

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

3 5. The Consent Agreement, any record prepared in this matter, all investigative
4 materials prepared or received by the Board and all related exhibits and materials, are
5 public records upon acceptance by the Board of this Consent Agreement and may be
6 retained in the Board's files pertaining to this matter.

7 6. Respondent understands this Consent Agreement deals with Board case
8 number HI23-005 involving allegations that Respondent engaged in conduct that would
9 subject him to discipline under the Board's statutes and rules. The investigation into
10 these allegations against Respondent shall be concluded upon the Board's adoption of
11 this Consent Agreement.

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

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

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

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

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2 Board does not approve this Consent Agreement, it is withdrawn and shall be of no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

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

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

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

15 **FINDINGS OF FACT**

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

18 2. Respondent is the holder of Arizona Home Inspector Certification No.
19 50397.

20 3. On or about March 28, 2022, Respondent entered into a plea agreement
21 related to case S-0100-CR202100349 in Apache County Superior Court.

22 4. On or about September 13, 2022, Respondent submitted a Home Inspector
23 application in which he answered "no" to the question asked if he had been convicted of a
24 felony or misdemeanor since his last renewal and failed to disclose a criminal conviction.

25 5. Respondent acknowledged entering into a plea agreement related to case S-
26 0100-CR202100349 in St. Johns, Arizona and indicated that he was currently complying
27 with the terms and conditions of his sentence.

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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. § 32-145(5) and A.R.S. § 32-128(C)(4) as it relates to A.A.C. R4-30-
5 301(1), in that Respondent submitted false statements and failed to disclose a criminal
6 conviction on his home inspector renewal application.

7 ORDER

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

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

12 2. ADMINISTRATIVE PENALTY. Within sixty (30) days from the
13 effective date of this Consent Agreement, Respondent shall pay an administrative penalty
14 of One Hundred and Fifty Dollars (\$150.00) by certified check or money order made
15 payable to the State of Arizona Board of Technical Registration.

16 3. COST OF INVESTIGATION. Within thirty (30) days from the effective
17 date of this Consent Agreement, Respondent shall pay the cost of investigation of this
18 case to the Board in the amount of One Hundred and One Dollars (\$101.00) by certified
19 check or money order made payable to the State of Arizona Board of Technical
20 Registration, according to the provisions of A.R.S. § 32-128(H).

21 4. OBEY ALL LAWS. Respondent shall obey all federal, state and local
22 laws, as well as, all rules governing the practice of Home Inspection in the State of
23 Arizona. The Board shall consider any violation of this paragraph to be a separate
24 violation of the rules and statues governing the Arizona Board of Technical Registration.
25 The Board may also consider Respondent's non-compliance with this Order as a separate
26 violation of A.R.S. § 32-150.

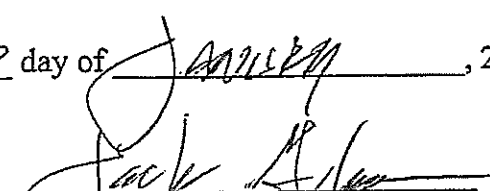
27 5. RENEWAL OF REGISTRATION. Respondent shall timely renew his
28 Arizona registration as a Home Inspector and timely pay all required registration fees.

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

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

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

11 ACCEPTED and ORDERED this 24th day of January, 2022³

12
13 
14 Jack Gilmore, L.A., Chairman
15 Arizona State Board of
16 Technical Registration

17 Consent Agreement and Order, No. HI23-005 accepted this 13th day of
18 December, 2022.

19 
20 Benjamin Schern, Respondent

21 **ORIGINAL** filed this 24 day of

22 January, 2022³, with:

23 Arizona State Board of Technical Registration
24 1110 W. Washington, Suite 240
25 Phoenix, AZ 85007
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COPY of the foregoing mailed via Certified Mail
No. 9214 0901 9434 4600 0909 62 and ^{3 B}
First Class mail this 24 day of January, 2022, to:

Benjamin Schem
2036 North Gilbert Road #2623
Mesa, Arizona 85203

By: 