

**BEFORE THE ARIZONA STATE  
BOARD OF TECHNICAL REGISTRATION**

<p><b>In the Matter of:</b></p> <p><b>David Peters Home Inspector Certification No. 39925</b></p> <p><b>Lighthouse Home Inspection Service Firm Registration No. 12388(expired)</b></p> <p style="text-align: center;"><b>Respondents</b></p>	<p style="text-align: center;"><b>Case No. HI18-032</b></p> <p style="text-align: center;"><b>CONSENT AGREEMENT and ORDER OF DISCIPLINE</b></p>
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In the interest of a prompt and judicious resolution of the above-captioned matter before the Arizona State Board of Technical Registration (“Board”) and consistent with the public interest, statutory requirements, and the responsibilities of the Board, and pursuant to A.R.S. § 32-101 et seq., and A.A.C. R4-30-120(G), the undersigned party, David Peters (“Respondent”), holder of Certification No. 39925, and Lighthouse Home Inspection Service (“Respondent Firm”), holder of Firm Registration No. 12388, and the Board enter into the following Recitals, Findings of Fact, Conclusions of Law and Order (“Consent Agreement”) as a final disposition of this matter.

**RECITALS**

1. Respondent has read and understands this Consent Agreement and has had the opportunity to discuss this Consent Agreement with an attorney, or has waived the opportunity to discuss this Consent Agreement with an attorney.
2. Respondent understands that he has a right to a public administrative hearing concerning this case. He further acknowledges that at such formal hearing he could present evidence and cross-examine witnesses. By entering into this Consent Agreement, Respondent knowingly, voluntarily, and irrevocably waives his right to such an administrative hearing, as well

1 as rights of rehearing, review, reconsideration, appeal, judicial review or any other administrative  
2 and/or judicial action concerning the matters set forth herein.

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

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

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

10 6. Respondent understands this Consent Agreement deals with Board case number  
11 HI18-032 involving allegations that Respondent engaged in conduct that would subject him to  
12 discipline under the Board's statutes and rules. The investigation into these allegations against  
13 Respondent shall be concluded upon the Board's adoption of this Consent Agreement.

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

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

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

26 10. This Consent Agreement is subject to the approval of the Board and is effective  
27 only when accepted by the Board and signed on behalf of the Board. If the Board does not accept  
28 this Consent Agreement, the Board retains its authority to hold a formal administrative hearing

1 pursuant to A.R.S. § 32-128(E). In the event that the Board does not approve this Consent  
2 Agreement, it is withdrawn and shall be of no evidentiary value and shall not be relied upon nor  
3 introduced in any action by any party, except that the parties agree that should the Board reject  
4 this Consent Agreement and this case proceeds to hearing, Respondent shall assert no claim that  
5 the Board was prejudiced by its review and discussion of this document or any records relating  
6 thereto.

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

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

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

#### 14 **FINDINGS OF FACT**

15 1. The Board is the duly constituted authority for the regulation and control of the  
16 practice of Home Inspection in the State of Arizona.

17 2. Respondent is the holder of Home Inspector Certification No. 39925.

18 3. Respondent Firm is holder of Firm Registration No. 12388, which expired on  
19 March 25, 2017.

20 4. On or about December 9, 2017, Respondent conducted a Home Inspection at 1733  
21 W. Devonshire Ave., Phoenix, Arizona under Respondent Firm which had expired on March 25,  
22 2017.

23 5. On or about May 24, 2018, the Board received a complaint alleging that  
24 Respondent failed to conduct a home inspection in accordance with the Standards of Professional  
25 Practice by failing to inspect and report on the condition of HVAC system, the type of the water  
26 supply piping materials, the condition of the interior drain and waste system, and failed to  
27 recommend further evaluation of the sewer lines.

28 6. On August 14, 2018, the Board's Enforcement Advisory Committee ("EAC")

1 convened to review the complaint against Respondent. After reviewing the evidence and  
2 interviewing Respondent, the committee determined that Respondent failed to conduct a home  
3 inspection in accordance with the Standard of Professional Practice for Arizona Home Inspectors  
4 (“S.O.P”) and found that:

- 5 a. Respondent failed to include the date of the inspection as required in S.O.P. #2.2,
- 6 b. Respondent failed to report on the type and condition of the foundation as required  
7 in S.O.P. #4.2,
- 8 c. Respondent failed to report on the type and condition of the floor as required in  
9 S.O.P. #4.2,
- 10 d. Respondent failed to report on the condition of supports and insulation as required  
11 in S.O.P. #7.1,
- 12 e. Respondent failed to report on the condition of the water heater as required in  
13 S.O.P. #7.1,
- 14 f. Respondent failed to report on the presence and condition of a TPR valve as  
15 required in S.O.P. #7.1,
- 16 g. Respondent failed to report on the condition of the branch circuit conductors as  
17 required in S.O.P. #8.1,
- 18 h. Respondent failed to report on the voltage rating as required in S.O.P. #8.2,
- 19 i. Respondent failed to report on the presence and condition of automatic safety  
20 controls as required in S.O.P. #9.1,
- 21 j. Respondent failed to report on the presence of a heat source in each room as  
22 required in S.O.P. #9.1,
- 23 k. Respondent failed to report on the condition of air conditioning system and heating  
24 system as required in S.O.P. #9.1& #10.1,
- 25 l. Respondent failed to report on the presence of a cooling source in each room as  
26 required in S.O.P.#10.1,
- 27 m. Respondent failed to report on the type and condition of a vapor retarder as  
28 required in S.O.P.#12.1.

1 **CONCLUSIONS OF LAW**

2 1. The Board has jurisdiction in this matter pursuant to A.R.S. § 32-101, et seq.

3 2. The conduct alleged in the Findings of Fact constitutes grounds for discipline  
4 pursuant to A.R.S. § 32-128(C)(4) as it relates to A.A.C. R4-30-301.01, in that Respondent failed  
5 to conduct a Home Inspection in accordance with the Standards of Professional Practice for  
6 Arizona Home Inspectors.

7 3. The conduct alleged in the Findings of Fact constitutes grounds for discipline  
8 pursuant to A.R.S. § 32-141, in that Respondent Firm conducted a Home Inspection without  
9 Board registration.

10 **ORDER**

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

13 1. LETTER OF REPRIMAND. Respondent is hereby issued a Letter of Reprimand.

14 2. STAYED SUSPENSION AND PROBATION. Respondent's registration as Home  
15 Inspector No. 39925, shall be suspended for three (3) months; however, the suspension is stayed  
16 for as long as Respondent remains in compliance with this Order. During the stay of suspension,  
17 Respondent's registration as a Home Inspector is placed on probation for three (3) months. If  
18 Respondent is non-compliant with any terms of this Order during the three (3) months stayed  
19 suspension and probation period, the stay of the suspension shall be lifted and Respondent's  
20 registration as a Home Inspector shall be automatically suspended without a formal hearing, and  
21 remain suspended until Respondent is compliant with all terms of this Order. If Respondent  
22 completes all terms of this Order prior to end of the three (3) months stayed suspension and  
23 probation period, Respondent may be eligible for early termination of probation.

24 3. REMEDIAL TRAINING. Within sixty (60) days from the effective date of this  
25 Consent Agreement, Respondent shall provide proof to the Board that he has successfully  
26 completed Board Staff approved remedial training in Home Inspection Report Writing.

27 4. RESTITUTION. Within thirty (30) days from the effective date of this Consent  
28 Agreement, Respondent shall pay restitution to the client, Phylane Norman, in the amount of Two

1 Hundred and Seventy-Five Dollars (\$275.00) for the cost of the home inspection fee related to  
2 case HI18-032. Respondent shall provide proof of payment made to the client, such as a copy of  
3 the check, to the Board of Technical Registration showing payment was made to the client.

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

8 6. COST OF INVESTIGATION. Within thirty (30) days from the effective date of  
9 this Consent Agreement, Respondent shall pay the cost of investigation of this case to the Board  
10 in the amount of Five Hundred Sixty-Three Dollars (\$563.00) by certified check or money order  
11 made payable to the State of Arizona Board of Technical Registration, according to the  
12 provisions of A.R.S. § 32-128(H).

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

19 8. RENEWAL OF REGISTRATION. Respondent and Respondent Firm shall timely  
20 renew their Arizona registration as a Home Inspector and Home Inspection Firm, and timely pay  
21 all required registration fees.

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

25 10. COSTS OF COMPLIANCE. Respondent shall pay all costs associated with  
26 complying with this Consent Agreement.

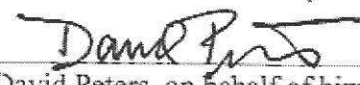
27 11. NONCOMPLIANCE. If Respondent violates this Order in any way or fails to  
28 fulfill the requirements of this Order, the Board, after giving notice and the opportunity to be

1 heard, may revoke, suspend or take other disciplinary actions against the registration. The issue  
2 at such a hearing will be limited solely to whether this Order has been violated.

3  
4 ACCEPTED and ORDERED this 25 day of September, 2018.

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6   
Alejandro Angel, P.E., Chairman  
Arizona State Board of  
7 Technical Registration

8 Consent Agreement and Order, No. HI18-032 accepted this 19 day of SEPT., 2018.

9  
10   
David Peters, on behalf of himself and on  
11 behalf of Lighthouse Home Inspection  
Service, Respondents

12 ORIGINAL filed this 27<sup>th</sup> day of  
13 SEPTEMBER, 2018, with:

14 Arizona State Board of Technical Registration  
15 1110 W. Washington, Suite 240  
16 Phoenix, AZ 85007

17 COPY of the foregoing mailed via Certified Mail  
18 No. 9214 8901 9434 4600 0433 26 and  
19 First Class mail this 27<sup>th</sup> day of SEPTEMBER, 2018, to:

20 David Peters  
21 Lighthouse Home Inspection Service  
22 5024 E. Charleston Ave.  
23 Scottsdale, AZ 85254

24 By:   
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