

MINUTES OF THE
ARIZONA BOARD OF TECHNICAL REGISTRATION

June 22, 2010

9:30 AM

OPEN SESSION

1. **CALL TO ORDER** -- The meeting of the Board of Technical Registration was called to order at 9:30 AM by Chair Karen Cesare.
2. **ROLL CALL** - Board Members in Attendance: Karen Cesare, Harold "Hal" Epperson, Susan Schaefer Kliman, David Komm, Claudia Perchinelli, Howell "Chip" Shay, Erick Weiland, John Willett, and Laurie Woodall. Board Staff: Ronald Dalrymple, Melissa Cornelius, LaVern Douglas, Kathryn Fuller, Lisa Vardian, Manuel Maltos, and Cassie Goodwin. Assistant Attorney General: Mona Baskin.
3. **CALL TO THE PUBLIC** -- Jean Nehme, State Bridge Engineer and Pe-Shen Yang, Assistant Bridge Director, both from the Arizona Department of Transportation, addressed the Board.
4. **MINUTES**
 - A. Adopt the May 25, 2010 Minutes -- Dr. Schaefer Kliman moved to adopt the May 25, 2010 minutes. Mr. Shay seconded. Motion Carried.
5. **ENFORCEMENT MATTERS**

Review, Consideration and Possible Vote on the following:

 - A. Proposed Letters of Concern
 1. M10-062, A. J. Wadsworth, Land Surveyor #37936 -- Mr. Epperson moved to issue Respondent a Letter of Concern regarding not attaching registered land surveyor tags to found monuments and not recording the survey timely. Mr. Weiland seconded. After discussion, Motion Carried.
 - 2a. M10-065, G. Bryan Goetzenberger, Land Surveyor #31020 -- Mr. Epperson recused himself, citing a conflict of interest. Mr. Shay moved to issue Respondent a Letter of Concern regarding not attaching registered land surveyor caps to existing corners and not recording the survey timely. Mr. Komm seconded. After discussion, Motion Carried.
 - 2b. M10-013, G. Bryan Goetzenberger, Land Surveyor #31020 -- Mr. Epperson recused himself, citing a conflict of interest. Mr. Komm moved to issue Respondent a Letter of Concern regarding not setting permanent markers on existing corners on top of the wall and recording the survey timely. Dr. Schaefer Kliman seconded. After discussion, Motion Carried.

3. M10-037, Gregory R. Shinn, Landscape Architect #22405 – Ms. Cesare recused herself, citing a conflict of interest. Mr. Shay chaired the meeting for this issue. Ms. Woodall moved to dismiss this case. Mr. Weiland seconded. After discussion, Motion Carried.

B. Proposed Consent Agreements

1a. M07-111, Geoffrey K. Brimhall, Land Surveyor #33308

1b. M08-110, Geoffrey K. Brimhall, Land Surveyor #33308

The Board voted to resolve cases 5.B.1a and 5.B.1b in the following action:

Mr. Epperson moved to accept Respondent's signed Consent Agreement encompassing the following Order: Letter of Reprimand; Revision of Survey: Respondent shall revise the Brunner Survey and, after review and approval by the Board, record it with the county recorder's office; Prepare Survey: Respondent shall prepare the survey for the Bies Parcel Split; Cost of Investigation: Respondent shall pay cost of investigation in the amount of \$520.00. Mr. Komm seconded. After discussion, Motion Carried.

2. M09-009, Will Architects, Jeffrey S. Will, Architect #11038 – This matter was tabled.

C. Review, Discussion, and Consideration for Non-Compliance with Consent Agreement

1. M09-058, GCH Limited – Ms. Woodall moved to have Staff contact Respondent and advise him that as long as he is making a good faith effort to pay something each month towards the balance owed the Board is willing to work with him in complying with the Order. Staff is to keep the Board apprised of any further missed payments. Mr. Shay seconded. After discussion, Motion Carried.

6. HOME INSPECTOR ENFORCEMENT MATTERS

Review, Consideration, and Possible Vote on the following:

A. Proposed Letters of Concern

1. HI10-014, Dylan J. Bucknavich, CHI #43777 – Mr. Epperson moved to issue Respondent a Letter of Concern regarding failure to report inspector's certification number in agreement; the condition of the eaves, soffits, and facias, condition of the patio; condition of the plumbing supply pipes, supports, and insulation; automatic safety controls on the water heater; condition of the main electrical panel; and type and condition of the vapor retarder. Mr. Willett seconded. After discussion, Motion Carried.

2. HI10-019, Christian D. Horn, CHI #38581 – Mr. Shay moved to issue Respondent a Letter of Concern regarding failure to include the fee for services in the inspection agreement; make a notation the inspection was done in accordance with Arizona Standards of Professional Practice for a home inspector; report conditions of foundation, floor structure, wall, columns, and type of ceiling structure; service grounding; attic insulation, attic ventilation, and type of vapor retarder. Ms. Woodall seconded. After discussion, Motion Carried.

B. Proposed Consent Agreements

1. HI10-008, Larry M. Abell, CHI #40408 – This matter was tabled.
2. HI10-003, Thomas L. Culpepper, CHI #39422 – This matter was tabled.

7. DRUG LABORATORY ENFORCEMENT MATTERS

Review, Consideration, and Possible Vote on the following:

There were no Drug Laboratory Enforcement Matters before the Board.

8. LICENSING MATTERS

Review, Consideration, and Possible Vote on the following:

1. Adams, Sherman, Electrical Engineering Application #100379 – Mr. Komm moved to accept Mr. Adams's application and grant him registration. Mr. Shay seconded. Motion Carried.
2. Dickson, Donald; Control Systems Engineering Application #100321 – Mr. Dickson appeared telephonically and addressed the Board. Mr. Komm moved to accept Mr. Dickson's application and grant him registration. Ms. Woodall seconded. Motion Carried.
3. Jenkins, Frank, Electrical Engineering Application #100463 – Mr. Jenkins appeared telephonically and addressed the Board. Mr. Komm moved to accept Mr. Jenkins's application and grant him registration. Ms. Perchinelli seconded. After the discussion the Board determined that Mr. Jenkins' previous license denials were a direct result of his educational credentials and were not an issue of good moral character. Motion Carried.

At 10:25 AM the Board took a five minute break and returned to session at 10:30 AM.

4. Klinkenborg, Derek, Land Surveyor Application #100454 – Mr. Klinkenborg appeared telephonically and addressed the Board. Mr. Epperson moved to accept Mr. Klinkenborg's application to sit for the Arizona examination and, if passes, grant him registration. Mr. Willett seconded. After discussion, Motion Carried.

5. Leonard, Angela, Environmental Engineering Application #100392 – Mr. Weiland recused himself, citing a conflict of interest. Mr. Komm moved to accept Ms. Leonard’s application and grant registration. Dr. Schaefer Kliman seconded. After discussion, Motion Carried.

6. Foster, Kenneth, Civil Engineering Application #100106 – Mr. Willett moved to accept Mr. Foster’s application and grant him registration. Ms. Perchinelli seconded. After discussion, Motion Carried.

9. LICENSING CONSENT AGENDA

A. Review, Consideration, and Action on the Evaluation Committee and Staff Recommendations for the following (Lists of names available at the Board’s office for public review):

1. Granting professional registrations, certifications or in-training designations pursuant to A.R.S. §§ 32-122.01, 32-123;
2. Granting approval to applicants to sit for the professional or in-training examinations pursuant to A.R.S. § 32-122;
3. Granting professional registrations to those applicants possessing NCARB Blue Cover or NCEES Model Law Engineer certifications, pursuant to A.R.S. §§ 32-122.01, 32-123;
4. Administratively closing professional or in-training applications pursuant to A.R.S. §§ 32-122, 32-122.01(A); A.A.C. R4-30-204(E);

Mr. Epperson moved that applicants Damien Tonnell #050281 and Jonathan Total #050124, under 9(A)(4), be removed from the “closed list,” allowing their applications to remain “pending;” the applicants listed in 9(A)(1) be granted professional registration, certification, or in-training designation; that the applicants listed in 9(A)(2) be approved to sit for the professional or in-training examinations, and be granted registration in the appropriate category upon successful completion of the exams and a staff determination of continued eligibility; that the applicants listed in 9(A)(3) be granted professional registration; and that the application files listed in 9(A)(4) be administratively closed based upon the applicants’ failure to meet the Board’s licensing requirements. Mr. Willett seconded. After discussion, Motion Carried.

10. POLICY MATTERS

Review, Consideration, and Possible Vote on the following:

A. Legal advice regarding direct public communication with individual Board members regarding issues in controversy and/or on the Board’s meeting agenda.

Ms. Baskin advised the Board regarding Open Meeting Law and exparte communications; explaining Board members must be independent, neutral, and unbiased. They are not advocates, are not to independently investigate issues presented to them and that no individual member represents the Board and cannot bind the entire Board. Further, Ms. Baskin recommended that members set boundaries so they avoid talking to the public and not inject themselves in matters pending before the Board. If a breech occurs the Board members must recuse him or herself from the discussion during a Board meeting, which will diminish discussion because the member recusing takes his or her expertise away from the potential solution to the issue. Additionally, all email communications are considered public record and subject to disclosure.

Ms. Baskin cautioned the Board members to refer all inquiries regarding Board issues to Mr. Dalrymple and/or Ms. Cornelius or the Attorney General's office.

B. Sealing of bridge plans for bridges that are designed by adjacent state registrants but touch down in Arizona.

The Board members discussed, in generalities, the issues and concerns that may arise when projects such as bridges, roadways, pipe lines, etc., cross state lines. No action was taken on this issue; however, the Arizona Department of Transportation may be looking into changes in the statutes and rules and will follow up with Mr. Dalrymple.

C. Possible misuse of Professional Engineering seals related to "As-Built" plans; improper supervision or work; conflict between Maricopa county and State rules.

This matter has been tabled.

11. Review, Consideration, and Possible Vote on the following:

A. Registrations that have been expired for 3 years and recommended to be lapsed:
There are no individuals for this issue.

B. Certifications that have been expired for 1 year and recommended to be lapsed:
(List of names available at the Board's office for public review.)

Mr. Epperson moved to lapse the certificates listed in 11.B. Dr. Schaefer Kliman seconded. Motion Carried.

12. DIRECTOR'S REPORT – Mr. Dalrymple advised:

Finances:

As of June 7, 2010, the Board's revenue for Fiscal Year 2010 totals \$1,647,578 and the expenditures total \$1,424,022. It is currently estimated that he Board's revenue for FY10 will exceed expenditures by approximately \$300,000.

The Board has signed up for a Lexis/Nexis program to assist with locating delinquent registrants with invalid record addresses and also to assist investigators in locating individuals. Our success of delinquent renewal reactivation when we can establish contact has been high enough that we believe the effort will be worth the extra effort. The new program should assist us in establishing contact more often and in a more efficient manner.

Computer System:

The Board continues to meet with representatives from the Government Information Technology Agency ("GITA"), NIC and CAVU in an attempt to replace the AS/400 system with a modern licensing system. We have presented a project justification document to the Governor's office in an attempt to convince the Office of Strategic Planning and Budgeting to allow us to encumber excess funds before the end of the fiscal year for the project from this year's revenues.

As of March, the Arizona Department of Administration is billing the Board for all expenses associated with the AS/400 since the Board is the only agency on the system. The normal billing will be approximately \$72,000 annually, however, the Board will also be held responsible for any additional programming and repair costs associated with the system.

13. **BOARD CHAIR'S REPORT** – Ms. Cesare advised all Board members to file any travel and/or expense claims with the Board so payment can be processed before the end of the fiscal year on June 30th. She also reminded Board members to complete the new state withholding form if not done so already.

14. **STANDING COMMITTEE REPORT**

- A. Legislation and Rules Committee ("L&R") – Dr. Schaefer Kliman advised the next meeting is scheduled for after the August 24, 2010 Board meeting.
- B. Budget Committee – Nothing new to report.
- C. Home Inspector Rules and Standards Committee ("HIRS") – Mr. Shay advised the next meeting is scheduled for August 4, 2010.
- D. Environmental Remediation Rules and Standards Committee ("ERRS") – Nothing new to report.

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

- A. National Council of Examiners for Engineering and Surveying ("NCEES") – Nothing new to report.
- B. National Council of Architectural Registration Boards ("NCARB") – Dr. Schaefer Kliman advised she is leaving tomorrow for the annual meeting in San Francisco, California and she will provide a report at the July 27, 2010 meeting.

- C. Council of Landscape Architectural Registration Boards (“CLARB”) – Ms. Cesare advised she is volunteering to work on the Cut Score Committee which determines the minimally competent candidate’s pass/fail line for grading on the examinations. The next meeting isn’t until August 2010.

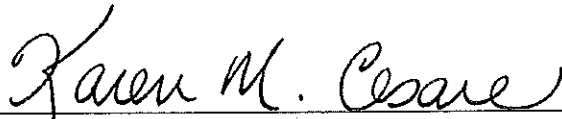
- D. National Association of State Boards of Geology (“ASBOG”) –Mr. Weiland advised he submitted a report regarding the Board’s thoughts on enforcement of out of state/country non-applicant geologists after Mr. Dalrymple had reviewed it. He has not heard anything regarding his application for nomination to the secretary position.

16. **FUTURE BOARD MEETINGS** – Tuesday, July 27, 2010 at 9:30 AM.

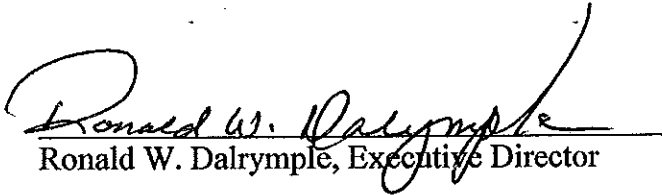
17. **FUTURE AGENDA ITEMS** – None at this time.

18. **ADJOURNMENT** – Meeting adjourned at 12:42 PM.

ARIZONA STATE BOARD OF TECHNICAL REGISTRATION



Karen M. Cesare, Chair



Ronald W. Dalrymple, Executive Director