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

**In the Matter of:**  
**Erich Zumach**  
**Home Inspector**  
**Certification No. 62785**  
  
**Respondent**

**Case No.: HI22-038**

**CONSENT AGREEMENT  
and  
ORDER OF DISCIPLINE**

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, Erich Zumach (“Respondent”), holder of Certification No. 62785, and the Board enter into the following Recitals, Findings of Fact, Conclusions of Law and Order (“Consent Agreement”) as a final disposition of this matter.

**RECITALS**

1. Respondent has read and understands this Consent Agreement and has had the opportunity to discuss this Consent Agreement with an attorney, or has waived the opportunity to discuss this Consent Agreement with an attorney.

2. Respondent understands that he has a right to a public administrative hearing concerning this case. He further acknowledges that at such formal hearing he could present evidence and cross-examine witnesses. By entering into this Consent Agreement, Respondent knowingly, voluntarily, and irrevocably waives his right to such an administrative hearing, as well as rights of rehearing, review, reconsideration, appeal, judicial review or any other administrative and/or judicial action concerning the matters set forth herein.

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

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 HI22-038 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 Home Inspector Certification No. 62785.

19 3. On or about August 18, 2021, Respondent conducted a home inspection at  
20 22850 N 55th Street in Phoenix, Arizona.

21 4. On or about May 12, 2022, the Board received a complaint alleging that  
22 while conducting a home inspection at 22850 N 55th Street in Phoenix, Arizona, on or  
23 about August 18, 2021, Respondent failed to report that the two car garage door opener  
24 was held up on both sides by duct tape, failed to perform a safety reverse test on the  
25 garage door opener, failed to inspect the built in BBQ, failed to measure the home's water  
26 pressure, failed to report on the inoperable pool antenna for the phone application, failed  
27 to run the dishwasher and report on its defective installation, failed to report on the  
28 condition of the double pantry doors as it relates to strike plate locks and damage to the

1 door frames, failed to report on the adverse condition of the French door frame above the  
2 lock, failed to report that the 220 electric outlet for the stove lacked a cover plate, and  
3 failed to report on the presence of miscellaneous wires above the cabinet stove hood  
4 venting.

5 5. On December 13, 2022, an Enforcement Advisory Committee Meeting  
6 (“EAC”) convened to review the complaint against Respondent.

7 A. During his interview, Respondent attested to the following:

8 a. Respondent indicated that he performed a safety reverse test on the  
9 garage door opener and found that it functioned properly.

10 Respondent said he did not note his findings from the safety reverse  
11 test in his Home Inspection Report, because it did not indicate an  
12 adverse condition.

13 b. Respondent acknowledged the following reporting deficiencies in  
14 his Home Inspection Report, per the Standards of Professional  
15 Practice for Arizona Home Inspectors (“S.O.P.”):

16 i. Respondent failed to include his firm address in the  
17 inspection agreement as required in S.O.P. #2.2,

18 ii. Respondent failed to report on the garage door opener safety  
19 reverse function as required in S.O.P. #5.2,

20 iii. Respondent failed to report on the plumbing flues and vents  
21 as required in S.O.P. #7.1.

22 B. At the conclusion of the EAC meeting, the Committee determined that  
23 Respondent’s Home Inspection Report failed to meet the Standards of  
24 Professional Practice for Arizona Home Inspectors (“S.O.P.”) as evidenced  
25 by the following confirmed reporting deficiencies:

26 a. Respondent failed to include his firm address in the inspection  
27 agreement as required in S.O.P. #2.2,

28 b. Respondent failed to identify the Standards of Professional Practice

1 for Arizona Home Inspectors in the inspection agreement as required  
2 in S.O.P. #2.2,

- 3 c. Respondent failed to report on the garage door opener safety reverse  
4 function as required in S.O.P. #5.2,  
5 d. Respondent failed to report on the condition of the plumbing flues  
6 and vents as required in S.O.P. #7.1,  
7 e. Respondent failed to report on the condition of the chimneys, flues,  
8 and vents as required in S.O.P. #9.1.

9 **CONCLUSIONS OF LAW**

- 10 1. The Board has jurisdiction in this matter pursuant to A.R.S. § 32-101, et seq.  
11 2. The conduct alleged in the Findings of Fact constitutes grounds for discipline  
12 pursuant to A.R.S. § 32-128(C)(4) as it relates to A.A.C. R4-30-301.0.1, in that  
13 Respondent failed to conduct a Home Inspection in accordance with the Standards of  
14 Professional Practice for Arizona Home Inspectors.

15 **ORDER**

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

- 18 1. **LETTER OF REPRIMAND.** Respondent is hereby issued a Letter of  
19 Reprimand.  
20 2. **ADMINISTRATIVE PENALTY.** Within Sixty (60) days from the  
21 effective date of this Consent Agreement, Respondent shall pay an administrative penalty  
22 of Two Hundred and Fifty Dollars (\$250.00) by certified check or money order made  
23 payable to the State of Arizona Board of Technical Registration.  
24 3. **COST OF INVESTIGATION.** Within Ninety (90) days from the effective  
25 date of this Consent Agreement, Respondent shall pay the cost of investigation of this  
26 case to the Board in the amount of Five Hundred Fifty-Two Dollars (\$552.00) by  
27 certified check or money order made payable to the State of Arizona Board of Technical  
28 Registration, according to the provisions of A.R.S. § 32-128(H).

1           4.     RESTITUTION. Within Thirty (30) days from the effective date of this  
2 Consent Agreement, Respondent shall pay restitution directly to the client, Monique  
3 Verger-Perrault, in the amount of Six Hundred Twenty Five Dollars (\$625.00) for the  
4 cost of the home inspection in case HI22-038. Respondent shall provide proof to the  
5 Board of Technical Registration that payment was made directly to the client.

6           5.     OBEY ALL LAWS. Respondent shall obey all federal, state and local  
7 laws, as well as, all rules governing the practice of Home Inspection in the State of  
8 Arizona. The Board shall consider any violation of this paragraph to be a separate  
9 violation of the rules and statues governing the Arizona Board of Technical Registration.  
10 The Board may also consider Respondent's non-compliance with this Order as a separate  
11 violation of A.R.S. § 32-150.

12           6.     RENEWAL OF REGISTRATION. Respondent shall timely renew his  
13 Arizona certification as a Home Inspector, and timely pay all required registration fees.

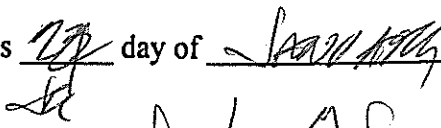
14           7.     EFFECTIVE DATE. The effective date of this Consent Agreement is the  
15 date the Respondent and Board sign the Consent Agreement. If the dates are different, the  
16 effective date is the later of the two dates.

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


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

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ACCEPTED and ORDERED this 27 day of January, 2023.

  
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Jack Gilmore, L.A., Chairman  
Arizona State Board of  
Technical Registration

Consent Agreement and Order, No. HI22-038 accepted this 4 day of  
January, 2023.

  
\_\_\_\_\_  
Erich Zumach, Respondent

1 ORIGINAL filed this 25 day of

2 January, 2023, with:

3  
4 Arizona State Board of Technical Registration  
5 1110 W. Washington, Suite 240  
6 Phoenix, AZ 85007

7 COPY of the foregoing mailed via Certified Mail

8 No. 9214 8901 9434 4600 0909 24 and

9 First Class mail this 25 day of January, 2023, to:

10 Erich Zumach  
11 14652 N. 51st Lane  
12 Glendale, AZ 85306

13  
14 By: Daniel Carthel

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