, NEIL ALAN 39610  
LIANG, LIDER 39611  
MARCHI, MARK P. 39612  
McDOWELL, MICHAEL DAVID 39613  
MEANS, J. GRAEME 39614  
MILLS, CHRISTOPHER CHESLEY 39615  
MUTCH, STEPHEN DOUGLAS 39616  
NIES, JOSH A. 39617  
OLSON, TIMOTHY JOHN 39618  
PERKO, KEVIN SCOTT 39619  
RUSSELL, WARREN CURTIS 39620  
SENN, KEVIN ANDREW 39621  
SEOW, SHENG-WEN 39622  
TAYLOR, CHARLES ANDREW 39623  
TEIG, JEFFREY WAYNE 39624  
WYSOCKI, CLARENCE WILLIAM 39625

**ELECTRICAL ENGINEERS**

ANDERSON, BETH IRENE	39626
ANDERSON, ERIK SELMER	39627
BEARDEN, ALLEN E.	39628
FIRESTONE, CHRISTOPHER LEE	39629
NELSON, FORREST DAVID	39630
STEWART, DAVID WILSON	39631
WAKIM, TONY I.	39632

**MECHANICAL ENGINEERS**

BROWNELL, JAMES LLOYD	39633
BRUCE, ROBERT AQUILLA	39634
GATLIN, JEFFRY WALTON	39635
VEROSTKO, JOSEPH MARTIN	39636
LAM, TRUNG HUNG	39637
SENSMEIER, MARK DAVID	39638

**STRUCTURAL ENGINEERS**

SMITH, JUDSON DEAN	39639
STEPHENS, EDWARD LLOYD	39640
YUEN, GARY GORDON	39641

**GEOLOGY**

RICHARDSON, GEORGE HARLEY	39642
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ROLL CALL

CALL TO THE PUBLIC

ADOPTION OF MINUTES - July 8, 2003 meeting and revised May 13, 2003 meeting

ENFORCEMENT MATTERS

A. Consideration of Motion to Deem Allegations Admitted and Possible Disciplinary Action

1. M03-025 / MIR03-212 Joseph G. Sewell, Land Surveyor #25399
2. M03-025 / MIR02-085 Robert Beardsley, P.E. (Civil) #13623

B. Acceptance or Rejection of Proposed Consent Agreements

1. M03-041 / MIR03-236 David S. McLaughlin, Land Surveyor #11752
2. M03-039 / MIR01-056 Robert J. Ralph, Land Surveyor #25295
3. M03-042 / MIR02-160 Edward D. Chavez, Architect #21340

AMENDED AGENDA  
AUGUST 7, 2003

STATE BOARD OF TECHNICAL REGISTRATION  
1110 W. Washington, Building Conference Room #250  
Phoenix, AZ 85007

August 12, 2003 9:00 AM

OPEN SESSION

Title II of the Americans with Disabilities Act (ADA) prohibits the Board of Technical Registration from discriminating on the basis of disability in its public meetings. Persons with a disability may request a reasonable accommodation such as a sign language interpreter by contacting LaVern Douglas at (602) 364-4937. Requests should be made as early as possible to allow time to accommodate the request.

The Board may discuss, consider or take action on any item on the Agenda. At the discretion of the Board, Agenda items may be taken out of order.

All examination material, transcripts, educational records, reference forms and applications are confidential pursuant to A.R.S. § 32-129.

The Board may vote to go into executive session intermittently during the meeting on any of the following agenda items to review statutorily confidential materials or receive legal advice from counsel pursuant to A.R.S. § 38-431.03(A)(2) or (3).

1. CALL TO ORDER
2. ROLL CALL
3. CALL TO THE PUBLIC
4. ADOPTION OF MINUTES - July 8, 2003 meeting and revised May 13, 2003 meeting
5. ENFORCEMENT MATTERS
  - A. Consideration of Motion to Deem Allegations Admitted and Possible Disciplinary Action
    1. M03-025 / MIR03-212 Joseph G. Sewell, Land Surveyor #25399
    2. M03-035 / MIR02-085 Robert Beamish, P.E. (Civil) #13623
  - B. Acceptance or Rejection of Proposed Consent Agreements
    1. M03-041 / MIR03-236 David S. McLaughlin, Land Surveyor #11752
    2. M03-039 / MIR01-056 Robert J. Ralph, Land Surveyor #25395
    3. M03-042 / MIR02-160 Edward D. Chavez, Architect #21340

- C. Possible Initiation of Board Complaints
  - 1. MIR03-203 Joseph R. Neilan, Certified Home Inspector #39180
  - 2. MIR03-267 Dennis A. Schnick, Certified Home Inspector #39081
  - 3. MIR03-291 Michael W. Moon, Certified Home Inspector # 39350
- D. Consideration of Possible Non-Compliance with Consent Agreement
  - 1. M04-007 / MIR04-016 Jerrell L. Jones, Land Surveyor #15333
- 6. EVALUATION OF APPLICATIONS UNDER A.R.S. § 32-122.01(E), WORK EXPERIENCE NOT UNDER A REGISTRANT, AND POSSIBLE GRANTING OF REGISTRATION
  - A. James Johnson, Electrical (Pearson)
  - B. Michael Jordan, Electrical (Pearson)
  - C. Gary Hong, Electrical
  - D. Adam Mahn, Electrical (Pearson)
  - E. Lindsay Swain, Geologist (Greenslade)
  - F. Loren Bowe, Environmental (Pearson)
- 7. POSSIBLE RATIFICATION OF DECISION TO ISSUE ROBERT MCDANIEL CERTIFIED HOME INSPECTOR #39660
- 8. EVALUATION OF HOME INSPECTOR APPLICATIONS AND POSSIBLE GRANTING OF CERTIFICATION
  - A. Ernst C. Gruler, Applicant #030713
  - B. Seth K. Kist, Applicant #030313
  - C. Robert E. Byerly, Applicant #030552
- 9. EVALUATION OF APPLICATIONS UNDER A.A.C. R4-30-101.10, GOOD MORAL CHARACTER, AND POSSIBLE GRANTING OF REGISTRATION
  - A. John J. Burdin, Mechanical (Pearson)
  - B. David Christopher Holman
- 10. EVALUATION COMMITTEE AND STAFF RECOMMENDATIONS AND POSSIBLE GRANTING OF REGISTRATION OR CERTIFICATION (List available at Board's office)
  - 1. Granting of professional or in-training registration.
  - 2. Approval to sit for the professional or in-training examination.
  - 3. Denial to sit for the professional or in-training examination.
  - 4. Recommendation for denial of professional registration or in-training designation.

11. CHANGES TO THE RULE PACKAGE THAT THE BOARD APPROVED AT ITS 5/13/03 MEETING (Rule package available at Board office)

Proposed changes to rule R4-30-301(A) and (B), "Rules of Professional Conduct," regarding correction to R4-30-301(A)(9), modification of subheadings (A) and (B) and renumbering, as recommended by the Legislation & Rules Committee.

12. PROPOSED MODIFICATION TO RULE R4-30-303(A) REGARDING APPENDIX SHOWING SAMPLE OF REQUIRED SEAL

13. REQUEST BY ARIZONA SUNTECH REGARDING PROPOSED MODIFICATION TO A.A.C. R4-30-102 REGARDING HOME INSPECTOR PARALLEL INSPECTIONS

14. PROPOSED RULE CHANGE - SEALING OF DOCUMENTS PREPARED FOR DISPUTE RESOLUTION

15. REQUEST BY EXECUTIVE DIRECTOR FOR AUTHORIZATION TO CHANGE THE HOME INSPECTOR RENEWAL FEE TO \$310.00

16. FUTURE AGENDA ITEMS

17. FUTURE BOARD MEETINGS - The next meeting is scheduled for September 9, 2003

18. ADJOURNMENT

1. MR01-157 Dwayne S. Franklin, Certified Home Inspector #19204. Mr. Starling moved to dismiss a complaint. Seconded by Mr. Pearson. MOTION CARRIED.
2. MR01-195 David W. Thorn, Certified Home Inspector #19083. Mr. Starling moved to dismiss a complaint. Seconded by Mr. Pearson. MOTION CARRIED.
3. MR01-206 Andrew C. Gotta, Certified Home Inspector #18572. Mr. Starling moved to dismiss a complaint. Seconded by Mr. Pearson. MOTION CARRIED.

B. Review and Consideration (Approved to Forward Drafting)

1. MR01-011 / MR02-085 Myriam Mir Morales, P.E. (Civil) #14871. After discussion, Mr. Starling moved that staff initiate proceedings for a formal hearing. Seconded by Mr. Cocchi. MOTION CARRIED. (Mr. Ross was not present and Mr. Cornelio excused himself before the vote.)

C. Dismissals (Mr. Ross and Mr. Powell were not present.)

1. MR01-045 / MR02-081 Kyle L. Lynn, P.E. (Electrical) #18716. Mr. Starling moved to dismiss the allegations. Seconded by Mr. Pearson. MOTION CARRIED.
2. MR01-046 / MR02-081 Brian D. Dowling, P.E. (Electrical) #31724. Mr. Starling moved to dismiss the allegations. Seconded by Mr. Pearson. MOTION CARRIED.

4. EVALUATION OF APPLICATIONS UNDER A.R.S. § 32-122.01(B) - WORK EXPERIENCE NOT UNDER A RESTRICTION (Mr. Ross was not present and Mr. Cocchi was absent for the remainder of the meeting.)

- A. Lynn Kesting - Geology. Mr. Greenblatt moved to allow applicant to sit for the practice examination in Geology. Seconded by Mr. Pearson. MOTION CARRIED.
- B. James Bullock - Mechanical. After discussion, Mr. Starling moved that applicant be granted registration without examination. Seconded by Mr. Powell. MOTION CARRIED.

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

July 8, 2003 Meeting  
9:00 A.M.

1. CALL TO ORDER - The meeting of the Board of Technical Registration was called to order at 9:05 a.m. by Chair William Greenslade.
2. ROLL CALL - **Present:** William Greenslade, Robert Roos, Ronald Starling, Chet Pearson, Richard Pawelko, Stuart Lane, Priscilla Cornelio and Gary Nelson (Mr. Nelson was not permitted to vote until agenda item #9). **Board Staff:** Ron Dalrymple, LaVern Douglas, Kathryn Fuller, Diane Aubert, Cassie Goodman, Paul Deem, Patricia Vera and Kay Reed. **Assistant Attorney General:** Elizabeth Burns. **Absent:** Joy Lyndes.
3. PUBLIC COMMENT - None
4. ADOPTION OF MINUTES – June 30, 2003 special telephone conference meeting. Mr. Starling moved to accept the June 30, 2003 minutes as amended. Seconded by Mr. Pearson. MOTION CARRIED. (Mr. Roos and Mr. Pawelko were not present.)
5. ENFORCEMENT MATTERS
  - A. Review and Consideration (Initiation of Board Complaint) (Mr. Roos and Mr. Pawelko were not present.)
    1. MIR03-157 Dwayne S. Franklin, Certified Home Inspector #39204. Mr. Starling moved to not initiate a complaint. Seconded by Mr. Pearson. MOTION CARRIED.
    2. MIR03-195 David W. Thorn, Certified Home Inspector #39085. Mr. Starling moved to not initiate a complaint. Seconded by Mr. Pearson. MOTION CARRIED.
    3. MIR03-200 Antone C. Goetz, Certified Home Inspector #38572. Mr. Starling moved to not initiate a complaint. Seconded by Mr. Pearson. MOTION CARRIED.
  - B. Review and Consideration (Proceed to Formal Hearing)
    1. M03-031 / MIR02-005 Mojtaba Mir Mosallai, P.E. (Civil) #34671. After discussion, Mr. Starling moved that staff initiate proceedings for a formal hearing. Seconded by Ms. Cornelio. MOTION CARRIED. (Mr. Roos was not present and Ms. Cornelio excused herself before the vote.)
  - C. Dismissals (Mr. Roos and Mr. Pawelko were not present.)
    1. M03-045 / MIR02-081 Kyle L. Lyman P.E. (Electrical) #34746. Mr. Starling moved to dismiss the allegations. Seconded by Mr. Pearson. MOTION CARRIED.
    2. M03-046 / MIR02-081 Brian D. Downing, P.E. (Electrical) #31724. Mr. Starling moved to dismiss the allegations. Seconded by Mr. Pearson. MOTION CARRIED.
6. EVALUATION OF APPLICATIONS UNDER A.R.S. § 32-122.01(E) – WORK EXPERIENCE NOT UNDER A REGISTRANT (Mr. Roos was not present and Ms. Cornelio was absent for the remainder of the meeting.)
  - A. Linus Keating - Geology. Mr. Greenslade moved to allow applicant to sit for the practice examination in Geology. Seconded by Mr. Pearson. MOTION CARRIED.
  - B. James Schlicke – Mechanical. After discussion, Mr. Starling moved that applicant be granted registration without examination. Seconded by Mr. Pawelko. MOTION CARRIED.



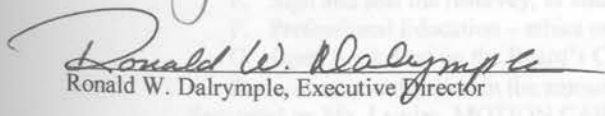
7. EVALUATION OF HOME INSPECTOR APPLICATIONS UNDER A.R.S. § 32-122.02(7) and R4-30-101(10) AND POSSIBLE GRANTING OF CERTIFICATION
  - A. Kevin M. Junior – Applicant #030607. After discussion, Mr. Starling moved that applicant be granted certification. Seconded by Mr. Pearson. MOTION CARRIED.
  - B. Robert G. McDaniel – Applicant #030671. This matter was not considered by the Board as the application package was not ready.
  
8. EVALUATION COMMITTEE AND STAFF RECOMMENDATIONS AND POSSIBLE GRANTING OF REGISTRATION OR CERTIFICATION
  1. Granting of professional or in-training registration.
  2. Approval to sit for the professional or in-training examination.
  3. Denial to sit for the professional or in-training examination.
  4. Recommendation for denial of professional registration or in-training designation.
  5. Drug Lab Site Remediation On-site Workers Registration
  6. Drug Lab Site Remediation On-site Supervisors Certification

Mr. Starling moved to accept recommendations #1 - #6, excluding Jeffrey Chavez from #4 and adding Linus Keating to the list of Geologists and James Schlicke to the list of Mechanical Engineers in #1. Seconded by Mr. Pawelko. MOTION CARRIED.
  
9. PROPOSED MODIFICATION TO DELEGATION OF AUTHORITY OF DIRECTOR TO ISSUE HOME INSPECTOR CERTIFICATES UNDER CERTAIN CIRCUMSTANCES
 

Mr. Roos moved to adopt the proposed criteria as amended. Seconded by Mr. Pearson. MOTION CARRIED. (See attached)
  
10. FUTURE AGENDA ITEMS
  1. Modification of Applications
  
11. FUTURE BOARD MEETINGS - The next meeting is scheduled for August 12, 2003 at 9:00 a.m. Mr. Greenslade stated that Mr. Starling has been appointed acting Vice-Chair and Ms. Lyndes acting Secretary until the September Board elections. Additionally, during the interim Mr. Starling will Chair the Legislation and Rules Committee and Mr. Tuttle will be one of its members.
  
12. ADJOURNMENT - Mr. Starling moved to adjourn at 10:05 a.m. Seconded by Mr. Pearson. MOTION CARRIED.

ARIZONA STATE BOARD OF TECHNICAL REGISTRATION

  
 William Greenslade, Chair

  
 Ronald W. Dalrymple, Executive Director

REVISED MINUTES - AUGUST 7, 2003  
ARIZONA BOARD OF TECHNICAL REGISTRATION

May 13, 2003 MEETING  
9:03 A.M.

1. CALL TO ORDER - The meeting of the Board of Technical Registration was called to order at 9:00 a.m. by Chair William Greenslade.
2. ROLL CALL - **Present:** William Greenslade, Fred Goldman, Joseph Gardner, Gregory Tuttle, Ronald Starling, Chet Pearson, and Richard Pawelko. **Board Staff:** Ron Dalrymple, LaVern Douglas, Nan Mitchell, Melinda Baughman, Kathryn Fuller, Cassie Goodwin, Diane Aubert, Mary Martinez. **Telephonic:** Joy Lyndes. **Assistant Attorney General:** Elizabeth Burns. **Public Present:** Genny Setford, James H. Duke, Michael Jennings, Cindy Luders, Joe Webb, Kwame Aayare, Jim Klein. (Mr. Tuttle left the meeting at 11:00 am.)
3. PUBLIC COMMENT - Mr. James Duke addressed the Board regarding evaluation of the home inspector sample reports. Mr. Jim Klein addressed the board regarding clarification of the certification process.
4. ADOPTION OF MINUTES - April 8 and April 15, 2003 meetings. Mr. Roos abstained from April 8<sup>th</sup> vote. Mr. Starling moved to accept both April 8 and April 15, 2003 minutes. Seconded by Mr. Goldman. MOTION CARRIED.
5. ENFORCEMENT MATTERS
  - A. Dismissals
    1. M03-037 / MIR01-158 George Paul Zajacek, Architect #18241. After discussion, Mr. Pawelko moved to accept the Assessors' recommendation to dismiss. Seconded by Mr. Starling. MOTION CARRIED. (Mr. Tuttle was not present at this time.)
  - B. Proposed Consent Agreements
    1. M03-027 / MIR01-135 David M. Graham, Land Surveyor #19824. After discussion, Mr. Tuttle moved to reject respondent's signed consent agreement and order and approve a new order encompassing the following:
      - Probation for twelve months or until the following requirements are met:
        - A. Respondent shall work with Jeffrey Flahart to re-survey a portion of the Ranch at Prescott Unit VII, including Lot 775;
        - B. Verify property corners and reset all of the property corners that are out of position, place a survey tag on all of the untagged corners, and contact those property owners that have been affected by the corner adjustment;
        - C. Provide written notice to those property owners that have been affected by the corner adjustment and provide verification to the Board;
        - D. Prepare a drawing of the resurveyed property for approval by a representative appointed by the Board. Record the resurvey and provide verification to the Board;
        - E. Sign and seal the resurvey, in addition to it being signed and sealed by Jeff Flahart;
        - F. Professional Education – ethics course;
        - G. Open Book Test on the Board's Codes and Rules;
      - Pay cost of investigation in the amount of \$440.00.Seconded by Ms. Lyndes. MOTION CARRIED.

2. M03-028 / MIR01-135 Jeffrey M. Flahart, Land Surveyor #34711. After discussion, Mr. Tuttle moved to reject respondent's signed consent agreement and order and approve a new order encompassing the following:
  - Probation for twelve months or until the following requirements are met:
    - A. Respondent shall work with David Graham to re-survey a portion of the Ranch at Prescott Unit VII, including Lot 775;
    - B. Verify property corners and reset all of the property corners that are out of position, place a survey tag on all of the untagged corners, and contact those property owners that have been affected by the corner adjustment;
    - C. Provide written notice to those property owners that have been affected by the corner adjustment and provide verification to the Board;
    - D. Prepare a drawing of the resurveyed property for approval by a representative appointed by the Board. Record the resurvey and provide verification to the Board;
    - E. Sign and seal the resurvey, in addition to it being signed and sealed by David Graham.
    - F. Professional Education – ethics course;
    - G. Open Book Test on the Board's Codes and Rules;
  - Pay cost of investigation in the amount of \$440.00.
 Seconded by Mr. Goldman. MOTION CARRIED.
  
- 3.a. M03-029 / MIR02-082 Alexander J. Kory, P.E. (Civil) #10219. Mr. Goldman moved to accept the signed consolidated consent agreement encompassing a letter of reprimand and cost of investigation in the amount of \$819.00. Seconded by Mr. Pawelko. MOTION CARRIED. (Mr. Tuttle was not present at this time.)
- 3.b. M03-030 / MIR02-069 Alexander J. Kory, P.E. (Civil) #10219. Mr. Goldman moved to accept the signed consolidated consent agreement encompassing a letter of reprimand and cost of investigation in the amount of \$819.00. Seconded by Mr. Pawelko. MOTION CARRIED. (Mr. Tuttle was not present at this time.)
  
4. M03-033 / MIR02-117 Andrew C. Panopio, P. E. (Electrical) #10807. Mr. Goldman moved to accept the signed consent agreement encompassing:
  - Letter of Reprimand
  - Assurance of Discontinuance - discontinue the authorizing of others to sign or use his seal.
  - Probation until the following conditions are met:
    - a) Professional Education – ethics course;
    - b) Open Book Test on the Board's Codes and Rules;
  - Cost of Investigation – pay \$320.00.
 Seconded by Mr. Pawelko. MOTION CARRIED. (Mr. Tuttle was not present at this time.)
  
5. M03-036 / MIR02-129 Carter J. Case, Architect #34409. Mr. Goldman moved to accept the signed consent agreement stipulating that respondent's voluntary surrender of his Arizona Architectural Registration No. 34409 would be considered a revocation. Seconded by Mr. Roos. MOTION CARRIED. (Mr. Tuttle was not present at this time.)
  
- C. Peer Review Candidates
  1. M00-074 James C. Roach, Land Surveyor #11659. Mr. Tuttle moved to approve Craig T. Micek, Land Surveyor #31600 and Lee W. Johnson, Land Surveyor #32231, as peer reviewers for this case. Seconded by Mr. Roos. MOTION CARRIED.

2. M03-014 Kent D. Miller, Land Surveyor #33319. Mr. Tuttle moved to approve Thomas V. Craft, Land Surveyor #28219 and John E. Courtney, Land Surveyor #12216 as peer reviewers for this case. Seconded by Mr. Starling. MOTION CARRIED.
- D. Enforcement Advisory Committee Candidates
  1. Cynthia J. Sylvester, Architect #31212. Ms. Lyndes moved to appoint Ms. Sylvester as a member of the Enforcement Advisory Committee. Seconded by Mr. Goldman. MOTION CARRIED. (Mr. Tuttle was not present at this time.)
6. EVALUATION OF APPLICATIONS UNDER A.R.S. § 32-122.01 (Mr. Tuttle was not present at this time.)
  - A. Jerry Miel - Electrical. After discussion, Mr. Pearson moved that applicant be granted registration. Seconded by Mr. Goldman. MOTION CARRIED.
  - B. William Jones - Mechanical. After discussion, Mr. Pearson moved that applicant be granted registration. Seconded by Mr. Pawelko. MOTION CARRIED.
  - C. Clarence McAllister - Electrical. After discussion, Mr. Pearson moved that applicant be granted registration. Seconded by Mr. Goldman. MOTION CARRIED.
  - D. Andrew Paschall - Mechanical. After discussion, Mr. Pearson moved to allow applicant to sit for professional exam. Seconded by Mr. Pawelko. MOTION CARRIED.
7. EVALUATION OF APPLICATIONS UNDER R4-30-101.10
  - A. Matthew Lawinger - Civil. After discussion, Mr. Goldman moved that applicant be granted registration. Seconded by Mr. Pearson. MOTION CARRIED. (Mr. Tuttle was not present at this time.)
  - B. Michael Jennings - LSIT. After discussion, Mr. Tuttle moved to allow applicant to take the fundamental exam, but his application and attachments will go to enforcement for investigation of allegation. Seconded by Mr. Pearson. MOTION CARRIED.
8. EVALUATION COMMITTEE RECOMMENDATIONS (Mr. Tuttle was not present at this time.)
  1. Recommendation for approval of professional registration or in-training registration.
  2. Recommendation for approval to sit for the professional or in-training examination.
  3. Recommendation for denial to sit for the professional or in-training examination.
  4. Recommendation for approval of home inspector certifications.

After discussion, Mr. Goldman moved to accept the Evaluation Committee recommendations #1-#3 as amended on May 9, 2003. Seconded by Mr. Gardner. MOTION CARRIED.

Mr. Greenslade moved to accept Evaluation Committee recommendation #4 as listed in agenda item #9.2. Seconded by Mr. Gardner. MOTION CARRIED.
9. GRANTING OF REGISTRATION NUMBERS (Mr. Tuttle was not present at this time.)
  1. Staff provided the Board with a list of applicants who were granted registration numbers from April 9, 2003 through May 12, 2003.
  2. Mr. Roos moved to grant registration numbers 39259 through 39321. Seconded by Mr. Starling. MOTION CARRIED.

10. DISCUSSION AND ACTION ON PROPOSED RULE CHANGE FROM THE LEGISLATIVE RULES COMMITTEE (Mr. Tuttle was not present at this time.)

R4-30-101	R4-30-102	R4-30-106	R4-30-107	R4-30-126
R4-30-201	R4-30-202	R4-30-202.01	R4-30-203	R4-30-204
R4-30-209	R4-30-210	R4-30-211	R4-30-212	R4-30-214
R4-30-221	R4-30-222	R4-30-224	R4-30-242	R4-30-244
R4-30-247	R4-30-252	R4-30-254	R4-30-262	R4-30-264
R4-30-282	R4-30-284	R4-30-303	R4-30-307	

After discussion, Mr. Starling moved to send R4-30-307, as amended, which relates to land surveyors, to the Governor's Regulatory Review Council (GRRC) as a stand-alone rules package, separate from the other package of house-keeping rules that the board considered at its meeting. With respect to the latter package, which consists of R4-30-101 through R4-30-303, as amended, Mr. Starling moved to send it to GRRC. Seconded by Mr. Roos. MOTION CARRIED.

However, a discussion ensued with respect to a particular rule in that package; specifically, R40-30-102(10). Mr. Roos made a motion to change the definition of "Parallel inspection" that was set forth in that rule and that relates to home inspectors to read as follows: "Parallel inspection" means a home inspection by an applicant supervised by a certified home inspector, in the presence of no more than three other applicants, that includes a written report prepared by the applicant, reviewed and corrected by the supervising certified home inspector, and returned to the applicant within 10 days after the supervising certified home inspector receives the written report." Seconded by Mr. Starling. MOTION CARRIED.

11. DISCUSSION OF NATIONAL COUNCIL DIRECT EXAMINATION PROGRAMS

No action taken.

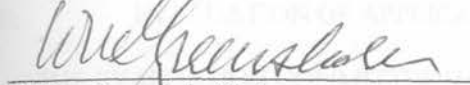
12. DISCUSSION ON CONSIDERATION AND RECOMMENDED ACTION ON APPLICANT, GENNY SETFORD - Application #020842. Mr. Goldman and Mr. Roos recused. Mr. Tuttle moved to accept the Rules and Standards Committee recommendation to grant respondent certification as a Home Inspector and to accept the signed consent agreement and order encompassing the following:

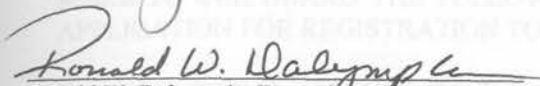
- Respondent's certificate is immediately placed on probation for one year subject to completion of these terms and conditions:
  - A. Successfully complete a Board-approved ethics course;
  - B. Attend two Board Home Inspector Rules and Standards Committee meetings;
  - C. Cost of Investigation - pay \$592.00;
  - D. Obey all laws and rules of the Board of Technical Registration applicable to Certified Home Inspectors.

13. FUTURE BOARD MEETINGS - The next meeting on June 10, 2003 at 9:00 a.m. will be a quarterly meeting. A special meeting may be held on June 30, 2003 at 1:30 p.m. to evaluate applications of firms, supervisors and workers for the Clandestine Drug Laboratory Site Remediation Program.

14. ADJOURNMENT - Mr. Goldman moved to adjourn at 12:15 P.M. Seconded by Mr. Starling.  
MOTION CARRIED.

ARIZONA STATE BOARD OF TECHNICAL REGISTRATION

  
William Greenslade, Chair

  
Ronald W. Dalrymple, Executive Director

ARCHITECTS

ALFORD, LAURE  
WELLS, GUY  
NATHAN, JAMES  
KING, RALPH  
SPADA, JOSEPH

LANDSCAPE ARCHITECT

ODALES, BRIAN

CIVIL ENGINEERS

ANDERSON, STEVEN  
BAKER, JARED  
CRAWFORD, JEFFREY  
SANDERSON, BRENT  
HAQUE, KHANLUKAR  
HUI, WEN  
MOON, KIMBERLY  
SCLAFANI, PAUL  
WALKER, MARK  
WATSON, DARRIN  
WILSON, YVETTE  
ZARCIAN, ARTURO

10  
ELECTRICAL ENGINEERS AMENDED 8/7/03

**ARIZONA STATE BOARD OF TECHNICAL REGISTRATION**

FROM: EVALUATION COMMITTEE

RE: EVALUATION OF APPLICANTS

1. THE EVALUATION COMMITTEE HAS REVIEWED THE LISTED APPLICANTS AND MAKE TO THE BOARD THE FOLLOWING RECOMMENDATIONS REGARDING APPLICATION FOR REGISTRATION TO PRACTICE IN ARIZONA.

THE FOLLOWING APPLICANTS, HAVING SATISFIED THE COMMITTEE THAT THEY ARE QUALIFIED TO RECEIVE REGISTRATION IN ARIZONA UNDER A.R.S. 32-122.01. AND A.R.S. 32-126 ARE HEREBY RECOMMENDED FOR PROFESSIONAL REGISTRATION:

**ARCHITECTS**

ALFORD, LAURIE  
MILLER, GLEN  
NATHAN, JAMES  
RHOADS, RALPH  
SPADA, JOSEPH

**LANDSCAPE ARCHITECT**

QUALLS, BRIAN

**CIVIL ENGINEERS**

ANDERSON, STEVEN  
BAXTER, JARED  
CASWELL, JEFFREY  
EMMERTON, BRENT  
HAQUE, KHANDAKER  
HYUN, WON  
MOON, KIMBERLY  
SCLAFANI, PAUL  
VELDEE, MARK  
WATSON, DARREN  
WILSON, YVETTE  
ZARGARIAN, ARTUCH

**ELECTRICAL ENGINEERS**

THE FOLLOWING APPLICANTS WERE EVALUATED BY THE COMMITTEE AND IT IS THEIR OPINION THAT THEY BE APPROVED FOR THE LISTED EXAMINATIONS, DEPENDENT UPON ACTION IN THE APPROPRIATE CATEGORY AND BE ISSUED A LICENSE BY THE EXECUTIVE DIRECTOR, OR HIS DESIGNEE, UPON COMPLETION OF THE EXAMINATION AND A STAFF DETERMINATION OF ELIGIBILITY FOR REGISTRATION:

**ENVIRONMENTAL ENGINEER**

JOHNSON, JARET

**GEOLOGICAL ENGINEER**

MOULTHROP, JAMES

**MECHANICAL ENGINEERS**

HELMS, ELMER  
KHANNA, VISHAL  
PARUNYAN, PAUL  
SULLIVAN, LAWRENCE  
WILSON, ALAN  
WOLFE, BRETT

**STRUCTURAL ENGINEERS**

GALLANT, SHARON  
HEADLAND, JOHN  
MOODY, THOMAS  
OLSON, CRAIG  
RUDINA, JEHANGIR

**GEOLOGIST**

SCHNABEL, RONALD

PARTS 1,2,3,4,5,7,8,9

PARTS 1,2,3,9

PARTS 1,2,3,4,5,7,8,9

PARTS 1,2,3,4,5,7,8,9

PARTS 1,2,3,9

PARTS 1,2,3,4,5,7,8,9

PARTS 1,2,3,4,5,7,8,9

PARTS 1,2,3,4,5,7,8,9

PARTS 1,2

PARTS 1,2,4,5

PARTS 1,2,4,5

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PART 2



2. THE FOLLOWING APPLICANTS WERE EVALUATED BY THE COMMITTEE AND IT IS RECOMMENDED THAT THEY BE APPROVED FOR THE LISTED EXAMINATIONS, BE GRANTED REGISTRATION IN THE APPROPRIATE CATEGORY AND BE ISSUED A REGISTRATION NUMBER BY THE EXECUTIVE DIRECTOR, OR HIS DESIGNEE, UPON SUCCESSFUL COMPLETION OF THE EXAMINATION AND A STAFF DETERMINATION OF CONTINUED ELIGIBILITY FOR REGISTRATION:

### ARCHITECTS

FERNANDEZ, DENNIS	PARTS 1,2,3,4,5,7,8,9
GRABOWSKI, EWA	PARTS 1,2,3,9
GROVES, MICHAEL	PARTS 1,2,3,4,5,7,8,9
MILLER, THOMAS	PARTS 1,2,3,4,5,7,8,9
MONACCHIO, DOMINIC	PARTS 1,2,3,9
MULLEN, KELSEY	PARTS 1,2,3,4,5,7,8,9
PETERS, TODD	PARTS 1,2,3,4,5,7,8,9
ZHU, ZHENGYANG	PARTS 1,2,3,4,5,7,8,9

### ARCHITECT IN TRAINING

HERRIMAN, GREGORY	PARTS 1,2
NICKERSON, ERIC	PARTS 1,2,4,5
PETERSON, ERIK	PARTS 1,2,4,5
SHOUDIS, JASON	PARTS 1,2,4,5
SPARKMAN, ERNEST	PARTS 1,2,4,5

### CIVIL ENGINEERS

AL-ISSA, MUSTAFA	PART 2
BEECROFT, ROGER	PART 2
BROWN, RACHEL	PART 2
CACERRES, GIULIANA	PART 2
FLISSAR, WAYNE	PART 2
GAVIGAN, KIM	PART 2
GREELEY, DEANNE	PART 2
INWARDS, PAUL	PART 2
IRWIN, DAVID	PART 2
JACOBS, CHARLES	PART 2
JAYSWAL, BHARAT	PART 2
MCELWAIN, CHARLES	PART 2
MOLLET, DEBRA	PART 2
PETERSON, MARK	PART 2
PIEDRAHITA, GERMAN	PART 2
RENGARAJ, SREERAM	PART 2

START, BRENT PARTS 1,2  
THOMPSON, SCOT PART 2

### ELECTRICAL ENGINEER

GROVES, DANIEL PART 2

### ENVIRONMENTAL ENGINEERS

HUQ, NURUL CIVIL PART 2 LACK 18 MONTHS  
LONG, RONALD ARCH PART 2 LACK 15 MONTHS  
NARUSAWA, JOEL CIVIL PART 2 LACK 17 MONTHS

### MECHANICAL ENGINEERS

AGUILAR, BRUNO CIVIL PART 2 LACK 78 MONTHS  
MINING ENGINEER LAND SURVEYOR LACK 47 MONTHS

### MINING ENGINEER

DYAS, JEFFREY CIVIL PART 2 LACK 61 23 MONTHS

### STRUCTURAL ENGINEER

MALECK, ANDREA ARCH PART 4  
MCLAIN, ANTHONY ARCH PART 4  
NATHANI, IMTIYAZ ARCH PARTS 3,4

### ENGINEER IN TRAINING

GUTIERREZ, JORGE PART 1  
KACZMAROWSKI, THOMAS PART 1  
TAN, BERNARD PART 1  
TODNEM, MICHAEL PART 1

### LAND SURVEYORS

FARR, MARK PARTS 1,2,3  
HAMMON, ALBERT PARTS 1,2,3  
JAMES, STEPHEN PARTS 2,3  
LUOND, MARK PART 3  
STOREY, DAVID PART 1

### GEOLOGY

COURTNEY, CHRISTOPHER PART 2  
DAVIES, DARIAN PART 2

MORRISON, DREW

PART 2

**CERTIFIED REMEDIATION SPECIALIST**

GILL, HAROLD

PART 2

**3. THE FOLLOWING APPLICATIONS ARE BEING DENIED FOR LACK OF SATISFACTORY WORK EXPERIENCE:**

ALTHERR, SCOTT	CIVIL	LACK 18 MONTHS
BROADBENT, CHARLES	ARCHITECT	LACK 15 MONTHS
GRAHAM, RICHARD	CIVIL	LACK 17 MONTHS
HALL, RYAN	LSIT	LACK 14 MONTHS
KLINE, BOBBY	CIVIL	LACK 78 MONTHS
PALMER, MICHAEL	LAND SURVEYOR	LACK 47 MONTHS
SAAVEDRA, MANUEL	GEOLOGY	LACK 61.93 MONTHS
SAAVEDRA, MANUEL	GIT	LACK 12.93 MONTHS

**4. THE FOLLOWING APPLICATIONS ARE BEING DENIED FOR FAILURE TO COMPLETE THE REQUIREMENTS OF THE BOARD WITHIN A REASONABLE LENGTH OF TIME:**

JANG, JUNG	EIT
MATARRESE, CARL	ARCHITECT
MCATEE, JOHN	ARCHITECT
SHIMASAKI, DONALD	ARCHITECT

Agenda Item #11 August 12, 2003 Board Meeting

**Rule R4-30-301. Rules of Professional Conduct. Rule Change proposed by Legislation & Rules Committee**

**R4-30-301. Rules of Professional Conduct**

- A. All registrants shall comply with the following standards ~~rules~~ of professional conduct:
1. A registrant shall not submit any materially false statements or fail to disclose any material facts requested in connection with an application for registration or subpoena.
  2. A registrant shall not engage in fraud, deceit, misrepresentation or concealment of material facts in advertising, soliciting, or providing professional services to members of the public.
  3. A registrant shall not knowingly commit bribery of a public servant as proscribed in A.R.S. § 13-2602, knowingly commit commercial bribery as proscribed in A.R.S. § 13-2605, or violate any federal statute concerning bribery.
  4. A registrant shall comply with state, municipal, and county laws, codes, ordinances, and regulations pertaining to the registrant's area of practice.
  5. A registrant shall not violate any state or federal criminal statute involving dishonesty, fraud, misrepresentation, embezzlement, theft, forgery, perjury, bribery, or breach of fiduciary duty, if the violation is reasonably related to the registrant's area of practice.
  6. A registrant shall apply the technical knowledge and skill that would be applied by other qualified registrants who practice the same profession in the same area and at the same time.
  7. A registrant shall not accept an assignment if the duty to a client or the public would conflict with the registrant's personal interest or the interest of another client without full disclosure of all material facts of the conflict to each person who might be related to or affected by the project or engagement in question.
  8. A registrant shall not accept compensation for services related to the same project or professional engagement from more than one party without making full disclosure to all parties and obtaining the express written consent of all parties involved.
  - ~~9. A registrant shall not accept any professional engagement or assignment outside the registrant's area of certification.~~
  - ~~10-9.~~ A registrant shall make full disclosure to all parties concerning:
    - a. Any transaction involving payments to any person for the purpose of securing a contract, assignment, or engagement, except for actual and substantial technical assistance in preparing the proposal; or
    - b. Any monetary, financial, or beneficial interest the registrant may hold in a contracting firm or other entity providing goods or services, other than the registrant's professional services, to a project or engagement.
  - ~~110.~~ A registrant shall not solicit, receive, or accept compensation from material, equipment, or other product or services suppliers for specifying or endorsing their products, goods or services to any client or other person without full written disclosure to all parties.
  - ~~121.~~ If a registrant's professional judgment is overruled or not adhered to under circumstances where a serious threat to the public health, safety, or welfare may result, the registrant shall immediately notify the responsible party, appropriate building official, or agency, and the Board of the specific nature of the public threat.
  - ~~1312.~~ If called upon or employed as an arbitrator to interpret contracts, to judge contract performance, or to perform any other arbitration duties, the registrant shall render decisions impartially and without bias to any party.

4413. To the extent applicable to the professional engagement, a registrant shall conduct a land survey engagement in accordance with the April 12, 2001 Arizona Professional Lands Surveyors Association (APLS) Arizona Boundary Survey Minimum Standards, as adopted by the Board on June 15, 2001, the provisions of which are incorporated in this subsection by reference and on file with the Office of the Secretary of State. This incorporation by reference does not include any later amendments or editions.
4514. A registrant shall comply with any subpoena issued by the Board or its designated administrative law judge.
4615. A registrant shall update the registrant's address and telephone number of record with the Board within 30 days of the date of any change.
- B. All registrants shall comply with the following rules of professional conduct:
416. A registrant shall not sign, stamp, or seal any professional documents not prepared by the registrant or a bona fide employee.
217. Except as provided in subsections (B)(3) and (4), a registrant shall not accept any professional engagement or assignment outside the registrant's professional registration category unless:
- The registrant is qualified by education, technical knowledge, or experience to perform the work; and
  - The work is exempt under A.R.S. § 32-143.
318. A registered professional engineer may accept professional engagements or assignments in branches of engineering other than that branch in which the registrant has demonstrated proficiency by registration but only if the registrant has the education, technical knowledge, or experience to perform such engagements or assignments.
419. Except as otherwise provided by law, a registrant may act as the prime professional for a given project and select collaborating professionals; however, the registrant shall perform only those professional services for which the registrant is qualified by registration to perform and shall seal and sign only the work prepared by the registrant or by the registrant's bona fide employee.
520. A registrant who is designated as a responsible registrant shall be responsible for the firm or corporation. The Board may impose disciplinary action on the responsible registrant for any violation of Board statutes or rules that is committed by a non-registrant employee, firm, or corporation.

**Agenda Item #12 – August 12, 2003 Board Meeting**

**Current rule R4-30-303(A)**

**R4-30-303. Securing Seals**

- A. Each registrant shall secure and use an ink seal 1 1/2 inches in diameter and identical in style, size, and appearance to the sample shown in Appendix F. The upper portion of the annular space between the second and third circles shall bear whichever of the following phrases is applicable to the registrant:
1. The upper portion of the annular space between the second and third circles shall bear whichever of the following phrases is applicable to the registrant:  
"Registered Architect"; "Registered Professional Engineer" together with the branch of engineering in which registered; "Registered Geologist"; "Registered Landscape Architect"; "Registered Land Surveyor"; or "Registered Assayer".
  2. The inscription "Arizona, U.S.A." shall appear at the bottom of the annular space between the second and third circles; the inner circle shall contain the name of the registrant, registration number, and the words "date signed".
- B. The registrant may order the seal through any vendor and shall pay the cost of its manufacture. Immediately upon receipt of the seal and prior to using the seal for any purpose, the registrant shall file with the Board, for its records, on a form provided by the Board, an imprint of the seal with an original signature superimposed over it and an affidavit regarding the use of the seal. The Board, within ten working days of receipt of the form from the registrant, shall disapprove any seal not meeting the exact specifications of subsection (A) of this rule and shall require the registrant to obtain and pay for another seal meeting those specifications prior to sealing any work. Engineers registered in more than one branch shall secure and use a seal for each branch of engineering in which registration has been granted. No additional or replacement seal shall be ordered or obtained by a registrant without first providing the Board, for its records, a sworn statement attesting to the need and purpose. No additional replacement seal shall be obtained without following the procedures set forth in this subsection for securing seals.

**Agenda Item #12 – August 12, 2003 Board Meeting**

**Proposed Modification to Rule R4-30-303(A)**

**RULE CHANGE**

**SEALING OF DOCUMENTS PREPARED FOR DISPUTE RESOLUTION**

**R4-30-303. Securing Seals**

- A. Each registrant shall secure and use an ink seal 1 1/2 inches in diameter and identical in style, size, and appearance to the sample shown in Appendix F A. The upper portion of the annular space between the second and third circles shall bear whichever of the following phrases is applicable to the registrant:
1. The upper portion of the annular space between the second and third circles shall bear whichever of the following phrases is applicable to the registrant:  
"Registered Architect"; "Registered Professional Engineer" together with the branch of engineering in which registered; "Registered Geologist"; "Registered Landscape Architect"; "Registered Land Surveyor"; or "Registered Assayer".
  2. The inscription "Arizona, U.S.A." shall appear at the bottom of the annular space between the second and third circles; the inner circle shall contain the name of the registrant, registration number, and the words "date signed".
- B. The registrant may order the seal through any vendor and shall pay the cost of its manufacture. Immediately upon receipt of the seal and prior to using the seal for any purpose, the registrant shall file with the Board, for its records, on a form provided by the Board, an imprint of the seal with an original signature superimposed over it and an affidavit regarding the use of the seal. The Board, within ten working days of receipt of the form from the registrant, shall disapprove any seal not meeting the exact specifications of subsection (A) of this rule and shall require the registrant to obtain and pay for another seal meeting those specifications prior to sealing any work. Engineers registered in more than one branch shall secure and use a seal for each branch of engineering in which registration has been granted. No additional or replacement seal shall be ordered or obtained by a registrant without first providing the Board, for its records, a sworn statement attesting to the need and purpose. No additional replacement seal shall be obtained without following the procedures set forth in this subsection for securing seals.

*(Note: This proposed rule change is preliminary and not yet adopted by Arizona State Board of Technical Registration – 4/1/02)*

8-12-03

BOARD OF TECHNICAL REGISTRATION

BOARD/COMMITTEE MEETING - SIGN SHEET

**PROPOSED RULE CHANGE  
SEALING OF DOCUMENTS PREPARED FOR DISPUTE RESOLUTION**

(Note: This wording is proposed to be added to R4-30-304.D. New wording is shown in *italics*).

D. A registrant shall sign, date and seal a professional document before the document is submitted to a client, contractor, any regulatory or review body, or any other person, unless the document is marked "preliminary", *draft* or "not for construction", *with the following exception:*

1. *Any professional document prepared by or under the supervision of a registrant for the purpose of dispute resolution, litigation, arbitration or mediation shall be signed, dated and sealed by the registrant. These documents may be qualified, if appropriate, as having been prepared based on limited information and may be subject to future review and revision.*

(Note: This proposed rule change is preliminary and not yet adopted by Arizona State Board of Technical Registration - 4/1/02)

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8-12-03

BOARD OF TECHNICAL REGISTRATION

BOARD/COMMITTEE MEETING - SIGN IN SHEET

If you wish to address the Board or Committee, please sign in below. Otherwise, sign in is voluntary.

Name (Please Print)	Affiliation	Subject
1. <u>STEVEN GROVER</u>	<u>SUN TECH</u>	<u>AGENDA KEY</u>
2. <u>LARRY KAY</u>	<u>"</u>	<u>"</u>
3. <u>DAVID HOLMAN</u>	<u>"</u>	<u>9.13</u>
4. <u>Jertel Jones</u>	<u>"</u>	<u>8:15 5.D.1</u>
5. _____	_____	_____
6. _____	_____	_____
7. _____	_____	_____
8. _____	_____	_____
9. _____	_____	_____
10. _____	_____	_____
11. _____	_____	_____
12. _____	_____	_____
13. _____	_____	_____

8-12-03

BOARD OF TECHNICAL REGISTRATION

BOARD/COMMITTEE MEETING - SIGN IN SHEET

If you wish to address the Board or Committee, please sign in below. Otherwise, sign in is voluntary.

Name (Please Print)	Affiliation	Subject
1. <u>ERNST GAWLER</u>	<u>H.I. Candidate</u>	<u>8.A</u>
2. <u>Seth K. Kist</u>	<u>H.I. //</u>	<u>8.B</u>
3. <u>Dennis Schwick</u>	<u>Certified H.I.</u>	<u>Enforcement</u> <u>C.2</u>
4. _____	_____	_____
5. _____	_____	_____
6. _____	_____	_____
7. _____	_____	_____
8. _____	_____	_____
9. _____	_____	_____
10. _____	_____	_____
11. _____	_____	_____
12. _____	_____	_____
13. _____	_____	_____

**BOARD OF TECHNICAL REGISTRATION**

**BOARD/COMMITTEE MEETING – SIGN IN SHEET**

If you wish to address the Board or Committee, please sign in below. Otherwise, sign in is voluntary.

Name (Please Print)	Affiliation	Subject
1. <u>LARRY KAY</u>	<u>ARIZONA SUNTECH</u>	<u>H.I.</u>
2. _____	_____	_____
3. _____	_____	_____
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6. _____	_____	_____
7. _____	_____	_____
8. _____	_____	_____
9. _____	_____	_____
10. _____	_____	_____
11. _____	_____	_____
12. _____	_____	_____
13. _____	_____	_____

AMENDED AGENDA

September 18, 2003

STATE BOARD OF TECHNICAL REGISTRATION  
1110 W. Washington, Building Conference Room #250  
Phoenix, AZ 85007

September 19, 2003 9:00 AM

OPEN SESSION

Title II of the Americans with Disabilities Act (ADA) prohibits the Board of Technical Registration from discriminating on the basis of disability in its public meetings. Persons with a disability may request a reasonable accommodation such as a sign language interpreter by contacting LaVern Douglas at (602) 364-4937. Requests should be made as early as possible to allow time to accommodate the request.

The Board may discuss, consider or take action on any item on the Agenda. At the discretion of the Board, Agenda items may be taken out of order.

All examination material, transcripts, educational records, reference forms and applications are confidential pursuant to A.R.S. § 32-129.

The Board may vote to go into executive session intermittently during the meeting on any of the following agenda items to review statutorily confidential materials or receive legal advice from counsel pursuant to A.R.S. § 38-431.03(A)(2) or (3).

1. CALL TO ORDER
2. ROLL CALL
3. CALL TO THE PUBLIC
4. ADOPTION OF MINUTES – August 12, 2003 Meeting
5. ENFORCEMENT MATTERS
  - A. Proposed Dismissals
    1. M04-010 / MIR01-156 Larry E. Wilke, P.E. (Civil) #20962
    2. M04-011 / MIR03-070 David Hornor, Land Surveyor #14187
    3. M04-015 / MIR02-014 Leonard R. Niemiec, Jr., Architect #12818
    4. M04-019 / MIR01-155 Najeh K. Edais, P.E. (Civil) #26844
  - B. Proposed Letters of Concern
    1. M04-014 / MIR02-091 Michael F. York, Land Surveyor #19862
    2. M04-020 / MIR02-170 Therese Brown, Architect #29546

- C. Acceptance or Rejection of Proposed Consent Agreements
1. M03-043 / MIR03-184 Thomas J. Farnam, Nonregistrant
  2. M04-003 / MIR03-059 Harold D. Kinsey, Jr., Nonregistrant
  3. M04-004 / MIR03-214, -304 & -309 Joseph J. Canino, Nonregistrant
  4. M04-005 / MIR03-275 Thomas J. Alden, Nonregistrant
  5. M04-008 / MIR03-248 Daniel Lee Pfaff, Nonregistrant
  6. M04-009 / MIR03-267 Dennis A. Schnick, Certified Home Inspector #39081

- D. Possible Initiation of Board Complaints
1. MIR03-112 Allen W. Blaker, Certified Home Inspector #38050
  2. MIR03-202 William H. Moore, Certified Home Inspector #38986
  3. MIR03-229 Kyle B. Myers, Certified Home Inspector #38658
  4. MIR03-287 Patrick M. Robertson, Certified Home Inspector #39315
  5. MIR03-311 John A. Felson, Certified Home Inspector #39087
  6. MIR03-314 Randy R. West, Certified Home Inspector #38451

- F. Discussion and Consideration Re: Proceeding to Formal Hearing  
M03-040 / MIR02-056 Robert J. Fish, Land Surveyor #12317

- F. Discussion and Consideration of Complaints
1. M04-013 / MIR03-224 Riccardo Cattapan, Nonregistrant
  2. M04-016 / MIR03-187 John G. Harinck, Certified Home Inspector #38066
  3. M04-017 / MIR03-216 John G. Harinck, Certified Home Inspector #38066
  4. M04-018 / MIR03-307 John D. Westlund, Certified Home Inspector #38075

- G. Proposed Enforcement Advisory Committee Candidates
1. Joseph A. Gardner, Architect #10064
  2. Fred E. Goldman, P.E. (Civil) #11580, and Land Surveyor #16543
  3. Thomas D. Goodman, P.E. (Civil) #29323
  4. Michael T. Lentino, Certified Home Inspector #38592
  5. Jeremiah O. Teague, Land Surveyor #18557

- H. Consideration of Possible Non-Compliance with Consent Agreement  
M04-007 / MIR04-016 Jerrell L. Jones, Land Surveyor #15333

6. EVALUATION OF APPLICATIONS UNDER A.R.S. § 32-122.01(E) – WORK EXPERIENCE NOT UNDER A REGISTRANT AND POSSIBLE GRANTING OF REGISTRATION

1. Mannie Carpenter – Environmental (Pearson) *EXAM*
2. Sam Kanter – Mechanical (Pearson) *EXAM*
3. John Manes – Geology (Greenslade) *EXAM*
4. Justin Rundle – Mechanical (Pearson) *grant*
5. Thomas Bertram – Mechanical (Pearson) – *grant*
6. **Hamid Moradkhani – Civil (Starling) - EXAM**

7. EVALUATION OF HOME INSPECTOR APPLICATIONS AND POSSIBLE GRANTING OF CERTIFICATION
  1. Bruce K. Barnett, Applicant #021689
  2. Warren R. Saunders, Applicant #030738
  3. **Douglas A. Koch, Applicant #030936**
  
8. EVALUATION AND POSSIBLE APPROVAL OF APPLICATIONS FOR ENGINEER-IN-TRAINING EXAMINATION
  1. Richard Ellingson (EIT)
  2. Edward Janecki (EIT)
  3. Emily Viau (EIT)
  
9. EVALUATION COMMITTEE AND STAFF RECOMMENDATIONS AND POSSIBLE GRANTING OF REGISTRATION OR CERTIFICATION (List available at Board's office)
  1. Granting of professional or in-training registration.
  2. Approval to sit for the professional or in-training examination.
  3. Denial to sit for the professional or in-training examination.
  4. Recommendation for denial of professional registration or in-training designation.
  5. **Granting of certification of Drug Laboratory Remediation On-site Supervisors and On-site Workers**
  
10. PROPOSED CHANGES TO RULE PACKAGE PREVIOUSLY APPROVED BY THE BOARD IN MAY 2003
  1. R4-30-101(2). Definitions
  2. R4-30-106. Fees
  3. R4-30-209. Time-frames for Professional Registration, Certification, or In-training Designation
  4. R4-30-247. Home Inspector Certification
  5. R4-30-272. On-site Worker Registration and Renewal
  6. R4-30-304. Use of Seals
  
11. EXECUTIVE DIRECTOR REPORT
  
12. STANDING COMMITTEE REPORTS
  1. Legislation and Rules Committee
  2. Budget Committee
  3. Education and Examination Committee
  4. Home Inspector Rules and Standards Committee
  5. Environmental Remediation Rules and Standards Committee
  
13. BOARD MEMBER REPORTS ON OUTSIDE ACTIVITIES
  1. National Council of Examiners for Engineering and Surveying (NCEES)
  2. National Council of Architectural Registration Boards (NCARB)
  3. Council of Landscape Architectural Registration Boards (CLARB)
  4. National Association of State Boards of Geology (ASBOG)

14. REQUEST BY ARIZONA SUNTECH REGARDING PROPOSED MODIFICATION TO A.A.C. R4-30-102 REGARDING HOME INSPECTOR PARALLEL INSPECTIONS
15. DISCUSSION REGARDING DELEGATION TO DIRECTOR TO GRANT REGISTRATION OR APPROVAL FOR EXAMINATION UNDER CERTAIN CIRCUMSTANCES TO THE FOLLOWING PROFESSIONS:  
Architects, Assayers, Engineers, Geologists, Land Surveyors, Landscape Architects and Certified Remediation Specialists
16. DISCUSSION REGARDING DELEGATION TO DIRECTOR TO CERTIFY DRUG LAB SUPERVISORS AND WORKERS UNDER CERTAIN CIRCUMSTANCES
17. EXPIRED REGISTRATIONS TO BE LAPSED (List available at Board's office)
18. ELECTION OF OFFICERS
19. FUTURE AGENDA ITEMS
20. FUTURE BOARD MEETINGS - The next meeting is scheduled for October 14, 2003
21. ADJOURNMENT

#### I. ENFORCEMENT MATTERS

##### A. Consideration of Motion to Deem Allegations Admitted and Possible Disciplinary Action

1. M03-025 / M03-212 Joseph G. Sewell, Land Surveyor #25399. Mr. Sterling moved to grant the State's Motion to Deem the Allegations admitted. Seconded by Mr. Pawelko. After discussion, MOTION CARRIED. Mr. Pawelko then moved to revoke respondent's Land Surveyor registration #25399. Seconded by Mr. Sterling. After discussion, MOTION CARRIED.
2. M03-035 / M03-085 Robert Beaulieu, P.E. (Civil) #13623. Mr. Sterling moved to grant the State's Motion to Deem the Allegations admitted. Seconded by Mr. Nelson. After discussion, MOTION CARRIED. Mr. Pawelko then moved to revoke respondent's P.E. (Civil) registration #13623. Seconded by Mr. Nelson. After discussion, MOTION CARRIED.

##### B. Acceptance or Rejection of Proposed Consent Agreements (Ms. Lyndes was not present.)

1. M03-041 / M03-236 David S. McLaughlin, Land Surveyor #17732. Mr. Pawelko moved to accept respondent's signed consent agreement and order encompassing the following:
  - \* Letter of Reprimand

MINUTES OF THE  
ARIZONA BOARD OF TECHNICAL REGISTRATION

August 12, 2003 Meeting  
9:00 AM

1. CALL TO ORDER - The meeting of the Board of Technical Registration was called to order at 9:10 a.m. by Chair William Greenslade.
2. ROLL CALL - **Present:** William Greenslade, Ronald Starling, Joy Lyndes, Chet Pearson, Richard Pawelko and Gary Nelson. **Board Staff:** LaVern Douglas, Kathryn Fuller, Melinda Baughman, Diane Aubert, Cassie Goodman, Janis Humphrey and Kay Reed. **Assistant Attorney General:** Elizabeth Burns. **Absent:** Robert Roos, Stuart Lane and Priscilla Cornelio.
3. PUBLIC COMMENT
4. ADOPTION OF MINUTES – Mr. Nelson moved to accept the July 8, 2003 minutes. Seconded by Mr. Pawelko. MOTION CARRIED. Mr. Pawelko moved to accept the revised May 13, 2003 minutes. Seconded by Mr. Nelson. MOTION CARRIED. (Ms. Lyndes was not present.)
5. ENFORCEMENT MATTERS
  - A. Consideration of Motion to Deem Allegations Admitted and Possible Disciplinary Action
    1. M03-025 / MIR03-212 Joseph G. Sewell, Land Surveyor #25399. Mr. Starling moved to grant the State's Motion to Deem the Allegations admitted. Seconded by Mr. Pawelko. After discussion, MOTION CARRIED. Mr. Pawelko then moved to revoke respondent's Land Surveyor registration #25399. Seconded by Mr. Starling. After discussion, MOTION CARRIED.
    2. M03-035 / MIR02-085 Robert Beamish, P.E. (Civil) #13623. Mr. Starling moved to grant the State's Motion to Deem the Allegations admitted. Seconded by Mr. Nelson. After discussion, MOTION CARRIED. Mr. Pawelko then moved to revoke respondent's P.E. (Civil) registration #13623. Seconded by Mr. Nelson. After discussion, MOTION CARRIED.
  - B. Acceptance or Rejection of Proposed Consent Agreements (Ms. Lyndes was not present.)
    1. M03-041 / MIR03-236 David S. McLaughlin, Land Surveyor #11752. Mr. Pawelko moved to accept respondent's signed consent agreement and order encompassing the following:
      - Letter of Reprimand



- Probation until successful completion of an open book test on the Board's Codes and Rules

Seconded by Mr. Nelson. After discussion, MOTION CARRIED.

2. M03-039 / MIR01-056 Robert J. Ralph, Land Surveyor #25395. Mr. Pawelko moved to accept respondent's signed consent agreement and order encompassing the following:

- Letter of Reprimand
- Cost of Investigation – Pay cost of investigation in the amount of \$538.00

Seconded by Mr. Nelson. After discussion, MOTION CARRIED.

3. M03-042 / MIR02-160 Edward D. Chavez, Architect #21340. Mr. Pawelko moved to reject respondent's signed consent agreement, and instead offer a new consent agreement encompassing the following:

- Take a Board approved course on ADA codes
- Indefinite probation with peer review of all projects until two peer reviewers agree that respondent is able to safely and effectively practice architecture and that his reviewed projects meet applicable standards.

Seconded by Mr. Nelson. After discussion, MOTION CARRIED.

#### C. Possible Initiation of Board Complaints

1. MIR03-203 Joseph R. Neilan, Certified Home Inspector #39180. Mr. Starling moved to not initiate a complaint. Seconded by Mr. Nelson. After discussion, MOTION CARRIED. (Ms. Lyndes was not present.)

2. MIR03-267 Dennis A. Schnick, Certified Home Inspector #39081. Mr. Schnick attended and addressed the Board.

EXECUTIVE SESSION - Mr. Pearson moved to go into Executive Session at 10:20 a.m. to obtain legal advice. Seconded by Mr. Pawelko. MOTION CARRIED. The Board returned to Open Session at 10:58 a.m.

Mr. Starling moved to initiate a complaint and directed staff to meet with Mr. Schnick and attempt to obtain a consent agreement. Seconded by Mr. Pawelko. After discussion, MOTION CARRIED. (Mr. Pearson did not participate in discussion and did not vote.)

3. MIR03-291 Michael W. Moon, Certified Home Inspector #39350. Mr. Pawelko moved to not initiate a complaint. Seconded by Mr. Nelson. After discussion, MOTION CARRIED. (Ms. Lyndes was not present.)

#### D. Consideration of Possible Non-Compliance with Consent Agreement

1. M04-007 / MIR04-016 Jerrell L. Jones, Land Surveyor #15333. Mr. Jones attended and addressed the Board. Mr. Starling moved to grant respondent an extension until the next board meeting to comply with the April 8, 2003 Consent

Agreement and Order. Seconded by Mr. Pawelko. After discussion, MOTION CARRIED.

6. EVALUATION OF APPLICATIONS UNDER A.R.S. § 32-122.01(E), WORK EXPERIENCE NOT UNDER A REGISTRANT, AND POSSIBLE GRANTING OF REGISTRATION (Ms. Lyndes was not present.)
  - A. James Johnson, Electrical. Mr. Pearson moved that applicant be granted registration without examination. Seconded by Mr. Pawelko. MOTION CARRIED.
  - B. Michael Jordan, Electrical. Mr. Starling moved that staff request more information from applicant regarding his engineering experience. Seconded by Mr. Pawelko. After discussion, MOTION CARRIED.
  - C. Gary Hong, Electrical. Mr. Pearson moved that applicant be granted registration. Seconded by Mr. Nelson. After discussion, MOTION CARRIED.
  - D. Adam Mahn, Electrical. Mr. Pearson moved to allow applicant to sit for electrical examination. Seconded by Mr. Starling. After discussion, MOTION CARRIED.
  - E. Lindsay Swain, Geologist. Mr. Greenslade moved to allow applicant to sit for the professional examination in Geology. Seconded by Mr. Pawelko. After discussion, MOTION CARRIED.
  - F. Loren Bowe, Environmental. Mr. Pearson moved that applicant be granted registration without examination. Seconded by Mr. Starling. After discussion, MOTION CARRIED.
7. POSSIBLE RATIFICATION OF DECISION TO ISSUE ROBERT MCDANIEL CERTIFIED HOME INSPECTOR #39660.

Mr. Starling moved to ratify the Executive Director's decision to issue Robert McDaniel Certified Home Inspector #39660. Seconded by Mr. Pearson. After discussion, MOTION CARRIED. (Ms. Lyndes was not present.)
8. EVALUATION OF HOME INSPECTOR APPLICATIONS AND POSSIBLE GRANTING OF CERTIFICATION
  - A. Ernst C. Gruler, Applicant #030713. Mr. Gruler attended and addressed the Board. Mr. Pawelko moved that applicant be granted certification. Seconded by Mr. Nelson. After discussion, MOTION CARRIED.
  - B. Seth K. Kist, Applicant #030313. Mr. Kist attended and addressed the Board. Mr. Nelson moved that applicant be granted certification upon successful passing of the National Home Inspector Examination, provided all other requirements are met. Seconded by Mr. Starling. After discussion, MOTION CARRIED.

- C. Robert E. Byerly, Applicant #030552. Mr. Pearson moved to table this matter. Seconded by Mr. Nelson. After discussion, MOTION CARRIED. (Ms. Lyndes was not present.)
9. EVALUATION OF APPLICATIONS UNDER A.A.C. R4-30-101.10, GOOD MORAL CHARACTER, AND POSSIBLE GRANTING OF REGISTRATION
- A. John J. Burdin, Mechanical. Mr. Pawelko moved that applicant be granted registration. Seconded by Mr. Nelson. After discussion, MOTION CARRIED. (Ms. Lyndes was not present.)
- B. David Christopher Holman. Mr. Holman attended and addressed the Board. Mr. Starling moved to grant applicant in-training status and to allow him to take the engineer training examination. Seconded by Mr. Pearson. After discussion, MOTION CARRIED.
10. EVALUATION COMMITTEE AND STAFF RECOMMENDATIONS AND POSSIBLE GRANTING OF REGISTRATION OR CERTIFICATION (See attached)
1. Granting of professional or in-training registration.
  2. Approval to sit for the professional or in-training examination.
  3. Denial to sit for the professional or in-training examination.
  4. Recommendation for denial of professional registration or in-training designation.
- Mr. Starling moved to accept recommendations #1 - #4 as amended on August 7, 2003. Seconded by Mr. Nelson. After discussion, MOTION CARRIED. (Ms. Lyndes was not present.)
11. CHANGES TO THE RULE PACKAGE THAT THE BOARD APPROVED AT ITS 5/13/03 MEETING (See attached)
- Mr. Starling moved to accept the changes recommended by the Legislation & Rules Committee by eliminating rule R4-30-301(A)(9) and combining and renumbering sections (A) and (B) and to allow staff to appropriately change any references within the remainder of the rule package. Seconded by Mr. Nelson. After discussion, MOTION CARRIED. (Ms. Lyndes was not present.)
12. PROPOSED MODIFICATION TO RULE R4-30-303(A) REGARDING APPENDIX SHOWING SAMPLE OF REQUIRED SEAL (See attached)
- Mr. Starling moved to accept the changes to rule R4-30-303(A) as submitted. Seconded by Mr. Nelson. After discussion, MOTION CARRIED. (Ms. Lyndes was not present.)
13. REQUEST BY ARIZONA SUNTECH REGARDING PROPOSED MODIFICATION TO A.A.C. R4-30-102 REGARDING HOME INSPECTOR PARALLEL INSPECTIONS
- Mr. Kay and Mr. Grove attended and addressed the Board. Substantial discussion occurred regarding this proposal. Ms. Lyndes moved to return A.A.C. R4-30-102 (10) to the Home

Inspector Rules and Standards Committee to consider and comment on potential changes to the ratio of applicants to instructors during parallel inspections. Seconded by Mr. Nelson. After additional discussion, the Board clarified that its intent was to seek input from the committee on whether there are acceptable alternatives to the present rule. MOTION CARRIED.

(Ms. Lyndes was not present for any of the following.)

14. PROPOSED RULE CHANGE - SEALING OF DOCUMENTS PREPARED FOR DISPUTE RESOLUTION

Mr. Starling moved to adopt the change to rule R4-30-304 (D), Sealing of Documents Prepared for Dispute Resolution. Seconded by Mr. Nelson. After discussion, MOTION CARRIED. Mr. Starling then moved to include rule R4-30-304 (D) in the rule package going to the Governor's Regulatory Review Council (GRRC). Seconded by Mr. Pawelko. After discussion, MOTION CARRIED.

15. REQUEST BY EXECUTIVE DIRECTOR FOR AUTHORIZATION TO CHANGE THE HOME INSPECTOR RENEWAL FEE TO \$310.00

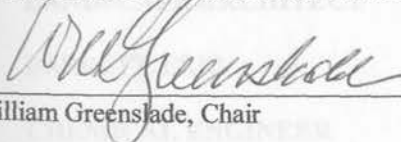
Mr. Pawelko moved to authorize a change in the home inspector renewal fee to \$310.00. Seconded by Mr. Pearson. After discussion, MOTION CARRIED.

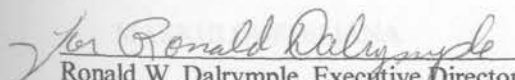

16. FUTURE AGENDA ITEMS - Report on NCEES annual conference

17. FUTURE BOARD MEETINGS - The next meeting is a quarterly meeting scheduled for September 19, 2003 at 9:00 a.m.

18. ADJOURNMENT - Mr. Starling moved to adjourn at 12:45 p.m. Seconded by Mr. Pawelko. MOTION CARRIED.

ARIZONA STATE BOARD OF TECHNICAL REGISTRATION

  
William Greenslade, Chair

  
Ronald W. Dalrymple, Executive Director 

ALABASTRO, MARLA  
AMEGATNE, SAMUEL  
RAAS, CHARLES  
WALL, ROGER

**BROWN, SCOTT**  
**CHRISTIENSEN, WILLIAM**  
**CIGGELASKIS, WILLIAM**  
**DICKEY, JOSEPH**  
**FORDHAM, GERALD**  
 HARRISON, DAWN  
 HEINZIG, MARK  
**HINDMAN, SCOTT**  
 HOWLEY, CHARLES  
**JANOUSEK, LEROY**  
 JOCKUMSEN, TRAVIS  
 KAKADE, ASHOK  
 KENIG, NEIL  
 KING, CHRISTOPHER  
 LAAS, PETER  
 LOGHMANI, MOHSEN  
 MASCIA, NICHOLAS  
 MCINTOSH, JEFFERY  
 MIRZA, OLIVIER  
 MORRILL, TODD  
**MUTTI, BRENT**  
 OSMAN, IBRAHIM  
 POND, ERIC  
**RAMANATHAN, KARTHIK**  
 REID, JONATHAN  
 SMITH, STEPHEN  
 SOBECK, DAVID III  
 SPARKS, DAVID  
**TOUNGET, DONALD**  
 VANDENHAAK, JELENA  
 WADE, ROGER  
 WILSON, RICHARD  
 ZHANG, FRANK

**ELECTRICAL ENGINEERS**

CAMPBELL, ERIC  
 OTT, CARL  
 STRONWALL, BRENT  
 WAGLEY, ROBERT

PARTS 1,2,3,4,5,7,8,9  
 PARTS 1,2,3,9  
 PARTS 1,2,3,4,5,7,8,9  
 PARTS 1,2,3,4,5,7,8,9  
 PARTS 1,2,3,4,5,7,8,9  
 PARTS 1,2,3,9A

**MECHANICAL ENGINEERS**

DURDAN, JOHN  
SCHWARZ, MICHAEL  
SMITH, ANDREW  
TRACY, DAVID

**SANITARY ENGINEER**

**BAILEY, ROGER**

**STRUCTURAL ENGINEERS**

GRISWOLD, WILLIAM  
FALKOFSKE, TIMOTHY  
PARKER, JAMES  
SHIFTLETT, RONALD

**GEOLOGIST**

BAUER, RANDY  
BOGSETH, PAUL  
HOUSER, RYAN  
KIVETT, JOHN  
NICHOLLS, MARK

2. THE FOLLOWING APPLICANTS WERE EVALUATED BY THE COMMITTEE AND IT IS RECOMMENDED THAT THEY BE APPROVED FOR THE LISTED EXAMINATIONS, BE GRANTED REGISTRATION IN THE APPROPRIATE CATEGORY AND BE ISSUED A REGISTRATION NUMBER BY THE EXECUTIVE DIRECTOR, OR HIS DESIGNEE, UPON SUCCESSFUL COMPLETION OF THE EXAMINATION AND A STAFF DETERMINATION OF CONTINUED ELIGIBILITY FOR REGISTRATION:

**ARCHITECTS**

ABNEY, JOHN PARTS 1,2,3,4,5,7,8,9  
ANGELL, KELLY PARTS 1,2,3,9  
BYRNES, ANDREW PARTS 1,2,3,4,5,7,8,9  
CLAYTON, DWAYNE PARTS 1,2,3,4,5,7,8,9  
DE MESA, CYNTHIA PARTS 1,2,3,4,5,7,8,9  
SCHWINDENHAMMER, MICHAEL PARTS 1,2,3,4,5,9  
SOTINSKY, SONYA PARTS 1,2,3,9A

## **CIVIL ENGINEERS**

ACEVES, MIGUEL	PART 2
ALMASRI, ADHAM	PART 2
CARRANZA, RAYMOND	PART 2
CHAO, SHAW-MING	PART 2
COMER, RICHARD	PART 2
DECENA, ROMMEL	PART 2
FORT, JASON	PART 2
GILLETTE, JAMES	PART 2
GONDRON, BARRY	PART 2
HOSSAIN, MD	PARTS 1,2
HUISMAN, RAQUEL	PART 2
JACOBY, GREGORY	PART 2
LAREDO, DAVID	PART 2
MCGILL, MICHAEL	PART 2
MCPHERSON, JEREMY	PART 2
MAXON, MARK	PART 2
MENG, JOHN	PART 2
PAGE, EZRA	PART 2
RASH, JONATHAN	PART 2
SANCHEZ-PIEDRAHITA, LORENA	PART 2
SMITH, JENNIFER	PART 2
SOTO, ALICIA	PART 2
WARREN, CHRISTINE	PART 2
ZYBURT, MELODY	PART 2

## **CONTROL SYSTEMS ENGINEER**

NUGENT, MICHAEL	PART 2
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## **ELECTRICAL ENGINEER**

OIEDA, ERNESTO	PART 2
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## **ENVIRONMENTAL ENGINEERS**

GRIEGO, ANTHONY	PART 2
MACKENZIE, J. DOUGLAS	PART 2
MAZORRA, JOHN	PART 2
SYLVESTER, BARBARA	PART 2

## **MECHANICAL ENGINEERS**

LEY, GILBERTO	PART 2
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**MINING ENGINEER**

HORN, THOMAS

PARTS 1, 2

**STRUCTURAL ENGINEER**

HEFFINGTON, JOHN

CIVIL PARTS 3,4

KELSEY, ANDREW

CIVIL PARTS 3,4

VALDEZ, JULIAN

LAND PARTS 3,4

**ENGINEER IN TRAINING**

BONBRAKE, TERRY

PART 1

HUNTER, ERIC

PART 1

JAMES, MONTE

PART 1

KOST, LYNDI

PART 1

RAPIER, CLINT

PART 1

SANDLER, VICTORIA

PART 1

**LAND SURVEYORS**

ACKEN, ROBERT

LAND PARTS 2,3

BURCHAM, ADRIAN

BIT PARTS 2,3

HOOD, CLYDE

CIVIL PART 3

LATTA, JACK

ARCH PARTS 2,3

RIGGS, KAREN

AUT PARTS 2,3

SHEARROW, STEPHEN

ARCH PARTS 1,2,3

**LAND SURVEYOR IN TRAINING**

BAUER, JEFFREY

LAND PART 1

ELLEY, TONY

CIVIL PART 1

**GEOLOGY**

GOODRICH, MICHAEL

CIVIL PART 2

SPITZ, WILLIAM

ARCH PART 2

YANG, RAYMOND

BIT PARTS 1,2



3. THE FOLLOWING APPLICATIONS ARE BEING DENIED FOR LACK OF SATISFACTORY WORK EXPERIENCE:

ALTHERR, SCOTT	CIVIL	LACK 18 MONTHS
BROADBENT, CHARLES	ARCHITECT	LACK 15 MONTHS
GRAHAM, RICHARD	CIVIL	LACK 17 MONTHS
HALL, RYAN	LSIT	LACK 14 MONTHS
KLINÉ, BOBBY	CIVIL	LACK 78 MONTHS
PALMER, MICHAEL	LAND SURVEYOR	LACK 47 MONTHS
SAAVEDRA, MANUEL	GEOLOGY	LACK 61.93 MONTHS
SAAVEDRA, MANUEL	GIT	LACK 12.93 MONTHS

4. THE FOLLOWING APPLICATIONS ARE BEING DENIED FOR FAILURE TO COMPLETE THE REQUIREMENTS OF THE BOARD WITHIN A REASONABLE LENGTH OF TIME:

ANDREWS, TONY	ELECTRICAL
ATAPOUR, HASSAN	STRUCTURAL
BROWN, VIOLETTEE	CHEMICAL
CLEMENT, CRAIG	ELECTRICAL
CULLY, STEVEN	LAND SURVEYOR
DANIELSON, LARRY	CIVIL
FELTON, SAM	LAND SURVEYOR
JANG, JUNG	EIT
JIMENEZ, RICARDO	CIVIL
KAMTZ, JEFFREY	ARCHITECT
LE, KHANH	AIT
MATARRESE, CARL	ARCHITECT
MCATEE, JOHN	ARCHITECT
MILLER, CLINTON	ARCHITECT
MOLINE, GARY	ELECTRICAL
RAKSTAD	LAND SURVEYOR
RESAR, JAMES	CIVIL
SCIULLI, EUGENE	MECHANICAL
SHIELDS, PHILLIP	LAND SURVEYOR
SHIMASAKI, DONALD	ARCHITECT
SILKETT, RICHARD	CIVIL
SPITZ, RICHARD	ARCHITECT
WILK, CHRISTOPHER	LSIT
WILSON, CHARLES	LSIT
YORO, DERICK	CIVIL

September 8, 2003

To: Arizona State Board of Technical Registration  
1110 W. Washington Street, Suite 240  
Phoenix, Arizona 85007



Agenda Item 9.5

From: Home Inspector Rules and Standards Committee

The following is a list of qualified applicants for Drug Laboratory Site Remediation On-site Supervisor Certification:

1. Robert Rehm

Dear,

Mr. Ronald Delcampio, Executive Director

Mr. William G.

Members of the

The following is a list of qualified applicants for Drug Laboratory Site Remediation On-site Worker Certification:

1. Darby Smith
2. Eric Christensen
3. Jeff Smith
4. Jeff Burkett
5. Chris Tosh

On September 8, 2003, the Home Inspector Rules and Standards Committee, in open session, reviewed the "Parallel Inspection" rule. The Committee cites the following:

- a) The "Parallel Inspection" rule, as currently written, is solely designed to provide the In-Training Applicant with Experience.
- b) The Experience is derived from actual home inspections under the supervision of a Certified Home Inspector.
- c) The Certified Home Inspector is commissioned to provide the In-Training Applicant, with an understanding of the concepts of the home inspection, as they are applied.
- d) The Concepts of the Home Inspection are complex, insofar as they range from relations with the general public (homeowners, homebuyers, agents, etc.) and acceptable behavior on the property of this public, to the tools and methods employed to execute a home inspection in accordance with the Rules as set forth by the Arizona State Board of Technical Registration.
- e) The Rules and Standards Committee recognizes, that the best scenario for successfully conveying the application of these concepts, is one-on-one (one In-Training Applicant accompanying one certified home inspector).
- f) The Rules and Standards Committee recognizes, that circumstances often require a deviation from the best scenario, to accommodate specific conditions.
- g) The Committee also recognizes, that these specific conditions will arise from feasibility concerns, ranging from an inadequate amount of inspectors or inspectors, as is possible in rural areas of the state, to the need for schools utilizing parallel inspections to train multiple inspectors, to enable financial solvency.
- h) The Committee has always recognized, that the Responsibility of the rule defined as "Parallel Inspection" is, to first and foremost the protection of the General Public, and to the In-Training Applicant.

September 8, 2003

To: Arizona State Board of Technical Registration  
1110 W. Washington Street Suite 240  
Phoenix, Arizona 85007



From: Home Inspector Rules and Standards Committee

Re: Committee Recommendation concerning the definition of "Parallel Inspection"

Dear,  
Mr. Ronald Dalrymple, Executive Director  
Mr. William Greenslade, Board Chairman  
Members of the Board.

On September 3, 2003, the Home Inspectors Rules and Standards Committee, in open session, reviewed the Rule of "Parallel Inspections". The Committee cites the following:

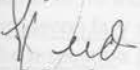
- a) The Parallel Inspection, unlike the schooling and exam requirements, is solely designed to provide the In-Training Applicant with Experience.
- b) The Experience is derived from actual home inspections under the supervision of a Certified Home Inspector.
- c) The Certified Home Inspector is commissioned to provide the In-Training Applicant, with an understanding of the concepts of the home inspection, as they are applied.
- d) The Concepts of the Home Inspection are complex, insofar as they range from relations with the general public (homeowners, homebuyers, agents, etc.) and acceptable behavior on the property of this public, to the tools and methods employed to execute a home inspection in accordance with the Rules as set forth by the Arizona State Board of Technical Registration.
- e) The Rules and Standards Committee recognizes, that the best scenario for successfully conveying the application of these concepts, is one-on-one (one in-training applicant accompanying one certified home inspector).
- f) The Rules and Standards Committee recognizes, that circumstances often require a deviation from the best scenario, to accommodate specific conditions.
- g) The Committee also recognizes, that these specific conditions will arise from feasibility concerns, ranging from an inadequate amount of inspections or inspectors, as is possible in rural areas of the state, to the need for schools offering parallel inspections to train multiple inspectors, to enable financial solvency.
- h) The Committee has always recognized, that the Responsibility of the rule defined as "Parallel Inspection" is, to first and foremost the protection of the General Public, and to the In-Training Applicant.

- i) The Rules and Standards Committee contends that the rule, as written, satisfies this Responsibility, by allowing no more than four (4) in-training applicants to be supervised by a Certified Home Inspector, on a "Parallel Inspection" at any given time, enhancing the quality of the experience, and thus protecting the public.
- j) The Committee also contends, that changing the rule to allow more In-Training Applicants to accompany a Certified Home Inspector on a "Parallel Inspection" although advantageous to the schools offering this training, will reduce the quality of the experience for the In-training Applicant, and thus have a negative effect on the General Public.


In conclusion:

In response to your request that the Home Inspectors Rules and Standards Committee review the definition of "Parallel Inspection" as written, and after hearing the concerns of Arizona SunTech as related by Larry Kay (business manager of the school), the comments and concerns of several public members in attendance, and much discussion, the Committee recommends NO CHANGE to the definition at this time.

Sincerely,

  
 Peter J. Leeds  
 Committee Member  
 Rules and Standards Committee

- Currently for students we've looked at worry that if their training comes from their future competitors that training would be better.
- They also worry that their submitted reports are being reviewed by lower-level inspectors, and essentially their future competitors.
- Lastly, there is no BTR at all amount that an individual certified inspector can charge students for their training leading some students to believe they are being unfairly charged.

  
 Larry Kay, Business Manager  
 1000 N. Wells Street, Director of Education

# Arizona SunTech

A Division of The University of Professional  
Building Inspector Training, L.L.C., DBA

August 28, 2003

Dear Mrs. Baughman & Mr. Dalrymple, and Board Members:

This letter is a draft proposal of a suggested change to the Home Inspector Field Rule (ARS § R4-30-102) to be dispersed as necessary for a discussion on Sept. 3<sup>rd</sup>. We'd like to have the item in question placed on the agenda for that meeting, and be afforded the opportunity to speak to them. The current definition reads as follows:

## R4-30-102. Home Inspection Definitions

10. "Parallel inspection" means a home inspection by an applicant supervised by a certified home inspector, in the presence of no more than three other applicants, that includes a written report prepared by the applicant, reviewed and corrected by the supervising certified home inspector, and returned to the applicant within 10 days after the supervising certified home inspector receives the written report.

We would like to amend it to read:

## R4-30-102. Home Inspection Definitions

10. "Parallel inspection" means a home inspection by an applicant supervised by a certified home inspector, in the presence of no more than three other applicants, unless a second certified instructor from a licensed, private, post-secondary school is also present on site then no more than fifteen other applicants may be present. The inspection includes a written report prepared by the applicant, reviewed and corrected by the supervising certified home inspector or instructor, and returned to the applicant within 10 days after the supervising certified home inspector receives the written report.

This revised version allows the inspector to perform their function for the buyer, while the instructor teaches the class. Both professionals are dedicated to one activity without distraction. Naturally, the '15' number is a request from us meaning 16 total students might be present. If this number is deemed high than a smaller number, 8 or 12, may be considered more reasonable.

In addition there are a host of smaller issues that are relevant to the discussion but we don't intend to speak to them at any length during the upcoming meeting.

- Currently the students we've spoken to worry that if their training comes from their future competition that training would be suspect.
- They also worry that their submitted reports are being reviewed by practicing inspectors, also, essentially, their future competition.
- Lastly, there is no BTR set amount that an individual certified inspector can charge students for their training leading some students to believe they are being unfairly gouged.

Again, our primary issue is the student-teacher ratio not these other items and we only intend to discuss the ratio issue at the meeting. We are currently in compliance with the active rule and have 3-4 certified professionals on site when necessary. I look forward to hearing from you. Please don't hesitate to call with any concerns.

Sincerely yours,

  
Larry Kay, Business Manager  
c/o Allen Wells Blaker, Director of Education

Arizona SunTech

2535 East University Dr., Suite 100, Phoenix Arizona 85034  
Telephone 602.286.9600 Facsimile 602.286.9602 National 888.448.4144

CERTIFICATE NUMBER	LAST	FIRST	DISCIPLINE CODE	STATUS CODE	EXPIRE DATE
32613	BALDWIN	JOHN	900	DL	20000630
33822	BITTNER	MARK	901	DL	20000630
31470	BRAICO	ROBERT	604	DL	20000630
31277	CAVANAGH	C	100	DL	20000630
31389	CONRAD	WESTEL	605	DL	20000630
31549	CONRAD	WESTEL	611	DL	20000630
31303	DANGERFIELD	HENRY	604	DL	20000630
28040	ENGSTROM	HAROLD	604	DL	20000630
31433	FABER	NEIL	605	DL	20000630
28007	GEARY	JELENE	604	DL	20000630
28061	GIL	FERNANDO	611	DL	20000630
28018	GREENE	DAVID	617	DL	20000630
31400	GUTIERREZ	MARIO	611	DL	20000630
31551	HODDER	THOMAS	611	DL	20000630
31418	INCHAUSTE	JUAN	604	DL	20000630
22656	JACKMAN	GEORGE	605	DL	20000630
11695	JANICK	JOSEPH	604	DL	20000630
09687	JEFFERS	KEITH	605	DL	20000630
17783	JENSEN	DAVID	611	DL	20000630
08521	JERNIGAN	RICHARD	100	DL	20000630
08119	JEWELL	GAYLE	400	DL	20000630
04492	JOHNSEN	STANLEY	613	DL	20000630
14312	JOHNSON	JAMES	617	DL	20000630
18849	JOHNSON	STEPHEN	300	DL	20000630
24340	JOHNSON	MARK	604	DL	20000630
11440	JONES	ROGER	605	DL	20000630
13632	JONES	WALTER	604	DL	20000630
15791	JONES	JOHN	100	DL	20000630
16743	JONES	PAUL	605	DL	20000630
13180	KALAL	THOMAS	400	DL	20000630
20468	KALLEMEYN	DAVID	604	DL	20000630
13851	KAUFMANN	ROBERT	300	DL	20000630
16448	KEISER	RONALD	611	DL	20000630
08310	KENT	HARRY	604	DL	20000630
10484	KERBER	TED	400	DL	20000630

CERTIFICATE NUMBER	LAST	FIRST	DISCIPLINE CODE	STATUS CODE	EXPIRE DATE
25589	KHOYLOU	HASSAN	604	DL	20000630
24160	KITSOS	WILLIAM	605	DL	20000630
22831	KLISE	DAVID	300	DL	20000630
18510	KLUVERS	PAUL	617	DL	20000630
16561	KMETTY	GEZA	400	DL	20000630
23999	KNOBBE	STEPHEN	604	DL	20000630
20262	KNOWLES	JAMES	611	DL	20000630
24820	KOCH	MARTIN	100	DL	20000630
13635	KOESTER	EDWARD	604	DL	20000630
19043	KORF	VICTOR	604	DL	20000630
22447	KOSICH	ALEX	100	DL	20000630
31401	KREISER	DOUGLAS	611	DL	20000630
22688	KRESS	ANITA	604	DL	20000630
06415	KREZEK	DONALD	605	DL	20000630
10074	KRHOUNEK	ROGER	100	DL	20000630
20264	KUEHN	BRUCE	611	DL	20000630
31419	KUMIN	WALTER	604	DL	20000630
13025	KUZMIK	MICHAEL	100	DL	20000630
09053	LAGERGREN	CHARLES	612	DL	20000630
21778	LANCASTER	MARVIN	400	DL	20000630
19974	LANGFORD	JAMES	604	DL	20000630
20274	LANNING	DAVID	617	DL	20000630
12434	LARSEN	THOMAS	611	DL	20000630
19976	LARSON	WAYNE	604	DL	20000630
31282	LAWSON	DAVID	100	DL	20000630
07449	LAYTON	DEAN	605	DL	20000630
07147	LECKMAN	JOHN	100	DL	20000630
04388	LEE	CURTIS	611	DL	20000630
25183	LEIER	DONALD	100	DL	20000630
21100	LELE	MANOHAR	611	DL	20000630
10567	LEPLEY	LARRY	300	DL	20000630
11923	LESNICK	CHRISTOPHE	100	DL	20000630
06996	LEWIS	RAY	604	DL	20000630
20420	LEWIS	RICHARD	100	DL	20000630
18606	LI	RUH-MING	604	DL	20000630

CERTIFICATE LAST NUMBER	FIRST	DISCIPLINE CODE	STATUS CODE	EXPIRE DATE	
24206	LIN	ALBERT	603	DL	20000630
11231	LINAWEAVER	RAYMOND	604	DL	20000630
15383	LINCOLN	CARL	611	DL	20000630
20181	LINDSAY	WINFORD	100	DL	20000630
20570	LITTLE	JAMES	100	DL	20000630
20808	LO	GEORGE	604	DL	20000630
11839	LOFTFIELD	JAMES	617	DL	20000630
21047	LOITZ	DAN	605	DL	20000630
16993	LONDON	JEFFREY	604	DL	20000630
06905	LONG	HAROLD	100	DL	20000630
16958	LONG	ROGER	603	DL	20000630
20515	LONGENECKER	ROBERT	611	DL	20000630
22644	LORD	JAMES	604	DL	20000630
31393	LORENZO	ANGEL	605	DL	20000630
22930	LUKES	GEORGE	605	DL	20000630
22678	LUNDY	ROBERT	100	DL	20000630
14294	LYDECKER	WARREN	605	DL	20000630
25280	LYONS	JOHN	100	DL	20000630
32501	MICKANEN	DAVID	900	DL	20000630
31285	MORLOTE	MARCEL	100	DL	20000630
31482	NEALON	JOHN	604	DL	20000630
28011	O'BRIEN	THOMAS	604	DL	20000630
31347	O'NEILL	LARRY	100	DL	20000630
27973	OSINSKI	TOMAS	100	DL	20000630
31330	PEDEN	DAVID	617	DL	20000630
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28048	RAEL	MARK	604	DL	20000630
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31350	RUDMAN	BRUCE	100	DL	20000630
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31332	THOMAS	CHARLES	300	DL	20000630
34871	ULIBARRI	JOHN	604	DL	20000630
31394	VAN LEUVEN	SUSANNA	605	DL	20000630
31361	WICK	LONNIE	100	DL	20000630
31291	WONG	CLIFFORD	100	DL	20000630



CERTIFICATE LAST NUMBER	FIRST	DISCIPLINE CODE	STATUS CODE	EXPIRE DATE
31329	YUKI	MANSHIRO	611 DL	20000630

\* \* \* END OF REPORT \* \* \*

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 700 MECHANICAL

100	ARCHITECT	612	ENGINEER/METALLURGICAL
199	ARCHITECT-IN-TRAINING	613	ENGINEER/MINING
200	ASSAYER	614	ENGINEER/NUCLEAR
299	ASSAYER-IN-TRAINING	615	ENGINEER/PETROLEUM
300	GEOLOGIST	616	ENGINEER/SANITARY
399	GEOLOGIST-IN-TRAINING	617	ENGINEER/STRUCTURAL
400	LAND SURVEYOR	618	FIRE PROTECTION
499	LAND-SURVEYOR-IN-TRAINING	619	ENGINEER/ENVIRONMENTAL
500	LANDSCAPE ARCHITECT	620	ENGINEER/CONTROL SYSTEMS
599	LANDSCAPE ARCH-IN-TRAINING	622	CIVIL, ELEC, STRUC ENGINEER
601	ENGINEER/AERONAUTICAL	623	CIVIL & MECHANICAL ENGINEER
602	ENGINEER/AGRICULTURAL	624	CIVIL & MINING ENGINEER
603	ENGINEER/CHEMICAL	625	CIVIL & SANITARY ENGINEER
604	ENGINEER/CIVIL	626	CIVIL & STRUCTURAL ENGINEER
605	ENGINEER/ELECTRICAL	628	CHEMICAL & METALLURGICAL ENG
606	ENGINEERING SCIENTIST	631	MINING & METALLURGICAL ENGR
607	ENGINEER/GEOLOGICAL	699	ENGINEER-IN-TRAINING
608	ENGINEER/GEOPHYSICAL	799	HOME INSPECTOR-IN-TRAINING
609	HIGHWAY ENGINEER	902	REMEDICATION SPECIALIST
610	ENGINEER/INDUSTRIAL	903	HOME INSPECTOR
611	ENGINEER/MECHANICAL	904	DRUG LAB ON-SITE SUPERVISOR
		905	DRUG LAB ON-SITE WORKER

The following definitions apply to this Chapter unless the context otherwise requires:

1. "Quality improvement" means actively practicing or providing professional services, as defined in the Technical Regulation Act, Title 32, Chapter 1, Section Revised Statutes.
2. "Quality improvement" means actively practicing or providing professional services, as defined in the Technical Regulation Act, Title 32, Chapter 1, Section Revised Statutes.

Agenda Item for Board Meeting of September 19, 2003

Agenda Item #10. Proposed substantive changes to rule package previously approved by the Board at its 5/13/03 and 8/12/03 meetings

First Substantive Rule Change: R4-30-101(2) Definitions

The Board shall: VERSION THAT WAS APPROVED AT 5/13/03 MEETING:

R4-30-101. Definitions

The following definitions apply in this Chapter unless the context otherwise requires:

1. "Active engagement" means actually practicing or providing professional services. "Act" means the Technical Registration Act, Title 32, Chapter 1, Arizona Revised Statutes.
2. "Act" means the Technical Registration Act, Title 32, Chapter 1, Arizona Revised Statutes. "Active Engagement" means actually practicing or providing professional services.

A. No change

PROPOSED VERSION

R4-30-101. Definitions

The following definitions apply in this Chapter unless the context otherwise requires:

1. "Active engagement" means actually practicing or providing professional services. "Act" means the Technical Registration Act, Title 32, Chapter 1, Arizona Revised Statutes.
2. "Act" means the Technical Registration Act, Title 32, Chapter 1, Arizona Revised Statutes. "Active engagement" means actually practicing or providing architectural, assaying, engineering, geological, landscape architectural, and land surveying services.

A. No change

PROPOSED VERSION

R4-35-106. Fees

A. No change

1. The amount received for a license fee.

2. The amount received for a license fee for a person who is a member of a profession or occupation.

B. No change

C. No change

D. No change

Second Substantive Rule Change: R4-30-106(A). Fees

VERSION THAT WAS APPROVED AT 5/13/03 MEETING:

R4-30-106. Fees

- A. The Board shall charge the following fees:
1. The initial registration and triennial renewal fee for architects, assayers, engineers, geologists, landscape architects and surveyors is \$126.00.
  2. The delinquent renewal fee is ~~\$21.00~~ equal to one-sixth of the renewal fee per year or any fraction of a year that the renewal is delinquent.
  3. No change
  4. No change
  5. No change
  6. No change
  7. No change
  8. No change
  9. No change
  10. No change
  11. No change
  12. No change
  13. No change
  14. No change

PROPOSED VERSION:

R4-30-106. Fees

- A. No change
1. ~~The triennial renewal fee is \$126.00.~~
  2. ~~The delinquent renewal fee is \$21.00 per year of any fraction of a year that the renewal is delinquent.~~
  - 3.1. No change
  - 4.2. No change

5. 3. No change *Rule Change: RA-26-20(A)(2) Time-Frames for Professional Registration, Certification, or In-Training Designation*

6. 4. No change

VERSION THAT WAS APPROVED AT STAFF MEETING

7. 5. No change

8. 6. No change *Time-Frames for Professional Registration, Certification, or In-Training Designation*

9. 7. No change

10. 8. No change

11. ~~The annual renewal fee for certification as a home inspector is \$400.00~~

12. ~~The Drug Laboratory Site Remediation Firm initial fee, and annual renewal fee, is \$1,000.00~~

13. ~~The On-site Worker initial registration fee, and annual renewal fee, is \$300.00~~

14. ~~The On-site/Remediation Supervisor initial certification fee, and annual renewal fee, is \$300.00~~

*the parallel proposals. If the candidate applicant fails to supply the missing information or documentation, the Board may close the candidate's applicant's application file. Any fee paid by the candidate applicant is non-refundable. A candidate for applicant whose file has been closed and who later wishes to apply for professional registration, certification, or in-training designation shall submit a new application package and pay the applicable fee.*

PROPOSED VERSION

RA-26-20A Time-Frames for Professional Registration, Certification, or In-Training

Designation

A. No change

1. *A candidate for applicant with an incomplete application package shall supply the missing information or documentation within 90 days from the date of the notice of deficiencies. However, the Board may hold a bond, license or applicant's package for one year to complete a home inspector applicant to meet the requirements of RA-26-20(A)(2). If the candidate applicant fails to supply the missing information or documentation, the Board may close the candidate's applicant's application file. Any fee paid by the candidate applicant is non-refundable. A candidate for applicant whose file has been closed and who later wishes to*

**Third Substantive Rule Change: R4-30-209(A)(3). Time-Frames for Professional Registration, Certification, or In-Training Designation**

VERSION THAT WAS APPROVED AT 5/13/03 MEETING

**R4-30-209. Time-Frames for Professional Registration, Certification, or In-Training Designation**

A. No change

3. ~~A candidate~~ An applicant with an incomplete application package shall supply the missing information or documentation within 90 days from the date of the notice of deficiencies, except for home inspector-in-training applicants who need to complete parallel inspections, in which case the applicant has one year from the date of the notice of deficiencies to complete the parallel inspections. If the ~~candidate~~ applicant fails to supply the missing information or documentation, the Board may close the ~~candidate's~~ applicant's application file. Any fee paid by the ~~candidate~~ applicant is non-refundable. ~~A candidate~~ An applicant whose file has been closed and who later wishes to apply for professional registration, certification, or in-training designation shall submit a new application package and pay the applicable fee.

PROPOSED VERSION

**R4-30-209. Time-Frames for Professional Registration, Certification, or In-Training Designation**

A. No change

3. ~~A candidate~~ An applicant with an incomplete application package shall supply the missing information or documentation within 90 days from the date of the notice of deficiencies. However, the Board may hold a home inspector applicant's package for one year to permit a home inspector applicant to meet the requirements of R4-30-247(A)(7). If the ~~candidate~~ applicant fails to supply the missing information or documentation, the Board may close the ~~candidate's~~ applicant's application file. Any fee paid by the ~~candidate~~ applicant is non-refundable. ~~A candidate~~ An applicant whose file has been closed and who later wishes to

Fourth Sub apply for professional registration, certification, or in-training designation shall submit a new application package and pay the applicable fee. AT 12/19/19 14:27:00

16.36-247. Home Inspector Certification

A. An applicant for certification as a home inspector shall submit all of the following in an application package to the Board as original and one copy of a completed application packet containing the following information:

42. To complete a home inspector in-training program, an applicant who otherwise qualifies for certification as a home inspector except for meeting the qualification in subsection (A)(7)(C) shall present evidence of completion of 30 parallel home inspections. The 30 parallel home inspections shall meet the standards in 16.36-301.01. The applicant shall conduct these inspections on separate residential dwelling units and shall list them on a log provided by the Board. The log shall include, with respect to each inspection, the address of the property, the date of the inspection, and the name and certification number of the supervising home inspector. The Board may hold the applicant's application package for a period of one year based on the available time to complete the required parallel inspections.

PROPOSED VERSION

16.36-247. Home Inspector Certification

A. An applicant for certification as a home inspector shall submit all of the following in an application package to the Board as original and one copy of a completed application packet containing the following information:

42. To complete a home inspector in-training program, an applicant who otherwise qualifies for certification as a home inspector except for meeting the qualification in subsection (A)(7)(C) shall present evidence of completion of 30 parallel home inspections. The 30 parallel home inspections shall meet the standards in 16.36-301.01. The applicant shall conduct these inspections on separate residential dwelling units and shall list them on a log provided by the

**Fourth Substantive Rule Change: R4-30-247(A)(7). Home Inspector Certification**

VERSION THAT WAS APPROVED AT 5/13/03 MEETING

**R4-30-247. Home Inspector Certification**

A. An applicant for certification as a home inspector shall submit ~~all of the following in an application package to the Board:~~ an original and one copy of a completed application package containing the following information:

~~87.~~ To complete a home inspector in-training program, an applicant who otherwise qualifies for certification as a home inspector except for meeting the qualification in subsection (A)(7)(6), shall present evidence of completion of 30 parallel home inspections. The 30 parallel home inspections shall meet the standards in R4-30-301.01. The applicant shall conduct these inspections on separate residential dwelling units and shall list them on a log provided by the Board. The log shall include, with respect to each inspection, the address of the property, the date of the inspection, and the name and certification number of the supervising home inspector. The Board may hold the in-training applicant's package for a period of one year based on the need for time to complete the required parallel inspections.

PROPOSED VERSION

**R4-30-247. Home Inspector Certification**

A. An applicant for certification as a home inspector shall submit ~~all of the following in an application package to the Board:~~ an original and one copy of a completed application package containing the following information:

~~87.~~ To complete a home inspector in-training program, an applicant who otherwise qualifies for certification as a home inspector except for meeting the qualification in subsection (A)(7)(6), shall present evidence of completion of 30 parallel home inspections. The 30 parallel home inspections shall meet the standards in R4-30-301.01. The applicant shall conduct these inspections on separate residential dwelling units and shall list them on a log provided by the



1404 Board. The log shall include, with respect to each inspection, the address of the property, the date of the inspection, and the name and certification number of the supervising home inspector. The Board may hold the applicant's package for a period of one year based solely on the need for time for the applicant to complete the required parallel inspections. All timeframes adopted pursuant to Title 41, Chapter 6, Article 7.1 are suspended during this period.

2. No change

3. No change

4. State or jurisdiction jurisdiction, in which any other professional or occupational certification, registration or license is held by the applicant, type of certification, registration, or license, number, and year granted;

5. Name of the state or jurisdiction, the type of professional or occupational certification, registration, or license the applicant is seeking, and the status of any professional or occupational application pending in any state or jurisdiction;

6. A detailed explanatory comment regarding:

a. Any refusal of professional or occupational certification, registration or license by any state or jurisdiction;

b. Any pending disciplinary action in any state or jurisdiction on any professional or occupational certification, registration, or license held by the applicant;

c. No change

d. No change

e. Any disciplinary action taken by any state or jurisdiction on any professional or occupational certification, registration, or license held by the applicant in any state or jurisdiction;

7. No change

8. No change

9. No change

10. No change

**Fifth Substantive Rule Change: R4-30-272. On-Site Worker Registration and Renewal**

VERSION THAT WAS APPROVED AT 5/13/03 MEETING

**R4-30-272. On-Site Worker Registration and Renewal**

A. No change

1. Name, residence address, mailing address if different from residence, and residence telephone number;
2. No change
3. No change
4. State or Jurisdiction jurisdiction in which any other professional or occupational certification, registration or license is held by the applicant, type of certification, registration, or license, number, and year granted;
5. Name of the state or jurisdiction, the type of professional or occupational certification, registration, or license the applicant is seeking, and the status of any professional or occupational application pending in any state or jurisdiction;
6. A detailed explanatory statement regarding:
  - a. Any refusal of professional or occupational certification, registration or license by any state or jurisdiction;
  - b. Any pending disciplinary action in any state or jurisdiction on any professional or occupational certification, registration, or license held by the applicant;
  - c. No change
  - d. No change
  - e. Any disciplinary action taken by any state or jurisdiction on any professional or occupational certification, registration, or license held by the applicant in any state or jurisdiction;
7. No change
8. No change
9. No change
10. No change

- B. No change
  - 1. No change
  - 2. No change
  - 3. No change
    - a. No change
    - b. No change
    - c. No change
    - d. No change
    - e. No change
    - f. No change
    - g. No change
  - 4. No change
- C. No change

PROPOSED VERSION

**R4-30-272. On-Site Worker Registration Certification and Renewal**

- A. An applicant for an on-site worker registration certification shall submit an original and one copy of a completed application package containing the following information:
  - 1. Name, residence address, mailing address if different from residence, and residence telephone number;
  - 2. No change
  - 3. No change
  - 4. ~~Jurisdiction~~ State or jurisdiction in which any other professional or occupational certification, registration or license is held by the applicant, type of certification, registration, or license, number, and year granted;
  - 5. Name of the state or jurisdiction, the type of professional or occupational certification, registration, or license the applicant is seeking, and the status of any professional or occupational application pending in any state or jurisdiction;

6. A detailed explanatory statement regarding:
- a. Any refusal of professional or occupational certification, registration or license by any state or jurisdiction;
  - b. Any pending disciplinary action in any state or jurisdiction on any professional or occupational certification, registration, or license held by the applicant;
  - c. No change
  - d. No change
  - e. Any disciplinary action taken by any state or jurisdiction on any professional or occupational certification, registration, or license held by the applicant in any state or jurisdiction;
7. No change
8. No change
9. No change
10. No change

B. Effective September 30, 2003, an applicant for renewal of on-site worker registration certification shall submit an application package that contains:

1. No change
2. No change
3. No change
  - a. No change
  - b. No change
  - c. No change
  - d. No change
  - e. No change
  - f. No change
  - g. No change
4. No change

C. The Board staff shall review all applications and, if necessary, refer completed applications to the Environmental Remediation Rules and Standards Committee for evaluation. If the application is complete and in the proper form, and the Board staff or committee is satisfied that all statements on the application are true and that the applicant is eligible in all other aspects to be ~~registered~~ certified, the Board staff or committee shall recommend that the Board ~~register~~ certify the applicant. If for any reason the Board staff or committee is not satisfied that all of the statements on the application are true, the Board staff shall make a further investigation of the applicant. The Board staff or committee shall submit recommendations to the Board for approval. The Board may also require an applicant to submit additional oral or written information if the applicant has not furnished satisfactory evidence of qualifications for ~~registration~~ certification.

PROPOSED VERSION

14-30-104. Use of Seal

- D. The registrant shall sign, date and seal a professional document before the document is submitted to a client, contractor, any regulatory or review body, or any other person, unless the document is marked "preliminary" or "not for construction". A registrant shall sign, date, and seal a professional document:
1. Before the document is submitted to a client, contractor, any regulatory or review body, or any other person, unless the document is marked "preliminary", "draft", or "not for construction"; and
  2. In all cases if the document is prepared for the purpose of further regulatory, legislative, administrative, or judicial action.

**Sixth substantive rule change: R4-30-304(D). Use of Seals**

VERSION APPROVED AT 8/12/03 MEETING

New wording is shown in *italics*

**R4-30-304(D). Use of Seals**

D. A registrant shall sign, date and seal a professional document before the document is submitted to a client, contractor, any regulatory or review body, or any other person, unless the document is marked "preliminary," "draft," or "not for construction," *with the following exception:*

1. *Any professional document prepared by or under the supervision of a registrant for the purpose of dispute resolution, litigation, arbitration or mediation shall be signed, dated and sealed by the registrant. These documents may be qualified, if appropriate, as having been prepared based on limited information and may be subject to future review and revision.*

**PROPOSED VERSION**

**R4-30-304. Use of Seals**

D. The registrant shall sign, date and seal a professional document before the document is submitted to a client, contractor, any regulatory or review body, or any other person, unless the document is marked "preliminary" or "not for construction." A registrant shall sign, date, and seal a professional document:

1. Before the document is submitted to a client, contractor, any regulatory or review body, or any other person, unless the document is marked "preliminary," "draft," or "not for construction"; and
2. In all cases, if the document is prepared for the purpose of dispute resolution, litigation, arbitration, or mediation.

AMENDED AGENDA

October 6, 2003

STATE BOARD OF TECHNICAL REGISTRATION

1110 W. Washington, Building Conference Room #250

Phoenix, AZ 85007

October 7, 2003 9:00 AM

OPEN SESSION

Title II of the Americans with Disabilities Act (ADA) prohibits the Board of Technical Registration from discriminating on the basis of disability in its public meetings. Persons with a disability may request a reasonable accommodation such as a sign language interpreter by contacting LaVern Douglas at (602) 364-4937. Requests should be made as early as possible to allow time to accommodate the request.

The Board may discuss, consider or take action on any item on the Agenda. At the discretion of the Board, Agenda items may be taken out of order.

All examination material, transcripts, educational records, reference forms and applications are confidential pursuant to A.R.S. § 32-129.

The Board may vote to go into executive session intermittently during the meeting on any of the following agenda items to review statutorily confidential materials or receive legal advice from counsel pursuant to A.R.S. § 38-431.03(A)(2) or (3).

1. CALL TO ORDER
2. ROLL CALL
3. CALL TO THE PUBLIC
4. ADOPTION OF MINUTES – September 19, 2003 meeting
5. EVALUATION OF APPLICATIONS UNDER A.A.C. R4-30-101.10, GOOD MORAL CHARACTER, AND POSSIBLE GRANTING OF REGISTRATION
  1. Thomas F. Roule – Architect
  2. Raymond Amara – Home Inspector
6. EVALUATION COMMITTEE AND STAFF RECOMMENDATIONS AND POSSIBLE GRANTING OF REGISTRATION OR CERTIFICATION (List available at Board's office)
  1. Granting of professional or in-training registration.
  2. Approval to sit for the professional or in-training examination.
  3. Denial to sit for the professional or in-training examination.
  4. Recommendation for denial of professional registration or in-training designation.

7. POSSIBLE REVISIONS TO A.A.C. R4-30-247 REGARDING REQUIREMENT FOR SUBMISSION OF FIVE HOME INSPECTION REPORTS AND ADDITION OF AFFIRMATION REQUIREMENT FOR SUPERVISING CERTIFIED HOME INSPECTORS
8. LIST OF LAPSED REGISTRATIONS/CERTIFICATIONS (List available at Board office)
9. FUTURE AGENDA ITEMS
10. FUTURE BOARD MEETINGS - The next meeting is scheduled for November 9, 2003

11. ADJOURNMENT

1. PUBLIC COMMENT

2. ADOPTION OF MINUTES - Mr. Nelson moved to accept the August 12, 2003 minutes. Seconded by Mr. Lane. MOTION CARRIED. (Ms. Lyndin and Ms. Cornello were not present.)

3. ENFORCEMENT MATTERS

A. Proposed Discipline

1. M04-010 / M0401-154 Larry E. Wake, P.E. (Civil) #20902. Mr. Pawliko moved to dismiss the case. Seconded by Mr. Parnas. After discussion, MOTION CARRIED.
2. M04-011 / M0401-070 David Hovner, Land Surveyor #14187. Mr. Lane moved to return the matter to staff for further action. Seconded by Mr. Staring. After discussion, MOTION CARRIED.
3. M04-015 / M0402-014 Leonard R. Nierman, Jr., Architect #10311. Mr. Nierman attended and was available to answer questions from the Board. Mr. Pawliko moved to dismiss the case. Seconded by Ms. Lyndin. After discussion, MOTION CARRIED.
4. M04-019 / M0401-155 Najib K. Lohar, P.E. (Civil) #20844. Mr. Stalling moved to dismiss the case. Seconded by Mr. Parnas. After discussion, MOTION CARRIED.

B. Proposed Letters of Concern

1. L. M04-014 / M0401-071 Michael F. York, Land Surveyor #19803. Mr. Lane moved to return the matter to staff for further action. Seconded by Mr. Staring. After discussion, MOTION CARRIED.
2. M04-020 / M0402-170 Thomas Bedwa, Architect #20546. Ms. Hovner moved to issue respondent a letter of concern as recommended by the SAC Committee. Seconded by Mr. Lane. After discussion, MOTION CARRIED.

C. Acceptance or Rejection of Proposed Consent Agreements

1. M03-041 / M0303-184 Thomas J. Farner, Surveyor. Mr. Lane moved to accept the signed consent agreement with the following Order:
  - Assurance of Discontinuance - Respondent shall not practice, offer to practice, or by any implication hold himself out as qualified to practice architecture and shall not offer professional plan stamps until granted registration by the Board.
  - Civil Penalty - pay a civil penalty in the amount of \$1,000.00.
  - Cost of Investigation - pay cost of investigation in the amount of \$184.00.
 Seconded by Ms. Cornello. After discussion, MOTION CARRIED.



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

September 19, 2003 Quarterly Meeting  
9:00 A.M.

1. CALL TO ORDER - The quarterly meeting of the Board of Technical Registration was called to order at 9:00 a.m. by Chair William Greenslade.
2. ROLL CALL - **Present:** William Greenslade, Ronald Starling, Joy Lyndes, Chet Pearson, Richard Pawelko, Stuart Lane, Gary Nelson and Priscilla Cornelio. **Board Staff:** Ron Dalrymple, LaVern Douglas, Kathryn Fuller, Melinda Baughman, Diane Aubert, Cassie Goodman, Janis Humphrey, Paul Deem, Patricia Vera and Kay Reed. **Assistant Attorney General:** Elizabeth Burns. **Absent:** Robert Roos.
3. PUBLIC COMMENT
4. ADOPTION OF MINUTES – Mr. Nelson moved to accept the August 12, 2003 minutes. Seconded by Mr. Lane. MOTION CARRIED. (Ms. Lyndes and Ms. Cornelio were not present.)
5. ENFORCEMENT MATTERS
  - A. Proposed Dismissals
    1. M04-010 / MIR01-156 Larry E. Wilke, P.E. (Civil) #20962. Mr. Pawelko moved to dismiss the case. Seconded by Mr. Pearson. After discussion, MOTION CARRIED.
    2. M04-011 / MIR03-070 David Hornor, Land Surveyor #14187. Mr. Lane moved to return the matter to staff for further action. Seconded by Mr. Starling. After discussion, MOTION CARRIED.
    3. M04-015 / MIR02-014 Leonard R. Niemiec, Jr., Architect #12818. Mr. Niemiec attended and was available to answer questions from the Board. Mr. Pawelko moved to dismiss the case. Seconded by Ms. Lyndes. After discussion, MOTION CARRIED.
    4. M04-019 / MIR01-155 Najeh K. Edais, P.E. (Civil) #26844. Mr. Starling moved to dismiss the case. Seconded by Mr. Pearson. After discussion, MOTION CARRIED.
  - B. Proposed Letters of Concern
    1. M04-014 / MIR02-091 Michael F. York, Land Surveyor #19862. Mr. Lane moved to return the matter to staff for further action. Seconded by Mr. Starling. After discussion, MOTION CARRIED.
    2. M04-020 / MIR02-170 Therese Brown, Architect #29546. Mr. Nelson moved to issue respondent a letter of concern as recommended by the EAC Committee. Seconded by Mr. Lane. After discussion, MOTION CARRIED.
  - C. Acceptance or Rejection of Proposed Consent Agreements
    1. M03-043 / MIR03-184 Thomas J. Farnam, Nonregistrant. Mr. Lane moved to accept the signed consent agreement with the following Order:
      - Assurance of Discontinuance - Respondent shall not practice, offer to practice, or by any implication hold himself out as qualified to practice architecture and shall not alter plans during plan checks until granted registration by the Board.
      - Civil Penalty – pay a civil penalty in the amount of \$1,000.00.
      - Cost of Investigation – pay cost of investigation in the amount of \$164.00.Seconded by Ms. Cornelio. After discussion, MOTION CARRIED.

2. M04-003 / MIR03-059 Harold David Kinsey, Jr., Nonregistrant. Mr. Pawelko moved to accept the signed consent agreement with the following Order:
  - Assurance of Discontinuance
  - Restitution – pay restitution to the homeowners in a total amount of \$250.00.
  - Civil Penalty – pay a civil penalty in the amount of \$250.00.
  - Cost of Investigation – pay cost of investigation in the amount of \$66.00.
 Seconded by Mr. Nelson. After discussion, MOTION CARRIED.
3. M04-004 / MIR03-214, -304 & -309 Joseph J. Canino, Nonregistrant. Mr. Canino attended and addressed the Board. Ms. Lyndes moved to accept the signed consent agreement with the following Order:
  - Assurance of Discontinuance;
  - Restitution - pay restitution in the form of a cashier's check or money order to:
    - a. Stephanie Fryer in the amount of \$210.00;
    - b. Michele Cobel in the amount of \$230.00;
  - Civil Penalty – pay a civil penalty in the amount of \$1,700.00. If Respondent fails to comply, the amount of civil penalty due shall be \$2,140.00;
  - Cost of Investigation – pay cost of investigation in the amount of \$439.00.
 Seconded by Mr. Pawelko. After discussion, MOTION CARRIED.
4. M04-005 / MIR03-275 Thomas J. Alden, Nonregistrant. Mr. Lane moved to accept the signed consent agreement with the following Order:
  - Assurance of Discontinuance;
  - Restitution – pay restitution to:
    - a. Shelby Barcus in the amount of \$255.00;
    - b. Sabrina Brock in the amount of \$200.00;
  - Civil Penalty – pay a civil penalty in the amount of \$1,210.00 (or \$1,655.00 if Respondent fails to pay restitution timely);
  - Cost of Investigation – pay cost of investigation in the amount of \$216.00.
 Seconded by Ms. Lyndes. After discussion, MOTION CARRIED.
5. M04-008 / MIR03-248 Daniel Lee Pfaff, Nonregistrant. Ms. Lyndes moved to accept the signed consent agreement with the following Order:
  - Assurance of Discontinuance
  - Civil Penalty – pay a civil penalty in the amount of \$1,000.00 (or \$1,150.00 if restitution is not paid timely).
  - Restitution – pay restitution to Yutani and Janet Kazuo of \$150.00.
 Cost of Investigation – pay cost of investigation in the amount of \$96.00.  
 Seconded by Ms. Cornelio. After discussion, MOTION CARRIED.
6. M04-009 / MIR03-267 Dennis A. Schnick, Certified Home Inspector #39081. Mr. Lane moved to accept the signed consent agreement with the following Order:
 

Probation - Respondent's Home Inspection Certificate #39081 will be placed on probation for a minimum of two years with the following terms and conditions:

  - a. Within seven days of any criminal conviction Respondent must report it to the Board and provide all documentation regarding the offense;
  - b. At the request of the Executive Director or his designee, and no less than two times during the probationary period, Respondent must submit fingerprints for a criminal history records check and pay the fee as determined by the Board;
  - c. If the Board receives information indicating that Respondent may have violated any terms of this Consent Agreement, the Board may extend Respondent's probationary period until after the final adjudication and appeal, if any, of the case dealing with the alleged violation of this Consent Agreement.
 Seconded by Mr. Pawelko. After discussion, MOTION CARRIED. Mr. Pearson abstained from discussion and voting.

D. Possible Initiation of Board Complaints

1. MIR03-112 Allen W. Blaker, Certified Home Inspector #38050. Mr. Pawelko moved to not initiate a complaint. Seconded by Mr. Starling. After discussion, MOTION CARRIED. Mr. Pearson voted Nay.
2. MIR03-202 William H. Moore, Certified Home Inspector #38986. Ms. Cornelio moved to not initiate a complaint. Seconded by Mr. Lane. After discussion, MOTION CARRIED.
3. MIR03-229 Kyle B. Myers, Certified Home Inspector #38658. Mr. Starling moved to not initiate a complaint. Seconded by Mr. Pearson. After discussion, MOTION CARRIED. Mr. Myers attended and was represented by his attorney, Mr. Karman, who addressed the Board. (Ms. Lyndes was not present.)
4. MIR03-287 Patrick M. Robertson, Certified Home Inspector #39315. Mr. Starling moved to not initiate a complaint. Seconded by Mr. Lane. After discussion, MOTION CARRIED.
5. MIR03-311 John A. Felson, Certified Home Inspector #39087. Mr. Pawelko moved to not initiate a complaint. Seconded by Mr. Pearson. After discussion, MOTION CARRIED.
6. MIR03-314 Randy R. West, Certified Home Inspector #38451. Ms. Cornelio moved to not initiate a complaint. Seconded by Mr. Pawelko. After discussion, MOTION CARRIED.

E. Discussion and Consideration Re: Proceeding to Formal Hearing

M03-040 / MIR02-056 Robert J. Fish, Land Surveyor #12317. Mr. Talbow attended and addressed the Board. Mr. Pawelko moved that staff initiate proceedings for a formal hearing. Seconded by Mr. Lane. After discussion, MOTION CARRIED. Mr. Pearson recused himself from this case.

F. Discussion and Consideration of Complaints

1. M04-013 / MIR03-224 Riccardo Cattapan, Nonregistrant. Mr. Cattapan attended and addressed the Board and was accompanied by his attorney, Mr. Everroad. Mr. Pawelko moved to open a case. Seconded by Mr. Starling. After discussion, MOTION CARRIED. Mr. Pearson, Mr. Nelson and Ms. Cornelio voted Nay.
2. M04-016 / MIR03-187 John G. Harinck, Certified Home Inspector #38066. Mr. Harinck attended and addressed the Board.

EXECUTIVE SESSION - Mr. Pearson moved to go into Executive Session at 10:00 a.m. to obtain legal advice. Seconded by Mr. Pearson. MOTION CARRIED. The Board returned to Open Session at 10:13 a.m.

Mr. Lane moved to dismiss the allegations. Seconded by Mr. Starling. After discussion, MOTION CARRIED. Mr. Greenslade and Ms. Lyndes voted Nay.

3. M04-017 / MIR03-216 John G. Harinck, Certified Home Inspector #38066. This matter was discussed and voted on concurrently with related agenda item 5.F.2.
4. M04-018 / MIR03-307 John D. Westlund, Certified Home Inspector #38075. Mr. Starling moved to dismiss the allegations. Seconded by Mr. Lane. After discussion, MOTION CARRIED. Mr. Greenslade and Ms. Lyndes voted Nay.

G. Proposed Enforcement Advisory Committee Candidates

1. Joseph A. Gardner, Architect #10064
2. Fred E. Goldman, P.E. (Civil) #11580, and Land Surveyor #16543
3. Thomas D. Goodman, P.E. (Civil) #29323
4. Michael T. Lentino, Certified Home Inspector #38592

5. Jeremiah O. Teague, Land Surveyor #18557  
Mr. Lane moved to appoint the above-referenced candidates as members of the Enforcement Advisory Committee. Seconded by Ms. Lyndes. After discussion, MOTION CARRIED.
- H. Consideration of Possible Non-Compliance with Consent Agreement  
M04-006 / MIR04-016 Jerrell L. Jones, Land Surveyor #15333. Mr. Pawelko moved to approve Harold N. Epperson, Land Surveyor #21765 and Ronald J. Barbala, Land Surveyor #33307, as peer reviewers for this case. Seconded by Mr. Lane. After discussion, MOTION CARRIED.
6. EVALUATION OF APPLICATIONS UNDER A.R.S. § 32-122.01(E) – WORK EXPERIENCE NOT UNDER A REGISTRANT AND POSSIBLE GRANTING OF REGISTRATION
1. Mannie Carpenter – Environmental. Mr. Pearson moved that applicant be allowed to sit for the professional engineering examination. Seconded by Ms. Cornelio. After discussion, MOTION CARRIED.
  2. Sam Kanter – Mechanical. Mr. Pearson moved that applicant be allowed to sit for the professional engineering examination. Seconded by Ms. Cornelio. After discussion, MOTION CARRIED.
  3. John Manes – Geology. Mr. Greenslade moved that applicant be allowed to sit for the professional examination in Geology. Seconded by Mr. Starling. After discussion, MOTION CARRIED. Mr. Greenslade moved to open investigative files on two of Mr. Manes' references who appear to be nonregistrants: J. Stuart Limb and Eric L. Stanford. Seconded by Mr. Pearson. MOTION CARRIED. (Mr. Nelson and Ms. Lyndes were absent.)
  4. Justin Rundle – Mechanical. Mr. Pearson moved that applicant be granted registration as a P.E. (Mechanical). Seconded by Mr. Starling. After discussion, MOTION CARRIED.
  5. Thomas Bertram – Mechanical. Mr. Pearson moved that applicant be granted registration as a P.E. (Mechanical). Seconded by Mr. Starling. After discussion, MOTION CARRIED.
  6. Hamid Moradkhani – Civil. Mr. Starling moved that applicant be allowed to sit for the professional examination. Seconded by Mr. Pawelko. After discussion, MOTION CARRIED. (Mr. Nelson and Ms. Lyndes were absent.)
7. EVALUATION OF HOME INSPECTOR APPLICATIONS AND POSSIBLE GRANTING OF CERTIFICATION
1. Bruce K. Barnett, Applicant #021689. Mr. Barnett attended and addressed the Board. Mr. Starling moved to grant applicant certification. Seconded by Ms. Cornelio. After discussion, MOTION CARRIED.
  2. Warren R. Saunders, Applicant #030738. Mr. Saunders attended and addressed the Board. Mr. Pawelko moved to grant applicant certification. Seconded by Mr. Pearson. After discussion, MOTION CARRIED. Mr. Lane voted Nay.
  3. Douglas A. Koch, Applicant #030936. Mr. Koch attended and was available to answer questions from the Board. Ms. Cornelio moved to grant applicant certification. Seconded by Ms. Lyndes. After discussion, MOTION CARRIED.
8. EVALUATION AND POSSIBLE APPROVAL OF APPLICATIONS FOR ENGINEER-IN-TRAINING EXAMINATION
1. Richard Ellingson (EIT)
  2. Edward Janecki (EIT)
  3. Emily Viau (EIT)
- Mr. Starling moved to allow the above-referenced applicants to sit for the engineer-in-training examination. Seconded by Mr. Lane. After discussion, MOTION CARRIED.

9. EVALUATION COMMITTEE AND STAFF RECOMMENDATIONS AND POSSIBLE GRANTING OF REGISTRATION OR CERTIFICATION (See attached)

1. Granting of professional or in-training registration.
2. Approval to sit for the professional or in-training examination.
3. Denial to sit for the professional or in-training examination.
4. Recommendation for denial of professional registration or in-training designation.  
Mr. Pawelko moved to accept the Evaluation Committee recommendations #1 - #4. Seconded by Mr. Nelson. After discussion, MOTION CARRIED.
5. Granting of certification of Drug Laboratory Remediation On-site Supervisors and On-site Workers. Mr. Starling moved to grant certifications. Seconded by Mr. Pawelko. After discussion, MOTION CARRIED.

10. PROPOSED CHANGES TO RULE PACKAGE PREVIOUSLY APPROVED BY THE BOARD IN MAY 2003

1. R4-30-101(2). Definitions
2. R4-30-106. Fees
3. R4-30-209. Time-frames for Professional Registration, Certification, or In-training Designation
4. R4-30-247. Home Inspector Certification
5. R4-30-272. On-site Worker Registration and Renewal
6. R4-30-304. Use of Seals

Mr. Pearson moved to approve the proposed changes and the additional changes as discussed: replace "and" with "or" in R4-30-101(2) and have staff review that correct registration/certification terminology is used throughout the drug lab rules. Seconded by Mr. Starling. After discussion, MOTION CARRIED.

11. EXECUTIVE DIRECTOR REPORT

Mr. Dalrymple reported on application activity, the budget and statute changes. He stated that the number of applications is not declining but steadily growing a little every year and provided the Board members with current numbers. He also stated that first quarter spending is within budgetary guidelines except for some unforeseen computer related expenses, and House Bill 2466 went into effect on September 18, 2003.

12. STANDING COMMITTEE REPORTS

1. Legislation and Rules Committee – Mr. Starling stated the committee awaits GRRC's review of the rules package. The Committee will address possible changes in the rules to allow applicants to take the engineering and geology exams at 72 months instead of 96 months. The next meeting will be November 20, 2003 at 9:00 a.m.
2. Budget Committee – No report
3. Education and Examination Committee – Mr. Greenslade stated that a new geological engineering exam should be ready by spring.
4. Home Inspector Rules and Standards Committee – Ms. Baughman reported that the committee is working on standardizing the review of applicants' home inspector reports. The next meeting will be October 1, 2003 at 9:30 a.m.
5. Environmental Remediation Rules and Standards Committee – Mr. Pearson had nothing to report.

13. BOARD MEMBER REPORTS ON OUTSIDE ACTIVITIES

1. National Council of Examiners for Engineering and Surveying (NCEES). Mr. Starling reported on the annual meeting held in Baltimore, Maryland, which is primarily a NCEES business meeting.

FUTURE BOARD MEETINGS - The remaining meetings for this calendar year will be December 7, 2003, November 12, 2003 and December 9, 2003.

**SPECIAL TELEPHONE CONFERENCE MEETING MINUTES**  
Arizona Board of Technical Registration

June 30, 2003  
1:30 P.M.

1. **CALL TO ORDER** – The special telephone conference meeting of the Board of Technical Registration was called to order at 1:30 p.m. by Chair William Greenslade.
2. **ROLL CALL** – **Present:** William Greenslade, Fred Goldman, Gregory Tuttle, Robert Roos, Ronald Starling and Chet Pearson. **Board Staff:** Ron Dalrymple, LaVern Douglas, Melinda Baughman, Kathryn Fuller, Diane Aubert and Kay Reed. **Absent:** Richard Pawelko. **Telephonic Appearance:** Joseph Gardner, Joy Lyndes and Mary Williams, A.A.G., counsel for the Board.
3. **PUBLIC COMMENT** - None
4. **ADOPTION OF MINUTES** – June 10, 2003 meeting. Mr. Goldman moved to accept the June 10, 2003 minutes as amended. Seconded by Mr. Tuttle. **MOTION CARRIED.**
5. **EVALUATION OF APPLICATIONS UNDER A.A.C. R4-30-101(10) AND POSSIBLE GRANTING OF REGISTRATION**
  - A. Joseph Pence – Civil. After discussion, Mr. Goldman moved that applicant be granted registration. Seconded by Mr. Gardner. **MOTION CARRIED.** Mr. Tuttle voted nay.
6. **EVALUATION OF HOME INSPECTOR APPLICATIONS UNDER A.R.S. § 32-122.02(7) AND R4-30-101(10) AND POSSIBLE GRANTING OF CERTIFICATION**
  - A. Denny E. Heidel – Applicant #030377. After discussion, Mr. Goldman moved that applicant be granted certification. Seconded by Mr. Pearson. **MOTION CARRIED.**
  - B. Duane F. Washchuck – Applicant #021664. After discussion, Mr. Goldman moved that applicant be granted certification. Seconded by Mr. Pearson. **MOTION CARRIED.**
7. **HOME INSPECTOR RULES AND STANDARDS COMMITTEE CANDIDATE**
  - A. Brion C. Grant - Certified Home Inspector #38043. Mr. Goldman moved that Mr. Grant be re-appointed as a member to the committee. Seconded by Mr. Roos. **MOTION CARRIED.**
8. **PROPOSED CHANGES TO A.A.C. R4-30-271.B AND R4-30-272.B.** After discussion, Mr. Gardner moved to accept the changes to A.A.C. R4-30-271.B and R4-30-272.B as presented. Seconded by Mr. Pearson. **MOTION CARRIED.**
9. **NATIONAL COUNCIL OF EXAMINERS FOR ENGINEERING AND SURVEYING (NCEES) EMERITUS STATUS RECOMMENDATION.** Mr. Tuttle moved to grant Mr. Goldman NCEES Emeritus Status. Seconded by Mr. Starling. **MOTION CARRIED.**
10. **REDUCTION OF HOME INSPECTOR APPLICATION FEE AND RENEWAL FEE.** After discussion, Mr. Starling moved to authorize the director to change the application fee for home inspector certification to \$90.00 and to \$30.00 for home inspector in-training applicants, and to begin a rule package for reduction of the renewal fee to \$350.00. Seconded by Ms. Lyndes. **MOTION CARRIED.**

11. PROPOSED MODIFICATION TO DELEGATION OF AUTHORITY OF DIRECTOR TO ISSUE HOME INSPECTOR CERTIFICATES UNDER CERTAIN CIRCUMSTANCES.  
Tabled until next meeting on July 8, 2003.

12. EVALUATION OF ON-SITE REMEDIATION SUPERVISOR AND ON-SITE WORKER APPLICATIONS

A. Evaluation of On-Site Remediation Supervisors under A.R.S. §§ 32-122.03 and 32-122.04 and A.A.C. R4-30-271 and Possible Granting of Certification

- a) Hector M. Salinas
- b) Cesar G. Flores

B. Evaluation of On-Site Worker Applications under A.R.S. §§ 32-122.03 and 32-122.04 and A.A.C. R4-30-272 and Possible Granting of Registration

- a) Carlos A. Benitez
- b) Alejandro Mendivil
- c) Jose A. Frayde
- d) Jose L. Cardona
- e) Juan Cota
- f) Max Moreno

Mr. Pearson moved to grant certification to the above-referenced supervisors and registration to the above-referenced workers. Seconded by Mr. Starling. MOTION CARRIED. Mr. Gardner abstained.

13. FUTURE AGENDA ITEMS – Item #11 above.

14. FUTURE BOARD MEETINGS – The next meeting will be held on July 8, 2003 at 9:00 a.m.

15. ADJOURNMENT – Mr. Roos moved to adjourn at 2:30 p.m. Seconded by Mr. Tuttle.

ARIZONA STATE BOARD OF TECHNICAL REGISTRATION

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William M. Greenslade, Chair

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Ronald W. Dalrymple, Executive Director

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

June 10, 2003 Quarterly Meeting  
9:00 A.M.

1. **CALL TO ORDER** - The quarterly meeting of the Board of Technical Registration was called to order at 9:00 a.m. by Chair William Greenslade.
2. **ROLL CALL - Present:** William Greenslade, Fred Goldman, Joseph Gardner, Gregory Tuttle, Joy Lyndes, Robert Roos, Ronald Starling, Chet Pearson, and Richard Pawelko. **Board Staff:** Ron Dalrymple, LaVern Douglas, Nan Mitchell, Melinda Baughman, Kathryn Fuller, Diane Aubert, Patricia Vera, Kay Reed. **Assistant Attorney General:** Elizabeth Burns. **Public Present:** Terry Sebring, Fernando Mendoza and Robert Byerly.
3. **PUBLIC COMMENT**
4. **ADOPTION OF MINUTES** – May 13, 2003 and May 27, 2003 meetings. Mr. Tuttle moved to accept the May 27, 2003 minutes and the May 13, 2003 minutes as amended. Seconded by Ms. Lyndes. **MOTION CARRIED.**
5. **ENFORCEMENT MATTERS**
  - A. **Review and Consideration Regarding Initiation of Board Complaint**
    1. MIR03-117 Fernando Mendoza, Certified Home Inspector #38980. After discussion, Mr. Starling moved not to open an investigative research file. Seconded by Mr. Pawelko. **MOTION CARRIED.** Ms. Lyndes and Mr. Tuttle voted nay. Mr. Mendoza attended and addressed the Board.
    2. MIR03-152 Howard A. Pegelow, Certified Home Inspector #38084. After discussion, Ms. Lyndes moved not to open an investigative research file. Seconded by Mr. Roos. **MOTION CARRIED.**
    3. MIR03-156 Paul T. Bernard, Certified Home Inspector #38445. After discussion, Mr. Goldman moved not to open an investigative research file. Seconded by Mr. Pawelko. **MOTION CARRIED.**
  - B. **Peer Reviewer Candidates**
    1. M00-054 Merrick B. Fredman, Architect #33688. Mr. Goldman moved to approve James H. Evans, P.E. (Electrical) #06680 and Yashavant V. Kulkarni, P.E. (Electrical) #10529, as peer reviewers for this case. Seconded by Mr. Gardner. **MOTION CARRIED.** Mr. Pawelko voted nay.
    2. M03-015 Donald I. Aadland, P.E. (Mechanical) #10542. Mr. Pawelko moved to approve Allyn R. Colen, P.E. (Mechanical) #04955, Frank A. Valesh, P.E. (Mechanical) #07887 and Robert L. Bassett, P.E. (Mechanical) #09406, as peer reviewers for this case. Seconded by Mr. Starling. **MOTION CARRIED.**
  - C. **Proposed Amended Consent Agreement**
    1. M02-039 / MIR02-080 Fernando S. Ochoa, Non-registrant. Mr. Goldman moved to accept the signed amended consent agreement with the following amended Order:
      - Civil Penalty – pay a civil penalty of \$5,000.00 in installments of \$1,000 upon the effective date of the amended agreement and subsequent payments of \$400.00 per month for a period of ten months; subsequent payments shall be due by the first of each month. Seconded by Ms. Lyndes. **MOTION CARRIED.**



6. EVALUATION OF APPLICATIONS UNDER A.R.S. § 32-122.01(E)

- A. Simon Jeff – Electrical. After discussion, Mr. Pearson moved that applicant be granted registration. Seconded by Mr. Starling. MOTION CARRIED.

7. EVALUATION OF APPLICATIONS UNDER A.A.C. R4-30-101(10)

- A. Scott Coburn – Architect. After discussion, Mr. Gardner moved that applicant be granted registration. Seconded by Mr. Goldman. MOTION CARRIED. Mr. Pearson and Mr. Tuttle voted nay.
- B. B. Joseph Pence – Civil. After discussion, Mr. Roos moved to table action until staff can acquire more information from the Kentucky Board. Seconded by Mr. Starling. MOTION CARRIED
- C. Terry Sebring – Home Inspector. After discussion, Ms. Lyndes moved to accept the application as complete. Seconded by Mr. Goldman. MOTION CARRIED. Mr. Starling moved to authorize Mr. Dalrymple to approve applicant for certification if there is no discrepancy between the fingerprint results and the information applicant provided. Seconded by Mr. Roos. MOTION CARRIED. Mr. Sebring attended and addressed the Board.

8. EVALUATION COMMITTEE RECOMMENDATIONS

1. Recommendation for approval of professional registration or in-training registration.
2. Recommendation for approval to sit for the professional or in-training examination.
3. Recommendation for denial to sit for the professional or in-training examination.
4. Recommendation for approval of home inspector certifications.

After discussion, Mr. Goldman moved to accept the Evaluation Committee recommendations #1 - #4, excluding Joseph Pence from the list of Civil Engineers and Terry Sebring from the list of Home Inspectors. Seconded by Mr. Pawelko. MOTION CARRIED.

9. PROPOSED MODIFICATION TO DELEGATION OF AUTHORITY OF DIRECTOR TO ISSUE HOME INSPECTOR CERTIFICATES UNDER CERTAIN CIRCUMSTANCES

Mr. Roos moved to adopt the proposed criteria as amended. Seconded by Mr. Tuttle. MOTION CARRIED.

10. REGISTRATION NUMBERS ISSUED BY STAFF SINCE MAY 14, 2003 - No action taken.

11. GRANTING OF REGISTRATION NUMBERS TO INDIVIDUALS APPROVED IN ITEM #8

Mr. Tuttle moved to grant registration numbers 39365 through 39422. Seconded by Mr. Goldman. MOTION CARRIED.

12. EXPIRED REGISTRATIONS TO BE LAPSED - Mr. Tuttle moved to accept the lapsed list. Seconded by Mr. Gardner. MOTION CARRIED.

13. NATIONAL COUNCIL OF EXAMINERS FOR ENGINEERING AND SURVEYING (NCEES) DIRECT EXAMINATION PROGRAM

Discussion will continue at the Legislative and Rules Committee meeting on June 23, 2003, at which time the Assistant Attorney General will present her research findings.

14. CERTIFICATION OF HOME INSPECTOR APPLICANTS PRIOR TO RECEIPT OF CRIMINAL HISTORY INFORMATION  
Mr. Tuttle moved that home inspector certifications not be granted prior to receiving criminal history results. Seconded by Mr. Starling. MOTION CARRIED.
15. EXECUTIVE DIRECTOR REPORT  
Mr. Dalrymple reported that the legislature is still in session and has not approved a final budget. However, it appears our appropriations will not be reduced and only the larger Boards are being considered for consolidation. He also stated that House Bill 2466 was signed by the governor and will go into effect 90 days after the Legislature adjourns. At that time new code books will be printed.
16. STANDING COMMITTEE REPORTS
  1. Legislation and Rules Committee – Mr. Tuttle had nothing to report.
  2. Budget Committee - Mr. Tuttle had nothing to report.
  3. Education and Examination Committee – no report
  4. Home Inspector Rules and Standards Committee – no report
  5. Environmental Remediation Rules and Standards Committee – Mr. Pearson stated that drafted changes to the Environmental Remediation Rules and Standards will be put on the June 30, 2003 agenda.
17. BOARD MEMBER REPORTS ON OUTSIDE ACTIVITIES
  1. National Council of Examiners for Engineering and Surveying (NCEES)  
Mr. Goldman and Mr. Starling reported on the regional conference they attended in Red Lodge, Montana.
  2. National Council of Architectural Registration Boards (NCARB) – no report
  3. Council of Landscape Architectural Registration Boards (CLARB)  
Ms. Lyndes stated she is working in outreach and helping to grade exams.
  4. National Association of State Boards of Geology (ASBOG)  
Mr. Greenslade stated that statistics have shown the ASBOG exams perform well.
18. CONTINUING AGENDA ITEMS
  1. Registrant Services on Irrigation Land Leveling Projects – Mr. Tuttle stated that this item has been completed.
  2. A.D.E.Q. Wastewater Treatment Rule Clarification Follow-up – Assistant Attorney General Burns met with ADEQ's A.A.G. and reported that the ADEQ's rule clarification will be re-worded.
19. ADOPTION OF PROPOSED RULE CHANGES TO A.A.C. R4-30-303  
Mr. Tuttle moved to adopt A.A.C. R4-30-303 as further amended. Seconded by Mr. Starling. MOTION CARRIED.
20. TENANT SECURITY – COST BREAKDOWN  
Mr. Gardner moved not to accept A.D.E.Q.'s request for funds to enhance building security. Seconded by Mr. Tuttle. MOTION CARRIED.
21. FUTURE AGENDA ITEMS
  1. Modification of Applications
  2. Environmental Remediation Rules and Standards

22. FUTURE BOARD MEETINGS - The next meeting on June 30, 2003 at 1:30 p.m. will be a special meeting.

EXECUTIVE SESSION - Mr. Roos moved to go into Executive Session at 9:15 a.m. Seconded by Mr. Tuttle. MOTION CARRIED. The Board returned to Open Session at 9:25 a.m.

23. ADJOURNMENT - Mr. Tuttle moved to adjourn at 12:25 p.m. Seconded by Mr. Gardner. MOTION CARRIED.

ARIZONA STATE BOARD OF TECHNICAL REGISTRATION

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William Greenslade, Chair

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Ronald W. Dalrymple, Executive Director

9. PROPOSED MODIFICATION TO DELEGATION OF AUTHORITY OF DIRECTOR TO ISSUE HOME INSPECTOR CERTIFICATES UNDER CERTAIN CIRCUMSTANCES

**Amended Criteria:**

1. Application is complete, all fees have been paid and **fingerprint submission has been received;**
2. There are not any "yes" answers to the questions on the application regarding prior disciplinary matters;
3. a) There are not any "yes" answers on the application regarding convictions and no criminal history record was found as a result of the fingerprint submission, or  
b) There is a "yes" answer on the application regarding convictions, all convictions are 15 years or older and **no conviction over 15 years old involves theft, dishonesty or violence;**
4. Inspection reports have been reviewed and recommendation for certification is received from the evaluator;
5. Successful completion of the National Home Inspection Examination;
6. Evidence of 30 parallel inspections conducted in Arizona or 100 inspections lawfully conducted in another jurisdiction;
7. Evidence of a minimum of 80 classroom hours of education from a facility with either a license to provide post – secondary education or having a Distance Education Training Council (DETC) accreditation, or other accreditation recognized by the United States Department Of Education;
8. A list of Certification Numbers issued will be provided to the Board.

2. National Council of Architectural Registration Boards (NCARB). Mr. Pawelko reported that as a member of NCARB's Professional Conduct Committee he attended a meeting two weeks ago to review disciplinary cases.
3. Council of Landscape Architectural Registration Boards (CLARB). Ms. Lyndes reported on the annual meeting held in Salt Lake City, Utah. She stated that CLARB wants member State Boards to eventually provide computer testing for the 3 multiple choice sections of the professional exam.
4. National Association of State Boards of Geology (ASBOG). Mr. Greenslade stated that the annual meeting would take place in Jacksonville, Florida at the end of October.

14. REQUEST BY ARIZONA SUNTECH REGARDING PROPOSED MODIFICATION TO A.A.C. R4-30-102 REGARDING HOME INSPECTOR PARALLEL INSPECTIONS  
Mr. Leeds, member of the Home Inspector Rules and Standards Committee, attended and addressed the Board. Ms. Cornelio moved not to change A.A.C. R4-30-102 (10), the definition of "Parallel Inspection". Seconded by Mr. Pearson. After discussion, MOTION CARRIED.

(Ms. Cornelio was not present for any of the following.)

15. DISCUSSION REGARDING DELEGATION TO DIRECTOR TO GRANT REGISTRATION OR APPROVAL FOR EXAMINATION UNDER CERTAIN CIRCUMSTANCES TO THE FOLLOWING PROFESSIONS: Architects, Assayers, Engineers, Geologists, Land Surveyors, Landscape Architects and Certified Remediation Specialists  
Tabled until next meeting on October 7, 2003.
16. DISCUSSION REGARDING DELEGATION TO DIRECTOR TO CERTIFY DRUG LAB SUPERVISORS AND WORKERS UNDER CERTAIN CIRCUMSTANCES  
Tabled until next meeting on October 7, 2003.
17. EXPIRED REGISTRATIONS TO BE LAPSED (List available at Board's office)  
Ms. Lyndes moved to accept the lapsed list with the exception of Stephen Johnson and John Ulibarri. Seconded by Mr. Nelson. After discussion, MOTION CARRIED.
18. ELECTION OF OFFICERS. Mr. Greenslade recommended the following persons to be nominated and elected as officers of the Board:

Chair – Mr. Starling  
Vice-Chair – Mr. Pearson  
Secretary – Ms. Lyndes

Hearing no objections and no other persons being nominated, Mr. Greenslade moved that the nominations be approved as stated. Seconded by Mr. Lane. MOTION CARRIED. The gavel was passed to Mr. Starling who chaired the rest of the meeting.

19. FUTURE AGENDA ITEMS
  1. Discussion regarding delegation to Director to grant registration or approval for examination under certain circumstances to the following professions: architects, assayers, engineers, geologists, land surveyors, landscape architects and certified remediation specialists.
  2. Discussion regarding delegation to Director to certify drug lab supervisors and workers under certain circumstances.
20. FUTURE BOARD MEETINGS - The remaining meetings for this calendar year will be October 7, 2003, November 12, 2003 and December 9, 2003.

BOARD OF TECHNICAL REGISTRATION

21. ADJOURNMENT - Mr. Nelson moved to adjourn at 2:25 p.m. Seconded by Mr. Greenslade.  
MOTION CARRIED.

BOARD COMMITTEE MEETING - SIGN IN SHEET

ARIZONA STATE BOARD OF TECHNICAL REGISTRATION

William Greenslade  
William Greenslade, Chair

Ronald W. Dalrymple  
Ronald W. Dalrymple, Executive Director

No.	Name	Affiliation	Subject
1	William Greenslade	Chair	
2	Theresa Kearney	LAWYER	MEMBER
3	Vic Myers	Home Inspector	MEMBER
4	James (Arthur)		NOT CIP AUG 03
5	SCOTT A. SOUTHERS	Home Inspector	RECORD
6	LEONARD P. NICHOLS	C.P. NICHOLS	RECORD
7	JAMES CHAMBERLAIN	Home Inspector	MEMBER
8	<del>James Chamberlain</del>		
9			
10			
11			
12			
13			

# BOARD OF TECHNICAL REGISTRATION

## BOARD/COMMITTEE MEETING - SIGN IN SHEET

If you wish to address the Board or Committee, please sign in below. Otherwise, sign in is voluntary.

Name (Please Print)	Affiliation	Subject
✓ 1. <u>JOHN G (JACK) HARINCK</u>	<u>Home INSPECTOR</u>	<u>PENDING COMPLAINT</u>
✓ 2. <u>HOWARD KARMAN</u>	<u>LAWYER</u>	<u>KYLE MYERS</u>
✓ 3. <u>Kyle MYERS</u>	<u>Home INSPECTOR</u>	<u>REVIEW</u>
✓ 4. <u>HOWARD GATTARD</u>	_____	<u>MOF OIB/MIRO 3 224.</u>
✓ 5. <u>WARREN SAUNDERS</u>	<u>Home INSPECTOR</u>	<u>REVIEW</u>
✓ 6. <u>LEONARD P. NIEMUEC</u>	<u>L.P. NIEMUEC AREA</u>	<u>PENDING</u>
✓ 7. <u>JAMES CANINO</u>	<u>Home Inspector</u>	<u>violation</u>
8. <u><del>JIM KELLER</del></u>	_____	_____
9. _____	_____	_____
10. _____	_____	_____
11. _____	_____	_____
12. _____	_____	_____
13. _____	_____	_____

BOARD OF TECHNICAL REGISTRATION

BOARD/COMMITTEE MEETING – SIGN IN SHEET

If you wish to address the Board or Committee, please sign in below. Otherwise, sign in is voluntary.

Name (Please Print)	Affiliation	Subject
1. <u>William Talbot</u>	_____	<u>Fish Survey</u>
2. _____	_____	_____
3. _____	_____	_____
4. _____	_____	_____
5. _____	_____	_____
6. _____	_____	_____
7. _____	_____	_____
8. _____	_____	_____
9. _____	_____	_____
10. _____	_____	_____
11. _____	_____	_____
12. _____	_____	_____
13. _____	_____	_____



BOARD OF TECHNICAL REGISTRATION

BOARD/COMMITTEE MEETING - SIGN IN SHEET

If you wish to address the Board or Committee, please sign in below. Otherwise, sign in is voluntary.

Name (Please Print)

Affiliation

Subject

7.3.

1. Doug Koch

Home Inspector

Home inspect.

2. \_\_\_\_\_

\_\_\_\_\_

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3. \_\_\_\_\_

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4. \_\_\_\_\_

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BOARD OF TECHNICAL REGISTRATION

BOARD/COMMITTEE MEETING - SIGN IN SHEET

If you wish to address the Board or Committee, please sign in below. Otherwise, sign in is voluntary.

CONFLICT OF INTEREST/BIAS

Name (Please Print)	Affiliation	Subject
1. <u>CHIT PEACOCK</u>	<u>Home Inspectors Rules / Summons</u>	<u>Amended Jasp</u>
2. _____	_____	_____
3. _____	_____	_____
4. _____	_____	_____
5. _____	<u>Allegation brought to Board by a current client</u>	_____
6. _____	_____	_____
7. _____	_____	_____
8. _____	<u>MO3-040 / M12-02-056 Robert Fish, Land Surveyor</u>	_____
9. _____	<u>12317</u>	_____
10. _____	_____	_____
11. _____	<u>Chit Peacock</u>	_____
12. _____	_____	_____
13. _____	_____	_____

This form, upon completion, will be incorporated into the minutes of the meeting.



**State of Arizona**  
**BOARD OF TECHNICAL REGISTRATION**

1110 W. Washington Street, Suite 240, Phoenix, Arizona 85007 (602) 364-4930 Fax (602) 364-4931 [www.btr.state.az.us](http://www.btr.state.az.us)

**CONFLICT OF INTEREST/BIAS**

DATE: 9-19-03

FROM: Chet Pearson

In accordance with A.R.S. Section 38-501 et seq., I declare that I may have a vested interest in the following matter and therefore will abstain from voting, or participating in the same due to a conflict of interest for the following reason(s):

- CONFLICT:  In direct competition with the parties involved.
- This person is an employee \_\_\_ partner \_\_\_ friend \_\_\_ relative \_\_\_ other \_\_\_ of mine.
- Other: Allegation brought to Board by a current client

BIAS:  I may have special knowledge of this matter which may prejudice my judgement.

MATTER: M03-040 / MIR 02-056  
Robert Fish ; Land Surveyor  
# 12317

Signed: Chet L Pearson

\*This form, upon completion, will incorporated into the minutes of the meeting.

**ARIZONA STATE BOARD OF TECHNICAL REGISTRATION**

FROM: EVALUATION COMMITTEE

RE: EVALUATION OF APPLICANTS

1. THE EVALUATION COMMITTEE HAS REVIEWED THE LISTED APPLICANTS AND MAKE TO THE BOARD THE FOLLOWING RECOMMENDATIONS REGARDING APPLICATION FOR REGISTRATION TO PRACTICE IN ARIZONA.

THE FOLLOWING APPLICANTS, HAVING SATISFIED THE COMMITTEE THAT THEY ARE QUALIFIED TO RECEIVE REGISTRATION IN ARIZONA UNDER A.R.S. 32-122.01. AND A.R.S. 32-126 ARE HEREBY RECOMMENDED FOR PROFESSIONAL REGISTRATION:

**ARCHITECT**

SAYRE-SMITH, GEORGE

**CIVIL ENGINEERS**

CAMPBELL, JAMES

DE CHAVEZ, ROGER

MATTHEW, MARGARET

NIEDZIELSKI, JOHN

SHENK, DOUGLAS

**ELECTRICAL ENGINEERS**

HALE, MARY

LOCKHART, GEORGE

**MECHANICAL ENGINEERS**

PHONGSAK, PHANH

SPEARS, THOMAS

**MINING ENGINEER**

WINKLER, D. ERNEST

**STRUCTURAL ENGINEERS**

HARRIS, CHRISTOPHER  
KILSHEIMER, ALLYN

PART 2  
PART 2

**GEOLOGIST**

SPITZ, WILLIAM

PART 4  
PARTS 3,4

2. THE FOLLOWING APPLICANTS WERE EVALUATED BY THE COMMITTEE AND IT IS RECOMMENDED THAT THEY BE APPROVED FOR THE LISTED EXAMINATIONS, BE GRANTED REGISTRATION IN THE APPROPRIATE CATEGORY AND BE ISSUED A REGISTRATION NUMBER BY THE EXECUTIVE DIRECTOR, OR HIS DESIGNEE, UPON SUCCESSFUL COMPLETION OF THE EXAMINATION AND A STAFF DETERMINATION OF CONTINUED ELIGIBILITY FOR REGISTRATION:

**LAND SURVEYORS**

**ARCHITECTS**

ERICKSON, CHAD  
RIDGWAY, ALAN  
WADDELL, CHRISTOPHER

PART 3  
PARTS 1,2,3,9  
PARTS 1,2,3,4,5,7,8,9

**ARCHITECT IN TRAINING**

LYON, SCOTT  
ELLIOTT, MICHAEL  
SIEGMAN, DAVID

PART 1  
PART 1  
PARTS 1,2,4,5  
PARTS 1,2,4,5

**GEOLOGY**

**CIVIL ENGINEERS**

MANES, JOHN  
BALCH, PAUL  
CAMPBELL, JEFFERY  
JUDY, STEPHEN  
MANE, SANDEEP  
MORAIS, JULIO  
SARMIENTO, FERNANDO

PART 2  
PART 2  
PART 2  
PART 2  
PART 2  
PART 2  
PART 2

THE FOLLOWING APPLICATIONS ARE BEING DENIED FOR LACK OF SATISFACTORY

**CONTROL SYSTEMS ENGINEER**

BACA, JOHN

PART 2

**ENVIRONMENTAL ENGINEERS**

KAUPANGER, ERIC  
PITT, JEROME

PART 2  
PART 2

**MECHANICAL ENGINEERS**

SANDERS, STEPHEN  
WERTEL, SCOTT

PART 2  
PART 2

**STRUCTURAL ENGINEER**

DRUC, WILLIAM  
LEISTIKO, DAVID  
MULDER, KENNETH

PART 4  
PARTS 3,4  
PARTS 1,3,4

**MINING ENGINEER**

SODERMAN, ANDREW

PART 2

**LAND SURVEYORS**

ERICKSON, CHAD

PART 3

**LAND SURVEYOR IN TRAINING**

HERMAN, KURT  
LYON, SCOTT  
NOWACKI, BRETT

PART 1  
PART 1  
PART 1

**GEOLOGY**

MANES, JOHN  
DANA, STRENGTH

PART 2  
PART 2

**GEOLOGIST IN TRAINING**

WRIGHT, GERALD

PART 1

3. THE FOLLOWING APPLICATIONS ARE BEING DENIED FOR LACK OF SATISFACTORY WORK EXPERIENCE:

HAMILTON, STEFAN  
MARCOE, NATHANIEL

EIT  
LAND SURVEYOR

LACK 24 MONTHS  
LACK 21.4 MONTHS

4. THE FOLLOWING APPLICATIONS ARE BEING DENIED FOR FAILURE TO COMPLETE THE REQUIREMENTS OF THE BOARD WITHIN A REASONABLE LENGTH OF TIME:

BLACK, TRACY	MECHANICAL
BROCKIE, HAROLD	LSIT
GOLDTOOTH, HALBERT	LAND SURVEYOR
HAUN, JOE	CIVIL
HORN, MATTHEW	CIVIL
KUNZWEILER, STEPHEN	CIVIL
MALHOTRA, KUNAL	EIT

3-2. The information is subsections (9) (2) through (10).

4-3. No change

5-4. No change

a. No change

b. No change

c. No change

d. No change

e. No change

f. No change

g. No change

h. No change

i. No change

j. No change

k. No change

7-6. An applicant who has lawfully conducted home inspections as part of a bid shall provide evidence of successful completion of 100 home inspections that meet the standards referenced in R4-10-301.01 or a form provided by the Board

R4-30-247. Home Inspector Certification

A. An applicant for certification as a home inspector shall submit all of the following in an application package to the Board: an original and one copy of a completed application package containing the following information:

1. An original and one copy of a completed application;

2.1. No change

3.2. The information is subsections (C) (B)(1) through (10);

4.3. No change

5.4. No change

a. No change

b. No change

c. No change

d. No change

e. No change

f. No change

g. No change

h. No change

i. No change

j. No change

k. No change

7.6. An applicant who has lawfully conducted home inspections as part of a business shall provide evidence of successful completion of 100 home inspections that meet the standards referenced in R4-30-301.01 on a form provided by the Board.



An applicant under this subsection shall meet all other requirements for certification in this Section;

8.7. To complete a home inspector in-training program, an applicant who otherwise qualifies for certification as a home inspector except for meeting the qualification in subsection (A)(7)(6), shall present evidence of completion of 30 parallel home inspections. The 30 parallel home inspections shall meet the standards in ~~R30-124-30~~ <sup>Home Inspector Report</sup> 301.01. The applicant shall conduct these inspection on separate residential dwelling units and shall list them on a log provided by the Board. The log shall include, with respect to each inspection, the address of the property, the date of the inspection, and the name and certification number of the supervising home inspector. The Board may hold the in-training applicant's package for a period of one year based on the need for time to complete the required parallel inspections.

A. ~~The Board may hold an application package for a period of one year based on the need for time to complete the required parallel home inspections.~~

C.B. The application shall contain the following information:

1. Name, residence address, mailing address if different from residence address, e-mail address (if applicable), residence and telephone number, and residence facsimile number (if applicable);
2. Date of birth and social security number of the candidate applicant;
3. No change
4. A detailed explanatory statement regarding:
  - A. Any disciplinary action, including suspension and revocation, taken by another any state or jurisdiction on any professional or occupational

- registration, license or certification held by the applicant in any other state or jurisdiction;
- B. Refusal of any professional or occupation registration, license or certification by an other state or jurisdiction;
- C. Any pending disciplinary action in any other state or jurisdiction on any professional or occupational registration, license or certification held by the candidate applicant;
- D. No change
- E. No change
5. Documentation of absolute discharge from sentence at least five years before the date of application if an applicant has been convicted of one or more felonies;
6. Jurisdiction State or jurisdiction in which any other professional or occupational registration, license or certification is held; type of registration, license or certification, number, year granted, and how registration, license or certification was granted (that is, by examination, education, experience, or reciprocity);
7. The current status of any application for any type of professional or occupational registration, license or certification pending in another state or jurisdiction;
8. No change
9. Certification that the information provided to the Board is accurate, true, and complete; **and**
10. **Copies Copy of five one reports report that meet meets the standards in R4-30-301.01; and**
11. **Sworn statement or statements by the supervising certified home inspector or**

inspectors that the parallel home inspections conducted by the applicant meet the standards in R4-30-301.01.

D.C. The Board staff shall review all applications and, if necessary, refer completed applications to the Home Inspector Rules and Standards Committee for evaluation. If the application is complete and in the proper form, ~~and the~~ Board staff or committee is satisfied that all statements on the application are true, and that the applicant is eligible in all other aspects to be certified as a home inspector, the Board staff or committee shall recommend that the Board certify the applicant. If the evidence is not clear and convincing of qualification for certification, the matter shall be reviewed by the committee and the committee may request additional information regarding any issue upon which the applicant has not established qualification by clear and convincing evidence.

E.D. A certified home inspector shall notify the Board in writing within five business days of any loss of, or change in, financial assurance. ~~If a certified home inspector loses financial assurance, the inspector shall provide written notification to the Board within five business days.~~ The Board shall suspend the certificate holder's certification immediately and prohibit further home inspections until current proof of financial assurance is provided to the Board. The Board shall revoke a certificate if the certificate holder fails to provide proof of financial assurance within 90 days of loss of financial assurance or lapse of policy. ~~A candidate~~ All certified home inspectors shall also provide proof of financial assurance at the time of each annual certification renewal. The Board shall not renew a home inspector certification unless the financial assurance is in full force and effect.

CERTIFICATE LAST NUMBER	FIRST	DISCIPLINE CODE	STATUS CODE	EXPIRE DATE
18849	JOHNSON	300	DL	20000630

\*\*\* END OF REPORT \*\*\*

AGENDA

STATE BOARD OF TECHNICAL REGISTRATION  
1110 N. Washington Building Conference Room #050  
Phoenix, AZ 85007

November 12, 2003  
9:00 AM

OPEN SESSION

Title II of the American with Disabilities Act (ADA) prohibits the Board of Technical Registrations from discriminating on the basis of disability in its public meetings. Persons with a disability may request a reasonable accommodation such as a sign language interpreter by contacting LAVERN DOUGLAS at (602) 366-4937. Requests should be made as early as possible to allow time to accommodate the request.

The Board may discuss, consider or take action on any item on the Agenda. At the discretion of the Board, Agenda items may be taken out of order.

All examination material, transcripts, educational records, reference forms and applications are confidential pursuant to A.R.S. § 12-129.

You are invited to go into executive session immediately during the meeting on any of the following agenda items to review confidentially confidential materials or receive legal advice. Items should be presented to A.R.S. § 38-431 (D)(A)(2) or (3).

CONFIDENTIAL  
CALL TO ORDER  
ALL TO THE PUBLIC  
EXECUTIVE SESSION  
CONFIDENTIAL

REGISTRATION MINUTES - October 7, 2003 meeting

4-002 / MARIOP-141 witness J Norman, Lead Scribe: 416548  
4-003 / MARIOP-125 Sheila M. Dusen, P.E. (Co-Ed) 844734  
4-004 / MARIOP-192 William J. Christensen, P.E. (Scribe) 831826  
4-005 / MARIOP-005 Mike W. Berglund, President 826694

## AGENDA

STATE BOARD OF TECHNICAL REGISTRATION  
1110 W. Washington, Building Conference Room #250  
Phoenix, AZ 85007

November 12, 2003

9:00 AM

### OPEN SESSION

Title II of the Americans with Disabilities Act (ADA) prohibits the Board of Technical Registration from discriminating on the basis of disability in its public meetings. Persons with a disability may request a reasonable accommodation such as a sign language interpreter by contacting LaVern Douglas at (602) 364-4937. Requests should be made as early as possible to allow time to accommodate the request.

The Board may discuss, consider or take action on any item on the Agenda. At the discretion of the Board, Agenda items may be taken out of order.

All examination material, transcripts, educational records, reference forms and applications are confidential pursuant to A.R.S. § 32-129.

The Board may vote to go into executive session intermittently during the meeting on any of the following agenda items to review statutorily confidential materials or receive legal advice from counsel pursuant to A.R.S. § 38-431.03(A)(2) or (3).

1. CALL TO ORDER
2. ROLL CALL
3. CALL TO THE PUBLIC
4. ADOPTION OF MINUTES – October 7, 2003 meeting
5. ENFORCEMENT MATTERS AND STAFF RECOMMENDATIONS AND POSSIBLE GRANTING OF REGISTRATION OR CERTIFICATION (List available at Board's)
  - A. Proposed Dismissals
    1. M04-022 / MIR03-241 William J. Norman, Land Surveyor #16588
    2. M04-023 / MIR02-123 Sheila M. Bowen, P.E. (Civil) #34924
    3. M04-024 / MIR03-192 William J. Christenson, P.E. (Structural) #34626
    4. M04-025 / MIR03-005 Mark W. Bergquist, Architect #24634

B. Proposed Letters of Concern

1. M04-012 / MIR02-036 Daniel D. Lucero, Land Surveyor #31025
2. M04-014 / MIR02-091 Michael F. York, Land Surveyor #19862
3. M04-026 / MIR03-271 Michael J. Mitchell, Architect #38364
4. M04-027 / MIR03-271 Marc L. Able, P.E. (Mechanical) #31396
5. M04-028 / MIR03-271 Ronald E. Bourgault, P.E. (Electrical) #31387

C. Acceptance or Rejection of Proposed Consent Agreements

1. M04-001 / MIR02-016 Anthony T. Bowler, P.E. (Civil) #33783
2. M04-002 / MIR03-247 Jeff Caminada, Nonregistrant
3. M04-006 / MIR03-298 Barry Gianfrancisco, Nonregistrant

D. Discussion and Consideration Re: Proceed to Formal Hearing

1. M03-044 / MIR03-221 Dennis Franks, Nonregistrant

6. EVALUATION OF HOME INSPECTOR APPLICATIONS AND POSSIBLE GRANTING OF CERTIFICATION

1. David D. Sturgeon, Applicant #031093
2. John W. Smith, Applicant #031118
3. Ron A. Pearlman, Applicant #031192
4. Robert F. Adams, Applicant #030877
5. Dennis W. Schmitz, Applicant #031062
6. Jeffrey A. Caminada, Applicant #031191
7. Jeff M. Schroeder, Applicant #031163
8. Dennis J. Hodkinson, Applicant #031058

7. EVALUATION OF APPLICATIONS UNDER A.A.C. R4-30-101.10, GOOD MORAL CHARACTER, AND POSSIBLE GRANTING OF REGISTRATION

1. Chi Lee – Structural
2. Ronald Franquero – Electrical
3. Mark Wentzel – Mechanical
4. Charles Hunter - Civil

8. EVALUATION COMMITTEE AND STAFF RECOMMENDATIONS AND POSSIBLE GRANTING OF REGISTRATION OR CERTIFICATION (List available at Board's office)

1. Granting of professional or in-training registration.
2. Approval to sit for the professional or in-training examination.
3. Denial to sit for the professional or in-training examination.
4. Recommendation for denial of professional registration or in-training designation.
5. Granting of drug laboratory site remediation firm on-site workers.

9. DISCUSSION REGARDING DELEGATION TO DIRECTOR TO GRANT REGISTRATION OR APPROVAL FOR EXAMINATION UNDER CERTAIN CIRCUMSTANCES TO THE FOLLOWING PROFESSIONS:  
Architects, Assayers, Engineers, Geologists, Land Surveyors, Landscape Architects and Certified Remediation Specialists
10. DISCUSSION REGARDING DELEGATION TO DIRECTOR TO CERTIFY DRUG LAB SUPERVISORS AND WORKERS UNDER CERTAIN CIRCUMSTANCES
11. CHAIRMAN'S REPORT
12. NATIONAL ASSOCIATION OF STATE BOARDS OF GEOLOGY (ASBOG) REPORT
13. FUTURE AGENDA ITEMS
14. FUTURE BOARD MEETINGS - The next meeting is scheduled for December 9, 2003
15. ADJOURNMENT

3. EVALUATION OF APPLICATIONS UNDER A.A.C. R4-30-101.10, GOOD MORAL CHARACTER, AND POSSIBLE GRANTING OF REGISTRATION

1. Thomas F. Reule - Architect. Mr. Greenwald moved that applicant be offered a consent agreement encompassing the following:

- Administrative penalty in the amount of \$1,000;
- Probation for one year during which time there must not be any violation of the Board's rules and statutes.

If applicant does not accept the consent agreement the application will be denied. Seconded by Mr. Lane. After discussion, MOTION CARRIED. Mr. Ross then moved to authorize the Executive Director as the designated representative of the Board with the authority to participate in an informal settlement conference, and to limit the Executive Director's authority to the consent agreement set forth in the prior motion. Seconded by Mr. Lane. After discussion, MOTION CARRIED. (Ms. Cornelio was not present.)

2. Raymond Amata - Home Inspector. Mr. Ross moved that applicant be granted certification. Seconded by Mr. Lane. After discussion, MOTION CARRIED. (Ms. Cornelio was not present.)

6. EVALUATION COMMITTEE AND STAFF RECOMMENDATIONS AND POSSIBLE GRANTING OF REGISTRATION OR CERTIFICATION (See attached)

1. Granting of professional or in-training registration.
2. Approval to sit for the professional or in-training examination.
3. Denial to sit for the professional or in-training examination.
4. Recommendation for denial of professional registration or in-training designation.

MINUTES OF THE  
ARIZONA BOARD OF TECHNICAL REGISTRATION

October 7, 2003 Meeting  
9:00 AM

1. CALL TO ORDER - The meeting of the Board of Technical Registration was called to order at 9:25 a.m. by Chair Ronald Starling.
2. ROLL CALL - **Present:** Ronald Starling, Chet Pearson, William Greenslade, Robert Roos, Stuart Lane and Priscilla Cornelio. **Board Staff:** Ron Dalrymple, LaVern Douglas, Melinda Baughman and Kay Reed. **Assistant Attorney General:** Elizabeth Burns. **Absent:** Joy Lyndes, Richard Pawelko and Gary Nelson
3. PUBLIC COMMENT
4. ADOPTION OF MINUTES – Mr. Greenslade moved to accept the September 19, 2003 minutes as amended. Seconded by Mr. Lane. MOTION CARRIED. Mr. Roos abstained. (Ms. Cornelio was not present.)
5. EVALUATION OF APPLICATIONS UNDER A.A.C. R4-30-101.10, GOOD MORAL CHARACTER, AND POSSIBLE GRANTING OF REGISTRATION
  1. Thomas F. Roule – Architect. Mr. Greenslade moved that applicant be offered a consent agreement encompassing the following:
    - Administrative penalty in the amount of \$1,000;
    - Probation for one year during which time there must not be any violation of the Board's rules and statutes.If applicant does not accept the consent agreement the application will be denied. Seconded by Mr. Lane. After discussion, MOTION CARRIED. Mr. Roos then moved to authorize the Executive Director as the designated representative of the Board with the authority to participate in an informal settlement conference, and to limit the Executive Director's authority to the consent agreement set forth in the prior motion. Seconded by Mr. Lane. After discussion, MOTION CARRIED. (Ms. Cornelio was not present.)
  2. Raymond Amara – Home Inspector. Mr. Roos moved that applicant be granted certification. Seconded by Mr. Lane. After discussion, MOTION CARRIED. (Ms. Cornelio was not present.)
6. EVALUATION COMMITTEE AND STAFF RECOMMENDATIONS AND POSSIBLE GRANTING OF REGISTRATION OR CERTIFICATION (See attached)
  1. Granting of professional or in-training registration.
  2. Approval to sit for the professional or in-training examination.
  3. Denial to sit for the professional or in-training examination.
  4. Recommendation for denial of professional registration or in-training designation.



Mr. Greenslade moved to accept the Evaluation Committee and staff recommendations #1 - #4. Seconded by Mr. Lane. MOTION CARRIED. (Ms. Cornelio was not present.)

7. POSSIBLE REVISIONS TO A.A.C. R4-30-247 REGARDING REQUIREMENT FOR SUBMISSION OF FIVE HOME INSPECTION REPORTS AND ADDITION OF AFFIRMATION REQUIREMENT FOR SUPERVISING CERTIFIED HOME INSPECTORS (See attached)

Mr. Roos moved to accept the revisions to A.A.C. R4-30-247 as presented and to add additional language to R4-30-247 (A)(7) requiring that applicant retain 30 parallel home inspection reports for a period of two years from date of application. Seconded by Mr. Lane. After discussion, MOTION CARRIED.

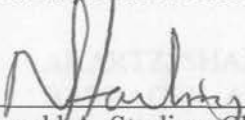
8. LIST OF LAPSED REGISTRATIONS/CERTIFICATIONS (See attached)  
Mr. Greenslade moved to accept the lapsed list. Seconded by Mr. Lane. MOTION CARRIED. (Mr. Roos did not vote.)

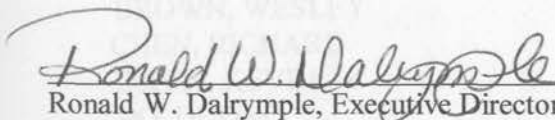
9. FUTURE AGENDA ITEMS

10. FUTURE BOARD MEETINGS - The next meeting is scheduled for November 12, 2003 at 9:00 a.m.

11. ADJOURNMENT - Mr. Starling moved to adjourn at 10:40 a.m. Seconded by Mr. Roos. MOTION CARRIED.

ARIZONA STATE BOARD OF TECHNICAL REGISTRATION

  
\_\_\_\_\_  
Ronald A. Starling, Chair

  
\_\_\_\_\_  
Ronald W. Dalrymple, Executive Director

DINESH, DSHI  
FORD, NATHAN  
ELLIS, RICHARD  
FUNDICIL, AARON  
GROWERS, DAVID  
HAYNES, GARY  
HILL, MELISSA  
HOUSEWEART, DAVID  
KELLY, JOHN  
KUTCHINS, SCOTT

**ARIZONA STATE BOARD OF TECHNICAL REGISTRATION**

FROM: EVALUATION COMMITTEE

RE: EVALUATION OF APPLICANTS

1. THE EVALUATION COMMITTEE HAS REVIEWED THE LISTED APPLICANTS AND MAKE TO THE BOARD THE FOLLOWING RECOMMENDATIONS REGARDING APPLICATION FOR REGISTRATION TO PRACTICE IN ARIZONA.

THE FOLLOWING APPLICANTS, HAVING SATISFIED THE COMMITTEE THAT THEY ARE QUALIFIED TO RECEIVE REGISTRATION IN ARIZONA UNDER A.R.S. 32-122.01. AND A.R.S. 32-126 ARE HEREBY RECOMMENDED FOR PROFESSIONAL REGISTRATION:

**ARCHITECT**

CROCE, ALFRED  
DOBSON, DAVID  
LATSHAW, ROSEMARY  
LEE, BRIAN

**CIVIL ENGINEERS**

AHARTZ, SHANNON  
BARBACSY, ATILA  
BEST, MARK  
BROWN, WESLEY  
CHEN, RICHARD  
DAVIS, KEVIN  
DO, DUONG  
DINESH, DOSHI  
FORD, NATHAN  
ELLIS, RICHARD  
FUNDICH, AARON  
GROWERS, DAVID  
HAYNES, GARY  
HILL, MELISSA  
HOUSEWEART, DAVID  
KELLY, JOHN  
KUTCHINS, SCOTT

LAREDO, DAVID  
LEONARDO, KREYMBORG  
LO, TI-FEI  
LUND, GUY  
MORRISON, JOHN  
RIBERICH, BARTON  
SAYWERS, JOHN  
SCIFERS, BRIAN  
SENECAL, RICHARD  
SIBALA, LARRY  
SMITH, THOMAS  
SOKOL, ANDREW  
STARNES, ANDREW  
STONE, DAVID  
WILL, RAYMOND  
WILLIAMSON, GREGORY

#### **ELECTRICAL ENGINEERS**

DANG, DZUNG  
GUNGEL, RICHARD  
HINES, JAMES  
KRAYER, ROSS  
LINSSEN, ROBERT  
THOMPSON, RANDOLPH  
VANN, DENNIS

#### **MECHANICAL ENGINEERS**

COKER, ALAN  
HUMPHREY, JAMES  
CHIFFOLO, ANTHONY  
GREFENSON, MICHAEL  
MOHAMMAD, ALIKHANI  
NICHOLS, MICHAEL  
PEARSON, KENNETH  
THELEN, ALAN

PARTS 1,2,3,4,5,7,9  
PARTS 1,2,3,4,5,7,8,9  
PARTS 1,2,3,4,5,7,8,9  
PARTS 1,2,3,9  
PARTS 1,2,3,9  
PARTS 1,2,3,4,5,7,8,9  
PARTS 1,2,4,5

#### **MINING ENGINEER**

KONDELIS, MICHAEL

PART 2

#### **CIVIL ENGINEERS**

BOUCHARD, MICHAEL  
CHARLES, CURTIS

PART 2  
PART 2

**STRUCTURAL ENGINEER**

AGRAWAL, SANJAY  
BAUER, BERTRAND  
BLOCK, CARL  
CHERNG, MING  
HLAVATY, ANDREW  
INNES, MATTHEW  
JOHNSTON, GARY  
KING, MICHAEL  
ROTHGEB, WILLIAM  
ZEKIOGLU, ATILA

PART 2  
PART 2  
PART 2  
PARTS 1,2  
PART 2  
PART 2

**GEOLOGIST**

WILLIAMS, DAVID

PART 2

PART 2

2. THE FOLLOWING APPLICANTS WERE EVALUATED BY THE COMMITTEE AND IT IS RECOMMENDED THAT THEY BE APPROVED FOR THE LISTED EXAMINATIONS, BE GRANTED REGISTRATION IN THE APPROPRIATE CATEGORY AND BE ISSUED A REGISTRATION NUMBER BY THE EXECUTIVE DIRECTOR, OR HIS DESIGNEE, UPON SUCCESSFUL COMPLETION OF THE EXAMINATION AND A STAFF DETERMINATION OF CONTINUED ELIGIBILITY FOR REGISTRATION:

**ARCHITECTS**

BRADDOCK, TRENTEN  
GARRISON, GERALD  
GENTER, CHRISTOPHER  
KOLEJKA, MICHAEL  
MCATEE, JOHN  
RYBAK, RAY

PARTS 1,2,3,4,5,7,9  
PARTS 1,2,3,4,5,7,8,9  
PARTS 1,2,3,4,5,7,8,9  
PARTS 1,2,3,9  
PARTS 1,2,3,9  
PARTS 1,2,3,4,5,7,8,9

**ARCHITECT IN TRAINING**

JORGENSEN, MICHAEL

PARTS 1,2,4,5

**CHEMICAL ENGINEER**

ILLOVITS, NICOLAI

PART 2

**CIVIL ENGINEERS**

BOUCHARD, MICHAEL  
CHARLES, CURTIS

PART 2  
PART 2

GARRETT, JOHN	PART 2
FARMER, CHRISTOPHER	PART 2
JARROD, PARKER	PART 2
KASSEL, SCOTT	PART 2
KIAH, SCOTT	PARTS 1,2
ROTTER, JOHN	PART 2
SCHWECKE, RENEE	PART 2

**CONTROL SYSTEMS ENGINEER**

DAVIS, ANCE	PART 2
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**ENVIRONMENTAL ENGINEER**

MCDONALD, JONATHAN	PART 2
--------------------	--------

**MECHANICAL ENGINEER**

GAGLIARDO, VINCENT	PART 2
--------------------	--------

**MINING ENGINEER**

SODERMAN, ANDREW	PART 2
------------------	--------

**STRUCTURAL ENGINEERS**

BRUK, FRIDA	PART 4
ERICKSON, MATTHEW	PART 4
GE, BIN	PART 4
HUTCHINSON, ROBERT	PART 4
LEE, KUEI-CHANG	PARTS 3,4
NIEBAUER, NATHAN	PARTS 3,4

**LAND SURVEYORS**

BEGLEY, ROBERT	PARTS 2,3
CUMMOCK, RICHARD	PART 3
DEPONTE, SHERMAN	PART 3
HARVEY, COLIN	PARTS 2, 3
OHANA, SCOTT	PART 3
WINTERS, JOHN	PARTS 2,3

**LAND SURVEYOR IN TRAINING**

THOMAS, GENE

PART 1

3. THE FOLLOWING APPLICATIONS ARE BEING DENIED FOR LACK OF SATISFACTORY WORK EXPERIENCE:

IWEKAOGWU, FRANCIS

CIVIL

LACK 35 MONTHS

4. THE FOLLOWING APPLICATIONS ARE BEING DENIED FOR FAILURE TO COMPLETE THE REQUIREMENTS OF THE BOARD WITHIN A REASONABLE LENGTH OF TIME:

AGLAN, MONA

CIVIL

BOLLIO, PATRICK

ELEC

HOLTON, H. ANDREW

ELECTRICAL

KEILMAN, RICHARD

ARCHITECT

MCLEAN, THOMAS

LSIT

PRIDMORE, MATTHEW

ARCHITECT

TIMINSKAS, GEORGE

LAND SURVEYOR

GUIDELINES FOR TSCA SITE CERTIFICATION AS AN ON-SITE SUPERVISOR  
THROUGH AN EXECUTIVE DEPARTMENT

1. Application is complete.
2. Fees have been paid.

The following is a list of qualified candidates for Drug Laboratory Site Remediation Firm On-site Worker Certification:

3. No
4. a) 

1.	Juan Jose Mena	Application No. 031309
2.	Nicholas Joseph Hill	Application No. 031306
- b) There is no evidence that the applicant:
  - 1) is under 18 years of age or older than 65 years old (unless the applicant is 65 years of age or older and no longer works);
  - 2) is convicted of a felony involving theft, dishonesty or violence; OR
  - 3) There is a "yes" answer regarding criminal convictions and there is not more than 1 conviction with the exception of for driving while intoxicated, possession of marijuana or narcotics, not for sale, and the conviction is more than 2 years old.
5. Receipt of current 40-hour HAZWOPER training certificate or current 8-hour refresher certificate and prior 40-hour training certificate;
6. Evidence documenting at least 12 months on-site experience in hazardous decontamination projects with HAZWOPER certificate evidencing HAZWOPER certification during that time;
7. Receipt of current AHERA certification or copy of current AHERA refresher certificate and copy of prior AHERA certificate;
8. Evidence of successful completion of lead training course that meets the requirements of A.A.C. R4-30-171(A)(1);
9. There is no evidence that the applicant:
  - a) has been convicted of a class 1 felony;
  - b) committed any act involving fraud, dishonesty, misrepresentation, breach of fiduciary duty, gross negligence or incompetence;
  - c) is currently incarcerated in a penal institution;
  - d) has engaged in fraud or misrepresentation in connection with the application for registration, certification or related examination;
  - e) has had a professional registration or certification revoked, suspended or annulled by law or disciplinary action;
  - f) has practiced without the required registration or certification within 2 years immediately preceding the date of application; or
  - g) has, within 5 years of the date of application, committed an act that would constitute unprofessional conduct as set forth in A.A.C. R4-30-301.

**GUIDELINES FOR ISSUING CERTIFICATION AS AN ON-SITE SUPERVISOR  
THROUGH EXECUTIVE DIRECTOR**

1. Application is complete;
2. Fees have been paid;
3. No "yes" answers regarding prior or pending disciplinary/denial actions;
4. a) No "yes" answers regarding criminal convictions, OR  
b) There is a "yes" answer regarding criminal convictions, all convictions are 15 years or older and no conviction over 15 years old involves theft, dishonesty or violence, OR  
c) There is a "yes" answer regarding criminal convictions and there is not more than 1 conviction and the conviction is for driving while intoxicated, possession of marijuana or narcotics, not for sale, and the conviction is more than 2 years old;
5. Receipt of current 40-hour HAZWOPER training certificate or current 8-hour refresher certificate and prior 40-hour training certificate;
6. Evidence documenting at least 12 months on-site experience in hazardous decontamination projects and HAZWOPER certificate evidencing HAZWOPER certification during that time;
7. Receipt of current AHERA certification or copy of current AHERA refresher certificate and copy of prior AHERA certificate;
8. Evidence of successful completion of lead training course that meets the requirements of A.A.C. R4-30-271(A)(11);
9. There is no evidence that the applicant:
  - a) has been convicted of a class 1 felony;
  - b) committed any act involving fraud, dishonesty, misrepresentation, breach of fiduciary duty, gross negligence or incompetence;
  - c) is currently incarcerated in a penal institution;
  - d) has engaged in fraud or misrepresentation in connection with the application for registration, certification or related examination;
  - e) has had a professional registration or certification revoked, suspended or surrendered in lieu of disciplinary action
  - f) has practiced without the required registration or certification within 2 years immediately preceding the date of application; or
  - g) has, within 5 years of the date of application, committed an act that would constitute unprofessional conduct as set forth in A.A.C. R4-30-301.



**GUIDELINES FOR APPROVAL TO TAKE PROFESSIONAL EXAMINATION FOR  
ARCHITECTURE, ASSAYING, GEOLOGY, ENGINEERING, LAND SURVEYING, OR  
LANDSCAPE ARCHITECTURE THROUGH EXECUTIVE DIRECTOR**

1. Application is complete;
2. Fees have been paid;
3. Successful completion of appropriate in-training examination or approved for waiver of examination;
4. No "yes" answers regarding prior or pending disciplinary/denial actions OR there is a "yes" answer and prior disciplinary action has been satisfactorily completed and the license/certificate/registration is in good standing;
5.
  - a) No "yes" answers regarding criminal convictions, OR
  - b) There is a "yes" answer regarding criminal convictions, all convictions are 15 years or older and no conviction over 15 years old involves theft, dishonesty or violence; OR
  - c) There is a "yes" answer regarding criminal convictions and there is not more than 1 conviction and the conviction is for driving while intoxicated, possession of marijuana or narcotics, not for sale, and the conviction is more than 2 years old;
6. If applicable, National Council record has been received and there is no derogatory information, OR there is a council record and prior disciplinary action has been satisfactorily completed and the license/certificate/registration is in good standing;
7. Education and qualifying experience meet statutory and rule requirements. Note that all qualifying experience must have been obtained under a registered professional; and
8. There is no evidence that the applicant:
  - a) has been convicted of a class 1 felony;
  - b) committed any act involving fraud, dishonesty, misrepresentation, breach of fiduciary duty, gross negligence or incompetence;
  - c) is currently incarcerated in a penal institution;
  - d) has engaged in fraud or misrepresentation in connection with the application for registration, certification or related examination;
  - e) has had a professional registration or certification revoked, suspended or surrendered in lieu of disciplinary action
  - f) has practiced without the required registration or certification within 2 years immediately preceding the date of application; or
  - g) has, within 5 years of the date of application, committed an act that would constitute unprofessional conduct as set forth in A.A.C. R4-30-301.

**GUIDELINES FOR ISSUING REGISTRATION AS AN ARCHITECT, ASSAYER,  
GEOLOGIST, ENGINEER, LAND SURVEYOR, OR LANDSCAPE ARCHITECT  
THROUGH EXECUTIVE DIRECTOR**

1. Application is complete;
2. Fees have been paid;
3. Successful completion of appropriate in-training examination and successful completion of appropriate professional examination within 5 years of application or approved for waiver of either examination;
4. No "yes" answers regarding prior or pending disciplinary/denial actions OR there is a "yes" answer and prior disciplinary action has been satisfactorily completed and the license/certificate/registration is in good standing;
5.
  - a) No "yes" answers regarding criminal convictions, OR
  - b) There is a "yes" answer regarding criminal convictions, all convictions are 15 years or older and no conviction over 15 years old involves theft, dishonesty or violence, OR
  - c) There is a "yes" answer regarding criminal convictions and there is not more than 1 conviction and the conviction is for driving while intoxicated, possession of marijuana or narcotics, not for sale, and the conviction is more than 2 years old;
6. If applicable, National Council record has been received and there is no derogatory information, OR there is a council record and prior disciplinary action has been satisfactorily completed and the license/certificate/registration is in good standing;
7. Education and qualifying experience meet statutory and rule requirements. Note that all qualifying experience must have been obtained under a registered professional; and
8. There is no evidence that the applicant:
  - a) has been convicted of a class 1 felony;
  - b) committed any act involving fraud, dishonesty, misrepresentation, breach of fiduciary duty, gross negligence or incompetence;
  - c) is currently incarcerated in a penal institution;
  - d) has engaged in fraud or misrepresentation in connection with the application for registration, certification or related examination;
  - e) has had a professional registration or certification revoked, suspended or surrendered in lieu of disciplinary action
  - f) has practiced without the required registration or certification within 2 years immediately preceding the date of application; or
  - g) has, within 5 years of the date of application, committed an act that would constitute unprofessional conduct as set forth in A.A.C. R4-30-301.

**GUIDELINES FOR IN-TRAINING DESIGNATION AS AN ARCHITECT, ASSAYER,  
GEOLOGIST, ENGINEER, LAND SURVEYOR, OR LANDSCAPE ARCHITECT  
THROUGH EXECUTIVE DIRECTOR**

1. Application is complete;
2. Fees have been paid;
3. Successful completion of appropriate in-training examination or approved for waiver of examination;
4. No "yes" answers regarding prior or pending disciplinary/denial actions OR there is a "yes" answer and prior disciplinary action has been satisfactorily completed and the license/certificate/registration is in good standing;
5.
  - a) No "yes" answers regarding criminal convictions, OR
  - b) There is a "yes" answer regarding criminal convictions, all convictions are 15 years or older and no conviction over 15 years old involves theft, dishonesty or violence; OR
  - c) There is a "yes" answer regarding criminal convictions and there is not more than 1 conviction and the conviction is for driving while intoxicated, possession of marijuana or narcotics, not for sale, and the conviction is more than 2 years old;
6. If applicable, National Council record has been received and there is no derogatory information, OR there is a council record and prior disciplinary action has been satisfactorily completed and the license/certificate/registration is in good standing; and
7. There is no evidence that the applicant:
  - a) has been convicted of a class 1 felony;
  - b) committed any act involving fraud, dishonesty, misrepresentation, breach of fiduciary duty, gross negligence or incompetence;
  - c) is currently incarcerated in a penal institution;
  - d) has engaged in fraud or misrepresentation in connection with the application for registration, certification or related examination;
  - e) has had a professional registration or certification revoked, suspended or surrendered in lieu of disciplinary action
  - f) has practiced without the required registration or certification within 2 years immediately preceding the date of application; or
  - g) has, within 5 years of the date of application, committed an act that would constitute unprofessional conduct as set forth in A.A.C. R4-30-301.

**GUIDELINES FOR ISSUING CERTIFICATION AS A REMEDIATION SPECIALIST  
THROUGH EXECUTIVE DIRECTOR**

1. Application is complete;
2. Fees have been paid;
3. If desiring to practice pursuant to A.R.S. §49-151, et seq, successful completion of an examination approved by the Board or approved for waiver of the examination;
4. No "yes" answers regarding prior or pending disciplinary/denial actions OR there is a "yes" answer and prior disciplinary action has been satisfactorily completed and the license/certificate/registration is in good standing;
5.
  - a) No "yes" answers regarding criminal convictions and no criminal history record was found as a result of the fingerprint submission, or
  - b) There is a "yes" answer regarding criminal convictions and the conviction does not meet any of the criteria in 7, below;
6. Education and qualifying experience meet statutory and rule requirements; and
7. There is no evidence that the applicant:
  - a) has been convicted of a felony involving a transaction in securities or consumer fraud or where the essential elements consisted of fraud, misrepresentation or theft by false pretenses, within 7 years immediately preceding the date of application;
  - b) has been subject to an injunction, judgement, decree or permanent order of any state or federal court that related to a violation of fraud or consumer fraud laws or securities laws within 7 years immediately preceding the date of application;
  - c) has been convicted of a felony or misdemeanor that had a reasonable relationship to the applicant's occupation or to the environment within 7 years immediately preceding the date of application;
  - d) has violated any provision of the Board's statutes or rules;

#403815

**ENFORCEMENT MATTERS**

**A. Proposed Denials**

1. M04-011 / M0R03-070 David Horner, Land Surveyor #14187

**B. Proposed Letters of Consent**

1. M04-030 / M0R03-120 John Chapin, Architect #02485
2. M04-034 / M0R03-080 Mark R. Ivy, Architect #17638
3. M04-035 / M0R03-107 Fred E. Woods, Architect #12839
4. M04-036 / M0R04-067 Paul D. Selberg, Architect #20715

AMENDED AGENDA – December 5, 2003

STATE BOARD OF TECHNICAL REGISTRATION  
1110 W. Washington, Building Conference Room #250  
Phoenix, AZ 85007

December 9, 2003 – Quarterly Meeting  
9:00 AM

OPEN SESSION

Title II of the Americans with Disabilities Act (ADA) prohibits the Board of Technical Registration from discriminating on the basis of disability in its public meetings. Persons with a disability may request a reasonable accommodation such as a sign language interpreter by contacting LaVern Douglas at (602) 364-4937. Requests should be made as early as possible to allow time to accommodate the request.

The Board may discuss, consider or take action on any item on the Agenda. At the discretion of the Board, Agenda items may be taken out of order.

All examination material, transcripts, educational records, reference forms and applications are confidential pursuant to A.R.S. § 32-129.

The Board may vote to go into executive session intermittently during the meeting on any of the following agenda items to review statutorily confidential materials or receive legal advice from counsel pursuant to A.R.S. § 38-431.03(A)(2) or (3).

1. CALL TO ORDER
2. ROLL CALL
3. CALL TO THE PUBLIC
4. ADOPTION OF MINUTES – November 12, 2003 meeting and re-adoption of December 30, 2002 meeting minutes.
5. ENFORCEMENT MATTERS
  - A. Proposed Dismissals
    1. M04-011 / MIR03-070 David Hornor, Land Surveyor #14187
  - B. Proposed Letters of Concern
    1. M04-030 / MIR02-130 John Chopas, Architect #02485
    2. M04-034 / MIR03-008 Mark R. Irby, Architect #17638
    3. M04-035 / MIR03-107 Fred E. Woods, Architect #12839
    4. M04-036 / MIR04-067 Paul D. Selberg, Architect #20715

- C. Acceptance or Rejection of Proposed Consent Agreements
  1. M04-003 / MIR03-059 Harold David Kinsey, Jr., Nonregistrant
- D. Proposed Peer Review Candidates
  1. M03-042 / MIR02-160 Edward D. Chavez, Architect #21340
- E. Proposed Enforcement Advisory Committee Candidates
  1. Robert G. Kille, Certified Home Inspector #38351
  2. Dennis T. Nobley, Certified Home Inspector #38597
  3. Randy R. West, Certified Home Inspector #38597
  4. Scott M. Warga, Certified Home Inspector #38062
6. EVALUATION OF HOME INSPECTOR APPLICATIONS AND POSSIBLE GRANTING OF CERTIFICATION
  1. Jeff Schroeder, Applicant #031163
  2. Larry M. Schardon, Applicant #031061
  3. Andrew N. Fugett, Applicant #031219
7. EVALUATION OF APPLICATIONS UNDER A.A.C. R4-30-101.10, GOOD MORAL CHARACTER, AND POSSIBLE GRANTING OF REGISTRATION  
Ronald Franquero - Electrical
8. EVALUATION COMMITTEE AND STAFF RECOMMENDATIONS AND POSSIBLE GRANTING OF REGISTRATION OR CERTIFICATION (List available at Board's office)
  1. Granting of professional or in-training registration.
  2. Approval to sit for the professional or in-training examination.
  3. Denial to sit for the professional or in-training examination.
  4. Recommendation for denial of professional registration or in-training designation.
9. DISCUSSION REGARDING A.A.C. R4-30-301.01(B)(1) CONCERNING PAYMENT OR RECEIPT, DIRECTLY OR INDIRECTLY, OF COMPENSATION AS A REFERRAL OR FINDER'S FEE
  1. Board's Interpretation
  2. Home Inspector Committee interpretation
  3. Certified home inspector concerns/input regarding interpretation
  4. Potential recommendation for changes
10. CHAIR REPORT
11. STANDING COMMITTEE REPORTS
  1. Legislation and Rules Committee
  2. Budget Committee

3. Education and Examination Committee
4. Home Inspector Rules and Standards Committee
5. Environmental Remediation Rules and Standards Committee
  
12. BOARD MEMBER REPORTS ON OUTSIDE ACTIVITIES
  1. National Council of Examiners for Engineering and Surveying (NCEES)
  2. National Council of Architectural Registration Boards (NCARB)
  3. Council of Landscape Architectural Registration Boards (CLARB)
  4. National Association of State Boards of Geology (ASBOG)
  
13. EXECUTIVE DIRECTOR REPORT
  
14. EXPIRED REGISTRATIONS TO BE LAPSED (List available at Board's office)
  
15. POTENTIAL CHANGES TO R4-30-201, R4-30-204 AND TO OTHER RULES RELATING TO REGISTRATION, EXAMINATION QUALIFICATIONS AND ADMINISTRATION
  
16. POTENTIAL CONVENING OF THE USE OF SEALS SUBCOMMITTEE AND DISCUSSION ON THE ISSUE OF WHETHER OR NOT AN INSPECTION DOCUMENT (FOR EXAMPLE, ONE RELATING TO GEO-TECHNICAL OR STRUCTURAL ENGINEERING WORK) SHOULD BE CONSIDERED A PROFESSIONAL DOCUMENT AND BE SEALED.
  
17. POSSIBLE REMOVAL OF IN-TRAINING LIST ON BTR WEB SITE
  
18. PRESENTATION OF PLAQUES TO FORMER BOARD MEMBERS
  
19. FUTURE AGENDA ITEMS
  
20. FUTURE BOARD MEETINGS - The next meeting is scheduled for January 13, 2004
  
21. ADJOURNMENT

MINUTES OF THE  
ARIZONA BOARD OF TECHNICAL REGISTRATION

November 12, 2003 Meeting  
9:00 AM

1. CALL TO ORDER - The meeting of the Board of Technical Registration was called to order at 9:08 a.m. by Chair Ronald Starling.
2. ROLL CALL - **Present:** Ronald Starling, Chet Pearson, Joy Lyndes, Richard Pawelko, William Greenslade, Robert Roos, Stuart Lane and Priscilla Cornelio. **Board Staff:** Ron Dalrymple, LaVern Douglas, Kathryn Fuller, Melinda Baughman, Cassie Goodwin, Janis Humphrey and Kay Reed. **Assistant Attorney General:** Elizabeth Burns. **Absent:** Gary Nelson
3. PUBLIC COMMENT - Mr. Roos expressed concern over the Board's interpretation of A.A.C. R4-30-301.01(B)(1) at its September 2003 meeting.
4. ADOPTION OF MINUTES – Ms. Cornelio moved to accept the October 7, 2003 minutes. Seconded by Mr. Greenslade. MOTION CARRIED. (Ms. Lyndes was not present.)
5. ENFORCEMENT MATTERS
  - A. Proposed Dismissals
    1. M04-022 / MIR03-241 **William J. Norman**, Land Surveyor #16588. Mr. Greenslade moved to dismiss the case. Seconded by Mr. Pawelko. MOTION CARRIED.
    2. M04-023 / MIR02-123 **Sheila M. Bowen**, P.E. (Civil) #34924. Mr. Greenslade moved to dismiss the case. Seconded by Mr. Pawelko. MOTION CARRIED.
    3. M04-024 / MIR03-192 **William J. Christenson**, P.E. (Structural) #34626. Mr. Greenslade moved to issue a letter of concern to Mr. Christenson for placing his engineering seal on residential floor plans prepared by others and failing to disclose that he had provided only the structural engineering components. Seconded by Ms. Lyndes. After discussion, MOTION CARRIED.
    4. M04-025 / MIR03-005 **Mark W. Bergquist**, Architect #24634. Mr. Roos moved to dismiss the case and request that staff open a file to investigate the possibility that Mr. Bergquist violated Board statutes and rules by signing a firm card as the responsible registrant for Architectural Phase One. Seconded by Mr. Lane. After discussion, MOTION CARRIED. Ms. Lyndes voted Nay. Mr. Starling then moved to open another file to investigate the services offered by Architectural Phase One. Seconded by Mr. Greenslade. MOTION CARRIED.



B. Proposed Letters of Concern

1. M04-012 / MIR02-036 **Daniel D. Lucero**, Land Surveyor #31025. Mr. Lane moved to issue respondent a letter of concern for failing to record all findings from the field survey onto the plat and failing to record the survey. Seconded by Mr. Greenslade. MOTION CARRIED.
2. M04-014 / MIR02-091 **Michael F. York**, Land Surveyor #19862. Mr. Lane moved to issue respondent a letter of concern for failure to provide sufficient mathematical information to close parcel boundary and locate the parcel surveyed from controlling monuments and for failure to tie the lengths shown on the map along the arc of curve on the parcel boundary and parcel extensions and opposite side of Sulphur Springs Street to surveyed positions. Seconded by Mr. Pawelko. MOTION CARRIED.
3. M04-026 / MIR03-271 **Michael J. Mitchell**, Architect #38364. Mr. Pawelko moved to issue respondent a letter of concern for failure to sign, date, and seal architectural plans and for failure to mark them "preliminary" or "not for construction". Seconded by Mr. Lane. MOTION CARRIED.
4. M04-027 / MIR03-271 **Marc L. Able**, P.E. (Mechanical) #31396. Mr. Pawelko moved to issue respondent a letter of concern for failure to sign, date, and seal architectural plans and for failure to mark them "preliminary" or "not for construction". Seconded by Mr. Lane. MOTION CARRIED.
5. M04-028 / MIR03-271 **Ronald E. Bourgault**, P.E. (Electrical) #31387. Mr. Pawelko moved to issue respondent a letter of concern for failure to sign, date, and seal architectural plans and for failure to mark them "preliminary" or "not for construction". Seconded by Mr. Lane. MOTION CARRIED.

C. Acceptance or Rejection of Proposed Consent Agreements

1. M04-001 / MIR02-016 **Anthony T. Bowler**, P.E. (Civil) #33783. Mr. Roos moved to accept the signed consent agreement with the following Order:
  - Practice Restriction. Respondent agrees not to practice engineering as it relates to the design of any sanitary systems dealing with non-chlorinated or alternative types of disinfection systems until he can demonstrate to the Board that he is proficient with such sanitary systems.
  - Probation until the following are met:
    - a. Professional Education – Successfully complete 10 hours of professional education in the area of sanitary systems, with pre-approval by the Board and verification of satisfactory completion of course work;
    - b. Open Book Test of the Board's Codes and Rules.
  - Cost of Investigation – pay cost of investigation in the amount of \$516.00.Seconded by Mr. Lane. After discussion, MOTION CARRIED.

2. M04-002 / MIR03-247 **Jeff Caminada**, Nonregistrant. Mr. Roos moved to accept the signed consent agreement with the following Order:

- Assurance of Discontinuance
  - Restitution – pay restitution to:
    - a. Don Perretta, 639 E. Kenwood, Mesa, AZ in the amount of \$150.00;
    - b. John Butler, 1108 Morningwood Lane, Great Falls, VA in the amount of \$300.00;
    - c. Kimberly Stanbro, 2877 Edgewood, Lake Havasu City, AZ in the amount of \$150.00;
    - d. Joe Parham, 2186 McCulloch Blvd., Lake Havasu City, AZ in the amount of \$150.00;
    - e. Cherie Townsend, 4947 N. Quail Summit Way, Boise, ID in the amount of \$150.00;
    - f. Dave Borton, 777 Harrah Way, Unit 231, Lake Havasu City, AZ in the amount of \$150.00.
  - Civil Penalty – pay a civil penalty in the amount of \$450.00 (or \$1,500.00 if restitution is not paid timely).
  - Cost of Investigation – pay cost of investigation in the amount of \$115.00.
- Seconded by Mr. Greenslade. MOTION CARRIED.

3. M04-006 / MIR03-298 **Barry Gianfrancisco**, Nonregistrant. Mr. Lane moved to accept the signed consent agreement with the following Order:

- Assurance of Discontinuance;
  - Restitution – pay restitution to Mansur Oloum, 15403 S. Foxtail Lane, Phoenix, Arizona, in the amount of \$200.00;
  - Civil Penalty - pay a civil penalty in the amount of \$300.00 (or \$500.00 if restitution is not paid timely);
  - Cost of Investigation - pay cost of investigation in the amount of \$110.00.
- Seconded by Mr. Pawelko. MOTION CARRIED.

D. Discussion and Consideration Re: Proceed to Formal Hearing

1. M03-044 / MIR03-221 **Dennis Franks**, Nonregistrant. Mr. Franks attended and brought with him a proposed consent agreement.

EXECUTIVE SESSION - Mr. Roos moved to go into Executive Session at 9:28 a.m. to obtain legal advice. Seconded by Mr. Pawelko. MOTION CARRIED. The Board returned to Open Session at 9:48 a.m.

Mr. Roos moved that staff initiate proceedings for a formal hearing. Seconded by Mr. Lane. Mr. Franks addressed the Board.

EXECUTIVE SESSION - Mr. Roos moved to go into Executive Session at 10:04 a.m. to obtain legal advice. Seconded by Mr. Pawelko. MOTION CARRIED. The Board returned to Open Session at 10:12 a.m.

After the discussion of Mr. Roos' motion to initiate proceedings for a formal hearing, MOTION CARRIED. Mr. Starling voted Nay. Mr. Lane then moved to reject the proposed consent agreement. Seconded by Mr. Roos. MOTION CARRIED. Mr. Pearson voted Nay.

6. EVALUATION OF HOME INSPECTOR APPLICATIONS AND POSSIBLE GRANTING OF CERTIFICATION

1. **David D. Sturgeon**, Applicant #031093. Mr. Greenslade moved to grant applicant certification. Seconded by Mr. Pearson. MOTION CARRIED.
2. **John W. Smith**, Applicant #031118. Mr. Smith attended and addressed the Board. Mr. Greenslade moved to grant applicant certification. Seconded by Mr. Roos. MOTION CARRIED.
3. **Ron A. Pearlman**, Applicant #031192. Mr. Pearlman attended and addressed the Board. Mr. Pawelko moved to grant applicant certification. Seconded by Ms. Lyndes. After discussion, MOTION CARRIED.
4. **Robert F. Adams**, Applicant #030877. Mr. Adams attended and addressed the Board. Mr. Roos moved to grant applicant certification. Seconded by Mr. Pearson. After discussion, MOTION CARRIED.
5. **Dennis W. Schmitz**, Applicant #031062. This agenda item was not discussed.
6. **Jeffrey A. Caminada**, Applicant #031191. Mr. Greenslade moved to grant applicant certification. Seconded by Mr. Lane. After discussion, MOTION CARRIED.
7. **Jeff M. Schroeder**, Applicant #031163. This agenda item was not discussed.
8. **Dennis J. Hodkinson**, Applicant #031058. Mr. Hodkinson attended and addressed the Board. Mr. Greenslade moved to grant applicant certification. Seconded by Mr. Lane. MOTION CARRIED.

7. EVALUATION OF APPLICATIONS UNDER A.A.C. R4-30-101.10, GOOD MORAL CHARACTER, AND POSSIBLE GRANTING OF REGISTRATION

1. **Chi Lee** – Structural. Mr. Greenslade moved that applicant be offered a consent agreement granting registration subject to the following:
  - Administrative penalty in the amount of \$1,000;
  - Probation for one year during which time there must not be any violation of the Board's rules and statutes.If applicant does not accept the consent agreement the application will be denied. Seconded by Mr. Lane. After discussion, MOTION CARRIED. Mr. Starling, Mr. Pearson and Mr. Pawelko voted Nay. Mr. Greenslade then moved to authorize the Executive Director as the designated representative of the Board with the authority to participate in an informal settlement conference, and to limit the Executive Director's authority to the consent agreement set forth in the prior motion. Seconded by Ms. Cornelio. After discussion, MOTION CARRIED. Mr. Starling and Mr. Pawelko voted Nay. (Mr. Pearson was not present.)
2. **Ronald Franquero** – Electrical. Mr. Pearson moved that applicant be granted certification. Seconded by Mr. Greenslade. After discussion, MOTION FAILED. Mr. Starling, Mr. Roos, Mr. Pawelko and Mr. Lane voted Nay. Mr. Pawelko then moved to

return the matter to staff for more information concerning applicant's criminal offenses. Seconded by Mr. Lane. After discussion, MOTION CARRIED.

3. **Mark Wentzel** – Mechanical. Mr. Pearson moved that applicant be granted registration. Seconded by Mr. Pawelko. After discussion, MOTION CARRIED.

4. **Charles Hunter** – Civil. Ms. Cornelio moved that applicant be granted registration. Seconded by Mr. Pawelko. MOTION CARRIED. (Mr. Pearson was not present.)

8. EVALUATION COMMITTEE AND STAFF RECOMMENDATIONS AND POSSIBLE GRANTING OF REGISTRATION OR CERTIFICATION (See attached)

1. Granting of professional or in-training registration.
2. Approval to sit for the professional or in-training examination.
3. Denial to sit for the professional or in-training examination.
4. Recommendation for denial of professional registration or in-training designation.
5. Granting of drug laboratory site remediation firm on-site workers.

Mr. Greenslade moved to accept the Evaluation Committee and staff recommendations #1 - #5. Seconded by Mr. Lane. MOTION CARRIED. (Mr. Pearson was not present.)

9. DISCUSSION REGARDING DELEGATION TO DIRECTOR TO GRANT REGISTRATION OR APPROVAL FOR EXAMINATION UNDER CERTAIN CIRCUMSTANCES TO THE FOLLOWING PROFESSIONS:

Architects, Assayers, Engineers, Geologists, Land Surveyors, Landscape Architects and Certified Remediation Specialists. This agenda item was not discussed.

10. DISCUSSION REGARDING DELEGATION TO DIRECTOR TO CERTIFY DRUG LAB SUPERVISORS AND WORKERS UNDER CERTAIN CIRCUMSTANCES

Mr. Lane moved to delegate to the director the authority to certify drug lab supervisors and workers under the guidelines presented. Seconded by Mr. Pawelko. After discussion, MOTION CARRIED.

11. CHAIRMAN'S REPORT

Mr. Starling reported he was the Board's observer for the ABET (Accreditation Board for Engineering and Technology) team's follow-up evaluation of the Civil and Environmental Engineering Departments at Northern Arizona University. Deficiencies had been found in a prior evaluation two years ago and although there are still some equipment problems, the faculty is now outstanding and the engineering departments serve the state well. Mr. Starling also stated that he gained a better understanding of the ABET evaluation process.

12. NATIONAL ASSOCIATION OF STATE BOARDS OF GEOLOGY (ASBOG) REPORT

Mr. Greenslade reported on the Annual ASBOG meeting in Jacksonville, Florida and provided Board members a memorandum outlining the results of the meeting.

13. FUTURE AGENDA ITEMS

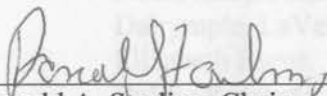
deleg  
to ED  
re: Drug  
Labs

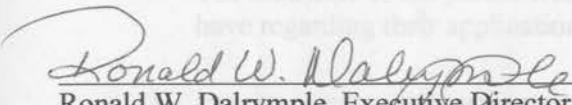
- Delegation to Director to grant registration or approval for examination under certain circumstances to the following professions: architects, assayers, engineers, geologists, land surveyors, landscape architects and certified remediation specialists.
- A.A.C. R4-30-301.01(B)(1) – home inspector direct and indirect referral fees.

14. FUTURE BOARD MEETINGS - The next meeting is a quarterly meeting scheduled for December 9, 2003 at 9:00 a.m.

15. ADJOURNMENT - Mr. Starling moved to adjourn at 12:35 p.m. Seconded by Mr. Pawelko. MOTION CARRIED.

#### ARIZONA STATE BOARD OF TECHNICAL REGISTRATION

  
 \_\_\_\_\_  
 Ronald A. Starling, Chair

  
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 Ronald W. Dalrymple, Executive Director

- Anthony Nagarkowski, #020678 – After discussion, Mr. Goldman moved to accept this application. Seconded by Mr. Turtle. MOTION CARRIED.
- Matthew Anderson, #020793 – After discussion, Mr. Gardner moved to approve this application. Seconded by Mr. Pearson. MOTION CARRIED.
- John Mackin, #021013 – After discussion, Mr. Pawelko moved to approve this application. Seconded by Mr. Goldman. MOTION CARRIED.
- Greg Oswald, #020779 – After discussion, Mr. Lynsley moved to accept this application. Seconded by Mr. Pawelko. MOTION CARRIED.
- Bruce Nietzke, # 021012 – After discussion, Ms. Lynsley moved to approve this application. Seconded by Mr. Pearson. MOTION CARRIED.
- Steve Uliwa, #020818 – After discussion, Mr. Pawelko moved to approve this application. Seconded by Mr. Turtle. MOTION CARRIED.

#### 4. EVALUATION COMMITTEE RECOMMENDATION

The list of recommended candidates to be approved for home inspector certification was discussed. After discussion, Mr. Pawelko moved to accept the

**AMENDED MINUTES\***

Arizona Board of Technical Registration

**EMERGENCY TELEPHONE CONFERENCE**

December 30, 2002

1:00 P.M.

1. **CALL TO ORDER** – An emergency telephone conference of the Board of Technical Registration was called to order at 1:10 P.M.
2. **ROLL CALL** – **Present:** Board Members: Fred Goldman, Chet L. Pearson, Richard Pawelko, Gregory Tuttle; William Greenslade, Ronald Starling, Robert Roos, Joseph Gardner, Joy Lyndes appeared telephonically. **Board Staff:** Ron Dalrymple, LaVern Douglas, and Nan Mitchell. **Assistant Attorney General:** M. Elizabeth Burns.  
**Public Present:** Matthew Anderson, John Mackin, Greg Oswalt, Bruce Nitezke. The members of the public were present to respond to questions the Board may have regarding their applications for certification.
3. **EVALUATION OF HOME INSPECTOR APPLICATIONS UNDER A.R.S. § 32.122.02(7) AND R4-30-101(10).** At 1:30, Mr. Roos moved to go into executive session to receive legal advice. Seconded by Mr. Pearson. **MOTION CARRIED.** At 1:58, the Board returned to open session.
  - a. Anthony Napierkowski, #020678 – After discussion, Mr. Goldman moved to accept this application. Seconded by Mr. Tuttle. **MOTION CARRIED.**
  - b. Matthew Anderson, #020793 – After discussion, Mr. Gardner moved to approve this application. Seconded by Mr. Pearson. **MOTION CARRIED.**
  - c. John Mackin, #021013 – After discussion, Mr. Pawelko moved to approve this application. Seconded by Mr. Goldman. **MOTION CARRIED.**
  - d. Greg Oswalt, #020775 – After discussion, Ms. Lyndes moved to accept this application. Seconded by Mr. Pawelko. **MOTION CARRIED.**
  - e. Bruce Nitezke, # 021012 – After discussion, Ms. Lyndes moved to approve this application. Seconded by Mr. Pearson. **MOTION CARRIED.**
  - f. Steve Uhles, #020818 – After discussion, Mr. Pawelko moved to approve this application. Seconded by Mr. Tuttle. **MOTION CARRIED.**
4. **EVALUATION COMMITTEE RECOMMENDATION**  
The list of recommended candidates to be approved for home inspector certification was discussed. After discussion, Mr. Pawelko moved to accept the

list of candidates that were that were recommended by the Home Inspector Rules and Standards Committee. Seconded by Mr. Goldman. Motion carried.

5. GRANTING OF CERTIFICATION NUMBERS - Mr. Pawelko moved to grant certification beginning with John Branham, number 38641, and ending with Timothy Sponsler, number 38667, and beginning with Nolan Udall, number 38747 and ending with Steve Uhles, number 38755. Seconded by Mr. Tuttle. MOTION CARRIED.

6. FUTURE MEETINGS – The next meeting will be the January 14, 2003 meeting scheduled for 9:00 a.m.

7. ADJOURNMENT – Mr. Greenslade gaveled the meeting adjourned at 2:10 p.m.

### **ARIZONA STATE BOARD OF TECHNICAL REGISTRATION**

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Ronald A. Starling, Chair

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Ronald W. Dalrymple, Executive Director

\*These minutes were amended at the Board's meeting on December 9, 2003.

CIVIL ENGINEERS  
HASNEMIZADEH, HAMID  
HOLLINGSWORTH, HAROLD  
HUANG, JEAN  
LESLIE, JOEY  
MARTINEZ-NAYARRO, JORGE  
THOMTE, JAMES  
GEOLOGIST  
BEISNER, DANIEL

2. THE FOLLOWING APPLICANTS WERE EVALUATED BY THE COMMITTEE AND IT IS RECOMMENDED THAT THEY BE APPROVED FOR THE LISTED EXAMINATIONS, BE GRANTED REGISTRATION IN THE APPROPRIATE CATEGORY AND BE ISSUED A REGISTRATION NUMBER BY THE EXECUTIVE DIRECTOR, OR HIS DESIGNEE, UPON SUCCESSFULLY COMPLETION OF THE EXAMINATION AND A STABLE DETERMINATION OF THE

**ARIZONA STATE BOARD OF TECHNICAL REGISTRATION**

FROM: EVALUATION COMMITTEE

RE: EVALUATION OF APPLICANTS

1. THE EVALUATION COMMITTEE HAS REVIEWED THE LISTED APPLICANTS AND MAKE TO THE BOARD THE FOLLOWING RECOMMENDATIONS REGARDING APPLICATION FOR REGISTRATION TO PRACTICE IN ARIZONA.

THE FOLLOWING APPLICANTS, HAVING SATISFIED THE COMMITTEE THAT THEY ARE QUALIFIED TO RECEIVE REGISTRATION IN ARIZONA UNDER A.R.S. 32-122.01. AND A.R.S. 32-126 ARE HEREBY RECOMMENDED FOR PROFESSIONAL REGISTRATION:

**ARCHITECT**

- COLWELL, ALLISON
- EIDE, PAUL
- GLAESMANN, GIANNA
- HARDIN, EDWARD

**CIVIL ENGINEERS**

- HASHIEMIZADEH, HAMID
- HOLLINGSWORTH, HAROLD
- HUANG, JEAN
- LESLIE, JOEY
- MONTOYA-NAVARRO, JORGE
- THOMTE, JAMES

**GEOLOGIST**

- BEISNER, DANIEL



2. THE FOLLOWING APPLICANTS WERE EVALUATED BY THE COMMITTEE AND IT IS RECOMMENDED THAT THEY BE APPROVED FOR THE LISTED EXAMINATIONS, BE GRANTED REGISTRATION IN THE APPROPRIATE CATEGORY AND BE ISSUED A REGISTRATION NUMBER BY THE EXECUTIVE DIRECTOR, OR HIS DESIGNEE, UPON SUCCESSFUL COMPLETION OF THE EXAMINATION AND A STAFF DETERMINATION OF CONTINUED ELIGIBILITY FOR REGISTRATION:

**ARCHITECTS**

AZABDAFTARI, BAHRAM	PARTS 1,2,3,4,5,7,8,9
KARANJIA, VISPI	PARTS 1,2,3,4,5,7,8,9
LYNCH, ELIZABETH	PARTS 1,2,3,8,9
MILLER, BRANDON	PARTS 1,2,3,4,5,7,8,9
SAMANIEGO, PEDRO	PARTS 1,2,3,4,5,7,8,9
URIBE, TOMAS	PARTS 1,2,3,4,5,7,8,9

**ARCHITECT IN TRAINING**

DOTY, MICHAEL	PARTS 1,2,4,5
GARCIA, ABRAHAM	PARTS 1,2,4,5
JONES, JUSTIN	PARTS 1,2,4,5
TAYLOR, BRIAN	PARTS 1,2,4,5

**CIVIL ENGINEERS**

DEWAN, SHAMEEM	PART 2
IBEJI, AMARA	PART 2
LAKE, STANFORD	PART 2
MELVIN, MEL	PART 2
MOXEY, HENRY	PART 2
PRATTE, SIMON	PART 2
SHAWD, ERIC	PART 2
STRAIGHT, ELENA	PART 2
WARD, THOMAS	PART 2

**ELECTRICAL ENGINEER**

HACKLEMAN, LARRY	PART 2
------------------	--------

**MECHANICAL ENGINEER**

RICHARDS, DARRIN	PARTS 1,2
WILSON, JAMES	PARTS 2

**STRUCTURAL ENGINEER**

HUTCHINSON, ROBERT

PART 3

**ENGINEER IN TRAINING**

OMER, JOSEPH

PART 1

**LAND SURVEYORS**

HENNESSEY, DANIEL

PARTS 1,2,3

JENSEN, DENNIS

PART 3

JOHNSTON, TODD

PARTS 2,3

MILLS, SAMUEL

PARTS 2,3

NANKERVIS, FRED

PART 3

**LAND SURVEYOR IN TRAINING**

HEATH, JERRY

PART 1

**GEOLOGIST**

CHAVES, JEFFREY

PART 2

**3. THE FOLLOWING APPLICATIONS ARE BEING DENIED FOR LACK OF SATISFACTORY WORK EXPERIENCE:**

DORF, ANGELA

LAND SURVEYOR

LACK 22 MONTHS

LAYOS, AMADEO

EIT

LACK 18 MONTHS

**4. THE FOLLOWING APPLICATIONS ARE BEING DENIED FOR FAILURE TO COMPLETE THE REQUIREMENTS OF THE BOARD WITHIN A REASONABLE LENGTH OF TIME:**

ADAM, FRANK

STRUCTURAL

ALCARAZ, JEFFERY

AIT

AMBROSE, MICHAEL

ARCHITECT

ANDERSON, JOHN

AIT

AYALA, RUDY

LSIT

BANACH, ROBERT

ARCHITECT

BLOOM, THOMAS

ARCHITECT

BANDELIN, GREGORY

AIT

BARCENA, DENNIS

AIT

BAHRAINI, SHOHREH,

EIT

BELFORD, SCOTT

AIT

BENES, MARTIN

ELECTRICAL

BENESH, MICHAEL

LAND SURVEYOR

BERG, STEPHANIE	AIT
BERNOTAS, CHRISTOPHER	LAIT
BURNETTE, DEBRA	LSIT
CALDERON, JORGE	ARCHITECT
CASLER, CYNTHIA	AIT
CHANDRA, MONA	ARCHIECT
CHUN, MIRO	AIT
COLLON, PATRICK	LSIT
CONDER, MICHAEL	AIT
COOK, SHEILA	ARCHITECT
CRISP, BARBARA	ARCHITECT
DAGESTINO, ANTHONY	AIT
DANIEL, WILLIAM	ARCHITECT
DEGRAFT-JOHNSON, JOSEPH	AIT
DIETZ, JEFFREY	ARCHITECT
DUARTE, LUIS	EIT
DUBINSKY, MARK	ARCHITECT
DWIVEDI, MANEESH	ARCHITECT
DYKES, JOHN	AIT
EASTON, JAMES	AIT
ELLISON, RICHARD	CIVIL
EMERY, PHILIP	GEOLOGY
ENRIQUEZ, JOSE	EIT
ETSITTY, DESWOOD	AIT
EVANS, BRENNAN	AIT
FERGUSON, TINA	ARCHITECT
FLAKE, ELIAS	ARCHITECT
FRAZELLE, WILLIAM	AIT
FUENTES, ROSALIO	EIT
GIESEN, SCOTT	AIT
GOLDSTONE, CRAIG	ARCHITECT
GORING, CHRISTOPHE	AIT
GUSTAFSON, ANDRE	AIT
HACKETT, THOMAS	AIT
HAHN, BARI	ARCHITECT
HAMMOUD, SAELIM	MECHANICAL
HARRIS, MAURITA	AIT
HARTMAN, THOMAS	ARCHITECT
HOSTETLER, DOYLE	ARCHITECT
IRWIN, RUSSELL	ARCHITECT
JACKSON, RICHARD	LSIT
JAIN, MAMTA	AIT
JOHNS, BRIAN	ARCHITECT
KING, JOSEPH	AIT
LABAHN, JONATHAN	AIT
LARAMIE, WALTER	ELECTRICAL

LITTLE, BURTON	AIT
LOPEZ, FRANCISCO	CIVIL
LYNN, CAROL	ARCHITECT
MADEISKI, CHRISTOF	AIT
MAJOR, JOSEPH	CIVIL
MALDONADO, ADOLFO	EIT
MAMMONE, GIAN	AIT
MARTIN, JONATHAN	AIT
MARTIN, TIMM	ARCHITECT
MARTINEZ, SANDRA	AIT
MARTORANA, DANIEL	ARCHITECT
MASS, KEVIN	ARCHITECT
MATHER, KURT	AIT
MATRAY, BENJAMIN	ARCHITECT
MCCLURE, BROAM	ARCHITECT
MEINHOLD, LANCE	AIT
MODI, MANOJ	AIT
MOOSAVI, TARANEH	ARCHITECT
MUCHOW, KELLEY	AIT
NANCE, JAY	CIVIL
NAVAI, AMY	AIT
NIESE, DAVID	LSIT
NOSTROM, CHRISTOPHER	AIT
OEI, RIZAL	AIT
PADILLA, EDUARDO	LAND SURVEYOR
PALOMA, FERNANDO	ARCHITECT
PAPP, JENNIFER	EIT
PETIT, BARRY	ARCHITECT
PINGER, STEVEN	ARCHITECT
PITTAM, RICHARD	AIT
POPADICH, SONJA	AIT
RESSLER, DAVID	ARCHITECT
REYES, JINGER	AIT
RIEMENSCHNEIDER, JULIE	GIT
ROGERS, STEPHEN	AIT
ROKO, KENNETH	EIT
RYDER, DEREK	AIT
ROBERTS, SHELLEAN	AIT
ROBICHAUX, BRIAN	ARCHITECT
SABIN, DARRIN	ARCHITECT
SALAZAR, DANIEL	ARCHITECT
SCHWINDENHAMMER, MICHAEL	EIT
SITTS, RICHARD	LAND SURVEYOR
SMITH, CHAD	AIT
SMITH, SCOTT	ARCHITECT
SOCKALOSKY, EVAN	ARCHITECT

STEWART, KEVIN	AIT
STROOP, K. VINCENT	AIT
SULLIVAN, STEPHEN	AIT
SUTTON, CHRISTOPHER	AIT
SWEET, TABER	LANDSCAPE ARCHITECT
SYDANON, SAMLANE	AIT
TARANIK, NIKOLAS	GIT
TAYLOR, AARON	ARCHITECT
THOMAS, CHARLES	ARCHITECT
THURBER, RONALD	ARCHITECT
TIMMSEN, TIMOTHY	ARCHITECT
TOWER, RUTH	AIT
VAROL, BERI	AIT
VORA, ERIN	AIT
WATTENBURG, SCOTT	AIT
WILLIAMS, CHARLES	ARCHITECT
WILLIAMS, DARREL	AIT
ZAYTOUN, HESHAM	ARCHITECT
YOUNG, JACOB	AIT
YU, KEBIN	AIT

CERTIFICATE NUMBER	LAST	FIRST	DISCIPLINE CODE	STATUS CODE	EXPIRE DATE
31902	BASSETT	JOHN	100	DL	20000930
31813	BASTIAN	JOHN	617	DL	20000930
28270	BISTRAIN	ANTONIO	604	DL	20000930
28365	BURROW	LYNDEN	604	DL	20000930
31622	CHANG	GEORGE	604	DL	20000930
31842	CHASE	ROBERT	100	DL	20000930
31904	CHIESA	ALBERTO	100	DL	20000930
28307	CROWDER	BRENT	611	DL	20000930
28309	DIB	ANTOINE	611	DL	20000930
28431	DISTASO	ROBERT	611	DL	20000930
31922	DONNELLY	KEVIN	604	DL	20000930
31613	ETTINGER	BRETT	100	DL	20000930
32776	FITZWATER	PHILLIP	901	DL	20000930
28275	FOSTER	ROBERT	604	DL	20000930
28366	GIANNI	LAWRENCE	604	DL	20000930
28260	GRUBBS	ROBERT	100	DL	20000930
28084	GULLIVER	MARC	100	DL	20000930
28311	GWARTNEY	RICHARD	611	DL	20000930
28435	JONES	RONALD	611	DL	20000930
28357	KARACHEWSKI	JOHN	300	DL	20000930
31865	KOHOUT	JAMES	604	DL	20000930
28316	KWAN	SZE	611	DL	20000930
28436	LENTFER	JAMES	617	DL	20000930
07900	MAHAN	NORMAN	617	DL	20000930
09659	MAHONEY	ROBERT	604	DL	20000930
22839	MAIN	ALAN	617	DL	20000930
08466	MALAHY	JOHN	605	DL	20000930
08481	MALAHY	JOHN	611	DL	20000930
11704	MANTHEI	JAMES	604	DL	20000930
08743	MARASCO	ROBERT	100	DL	20000930
10728	MARINI	ROBERT	604	DL	20000930
09884	MARK	ADOLF	100	DL	20000930
18768	MARRIOTT	WALTER	604	DL	20000930
20852	MARTIN	ROBERT	605	DL	20000930
31888	MARZULLO	ALFRED	605	DL	20000930

CERTIFICATE NUMBER	LAST	FIRST	DISCIPLINE CODE	STATUS CODE	EXPIRE DATE
19449	MCCOY	FREDERICK	605	DL	20000930
19110	MCCURRY	WILSON	300	DL	20000930
07853	MCFERRIN	WILLIAM	604	DL	20000930
10185	MCGUIRE	CLOVIS	100	DL	20000930
20813	MCKENZIE	ROBERT	604	DL	20000930
22521	MCMAHON	DANIEL	604	DL	20000930
23703	MCMULLIN	DAVID	100	DL	20000930
15950	MCNULTY	ROSEANNE	100	DL	20000930
11701	MCRAE	CYRIL	604	DL	20000930
09044	MCVAUGH	JOSEPH	611	DL	20000930
22569	MEYERS	BERNARD	604	DL	20000930
12399	MIKOLAS	MYLES	604	DL	20000930
13183	MIKOLAS	MYLES	400	DL	20000930
19995	MILLER	ROBERT	604	DL	20000930
22770	MILLER	GREGORY	400	DL	20000930
11076	MINCER	NORMAN	605	DL	20000930
28087	MINER	JULIA	100	DL	20000930
18549	MISKIMEN	DANIEL	400	DL	20000930
09789	MOLINA	JOSE	100	DL	20000930
23780	MONIER	ROY	604	DL	20000930
11502	MONTAGUE	DAVID	604	DL	20000930
28423	MONTANO	THADDEUS	604	DL	20000930
09790	MOORE	MERVIN	100	DL	20000930
13785	MORALES	LEE	604	DL	20000930
20223	MORAST	ROBERT	604	DL	20000930
06014	MORGAN	JOHN	617	DL	20000930
13289	MORRIS	GUY	605	DL	20000930
16065	MORRISSETTE	DANIEL	610	DL	20000930
31868	MORSY	FATHY	604	DL	20000930
13078	MOSS	ELLIOTT	604	DL	20000930
13565	MOSS	ELLIOTT	400	DL	20000930
24251	MOTE	SHARAD	617	DL	20000930
15581	MUIR	STEPHEN	300	DL	20000930
15648	MUIR	MARTIN	611	DL	20000930
06479	MULLEN	KENNETH	604	DL	20000930

CERTIFICATE NUMBER	LAST	FIRST	DISCIPLINE CODE	STATUS CODE	EXPIRE DATE
31704	MUSA	MD	604	DL	20000930
22948	MYERS	THOMAS	611	DL	20000930
11078	MYLREA	KENNETH	605	DL	20000930
11928	NALU	MICHAEL	100	DL	20000930
02296	NELMS	WILLIAM	611	DL	20000930
11854	NELSON	ELROY	604	DL	20000930
12445	NELSON	RONALD	617	DL	20000930
20537	NELSON	JEFFREY	617	DL	20000930
24823	NEYLAND	SINGLETON	100	DL	20000930
23864	NIELSEN	SIDNEY	605	DL	20000930
11532	NILES	STEPHEN	611	DL	20000930
12820	NORD	WILLIAM	100	DL	20000930
15500	NORTH	JAMES	604	DL	20000930
22691	NOTCH	JAMES	604	DL	20000930
12030	NUNEMAKER	JOHN	100	DL	20000930
24885	NUNES	KENNETH	605	DL	20000930
19048	NUTTALL	ALLAN	604	DL	20000930
28115	OSBORNE	JOSEPH	604	DL	20000930
31946	PEARSON	CHET	900	DL	20000930
28334	PETERSON	RICHARD	100	DL	20000930
31619	PIETTE	THOMAS	100	DL	20000930
31833	REDMOND	DANIEL	604	DL	20000930
31872	RICHARDS	LEE	604	DL	20000930
31889	RODRIGUEZ	JORGE	605	DL	20000930
28283	ROSS	KENNETH	604	DL	20000930
31950	SMELSER	STEPHEN	901	DL	20000930
28255	STAHL	ANDREW	300	DL	20000930
28289	TROWBRIDGE	BRETTON	604	DL	20000930
28184	VAN GESSEL	MARK	604	DL	20000930
31945	WISSEHR	JAMES	617	DL	20000930
28188	YOUNG	DONALD	604	DL	20000930

\*\*\* END OF REPORT \*\*\*



DISCIPLINE FILE UPDATE

#14

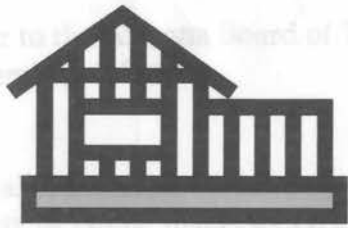
100	ARCHITECT	612	ENGINEER/METALLURGICAL
199	ARCHITECT-IN-TRAINING	613	ENGINEER/MINING
200	ASSAYER	614	ENGINEER/NUCLEAR
299	ASSAYER-IN-TRAINING	615	ENGINEER/PETROLEUM
300	GEOLOGIST	616	ENGINEER/SANITARY
399	GEOLOGIST-IN-TRAINING	617	ENGINEER/STRUCTURAL
400	LAND SURVEYOR	618	FIRE PROTECTION
499	LAND-SURVEYOR-IN-TRAINING	619	ENGINEER/ENVIRONMENTAL
500	LANDSCAPE ARCHITECT	620	ENGINEER/CONTROL SYSTEMS
599	LANDSCAPE ARCH-IN-TRAINING	622	CIVIL, ELEC, STRUC ENGINEER
601	ENGINEER/AERONAUTICAL	623	CIVIL & MECHANICAL ENGINEER
602	ENGINEER/AGRICULTURAL	624	CIVIL & MINING ENGINEER
603	ENGINEER/CHEMICAL	625	CIVIL & SANITARY ENGINEER
604	ENGINEER/CIVIL	626	CIVIL & STRUCTURAL ENGINEER
605	ENGINEER/ELECTRICAL	628	CHEMICAL & METALLURGICAL ENG
606	ENGINEERING SCIENTIST	631	MINING & METALLURGICAL ENGR
607	ENGINEER/GEOLOGICAL	699	ENGINEER-IN-TRAINING
608	ENGINEER/GEOPHYSICAL	799	HOME INSPECTOR-IN-TRAINING
609	HIGHWAY ENGINEER	902	REMEDIATION SPECIALIST
610	ENGINEER/INDUSTRIAL	903	HOME INSPECTOR
611	ENGINEER/MECHANICAL	904	DRUG LAB ON-SITE SUPERVISOR
		905	DRUG LAB ON-SITE WORKER

Person Rep:  
 Randy West  
 An attorney/subject  
 Greg Hays  
 Meeting Addr:  
 415 N. Park  
 Phoenix, AZ 85007  
 Phone:  
 (602) 258-7500  
 Fax:  
 (602) 258-7500  
 E-Mail:  
 crimsp@att.net

approximately 6 years ago as the entity that would draft the Arizona home inspector licensing legislation and participate in the rule-making process. It has been a pleasure to work alongside the professionals staffed to run your organization. Additionally, the home inspectors in this state are grateful to be regulated by such a well run agency.

At the last board meeting a decision was made to allow a home inspection company (Housemasters) to continue giving substantial sums of money to Long Realty in Tucson for a "Preferred Vendor" program. My concern is that this decision was made without input from unbiased industry professionals regarding the ethical dilemma this relationship represents. A decision like this has the potential to create a precedent that exposes the STR to being responsible for impropriety in the home inspection industry.

In the pharmaceutical industry a Washington Post article exposed scandalous behavior and began a chain of events that recently led to Federal Law forcing reform of the relationship between drug reps and physicians. Similarly, home inspectors writing \$10,000 checks to a real estate company is easy to portray as a conflict of interest. In order to protect the agency, we ask that you reconsider the board decision on these "Preferred Vendor" programs.



## Arizona Home Inspectors Coalition

**Chairman (Phx):**  
David Swartz

**Vice Chair (Tuc):**  
Bryck Guibor

**Recorder (PV):**  
Kent Cunneen

**Treasurer (Gil):**  
Kirk Kraft

**Prescott Rep:**  
Randy West

**Attorney/Lobbyist:**  
Rory Hays

**Mailing Addr:**  
8433 N. Black  
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85021

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azinspect@cox.net

November 6, 2003

Arizona Board of Technical Registration  
11110 W. Washington, Ste. 240  
Phoenix, AZ 85007

RE: Ethical Conduct of Arizona Home Inspectors

Dear Board Members,

The Arizona Home Inspectors Coalition currently represents the majority of home inspectors in this state and was formed approximately 6 years ago as the entity that would draft the Arizona home inspector licensing legislation and participate in the rules making process. It has been a pleasure to work alongside the professionals staffed to run your organization. Additionally, the home inspectors in this state are grateful to be regulated by such a well run agency.

At the last board meeting a decision was made to allow a home inspection company (Housemasters) to continue giving substantial sums of money to Long Realty in Tucson for a "Preferred Vendor" program. My concern is that this decision was made without input from unbiased industry professionals regarding the ethical dilemma this relationship represents. A decision like this has the potential to create a precedent that exposes the BTR to being responsible for impropriety in the home inspection industry.

In the pharmaceutical industry a Washington Post article exposed scandalous behavior and began a chain of events that recently led to Federal Law forcing reform of the relationship between drug reps and physicians. Similarly, home inspectors writing \$10,000 checks to a real estate company is easy to portray as a conflict of interest. In order to protect the agency, we ask that you reconsider the board decision on these "Preferred Vendor" programs.

**Mission:**

*To Effect Legislation of Professional Home Inspectors in Arizona for the Benefit and Protection of the Public.*

Letter to the Arizona Board of Technical Registration  
November 6, 2003

Ethical boundaries for home inspectors have been in existence since 1976. The American Society of Home Inspectors (ASHI) drafted language in the form of a Code of Ethics. In Arizona, R4-30-301.01 B. replicates these boundaries as it relates to referral fees paid or received. Over the years, ASHI has consulted with internal experts and outside business ethicists to render opinions on the interpretation of the Code of Ethics. These opinions are called a Request for Interpretation (RFI's - see attached). The RFI's have consistently stated that "Preferred Vendor" programs are a violation of the industry Code of Ethics. In response to a proliferation of these "Preferred Vendor" programs nationwide, ASHI is going through the formal process of changing the Code of Ethics that have served the industry for 27 years. They will soon specifically prohibit participation in "Preferred Vendor" programs (see attached).

"Preferred Vendor" programs take many different shapes and have varying price tags. The only consistent theme is that they involve home inspectors writing checks to real estate companies. The State of Wisconsin is slightly ahead of Arizona in terms of timing on this issue. Legal Counsel to the Department of Regulation & Licensing, William Dusso, rendered an opinion (see attached) that the "Preferred Vendor" program is, in fact, a referral fee and is in violation of their rules. The specific program evaluated in Wisconsin now ceases to exist, to the benefit of the home buying public.

The aforementioned comparison to the pharmaceutical industry resulted in a wide pendulum swing in response to conditions in that industry. Many pharmaceutical companies also set internal boundaries that go as far as to eliminate handing out note pad giveaways to doctors. We do not support such radical steps. Widely recognized and reasonably innocuous advertising methods like giving out car wash tickets, sponsoring a hole at a golf tournament, etc. should be deemed an acceptable marketing practice. It may be necessary to screen for abuses on a case-by-case basis and keep track of the RFI decisions rendered by ASHI. Going forward, it is unwise to underestimate the creative potential of real estate companies in obtaining money from home inspectors. In parts of the country, TV news "sting" segments have targeted home inspectors in these programs who "soft-sell" serious deficiencies in homes in order to avoid upsetting real estate stakeholders.

In basic terms, referrals fees (by any name) are bad for society. ASHI has investigative data demonstrating how inexperienced home inspectors and/or national home inspection companies with financial backing buy into "Preferred Vendor" programs as a way to circumvent the natural growth process of a business. The public is best served when inspection companies grow in a marketplace because of superior levels of competency. When checks written to real estate companies translate directly into aberrant home inspection business growth, the home buying consumer is at risk.

*Mission:*

*To Effect Legislation of Professional Home Inspectors in Arizona for the Benefit and Protection of the Public.*

Letter to the Arizona Board of Technical Registration  
November 6, 2003

I will be present at the December 9<sup>th</sup> board meeting to explain the issues further and wanted to provide this packet of information to you in advance of the meeting. Arizona Home Inspection industry members appreciate your thoughtful consideration on this important matter.

Respectfully,



David Swartz  
Chairman  
Arizona Home Inspectors Coalition

1. Substantive review timeframe: 30 days; and
2. Queue timeframe: 120 days

#### 84-3031.01. Home Inspection Scope of Professional Conduct

- In the extent applicable, a home inspection shall be conducted in accordance with the "Standards of Professional Practice" adopted by the Arizona Chapter of the American Society of Home Inspectors, Inc., on \_\_\_\_\_, the provisions of which are incorporated herein by reference and are on file with the Office of the Secretary of State.
- A Certified Home Inspector shall not:
  1. act or appear, directly or indirectly, to fall or to over, a commission or other regulation as a contractor or subcontractor;
  2. perform, or offer to perform, for an additional fee, any repairs to a structure having been inspected by that inspector or the inspector's firm, for a period of twenty-four months following the inspection;
  3. be accompanied by more than two (2) other inspectors but always conduct the applicable home inspection.

#### 84-3032. Electrical Engineering Plans

- A registrant shall prepare and submit drawings and specifications for a new electrical system or an addition or modification to an existing electrical system, provided the service and associated electrical feeders exceeds 300 amperes (240/240 volt, single phase) or 225 amperes (120/240 volt, three phase) and the fault current exceeds 10,000 amperes.
- in all cases a registrant shall design:
  1. Electrical installations in hospitals or other buildings with surgical operating rooms regulated by Article 517 of the National Electrical Code (1996 edition) incorporated herein by reference and on file with the Office of the Secretary of State;
  2. Electrical installations in locations classified as hazardous in Article 500 of the National Electrical Code (1996 edition) incorporated herein by reference and on file with the Office of the Secretary

**Mission:**

**To Effect Legislation of Professional Home Inspectors in Arizona for the Benefit and Protection of the Public.**

DS

extensions of the substantive review timeframe totaling no more than 30 days.

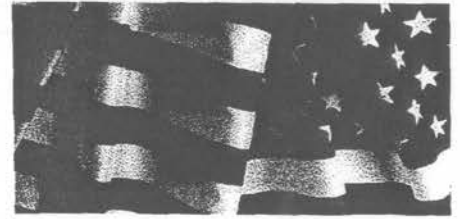
- 5. If the candidate fails to supply the missing information or documentation by the deadline date, the Board may close the candidate's application file. Any fee paid by the candidate is non-refundable. A candidate whose file has been closed and who later wishes to apply for professional registration or in-training designation shall submit a new application package and pay the applicable fee.
- C. Saturdays, Sundays, and legal holidays are not counted in calculating the number of days under this Section. A candidate is served by the Board when the Board mails the notice by regular mail.
- D. For the purposes of A.R.S. § 41-1073, the Board establishes the following timeframes for a candidate applying for professional registration or in-training designation:
  - 1. Administrative completeness review timeframe: 60 days;
  - 2. Substantive review timeframe: 60 days; and
  - 3. Overall timeframe: 120 days.

**R4-30-301.01. Home Inspector Rules of Professional Conduct**

- A. To the extent applicable, a home inspection shall be conducted in accordance with the "Standards of Professional Practice" adopted by the Arizona Chapter of the American Society of Home Inspectors, Inc., on \_\_\_\_\_, the provisions of which are incorporated herein by reference and are on file with the Office of the Secretary of State.
- B. A Certified Home Inspector shall not:
  - 1. Pay or receive, directly or indirectly, in full or in part, a commission or compensation as a referral or finder's fee;
  - 2. Perform, or offer to perform, for an additional fee, any repairs to a structure having been inspected by that inspector or the inspector's firm for a period of twenty-four months following the inspection; or
  - 3. Be accompanied by more than two (2) home inspectors in-training conducting any parallel home inspection.

**R4-30-302. Electrical Engineering-Plans**

- A. A registrant shall prepare and submit drawings and specifications for a new electrical system or an addition or modification to an existing electrical system provided the service and associated electrical feeders exceeds 600 amperes 120/240 volts, single phase or 225 amperes 120/208 volts, three phase and the fault current exceeds 10,000 amperes
- B. In all cases a registrant shall design:
  - 1. Electrical installations in hospitals or other buildings with surgical operating rooms regulated by Article 517 of the National Electrical code (1990 edition) incorporated herein by reference and on file with the Office of the Secretary of State.
  - 2. Electrical installations in locations classified as hazardous in Article 500 of the National Electrical Code (1990 edition) incorporated herein by reference and on file with the Office of the Secretary



Contact:  
 Janelle Dessaint  
 480-704-8000  
 relocation@  
 movephoenix.com



CONNECTING THE WORLD THROUGH

**Vendor Relations**

**RED**

**\$400 per month**

- Vendor Services Directory given to 200+ professional Realtors and over 1,500 clients per year
- 2 Presentations at each of our 4 offices per year
- Exposure through www.movephoenix.com available - 1500 hits a day
- Monthly Vendor Networking Breakfast
- Vendor Services Information posted in each of our 4 offices
- Participation in Annual Vendor Expo

**WHITE**

**\$250 per month**

- Vendor Services Directory given to 200+ professional Realtors and over 1,500 clients per year
- 1 Presentation at each of our 4 offices per year
- Monthly Vendor Networking Breakfast
- Vendor Services Information posted in each of our 4 offices
- Participation in Annual Vendor Expo

**BLUE**

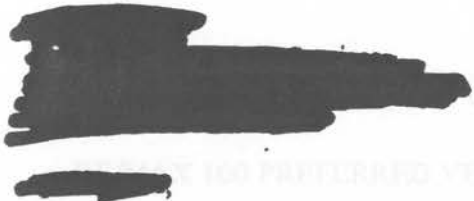
**\$100 per month**

- Vendor Services Directory given to 200+ professional Realtors and over 1,500 clients per year
- 1 Presentation at each of our 4 offices per year
- Invited to 6 Vendor Networking Breakfast per year
- Vendor Services Information posted in each of our 4 offices
- Participation in Annual Vendor Expo



*Above  
the  
Crowd!*

August 2002



We are sending this letter to advise you and other home inspection companies that effective September 1, 2002 we will be charging an annual fee for displaying your material in our office at RE/MAX All Stars. The fee is based on position and first come first displayed.

Your material will continue to be in the kitchen area of our office if you choose to pay the annual or semi-annual fee. When new material is needed we will call you to advise you and it can be dropped off at the front desk, since we will be maintaining your stands.

If you do not want to have your material displayed in our office, please pick up your stands and brochures no later than August 31, 2002, otherwise it will be discarded.

The annual fees are as follows:

	Singlewide display	Doublewide display
1 <sup>st</sup> Shelf	\$420.00 (\$35.00 per mo)	\$600.00 (\$50.00 per mo)
2 <sup>nd</sup> Shelf	\$360.00 (\$30.00 per mo)	\$540.00 (\$45.00 per mo)
3 <sup>rd</sup> Shelf	\$300.00 (\$25.00 per mo)	\$480.00 (\$40.00 per mo)

The above fees can be paid either annually or semi-annually, and the checks need to be made out to RE/MAX All Stars. In order for your material to be in our office after September 1, 2002, we will need a check for your fee no later than August 31, 2002. It will be deposited on September 2, 2002.

If you have any questions or concerns please feel free to call either my staff or myself at 480-998-6000.

Sincerely,

Bob Hill  
Owner/Broker  
RE/MAX All Stars



**RE/MAX All Stars**

8079 N. 85th Way  
Scottsdale, AZ 85258  
Office: 480-998-8000 Fax: 948-6300  
Toll Free: 800-998-6011

Each Office Independently Owned and Operated

RECEIVED  
9-12-02

STEVE -



*Above  
the  
Crowd!*

F Y I

Sept. 9, 02

**FAXED**  
9/16/02

## EFFECTIVE OCTOBER 1

### RE/MAX 100 PREFERRED VENDORS

RE/MAX 100 has a sales force that generates over 100 million in sales each year. As you may know we do not allow vendors access to our monthly office meeting unless your company is specifically invited by one of our associates. Effective also immediately flyers and brochures will not be put into the agent mail boxes.

Reserve your slot and become a Preferred Vendor in RE/MAX 100 office. In order to display your flyers and brochures in our Preferred Vendor Board, RE/MAX 100 will require a fee of \$150.00 for 6 months or a yearly fee of \$300.00, paid in advance.

We have eighteen vendor spaces available for flyers or brochures. Please see or call Veronica at our front desk to reserve your space as a preferred vendor.

Thank you,  
RE/MAX 100  
*Kent Barney*  
Kent Barney  
Broker/Owner



**RE/MAX** 100 Realtors  
1839 S. Alma School, Suite 200  
Mesa, AZ 85210  
Office: (480) 820-0500  
Toll Free: (800) 327-3630  
FAX: (480) 897-2553  
remax100mesaaz@yahoo.com



Each office independently owned and operated



Trust Accounting – Can You Trust Your Methods?

(Continued from page 2)

account, the funds must be removed at least once every twelve months. If interest is retained by the broker (with written authorization such as in a property management agreement,) that which puts the

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counts are to be maintained by the broker for a period of three years. This includes bank statements, canceled checks or bank generated check images, deposit slips, receipts and disbursement journals, client ledgers and all other related records. Records related to sales and other real estate transactions are to be kept for a period of five years. As a result, it is also required to maintain trust account records for sales for a five-year period. In the event that a trust account is used for both property management and sales, the five-year record-keeping rule applies.

Trust account records are to be kept at the broker's main office or at an off-site storage location. In the event they are kept somewhere other than the main office, the broker is required to notify the Department of Real Estate, in writing, of the street address of the storage location. Also, brokers are required to notify the Department, in writing, within 10 days of opening, closing or relocating a trust account.

When a broker is involved in trust accounting, he or she bears the responsibility of managing other parties' monies. This means that prompt and accurate accounting is not only prudent, it is required. ■

Records related to property management trust ac-

Don't Ask Home Inspectors to Break the Law!

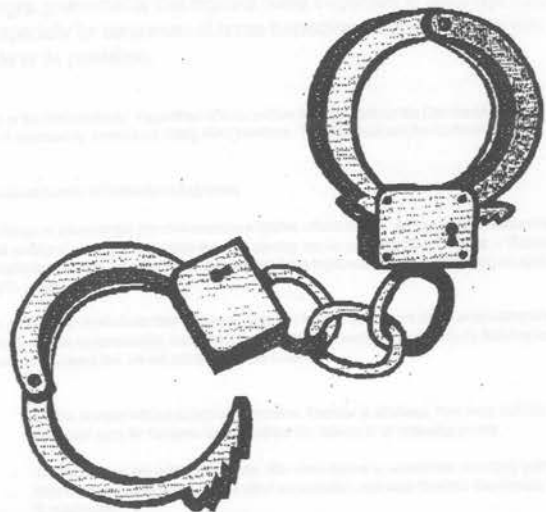
By Cindy Ferrin

Did you know that if a real estate person asks home inspectors to pay to place their brochures in their real estate offices, that they may be asking the home inspector to break the law? The Department of Real Estate receives inquiries from home inspectors and instructors requesting that we educate real estate professionals. So here is the scoop:

A.A.C. R4-30-301.01 (B)(1), under the Home Inspector Rules of Professional Conduct, states that "a certified home inspector shall not: pay or receive, directly or indirectly, in full or in part, a commission or compensation as a referral or finder's fee."

This rule may prohibit a Certified Home Inspector from paying a real estate office or broker to place their brochures in the real estate office, the Arizona Board of Technical Registration may take disciplinary action against the license of the Certified Home Inspector.

Please consider the above administrative rule when you are working with a Certified Home Inspector so that you are not asking them to break a rule and suffer disciplinary action! ■



**Proposed Draft Foreword to the Code of Ethics for the Home Inspection Profession 6/24/03 Draft**  
Copyright © 2003 by the American Society of Home Inspectors® (ASHI®)

The purpose of the American Society of Home Inspectors® (ASHI®) is to promote exemplary practice in property inspection services. The membership of ASHI is committed to the Code of Ethics for the Home Inspection Profession, which sets forth the ethical standards for home inspection providers. This Foreword and the Commentaries<sup>1</sup> are intended to aid understanding of this Code by providing context, explanations, illustrative settings, or historical background; they do not limit meaning or scope of the Code.

**Ethical Standards Are Vital to the Home Inspection Profession**

During the 1970s, the demand for professional home inspections grew as a result of home buyers' desire for unbiased expertise and judgment, independent from the intense, high-stakes sales motivations and emotional pressures surrounding the purchase of homes. To preserve inspection integrity and independence from sales motives, the founders of ASHI adopted a strong Code of Ethics<sup>2</sup> upon the establishment of ASHI in 1976. Over the years the ASHI Code of Ethics has become the most widely used ethical standard for the home inspection profession and has been adopted by many states as the official ethical code for home inspectors.

**Developments Leading to a New Code of Ethics**

By the end of the 1990s, increasing ethical challenges arose from the spread of the internet and complex marketing arrangements. To help its members resolve questions on these and other important issues, ASHI began issuing interpretations. In September of 1999, the ASHI Standards Committee issued its first response to a request for interpretation of the Code of Ethics. By 2003, twenty-nine ethics interpretations were issued to answer questions submitted by members with ethical concerns they felt were not clearly addressed in the 1976 Code of Ethics.

In 2002 several ethics scandals, costing the public billions in losses, emerged among large, publicly owned companies. These scandals involved conflicts of interest<sup>3</sup> and severely damaged the reputation of CPAs, financial advisors, investment firms, stock markets, and businesses in general. The public's concern about ethical issues made this an appropriate time to address several questionable practices by home inspectors that had crept into usage. On June 1, 2002, the ASHI Standards Committee, in consultation with a business ethicist, updated an October 3, 2000, proposal that had been written by an ad hoc ASHI Ethics Task Force. In the fall of 2002 the ASHI Board of Directors formed a new Code of Ethics Committee whose primary task was to focus on interpreting the Code of Ethics and to propose to the membership a revised code, resulting in this Code which was approved to be effective on \_\_\_\_\_.

Although this Code is more specific than the original code regarding the prohibition of certain conflict-of-interest arrangements<sup>4</sup>, all prohibitions of the original 1976 ASHI Code of Ethics<sup>5</sup> and its 29 ethics interpretations remain valid under this Code, except for the added prohibitions against disclosing a client's personal information without the client's approval, being paid to hand out warranty company brochures, and hidden finders fees to friends, etc (contrary to 1976 Code of Ethics which allowed such practices per interpretations e010731, e020305, and e020419).

**Distribution and Use of the Code of Ethics for the Home Inspection Profession**

The Code of Ethics may be freely distributed as long as ASHI copyright notice is included. It is desirable that this Code be widely known, particularly by clients, as this Code is intended to guide home inspectors' conduct, to educate the public about consumers' interests and privacy, and to serve as an ethical standard for home inspectors. ASHI urges governments that regulate home inspectors to adopt this Code to ensure high ethical standards for the benefit of the general public and especially for consumers of home inspection services. ASHI would appreciate appropriate acknowledgement by authorities adopting this Code or its provisions.

<sup>1</sup> The Code of Ethics for the Home Inspection Profession may be published with or without this Foreword or the Commentaries. Regardless of form, neither this Foreword nor the Commentaries limit the meaning or scope of any provision of the Code. The Code of Ethics for the Home Inspection Profession is approved by two-thirds of voting ASHI Members. This Foreword and the Commentaries are modified from time to time by the ASHI Code of Ethics Committee as new situations arise.

<sup>2</sup> Much of the original 1976 ASHI Code of Ethics was inspired by the 1958-1964 Code of Ethics of the National Society of Professional Engineers.

<sup>3</sup> A conflict of interest is 'a situation in which a person has a business, financial, or personal interest sufficient to influence the objective exercise of his/her official duties.' An 'apparent conflict of interest' is one that a reasonable person would think is likely to compromise a professional's judgment. A 'potential conflict of interest' is a situation that may develop into an actual conflict of interest. - Michael McDonald [with editing]; an inspector cannot simultaneously provide services to two parties who have conflicting interests such that if both are pursued there might result an unjustified effect on another individual. (*Ethical Theory and Business*, Tom L. Beauchamp & Norman E. Bowie, Ed. Prentice Hall, 1979, p. 295.)

<sup>4</sup> Even if were fully disclosed, some conflicts of interest are too unethical to tolerate or too conflicting for an inspector to eliminate their influence. And, due to the pressures on clients when scheduling home inspections, disclosures cannot normally be timely, cannot be sufficiently detailed, cannot sufficiently explain consequences, and cannot be sufficiently understood (particularly by first-time home buyers) to be an effective remedy. However, inspectors must guard against the influence of potential conflicts of interest that are not prohibited by this Code.

<sup>5</sup> ASHI Code of Ethics, Adopted 1976

Honesty, justice, and courtesy form a moral philosophy that, associated with mutual interest among people, constitutes the foundation of ethics. The members should recognize such a standard, not in passive observance, but as a set of dynamic principles guiding their conduct. It is their duty to practice the profession according to this code of ethics.

As the keystone of professional conduct is integrity, the Members will discharge their duties with fidelity to the public, their clients, and with fairness and impartiality to all. They should uphold the honor and dignity of their profession and avoid association with any enterprise of questionable character, or apparent conflict of interest.

1. The Member will express an opinion only when it is based on practical experience and honest conviction.

2. The Member will always act in good faith toward each client.

3. The Member will not disclose any information concerning the results of the inspection without the approval of the clients or their representatives.

4. The Member will not accept compensation, financial or otherwise, from more than one interested party for the same service without the consent of all interested parties.

5. The Member will neither accept nor offer commissions or allowances, directly or indirectly, from other parties dealing with their client in connection with work for which the member is responsible.

6. The Member will promptly disclose to his or her client any interest in a business which may affect the client. The Member will not allow an interest in any business to affect the quality or the results of their inspection work which they may be called upon to perform. The inspection work may not be used as a vehicle by the inspector to deliberately obtain work in another field.

7. An inspector shall make every effort to uphold, maintain, and improve the professional integrity, reputation, and practice of the home inspection profession. He or she will report all relevant information, including violations of this Code by other members, to the Association for possible remedial action.

**Introduction**

ASHI Members and candidates agree to abide by this Code, which sets forth obligations of professional conduct and impartiality.

Inspection clients and interested parties expect independent, competent, honest, and un-biased professional opinions by home inspectors. This expectation constitutes the basis of ethical obligations by those providing home inspections.

**General Obligations**

Home inspectors and others involved in providing home inspections shall:

1. Avoid activities that compromise, or appear to compromise, their professional independence or objectivity or the integrity of their inspections.
2. Avoid activities that harm the public, discredit themselves, or reduce public confidence in the profession.
3. Neither participate in nor assist others in activities that are fraudulent or contrary to this Code.
4. Act in good faith toward all parties in business dealings.
5. Not knowingly make false or misleading statements.
6. Accurately advertise their qualifications and services without undue exaggeration or misleading claims.
7. Not arrange hidden payments or quid pro quo understandings in order to receive referrals or endorsements.
8. Avoid participating in illegal business practices.
9. Maintain professional relationships with clients and colleagues without regard to race, color, national origin, gender, religion, age, sexual preference, or disability.

**Obligations to Clients**

10. Perform services and express opinions based on honest conviction and only within their areas of education, training, or experience.
11. Be objective and unbiased in their professional activities.
12. Not knowingly understate or overstate the significance of conditions reported to clients.
13. Not inspect properties for compensation in which they have, or contemplate having, a financial interest.

**Commentary on the Introduction** - Loss of confidence in the profession's independence, competence, or objectivity would likely have at least four harmful consequences:

- Inspectors' effectiveness in communicating serious defects would be compromised;
- The public's faith in the system and in all the professionals involved in purchasing real estate would be jeopardized;
- The public's belief in the overall value of realty purchases would be at risk with potential of general negative effect on residential realty values;
- The value of professional inspections would be diminished and the future of the profession would be jeopardized. Once lost, public confidence can be extremely difficult to regain.

**Commentary on #1** - The cornerstone principle of the profession is the inspector's independence from conflicting interests that might influence an inspector's objectivity. Independence refers to the inspector's freedom from influence by parties involved in real estate sales, by parties with interests in properties being inspected, and by parties motivated to sell goods or services to inspector's clients. Inspector independence is critical to maintain the credibility and integrity of inspectors and inspections, and to avoid inappropriate doubts and suspicions about the results of home inspections and reports.

**Commentary on #2** - Crimes and other deleterious acts detrimental to general welfare of public must be avoided.

**Commentary on #3** - Inspectors must act fairly in all circumstances. For example, reporting observed conditions inaccurately for the purpose of furthering a client's interest is unacceptable. Declaring that one was acting in the client's interests is not a defense for misrepresentation. It also applies to employees whose employer's policies are in conflict with this Code.

**Commentary on #4** - Inspectors may not knowingly permit the inspection or report to misrepresent the condition of a property in order that any party to the transaction might benefit unfairly (or for any other reason).

**Commentary on #5** - This rule includes advertising, applications for licensing, applications for membership in professional associations, inspection reporting, and other statements in all professional contexts. For example, carefully couching and deliberately softening reports or deliberately exaggerating deficiencies or concerns, misleading clients, prospective clients, authorities, or anybody violates this Code.

**Commentary on #6** - Inspectors may not intentionally or recklessly mislead prospective or existing clients about the results that can be achieved through the use of the inspector's services, nor may inspectors state that they can achieve results by means that will violate the law or this Code. This prohibition includes, but is not limited to, deceptive advertising and misuse of third party or out-of-discipline certifications or certifications that do not actually provide substantive qualifications for the home inspection profession. Examples of misleading or deceptive advertising include claiming a high experience level for a firm when, in actuality, the experience is not held by everyone in the firm, and stating a firm has a certain number of years of experience when, in fact, the years claimed are the total of the firm's individual inspectors' years of experience. Another possible deception is the practice of broadly declaring warranties or guarantees are included without providing meaningful information as to their real limitations.

**Commentary on #7** - Obvious display advertising or paying sales employees is not considered paying for referrals provided neither the advertising nor the sales employee involves endorsements, preferred vendor lists, or quid pro quo arrangements.

**Commentary on #8** - Arrangements that are intended to restrict consumer access to qualified inspectors illegally are prohibited, such as restraint-of-trade business practices that impede or prevent fair marketing illegally. This prohibition protects consumers' freedom to obtain access to a variety of inspectors.

**Commentary on #9** - Inspectors should respectfully treat clients and employees without bias based on appearance, culture, language, etc.

**Commentary on Obligations to Client** - Unless otherwise stipulated by law or named as client or customer in an inspection agreement or report, the client is considered to be the party who pays for the inspection.

**Commentary on #10** - Inspectors may not perform services outside their expertise and qualifications, nor may they offer services for which they lack training or experience. For example, inspectors should not, unless properly qualified and hired to do so, comment on the market value of a property, whether or not the price for a property is fair, whether a property meets all building code or zoning regulations, or whether a property is suitable for a new purpose, etc. This rule also directs inspectors not to offer professional opinions carelessly or recklessly. The rule is intended to protect clients from inspectors representing unsubstantiated speculation as either facts or informed opinions. For example, how long a defect has been present, how long an appliance will last, or what repairs might cost should be reported within the constraints of the inspector's actual knowledge.

**Commentary on #11** - Reports must be written objectively, without slanting the information to favor a particular party. An inspector's report of a property should be essentially the same whether written for a buyer or seller.

**Commentary on #12** - It is unacceptable to omit or understate defects to obtain future referrals

financial interest.

14. Neither seek nor accept compensation, financial or otherwise, from more than one party involving the same inspection unless fully disclosed and agreed to by all interested parties.
15. Not inspect properties under contingent arrangements such as (a) payment for inspection to occur upon closing or successful sale of property; (b) amount of fees to be paid depends on inspection findings; or (c) future business referrals depend on a third party's approval of inspection findings.
16. Not pay fees or commissions, directly or indirectly, to realty agents or other parties to real estate transactions for the referral of inspection business or for inclusion on a list of recommended providers.
17. Not use inspections as a vehicle to obtain work outside the field of inspecting and testing.
18. Not repair or improve, for compensation, reported adverse conditions within a year after the inspection.
19. Not accept compensation, directly or indirectly, for recommending contractors, services, or products to inspection clients or other parties having an interest in inspected properties.
20. Guard against an actual, potential, or apparent conflict of interest allowed by this code from affecting the results of their inspections.
21. Not disclose inspection results or client personal information without approval of clients. Inspectors, at their discretion, may disclose immediate safety hazards found to occupants exposed to such hazards, when feasible.
22. Promptly acknowledge and respond to client complaints about their inspections.

#### **Obligations to the Profession and Colleagues**

23. Uphold, maintain, and strive to improve the professional integrity, reputation, and practice of the home inspection profession.
24. Be responsible, with respect to this Code, for the activities of the firms with which inspectors are associated.
25. Report violations of this Code to an appropriate governmental authority or professional association having jurisdiction.
26. Provide information requested by an appropriate governmental authority or professional association having jurisdiction.

from realty agents, or to exaggerate defects to placate a party wanting negotiating leverage.

**Commentary on #13** - Inspectors shall not receive payment to inspect properties currently or previously owned or worked on by the inspector, properties in which future ownership or work is contemplated, or properties in which the inspector has an interest in the outcome of the inspection.

**Commentary on #14** - This rule prohibits selling a report or receiving additional compensation related to an inspection without the client's approval. This rule does not require approval by a prior client for performing a new inspection on a previously inspected property.

**Commentary on #15** - A contingent arrangement where an inspector's compensation is directly or indirectly dependent on the inspection findings is most egregious to inspector's independence and objectivity. All such contingent arrangements are prohibited.

**Commentary on #16** - Inspectors are prohibited from providing any financial or tangible inducement or reward to obtain a referral from a party who is paid to sell properties that are inspected, such as a realty agent/broker or property owner. Such paid referrals can undermine the inspector's ability to maintain independent judgment. This rule does not prohibit paying sales employees.

**Commentary on #17** - Inspections must not involve an arrangement or intention for non-inspection business. Subsequent repair advice or construction advice and ancillary services such as radon testing, the collecting of mold samples, pest, pool, and well and septic inspections, etc. are considered within the field of inspecting and testing. Remediation associated with such ancillary services, however, is not permitted within a year (see #18).

**Commentary on #18** - For a year after inspection, inspectors and their associates may not fix or upgrade reported deficiencies for compensation. This rule does not prohibit an inspector from fixing defects without compensation for the purpose of resolving inspection complaints.

**Commentary on #19** - Inspectors may not receive "kickbacks" or other benefits from others dealing with the inspector's clients or with inspected properties, such as for recommending a particular contractor to make repairs.

**Commentary on #20** - Inspectors must avoid situations not addressed by this code but which would be an actual or apparent conflict of interest to a reasonable consumer. If such conflict-of-interest situation is not prohibited by this code, was unknown to the inspector, and, when discovered by inspector, is unable to be avoided, then the inspector must not allow the conflict of interest to influence the inspection or reporting. For example, an inspector must avoid understating or justifying defects found (a) during a second inspection of a property previously inspected for the current owner who is now selling the property to the current client or (b) during an inspection of a property owned by someone with a relationship to the inspector.

**Commentary on #21** - Clients have a right to expect information about themselves and their inspections to be kept private and not to be disclosed to others. The inspector must not distribute or sell client information or inspection results to others without the client's permission. Client permission for disclosure may be oral, such as a telephone call instructing an inspector to fax a copy of a report to a third party. This Code does not obligate inspectors, however, to agree to disclose to another party. If another party has a copy of an inspection report, the inspector might assume the client has approved disclosure to such party (advisable to double check with client), but the inspector is not obligated to make further disclosure or otherwise approve of such disclosure to that or another party. The inspector is not considered to be improperly "disclosing the results" of an inspection if he or she merely affirms or denies a statement attributed to the inspector.

**Commentary on #22** - Inspectors must respond to complaints from clients. While this rule does not require inspectors to admit fault, it does require inspectors to acknowledge that a complaint has been received.

**Commentary on #23** - Inspectors shall interact with others as they would like others to interact with them, except as may otherwise be required in this Code. Owners and managers of inspection firms should recognize and respect the contributions of their employees and professional colleagues.

**Commentary on #24** - Inspectors shall act responsibly, whether they are sole proprietors or part of a large business, by encouraging conformance to this Code among their colleagues and/or by disassociating from parties who violate this Code. An inspector, who knowingly benefits from violations of this Code, may be held accountable for such violations if the violations are committed by other individuals associated with the inspector's business.

**Commentary on #25** - Self-policing is desirable. However, if a violation of this Code is suspected, it is preferable that the violation be reported to an appropriate governmental or professional authority that has proper jurisdiction, due process to protect the rights and ethical trade secrets of inspectors, and protections to safeguard the confidentiality of clients and inspection results.

**Commentary on #26** - Inspectors shall promptly comply with legitimate information requests (such as to verify an inspector's competence for a license, certification, or other professional qualification or for an investigation) and shall provide requested information, even if considered confidential, provided the requestor has procedures to safeguard its confidentiality.

Integrity, honesty, and objectivity are fundamental principles embraced by this Code, which sets forth obligations of ethical conduct for the home inspection profession. The Membership of ASHI has created this Code to provide high ethical standards to safeguard the public and the profession.

Inspectors shall comply with this Code, shall avoid association with any enterprise whose practices violate this Code, and shall strive to uphold, maintain, and improve the integrity, reputation, and practice of the home inspection profession.

- I. Inspectors shall avoid conflicts of interest or activities that compromise, or appear to compromise, professional independence, objectivity, or inspection integrity.
  - A. Inspectors shall not inspect properties for compensation in which they have, or expect to have, a financial interest.
  - B. Inspectors shall not inspect properties under contingent arrangements such as: payment for inspection to occur only upon successful sale of property; amount paid to depend on inspection findings; or future business referrals to depend on a third party's approval of inspection findings.
  - C. Inspectors shall not compensate, directly or indirectly, realty agents or other parties financially interested in real estate transactions for the referral of inspections or for inclusion on a list of recommended inspectors, preferred providers, or similar arrangements.
  - D. Inspectors shall not receive compensation from more than one party per inspection unless agreed to by the client(s).
  - E. Inspectors shall not accept compensation, directly or indirectly, for recommending contractors, services, or products to inspection clients or other parties having an interest in inspected properties.
  - F. Inspectors shall not repair or physically improve, for compensation, reported deficient systems or components listed in the ASHI Standards of Practice, within one year after each inspection.
- II. Inspectors shall act in good faith toward each client and other interested parties.
  - A. Inspectors shall perform services and express opinions based on honest conviction and only within their areas of education, training, or experience.
  - B. Inspectors shall be objective in their reporting and not knowingly understate or overstate the significance of reported conditions.
  - C. Inspectors shall not disclose inspection results or a client's personal information without approval of the client. Inspectors, at their discretion, may disclose observed immediate safety hazards to occupants exposed to such hazards, when feasible.
- III. Inspectors shall avoid activities that harm the public, discredit themselves, or reduce public confidence in the profession.
  - A. Advertising, marketing, and promotion of inspectors' services or qualifications shall not be fraudulent, false, deceptive, or misleading.
  - B. Inspectors shall report substantial and willful violations of this Code to the Society.

## Table of Requests For Interpretation (RFI's) as of 7/8/2002 for ASHI® Code of Ethics (CoE)

*By the Standards Committee of the American Society of Home Inspectors®*

One of the tasks of the ASHI Standards Committee is to respond to questions on how to interpret the Standards of Practice (SoP) or the Code of Ethics (CoE) that are submitted by ASHI Members, Candidates, or staff on the Request For Interpretation (RFI) form. In addition to giving each interpretation to its requestor, during its last meeting in 2001, the ASHI Board of Directors authorized providing all interpretations to ASHI membership which should improve understanding of how to interpret the SoP and CoE and should avoid similar questions being asked repeatedly. In some cases, particularly significant interpretations may also be released or announced publicly if such public announcements would be beneficial for public understanding and/or affect the competitive position of the membership as determined by ASHI leadership.

Below are the RFI interpretations that have been issued for both the current SoP (listed first) and CoE (listed second). Within each group, the RFI interpretations are listed in the order of their identification numbers which generally, but not exactly, correspond to the dates of the interpretations. The information provided is limited to the RFI's identification number, the date of the interpretation, the question asked, and the interpretation. Requestors' identity and certain other identifying information are not intended to be included in the information provided to the membership or the public. However, there is no guarantee of requestor's anonymity. Requestors themselves might reveal their identities on their own, the identity of a requestor might be deduced from facts of the question and reply, or a requestor's identity might become known by other means.

**NOTE: For all RFI interpretations, specific factual situations vary. Interpretations are general in nature.**

<u>ID, Reply Date</u>	<u>R. F. I. Question</u>	<u>Interpretation by ASHI Standards Committee</u>
e990513 9/1/99	May structural pest repair work be performed on a home following a structural pest inspection that occurred after a home inspection was performed on the same property by the same inspector representing separate companies?	<p>The ASHI Code of Ethics states in item six, "The member will promptly disclose to his client any interest in a business which may affect the client. The member will not allow an interest in any business to affect the quality or results of their inspection work which they may be called upon to perform. The inspection work may not be used as a vehicle by the inspector to deliberately obtain work in another field."</p> <p>The Standards Committee reviews the Code of Ethics in relation to the potential for conflicts of interest in areas involving ancillary services or fee-paid services beyond the home inspection. Among these ancillary services are pest control inspections. ASHI has long recognized that qualified members can offer these services as ancillary to a home inspection without violating the Code of Ethics.</p> <p>While inspecting for wood destroying organisms and other inspection/consultation activities are allowable activities for qualified ASHI members, the potential for conflict enters the equation when the same inspector or the firm with which he is associated goes beyond the inspection and offers or performs remediation, extermination, repairs or alterations.</p> <p>The CoE states members shall "... avoid association with any enterprise of questionable character, or apparent conflict of interest." This does not say a blatant or an immediate or a real conflict but simply an apparent one. Of course, a real conflict of interest is a violation, but also an apparent conflict of interest is to be avoided. The appearance of a conflict is sufficient to create doubt. The prohibition against apparent conflict of interest has been established to avoid the temptation to make or the suspicion of having made an intentional misstatement concerning a given condition in hopes of eliciting further work. The findings and recommendations of an ASHI home inspector are too important to be clouded with this suspicion. This is why any ASHI member performing additional, for-profit services as described below would be in violation of the ASHI Code of Ethics.</p> <p>The distinguishing aspect is that these activities (corrective measures such as remediation, extermination, repairs or alterations) which provide for additional</p>

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7/8/01

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		<p>compensation (beyond the inspection fee) normally require a separate contract and are no longer ancillary services. any work or service requiring a home improvement contract or a special permit is for-profit work that violates the intent of the CoE. These works or services are often only to be performed by properly licensed firms under appropriate contract.</p>
<p>e010112 3/7/01</p>	<p>1. Is it inappropriate or unethical for an inspector to pay a fee back to a realty company for work referred by that company?</p> <p>2. Is it inappropriate or unethical for an inspector to pay a real-estate company to advertise as a marketing partner/preferred vendor?</p>	<p>1.Yes. <b>Paying a real estate company for referrals</b> generally deceives or misleads clients who would assume a referral is based on competence, not on hidden payment. Participating in such deception is inconsistent with acting in good faith toward each client as required by CoE paragraph #2. The client is best served when the inspector's relationship with the real estate company handling the transaction is at arms length.</p> <p>Any agreement or understanding between the inspector and real estate company restricting open disclosure to the consumer about hidden referral fees or other pertinent financial arrangements is on its face unethical since it compromises the consumers legitimate interests to know the circumstances behind the referral that could impact on the integrity of the inspection.</p> <p>2.Yes. <b>Paying for endorsements</b> or paying to be on an "approved" or "preferred" (or similar) listing is generally similar to paying for referrals and inconsistent with CoE for reasons described above even when called "advertising", "marketing", etc. Furthermore, an "up front" payment to a realty company for endorsement or listing is inconsistent with CoE fourth sentence calling for impartiality. Inspectors fidelity to their clients and the interests of their clients are paramount; actual or potential conflicts of interest created by such arrangements should be avoided.</p> <p>Paying to advertise as a partner or other special relationship with a real estate company or paying to use logos, trademarks, or other property of the real estate company is (a) inconsistent with CoE fourth sentence because it shifts the inspector's allegiance away from serving only the client and (b) inconsistent with acting in good faith toward each client as required by CoE paragraph #2. Further, such advertising has the appearance of an interest in a business that may affect clients which is required to be disclosed by CoE paragraph #6.</p> <p>The impartiality of the inspector and his absolute duty of loyalty to the client would have the appearance if not an actual conflict of interest from such arrangement. Such an arrangement could also mislead and confuse the client about the distinction between the inspector and the real estate company handling a transaction.</p> <p>3.And finally, <b>any undisclosed understanding</b> which is hidden or disguised from consumers involving referrals, endorsements, etc. from real estate companies that is quid pro quo for any action or appearance which would compromise full and honest inspection and reporting is inconsistent with CoE second paragraph and paragraphs #1, #2, and #7. The separation and independence of the home inspector from the real estate company handling the transaction is a cornerstone principle intended to protect consumers.</p>

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<u>ID, Reply Date</u>	<u>R. F. I. Question</u>	<u>Interpretation by ASHI Standards Committee</u>
e010212 12/22/01	Is it ethical to pay a real estate organization an up-front fee and a per transaction fee to get business referred?	<p>No, it is not ethical for a home inspector to pay a real estate organization an up-front fee <u>OR</u> a per transaction fee to get business referred.</p> <p>This question is similar to a previous Request for Interpretation, RFI e010112, dealing with home inspector payments to real estate <u>companies</u> (not real estate <u>organizations</u>) which appeared in the Members Only/Breaking News section of ASHI's web site on March 7 [2001] and is partially reprinted on page 13 of the April [2001] ASHI Reporter.</p> <p>The previous response to the similar Request for Interpretation (RFI e010112c) stated that payments by home inspectors to real estate <u>companies</u> for referrals, endorsements, "approved" or "preferred" listings, marketing partnerships, special relationships, usage of another's logo or trademark, or similar benefits are inconsistent with the Code of Ethics even if the payments are called advertising, marketing, etc. As specifically stated in the response to RFI e010212c "up front" payments for such purposes are inconsistent with the Code of Ethics. And, as indicated by the response to the first question of RFI e010112c, "per transaction" payments for such purposes are also described as inconsistent with the Code of Ethics.</p> <p>For the same reasons as in the response to RFI e010112c, similar payments for such purposes by home inspectors to real estate <u>organizations</u> (or to others working for or on behalf of real estate companies) are also inconsistent with the ASHI Code of Ethics. Also, see e010112c.</p>
e010330 10/15/01	After each paid home inspection (by the buyer or client) can I give a free car wash ticket to the client's realtor (approx \$10 value) regardless of how the client chose to pick us? This is done as a thank you to the realtors for the time they took waiting at the home inspection. Would this gift to the Realtors be a violation of any ASHI Standards?	<p>No. The ASHI standards do not address this issue. If by "any" you intended to refer to the ASHI Code of Ethics rather than the ASHI Standards of Practice, such a gift would certainly be considered by many as a potential violation. Members should check applicable laws in their states regarding gratuities and referral fees passing from inspectors to real estate agents.</p> <p>A gift which clearly does not fit into the normal category of "promotional items" such as calendars, pens, logo coffee cups.. etc could be viewed as an improper payment. The Code states: members...should uphold the honor and dignity of their profession and avoid association with any enterprise of questionable character, or apparent conflict of interest."]</p> <p>It is the committee's recommendation that inspectors avoid providing potentially questionable gifts to real estate agents.</p>
e010404 10/1/01	Is it in violation of the Code of Ethics #5 to pay a commission to another ASHI member for a home inspection that I am solely liable and responsible for when my client's Real Estate Agent is a Real Estate Agent that this other ASHI member has merely marketed in the past and either the client or the Real Estate Agent asked for me specifically, through my company, to conduct the inspection?	<p>No, paying a commission to another ASHI member for a home inspection does not violate Code of Ethics #5 because the member offering (i.e. paying) each commission is not dealing with a client of the other member and the other member accepting the payment is not dealing with the paying member's client or the real estate agent. Therefore, neither the member who offers nor the member who accepts such a commission is violating Code of Ethics #5.</p> <p>Furthermore, unless there are undisclosed details of ethical significance, the arrangement does not seem to be deceptive (such as a referral to a client from someone receiving a commission) or a conflict of interest toward the client or a similar concern contrary to other sections of the Code of Ethics.</p>
e010517 12/26/01	Does advertising on eRealty.com where inspectors are listed as 'ePartners' violate this section [5] of the Code of Ethics?	<p>Upon review of the ERealty.com site on June 4, 2001 we were not able to locate a page listing home inspectors and we observed nothing to indicate that a violation of the ASHI code of Ethics has occurred, or would be automatically incurred by an inspector marketing at the site. We will be glad to revisit this question when sufficient additional information is provided.</p>

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e010626 3/4/02	Please see attached: copy of laminated card produced by an association of realty agents/brokers. Is this ethical advertising? Or paying to be on an exclusive list in violation of the code of ethics?	Attachment shows a collection of advertisements under Environmental / Inspection Services, the name of the county association of realty agents/brokers, 2001 Platinum Sponsors, and advertisements from home inspection firms. As provided there was not sufficient information to make a determination about the ads in question.  However advertising on "preferred vendor lists" published by real estate companies was addressed in ASHI Code of Ethics RFI e010112 Payments to Real Estate Companies (copy provided with this response). Please review that document.
e010701 10/1/01	RE: COE #5. Could becoming an affiliate of "The Home Service Store" be considered under the same ruling as control #e010112c (dealing with real estate companies), or is it more in line with the dealings of a relocation company. See attached letter and enclosures.	Most committee members were unable to access the web site in question; the few who could get to it considered it harmless.  Inspectors are not prohibited from advertising. Inspectors are prohibited from paying "kickback" or "referral fees" to real estate firms.
e010731 12/6/31	". . . So, we plan to send the homebuyer the Pre-Move Planner using the Home Inspector's addresses from the pending sale. Advertisers in the Pre-Move Planner also have the option of sending a follow-up piece under their own branding to the homebuyer, but we handle the fulfillment to protect the customer list. The Home Inspector receives a fixed payment per address and a share of advertising revenues generated. . . . We have tried to build a system that protects this customer data: it supports marketing for a limited, controlled number of advertisers in the Pre-Move Planner and is not shared indiscriminately. NONE of the Home Inspection information about condition, features, etc. gathered during the inspection is collected or used in any way." Under the current ASHI Code of Ethics, would the above program be a violation?	The practice as described is not strictly prohibited by the current ASHI Code of Ethics.  However, members who promote their inspections as "confidential" but also sell client information (without consent) might be viewed as violating CoE #2.
e010803 11/5/01	Is assuming Realty's liability a prohibited compensation?  In order for any agent of a certain realty company to be allowed to refer business to an inspector, the realty company requires the inspector to sign a "Marketing Agreement" that has certain indemnification requirements.	The inspector referral agreement provided with the RFI appears to be an indemnification by the inspector for the <u>inspector's</u> liability to the client for negligent inspecting. Therefore, the specific question is moot due to a mischaracterization of the agreement.  This does not mean the accompanying agreement is or is not in compliance with the Code of Ethics.  Conflicting interests arise naturally between a real estate company (when obligated to represent seller's interest) and a home buyer.  The indemnification both mitigates the conflicting interests and expands the client's opportunity for redress in the event of negligent inspecting/reporting. However, the agreement lacks means by which clients are apprised of such benefits.

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		<p>Therefore, the agreement between referring real estate company and inspector is a <i>quid pro quo</i> that benefits only the realty company.</p> <p>Participating in such an agreement does not comply with second paragraph of the Code of Ethics to avoid conflicts of interest and is contrary to Code of Ethics paragraph #2 to act in good faith toward each client because clients would assume referrals are based on competence, not on a hidden protection to the realty company.</p>
e010813 10/17/01	<p>Is it ethical to pay a real estate organization an up-front fee and a per transaction fee to get business referred?</p>	<p>No, it is not ethical for a home inspector to pay a real estate organization an up-front fee <u>OR</u> a per transaction fee to get business referred.</p> <p>Please see additional details in the Ethics RFI's attached by our HQ Staff, e010212c – Transaction fees to real estate organizations and e010112c – Fees to realty companies for referrals or advertising as preferred inspectors.</p> <p>Finally, participation by ASHI Members and candidates in seemingly similar realty company programs does not mean that those Members and Candidates are in compliance with the ASHI Code of Ethics. All Members &amp; Candidates should critically and independently evaluate whether the programs they themselves participate in are contrary to the Code of Ethics.</p> <p>Violations by others is no excuse.</p>
e010814 4/3/02	<p>Can I offer a discount of \$5 or \$10 for a \$20 Dollar service I can provide to buyers that I inspect a house for, if they are clients of specific realty agents/brokers?</p> <p>These are agents/brokers that prefer my more thorough home inspection than most other inspectors in the area, that do less on their inspections for their clients.</p>	<p>Offering discounts to clients is not necessarily unethical. Examples of some discount strategies that should be acceptable include introductory discount, first inspection discount, and slow season discount.</p> <p>Offering discounts only to clients referred by specific realty agents/brokers is a <i>financial transaction made in return for the expectation of future referrals</i> from those agents/brokers, undermines client expectations for the integrity and independence of their inspection, and therefore, could be considered unethical.</p> <p>Based in part on consideration of RFI e010112 (provided by ASHI Staff), such payments <u>could</u> be unethical in accordance with ASHI Code of Ethics Paragraph 5 and <u>could</u> be unethical in accordance with Paragraphs 6 And 7.</p>
e010905	<ol style="list-style-type: none"> <li>1. Is an ASHI Member defined as an individual or an entity such as a home inspection company?</li> <li>2. Is a member of ASHI in violation of the CoE due to the fact that he/she participate in a realty firm's inspector referral program that includes payment of fees and/or other arrangements detrimental to inspector's clients?</li> <li>3. Is a member of ASHI in violation of the CoE if s/he as an employee performs inspection under the direction of an employer that participates in such realty firm's inspector referral program?</li> <li>4. As an individual, is the ASHI member responsible for avoiding association with an enterprise/</li> </ol>	<p>ASHI Standards Committee interpretation currently being reviewed by ASHI attorney.</p>

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	<p>employer that directly or indirectly offers allowances such as those required to participate in such realty firm's inspector referral program?</p> <p>5. Is an ASHI member employed by an enterprise that participates in such realty firm's inspector referral program in violation of the CoE due to the fact that he/she is indirectly offering allowances (by working for an employer that pays allowances) in connection with or arising from the SoP and/or this requested interpretation?</p>	
e010911 10/15/01	<p>A company [name deleted] in my state [state deleted] has offered my company the opportunity to perform home inspections for its customers for subcontracted fees. The company's role in this program would include advertising, contracting, dispatching, invoicing, and customer service. As a subcontractor, my company's obligation to the company would not include payment of any fees to the company. Is this business arrangement unethical?</p>	<p>Performing home inspections as a subcontractor for an independent firm is not, in general, in violation of the ASHI Code of Ethics.</p> <p>However, if the contracting firm is engaged in the sale of real estate or in performing certain services such as construction repairs which might be recommended by the inspector, such subcontracting to perform home inspections would be in violation of the Code of Ethics as the inspector would be employed by a firm having a financial interest in the real estate transaction.</p> <p>As the questioner has not provided information regarding the business activity of the contracting firm the answer given here is only a generalization.</p>
e010925 11/6/01	<p>1. Is a program, set up by a real estate company, which offers free home inspections paid for by the real estate company a conflict with section 5 of the CoE . . .</p> <p>2. ...if, on the application to participate in the program, the inspector is asked to give discounted fees based on the number of referrals they receive to perform inspections for the program?</p> <p>3. Also, is it a conflict if the real estate company [or other entity] only pays for the inspection <u>if the deal goes through</u>, otherwise the buyer pays?</p>	<p>1. It does not necessarily conflict with section 5 as long as the real estate company reimburses the client after the client pays the inspector or the inspector's client is the real estate company. Under this later arrangement, the inspector would typically be responsible to the real estate company as the client, not to another party such as a buyer, and the inspector should be mindful of second paragraph of CoE and section #1 to avoid slanted reporting. However, if the real estate company is not the client and the real estate company is dealing with the inspector's client, then accepting payment from the real estate company would conflict with section 5.</p> <p>2. Discounting fees paid by a real estate company based on referrals would conflict with section 2 because such discounts would be de facto payments for referrals to clients (other than the real estate company). Such de facto payments are a deception of the consumers who would expect referrals to be based on competence, not on hidden benefit to the real estate company. However, if the real estate company is always the client and pays the fees, then such discounts would not conflict with section 2.</p> <p>3. See answer to question 1 above. It is not a conflict if the buyer is the client and the buyer pays the inspector regardless of whether or not the real estate company reimburses the buyer. Similarly, it is not a conflict if the real estate company is the client and pays the inspector regardless of whether or not the buyer reimburses the real estate company. However, it is a conflict with section 5 if the buyer is the client and the real estate company pays the inspector or if the real estate company is the client and the buyer pays the inspector.</p> <p>Additionally, having any inspector compensation directly or indirectly contingent on the inspection results, such as whether or not "the deal goes through", is contrary to second paragraph of CoE to avoid conflicts of interest and contrary to section #1 against slanted reporting.</p>

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e010926 3/1/02	<p>No question stated on RFI form;</p> <p>In a 15 page fax, petitioner attached a letter regarding Preferred Vendor RFI article published in the ASHI Reporter, expresses concern regarding an ASHI Member who participates in a marketing program, asserts that this program is the same as the "Preferred Vendor" program previously addressed, and attaches additional pages of correspondence and material.</p>	<p>1. This is a program associated with a realty company which is determined to be contrary to the ASHI Code of Ethics by e010212.</p> <ul style="list-style-type: none"> <li>- The program's web page is identified as "(name deleted) REAL ESTATE".</li> <li>- The realty agents at the realty company clearly expect the vendor (inspector) to support the realty company goals (i.e. sales).</li> <li>- The company's agents state comments like: <ul style="list-style-type: none"> <li>"I will . . . request . . . that X and Y be dropped from our web site."</li> <li>". . . as a preferred provider for the biggest and best brokerage in town . . ."</li> <li>". . . do business with people that [sic] are loyal to my profession . . ." (i.e. profession of real estate sales)</li> </ul> </li> </ul> <p>2. This is an up-front fee type of preferred vendor program, a marketing partnership program, and/or a special relationship program that blurs the lines of inspector's loyalty. And there is no question that the realty company agents want the inspector's results to be beneficial for their home sellers! ". . . to insure better results for our clients." (i.e. home sellers are the "clients" of agents, buyers are their "customers.")</p> <p>3. Conclusion: this is a subterfuge for an inspector referral program, though it is not forced upon the agents. They seem to be free to choose others, though the end result is many inspector referrals where the client is unaware of the basis for the referral. It is best summed up by an agent's comment ". . . how important it is to support the businesses that support us . . ." [i.e. give inspector referrals on behalf of inspectors who support the realty company's goals.]</p> <p>4. Besides paying a realty company for referrals (under the guise of "advertising") being contrary to CoE by previous RFI's, additionally, as stated in other RFI's, participation in programs where the actual basis for referrals (such as supporting a realty company's sales goals) is unknown to the client is a deception of the client contrary to CoE #2 and a conflict of interest contrary to the second paragraph of the CoE.</p> <p>At the NAR Real Estate Website, Articles 6, 7, &amp; 12 are pertinent to this RFI: <a href="http://nar.realtor.com/about/ethics.htm">http://nar.realtor.com/about/ethics.htm</a></p>
e011024 11/4/01	<p>Can the State Association of Realtors force a compliance statement on a home inspector prior to start of the inspection? The State ASHI Chapter has designed and approved its own form. The State Home Inspection Law goes into effect in less than 60 days. If we cannot be affiliated with a real estate company the State Association of Realtors by agreeing to use their form? Their form also raises the liability of inspectors.</p> <p>Attachments:</p> <p>1. ASHI state chapter form indicating that the inspector is a member of a national home inspection association and will inspect according to the SoP and CoE of that association, or is supervised by such a member who will sign the report.</p> <p>2. A state realtors association form similar in general content but</p>	<p>In the case at hand the forms confine their content to assertion of a professional membership by the inspector, or the assertion that the inspector is supervised by someone holding such membership, and an assertion on the real-estate-provided form that the supervising inspector is responsible for the inspection and that state insurance requirements and other licensing law requirements will be met.</p> <p>Signing a general form indicating that the inspector for a particular real estate transaction is in compliance with applicable state laws does not necessarily constitute an unethical affiliation between the home inspector and the state association of Realtors or the real estate agents involved in the transaction. In the case at hand and confining the answer to the question and forms presented, no violation of ASHI's Code of Ethics appears to be involved.</p>

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	asserting that where a supervising inspector is involved s/he will be responsible for the inspection report, and further asserting that the inspector is in compliance with the pertinent state law, including the carrying of E&O and general liability insurance.	
e011101 3/28/02	Is it ethical to assist a property owner in processing a claim for product failure (hardboard siding) and to receive compensation for such work? The offer to assist would be made to client during or following a home inspection and the assistance would be provided after the purchase of property has been completed.	Simply offering to assist with claim processing does not in itself conflict with the Code of Ethics. However, the inspector should take special care to avoid stating or implying any certainty or likelihood exists that payments or recovery will occur as a result of such processing. Such an implication may cause a potential buyer to disregard the significance of potential problems relating to the defect.
e011105 4/25/02	To participate in this [name of contractor] \$15 "processing fee", a HI must provide what I believe to be confidential client information to [name of contractor]. Is doing so, and accepting the \$15, a violation, and can complaints be filed against members for participating in this plan?	Accepting payment or other consideration from a party in return for client information or special access to an inspector's client for the purpose of marketing services to the client, such as being present during a home inspection for which a member is responsible, violates Code of Ethics paragraphs #5 and #2 (requiring acting in good faith toward each client).
e011120 1/3/02	Is an ASHI member required to comply with state law, and is it a violation of the Code of Ethics not to comply for personal gain?	Yes, all ASHI members and candidates are required to comply with state laws per CoE third* sentence (fidelity to public) and paragraph #7. Noncompliance with state laws violates ASHI Code of Ethics, whether for personal gain or not. [* Note - "third" is a mistake, "fidelity to public" is in fourth sentence of CoE.]
e011127 4/3/02	Is it improper to advertise with a real estate association like that enclosed? I know that you cannot directly advertise with a specific real estate company. As you see I helped last year, but have held off until I hear from your group. 80% of these inspection companies have resigned for 2002. I await your response. [Note: attached material included a letter from county real estate association offering levels of sponsorship.]	It is proper to advertise with real estate associations as long as the content of the advertisement, and the relationship between the inspector and the real estate association are not in violation with the code of ethics.
e011129 4/8/02	Is it a violation of the ASHI Code of Ethics for a home inspector to accept placement on a preferred-vendor list in exchange for a one-time fee and a percentage of each house-selling price to be paid to listing real estate company?	Yes. See previously published RFI's on this subject, e010112 Payments to real estate companies, e010212 Transaction fees to real estate organizations, e010626 Advertising in a real estate publication, e010813 Payment of referral or transaction fees to real estate companies, e010926 Preferred vendors program.

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e011205 4/18/02	<p>1. Does an ASHI Member violate the ASHI Code of Ethics by being named a "Preferred Vendor" on a real estate firm's Web page with a direct link from the page to the home inspection company's Web page?</p> <p>2. Does an ASHI Member violate the ASHI Code of ethics by advertising in a realty agent/broker-specific publication?</p>	<p>1. No, unless the inspector has control over the link, pays for the link or for being named a "Preferred Vendor", and/or the relationship between the inspection company and the real estate firm conflicts with the Code of Ethics such as a quid pro quo.</p> <p>2. No, purchasing advertising is not, in and of itself, a violation. It is not improper to advertise in a publication unless the content of the advertising or the relationship of the inspector and sponsors of the publication violates the Code of Ethics.</p> <p>For both questions #1 and #2, see e010112, e010212, e010803, e010813, e010926, and e011129 for examples of some, not all, relationships contrary to ASHI Code of Ethics.</p>
e020305 4/29/02	Is it a violation of Code of Ethics to offer a brochure for a specific Home Warranty to my clients? I wish to place the brochure in my inspection binder. I will receive a payment from the home warranty company if my client chooses to purchase their home warranty program.	No, the CoE does not prohibit the sale of additional products or services by a member unless a product or service, or the manner of its sale, violates the CoE.
e020419	Do incentives for inspection referrals (such as finders fees) to friends, friends of friends, and past clients (not to realty agents/brokers) comply with the ASHI Code of Ethics?	Currently being reviewed by ASHI Standards Committee.
e020502 6/3/02	Does the Code of Ethics allow going house to house giving home sellers brochures and business cards to drum up more business?	Direct marketing, including the door-to-door distribution of brochures or business cards, is not a violation of the Code of Ethics.
e020514 6/11/02	Is giving out free home inspections against ASHI Code of Ethics?	The Code of Ethics does not directly address fees, or their absence, and does not limit discounting, even 100% discounting. However, a free home inspection and report must comply with the ASHI Standards of Practice, without diminished thoroughness or quality, and must not involve arrangements that otherwise violate the ASHI Code of Ethics. See interpretation e010814 regarding discounts.
e020528 7/8/02	Is it a CoE violation to promote business by providing first-time buyers with the information that a local lender has agreed to reimburse consumers for their home inspection up to \$250?	No, providing accurate information about potential reimbursements offered by others is not in itself a violation of the Code of Ethics.

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# Code of Ethics of the American Society of Home Inspectors, Inc.®

Honesty, justice, and courtesy form a moral philosophy which, associated with mutual interest among people, constitutes the foundation of ethics. The members should recognize such a standard, not in passive observance, but as a set of dynamic principles guiding their conduct. It is their duty to practice the profession according to this code of ethics.

As the keystone of professional conduct is integrity, the Members will discharge their duties with fidelity to the public, their clients, and with fairness and impartiality to all. They should uphold the honor and dignity of their profession and avoid association with any enterprise of questionable character, or apparent conflict of interest.

1. The member will express an opinion only when it is based on practical experience and honest conviction.
2. The member will always act in good faith toward each client.
3. The member will not disclose any information concerning the results of the inspection without the approval of the clients or their representatives.
4. The member will not accept compensation, financial or otherwise, from more than one interested party for the same service without the consent of all interested parties.
5. The member will not accept nor offer commissions or allowances, directly or indirectly, from other parties dealing with their client in connection with work for which the member is responsible.
6. The member will promptly disclose to his or her client any interest in a business which may affect the client. The member will not allow an interest in any business to affect the quality of the results of their inspection work which they may be called upon to perform. The inspection work may not be used as a vehicle by the inspector to deliberately obtain work in another field.
7. An inspector shall make every effort to uphold, maintain, and improve the professional integrity, reputation, and practice of the home inspection profession. He or she will report all such relevant information, including violations of this Code by other members, to the Association for possible remedial action.

Code of Ethics  
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Scott McCallum  
Governor

State of Wisconsin \ DEPARTMENT OF REGULATION & LICENSING

William J. Conway  
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March 29, 2001

Mr. Kent Tess-Mattner, Attorney at Law  
Schmidt & Rupke, S.C.  
17100 West North Avenue  
Brookfield WI 53005-4436

Dear Mr. Tess-Mattner:

You requested an opinion concerning whether a Shorewest Realtors, Inc. marketing plan is contrary to a Wisconsin statute which prohibits a registered home inspector from "directly or indirectly" paying a referral or finder's fee for a home inspection to any person who is not a home inspector. You discussed the plan at a meeting on December 14, 2000 and provided additional information about the plan in a letter of February 6, 2001.

The opinions expressed in this letter are based on the statement of facts you provided and are advisory only and not binding on the Department of Regulation and Licensing or any board within the department. Should you require a binding ruling from the Department on a specific question, Wisconsin law provides a procedure for obtaining a binding ruling from an administrative agency through a declaratory ruling in sec. 227.41, Stats.

The Home-Link Marketing Plan

Shorewest is a licensed real estate broker in Wisconsin. Shorewest proposes to market the services of home inspectors in its "Home-Link Service Center" (Home-Link) a corporate division. Home-Link is an optional program available to customers working with sales associates of Shorewest. The program assists buyers and sellers in obtaining services related to property sales and relocation by, among other things, providing a "Service Provider Directory" (Directory) and assisting in scheduling the services requested by a customer.

In order for a customer to receive services from Home-Link, a Shorewest sales associate must send Home-Link a "Customer Fact Sheet." Thereafter, Home-Link enters the customer into its software and assigns a Personal Move Coordinator (PMC). The PMC works with the customer to schedule the events involved in purchasing and moving into or out of a home. After an initial telephone contact, the PMC mails a welcome packet to the customer that contains the most recent version of the Directory. The Directory identifies service providers who have contracted with Home-Link. Service providers include home closing, title, mortgage and relocation service providers as well as contractors, painters, plumbers, electricians and architects. If a customer selects service from a provider in the Directory, the PMC uses a computer program to fax or email the service provider to schedule service. (Your February 6, 2001 letter states that the PMCs do not have telephone numbers of service providers.)

Your request for this opinion is prompted by Shorewest's plans to include a listing of home inspectors in the Directory. The Directory is not generally circulated to customers by



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Shorewest sales associates, nor used as a reference manual. Shorewest plans to permit public access to the Directory on the Shorewest Internet website, but the website Directory would not contain telephone numbers or contact persons for the service providers. The Directory identifies discounts from some of the service providers if the service provider is engaged through Home-Link.

The "Policy and Procedures"<sup>1</sup> proposed by Shorewest for Home-Link indicate that the home inspectors included in the Directory will be selected for an interview on the basis of sales associate recommendations, general inquiries and invitations from Home-Link. In the interview process the home inspector will provide a letter of recommendation from customers and sales associates, proof of license, bonding, and a positive rating from the Better Business Bureau.

The proposed policy also indicates that the Directory will have a reference at the bottom of the page: "To locate all home inspectors registered in the state of Wisconsin: <http://165.189.238.43>." The scripts for PMC responses to home inspection questions indicate that the PMC will refer the customer to the Internet site as a source for a listing of all registered home inspectors and for their telephone numbers. The policy indicates that the PMCs are to be scrupulous in offering the customer both the Internet listing and the Directory listing of home inspectors. With respect to the home inspectors, the PMC will coordinate the date and time of the home inspection with the seller, buyer, listing agent, selling agent and the home inspector selected by the buyer. If a customer selects a home inspector in the Directory, the PMC will arrange for the home inspection by sending the inspector a fax or e-mail. The inspector confirms the time with the customer. If the inspector selected is not listed in the Directory, the PMC will arrange for the inspection on behalf of the customer, using contact information from the Internet site.

Home inspectors participate in the Home-Link program by completing a Shorewest Home-Link Service Center Advertising Contract and filling out a Home-Link Advertising Form. The ad is published verbatim from the form. The home inspector agrees to maintain a 95% level of satisfaction with Shorewest customers, maintain active registration and insurance, and be responsible for the sale of the inspection. Shorewest agrees to advertise the Home Inspector's services as part of Shorewest's Home-Link program on Shorewest's website and in the Directory. Shorewest will also track customer satisfaction to ensure a 95% satisfaction rating of the home inspector.

Under the contract, the home inspector pays a nonrefundable "Annual Marketing Fee" to participate in the Home-Link program. The February 6, 2001 letter and attachments do not identify the amount of the fee, the basis for determining the annual fee or the procedure or standards for determining 95% customer satisfaction. A current Home-Link television advertisement contains the statement: "We know who to use and who to avoid."<sup>2</sup>

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#### Issue

Under sec. 440.975 (7) (e), Stats., a home inspector may not:

*Pay or receive, directly or indirectly, in full or in part, for a home inspection or for the performance of any construction, repairs, maintenance or improvements regarding improvements to residential real property that is inspected by him or her, a fee, a commission, or compensation as a referral or finder's fee, to or from any person who is not a home inspector.*

The issue to be determined is whether payment of the annual marketing fee by a home inspector for a Directory listing under the proposed Home-Link program is payment, directly or indirectly, in full or in part, for a home inspection, of a referral or finder's fee to a person who is not a home inspector, contrary to sec. 440.975 (7) (e), Stats.

#### Analysis

Inspection and disclosure requirements in Wisconsin real estate law help protect real estate purchasers from property dangers and defects. Real property owners must comply with disclosure requirements.<sup>3</sup> Real estate licensees and third party inspectors, including registered home inspectors, must fulfill inspection and disclosure regulations.

Real estate licensees have a legal obligation to inspect real estate and disclose material adverse facts.<sup>4</sup> However, the statutes contain a special exception that relieves the real estate licensee from the duty to disclose information related to the condition of the property, where an inspection is conducted by a "qualified third party."<sup>5</sup> Utilization of a home inspector as a qualified third party in residential real estate transactions is extensive, so much so that the standard offer to purchase real estate form (WB-11) includes an optional paragraph providing for an "Inspection Contingency" that identifies inspection by a "Wisconsin registered home inspector."<sup>6</sup> A home inspector has a statutory responsibility to submit a written report to the client, describing any condition to the property detected by the inspector that, if not repaired, will have a significant adverse effect on the life expectancy of the property.<sup>7</sup>

The prohibition against paying a referral fee is one of several statutory standards of practice requiring a home inspector to exercise independent judgment and avoid conflicts of interest. A home inspector is prohibited from delivering a home inspection report to any person other than the client without the client's consent. An inspector may not perform a home inspection for a client if the home inspector, a member of the home inspector's immediate family or an organization or business entity in which the home inspector has an interest, is a party to the transaction and has an interest that is adverse to that of the client, unless the home inspector obtains the client's written consent. A home inspector is prohibited from accepting any compensation from more than one party to a transaction for which the home inspector has provided home inspection services without the written consent of all of the parties to the transaction.<sup>8</sup>

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Under the proposed Home-Link program, payment of the annual marketing fee by a home inspector for a Directory listing could reasonably be determined to be an indirect payment of a referral fee for a home inspection to a person who is not a home inspector.

The "annual marketing fee" is a "referral fee."

The statute prohibiting referral and finders fees is broadly written especially in prohibiting "indirect" payment. The "annual marketing fee" is within the plain language meaning of the term "referral fee" as well as fitting more technical definitions such as that in the Real Estate Settlement Procedures Act.<sup>9</sup>

Statutes prohibiting referral and finder's fee are common in the law regulating professions and often part of a general prohibition against fee-splitting and justified as preventing conflicts of interest. These statutes are also supported on the grounds that fee-splitting creates a danger that non-professionals might recommend the services of a particular professional out of self-interest and not because of the competence of the professional.<sup>10</sup> The legal profession has prohibited referral fees on the ground that referral fees create an incentive for attorneys to refer cases to the attorney that offers to share the biggest percentage of fees with the referring attorney and because the practice inflates the client's bill.<sup>11</sup> In the medical professions, referral fee or fee-splitting statutes were intended to prevent three abuses: ordering unnecessary services, increasing charges for needed services, and influencing the decision of where best to refer a patient by profit considerations.<sup>12</sup> To protect consumers from unnecessarily high settlement charges caused by abusive practices, the Real Estate Settlement Practices Act of 1974 (RESPA) prohibits giving or accepting any fee pursuant to an agreement that business incident to or a part of a real estate settlement service involving a federally related mortgage loan shall be referred to any person.<sup>13</sup>

The term "referral fee" is not defined in sec. 440.975 (7) (e), Stats. In plain language a referral fee is a fee paid to a professional to recommend one or more service providers.<sup>14</sup> The Accounting Examining Board has defined "referral fee" for the purpose of administering its rule on contingent fees, commissions and referral fees:

*"Referral fee" means compensation for recommending or referring any service of a certified public accountant or public accountant to any person.*<sup>15</sup>

The term "referral fee" has also been defined as "... a fee paid by one attorney to another for merely referring or forwarding a legal matter."<sup>16</sup> Rules of the Wisconsin Supreme Court prohibit lawyers from giving anything of value to any person for recommending the lawyer's services.

*A lawyer shall not give anything of value to a person for recommending the lawyer's services, except that a lawyer may pay the reasonable cost of advertising or written communication permitted by this rule and may pay the usual charges of a not-for-profit lawyer referral service or other legal service organization, and pay for a law practice in accordance with SCR 20:1.17.*<sup>17</sup>

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The term "referral" is defined in RESPA:

*A referral includes any oral or written action directed to a person which has the effect of affirmatively influencing the selection by any person of a provider of a settlement service or business incident to or part of a settlement service when such person will pay for such settlement service or business incident thereto or pay a charge attributable in whole or in part to such settlement service or business.*<sup>18</sup>

The RESPA notion of referral includes the concept of oral or written actions having the effect of affirmatively influencing the selection of a provider.

The Directory listing is a referral in that the listing becomes a recommendation by Home-Link. In addition the RESPA definition supports a finding that the Home-Link Directory listing is a referral because the Home-Link program is constructed and contains incentives to "affirmatively influence" the selection of an inspector listed in the Directory.

By including the phrase "pay or receive, directly or indirectly" the statutory ban in sec.440.975 (7) (e), Stats. covers payments that may not be linked closely in time or cause and effect to a referral of a home inspection. If the intended or practical consequence of payment of the annual marketing fee by a home inspector for a Directory listing under the proposed Home-Link program is a referral of a home inspection to the home inspector who paid the fee, then the annual fee is an indirect payment of a referral fee prohibited by the statute. A contract for a home inspection is not required.

In practice, Home-Link acts as a referral service.

Home-Link is in fact a referral service. Shorewest uses a selective process for listing home inspectors in the Directory. Home inspectors are interviewed about their qualifications. A letter of recommendation and Better Business Bureau approval are required. Inspectors must agree to meet the 95% customer satisfaction level. The listing process is consistent with a screening procedure used to recommend listed inspectors in which Shorewest evaluates the merits of the particular inspectors.

Home-Link attempts to influence customers to use the service providers in the Directory. The current television advertising campaign for Home-Link contains the statement: "We know who to use and who to avoid." The February 6, 2001 materials suggest that Shorewest sales agents consider Home-Link as a referral resource: "Agents have expressed an unwillingness to refer customers to Home-Link unless they are able to see the list of service providers to be certain their customer's needs can be adequately served, which is the reason they have access to the Service Provider Directory."<sup>19</sup>

The Directory listing of home inspectors is not available to potential buyers and sellers except at the request of a Shorewest agent. As described by Shorewest, the Directory will be given to a real estate customer at a time the customer needs a home inspection and is looking for a home inspector. The PMC will assist the customer in selecting an inspector and then set up the inspection for the customer at a point when time is likely to be "of the essence" to the customer.

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Given the pressures to meet deadlines, a customer receiving Home-Link assistance is likely to select an inspector from the Directory listing rather than search out another inspector.

Shorewest proposes to train PMCs to see that customers have an opportunity to select an inspector from a listing of all Wisconsin registered inspectors as well as from the Directory listing. The dialogue submitted as Exhibit F indicates that the PMC will refer customers to a Department website listing of all registered home inspectors. This part of procedure for selecting an inspector will not work out as described in the policy because the department internet site can be used only to verify the licensed status of an inspector and does not include a listing of all home inspectors.

Considered in the context of the Home Link program, the Directory listing is a recommendation to use the service providers listed in the Directory. Although the Home-Link program is characterized as advertising or marketing, the Directory listing is *de facto* a referral of home inspections by Shorewest to inspectors in the Directory for an "indirect payment" made by the listed home inspectors.

Public policy considerations warrant application of the anti-referral fee statute.

The policy imperatives for avoiding conflicts of interests and assuring professional independence are important for home inspectors who must conduct a home inspection independently of the interests of the parties to the real estate transaction. The policy concerns that justify limitations on referral fees support an interpretation of sec. 440.975 (7) (e), Stats. that finds the Annual Marketing Fee to be an indirect payment of a referral fee. This interpretation is especially warranted by the public interest in preventing conflicts of interest and sustaining the professional independence of the home inspector.

The Home-Link contract requiring home inspectors to maintain a 95% customer satisfaction may impair the inspector's independent judgment. For example, if Shorewest is the seller's agent in a real estate transaction and a buyer, working with a Shorewest agent, participates in Home-Link and hires a home inspector from the Directory, the home inspector may be influenced by his or her obligation to maintain 95% customer satisfaction. The standards for determining customer satisfaction are not defined. The determination of whether the home inspector has met the standards is made by Shorewest.<sup>20</sup> The obligation to satisfy the contract may persuade the inspector to view the property in a light best suited to Shorewest. The inspector may view the contractual obligation as a disincentive to write a report that might impede a closing of the real estate transaction.

Possible Modifications to Home-Link

The following are modifications to the Home-Link program which, if made, would appear to eliminate objections described above and avoid the issue of whether an ad is a recommendation or referral.

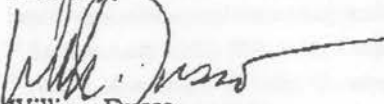
- Home inspector services would be advertised through public media, not limited to customers with an immediate need for home inspection services.

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- Home-Link advertisements would be available to all home inspectors; inspectors would not be required to interview and qualify for listing.
- Home-Link advertisements would not be presented in a "who to use" and "who to avoid" format.
- Home inspectors would not be obligated by contract to maintain 95% customer satisfaction or be otherwise committed in ways that would impair independent judgment in conducting the home inspection or create a conflict of interest.
- Home-Link advertisements would include a disclaimer, referencing section 440.975 (7) (e), Stats., indicating that home inspectors purchasing space to advertise in the Home-Link program are not being recommended by Home-Link, and the home inspector is responsible for all ad content.

Although a complete list of home inspectors is not available on the Internet, computerized and printed lists are available from the department. Home-Link may be able to use these lists in its program. Note, however that the department may not include in lists of 10 or more registrants the names of those home inspectors who have made an "opt-out" declaration.<sup>21</sup>

Sincerely,

  
 William Dusso  
 Legal Counsel

cc: Rick Staff, Wisconsin Realtors Association  
 William Conway, Acting Secretary

<sup>1</sup> Exhibit F, attached to letter of February 6, 2001.

<sup>2</sup> March, 2001 advertisement reported by Department staff.

<sup>3</sup> Chapter 709, Stats.

<sup>4</sup> Section RL 24.07, Wis. Adm. Code, Inspection and disclosure duties.

<sup>5</sup> Section 452.23 (2) (b), Stats.; *Conell, v. Coldwell Banker*, 181 Wis. 2d 894; 900 (Ct. App. 1994).

<sup>6</sup>  **INSPECTION CONTINGENCY:** This offer is contingent upon a Wisconsin registered home inspector performing a home inspection of the Property, and an inspection, by a qualified independent inspector of \_\_\_\_\_ which discloses no defects, as defined below. This contingency shall be deemed satisfied unless Buyer, within \_\_\_\_\_ days for acceptance, delivers to Seller, and to listing broker if Property is listed, a copy of the inspector's written inspection report(s) and a written notice listing the defect(s) identified in the inspection report(s) to which buyer objects. CAUTION: A proposed amendment will not satisfy this notice requirement. Buyer shall order the inspection and be responsible for all costs of inspection, including any inspections required by lender or as follow-up inspections to the home inspection. . . ."

<sup>7</sup> Section 440.975, Stats. provides in sub. (3) that, "After completing a home inspection, a home inspector shall submit a written report to a client that does all of the following:

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"(a) . . . (c) Describes any condition of an improvement to residential real property or of any component of an improvement to residential real property that is detected by the home inspector during his or her home inspection and that, if not repaired, will have a significant adverse effect on the life expectancy of the improvement or the component of the improvement."

<sup>8</sup> Section 440.975 (7), Stats.

<sup>9</sup> 12 U.S.C. 2601 et. seq.

<sup>10</sup> *Practices Management Ltd. v. Schwartz*, 628 N.E.2d 656 (Ill. App. 1993), app. den., 633 N.E.2d 14 (Ill. 1994). See also *Beck v. American Health Group Int'l*, 260 Cal. Rptr. 237, 243 (Cal. App. 1989). 1998 OAG Md. 13, 14 (No. 98-013, May 26, 1998).

<sup>11</sup> Professional Ethics Opinion E-00-04, Wisconsin Lawyer, March 2001, <http://www.wisbar.org/wislawmag/archive/mar01/ethics.html>.

<sup>12</sup> Hall, Making Sense of Referral Fee Statutes, 13 J. Health Politics, Policy and Law 623, 627 (1988).

<sup>13</sup> 12 U.S.C.A. sec. 2607. *Prohibition against kickbacks and unearned fees (a) Business referrals No person shall give and no person shall accept any fee, kickback, or thing of value pursuant to any agreement or understanding, oral or otherwise, that business incident to or a part of a real estate settlement service involving a federally related mortgage loan shall be referred to any person.*

<sup>14</sup> See Professional Ethics Opinion E-00-04, State Bar of Wisconsin, Volume 74, No. 3, March 2001; <http://www.wisbar.org/wislawmag/archive/mar01/ethics.html>.

<sup>15</sup> Section Accy 1.302, Wis. Adm. Code. Contingent fees, commissions and referral fees.

<sup>16</sup> Note 1, Annotation: *Validity, Construction, and Enforcement of Business Opportunities or "Finder's Fee"* Contract 24 A.L.R.3d 1160.

<sup>17</sup> See SCR 20:7.2(b). An annotation to the rule SCR 20:7.2 states:

*Paying Others to Recommend a Lawyer. A lawyer is allowed to pay for advertising permitted by this rule and for the purchase of a law practice in accordance with SCR 20:1.17, but otherwise is not permitted to pay another person for channeling professional work.*

<sup>18</sup> 12 USCS sec. 3500.14(f)(2001).

<sup>19</sup> Page 3, Letter of February 6, 2001.

<sup>20</sup> Shorewest retains the right to terminate a home inspector's participation if the home inspector fails to maintain a 95% level of "satisfaction with all Shorewest Home-Link customers." It appears that Shorewest may unilaterally make the determination whether this 95% level is maintained, and no available contract language defines the term "satisfaction"

<sup>21</sup> Section 440.14, Stats.