



1 KRISTIN K. MAYES
2 Attorney General
2 Firm State Bar No. 14000

3 DEANIE REH
4 Assistant Attorney General
5 State Bar No. 005170
6 Licensing and Enforcement Section
6 2005 N. Central Ave.
7 Phoenix, Arizona 85004
7 Telephone: (602) 542-8322
8 Facsimile: (602) 542-4385
9 LicensingEnforcement@azag.gov
9 *Attorney for the Arizona Board of Technical Registration*

10 **BEFORE THE ARIZONA STATE**
11 **BOARD OF TECHNICAL REGISTRATION**
12 **IN THE OFFICE OF ADMINISTRATIVE HEARINGS**

13 In the Matter of:
14 **Phillip Hiller,**
15 Home Inspector Certification No. 61017,
16 Respondent.

Docket No.: 23F-HI22-020-BTR
BTR Case Nos.: HI22-020

CONSENT AGREEMENT

19 In the interest of a prompt and judicious resolution of the above-captioned matter
20 before the Arizona State Board of Technical Registration (the "Board") and consistent
21 with the public interest, statutory requirements, and the responsibilities of the Board, and
22 pursuant to Arizona Revised Statutes ("A.R.S.") § 32-101, *et seq.*, and Arizona
23 Administrative Code ("A.A.C.") R4-30-120(G), the Board and the undersigned party,
24 Phillip Hiller ("Respondent"), enter into the following Recitals, Findings of Fact,
25 Conclusions of Law and Order ("Consent Agreement") as a final disposition of this
26 matter.

1 into these allegations against Respondent shall be concluded upon the Board's adoption
2 of this Consent Agreement.

3 8. Respondent understands that this Consent Agreement is solely to settle case
4 number HI22-020, does not preclude the Board from instituting other proceedings as may
5 be appropriate now or in the future, does not constitute a dismissal or resolution of any
6 other matters currently pending before the Board, if any, and does not constitute any
7 waiver, express or implied, of the Board's statutory authority or jurisdiction regarding
8 any other pending or future investigation, action or proceeding.

9 9. Respondent also understands that, with respect to the conduct that is the
10 subject of this Consent Agreement, acceptance of this Consent Agreement does not
11 preclude any other agency, subdivision, or officer of this state from instituting any other
12 civil or criminal proceedings, investigating claims, or taking legal action as may be
13 appropriate now or in the future relating to this matter or other matters concerning
14 Respondent, including but not limited to violations of Arizona's Consumer Fraud Act.
15 Respondent acknowledges that, other than with respect to the Board, this Consent
16 Agreement makes no representation, implied or otherwise, about the views or intended
17 actions of any other state agency or officer or political subdivision of the state relating to
18 this matter or other matters concerning Respondent.

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

25 11. This Consent Agreement is subject to the approval of the Board and is
26 effective only when accepted by the Board and signed on behalf of the Board. If the
27 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, shall be of no
3 evidentiary value, and shall not be relied upon nor introduced in any action by any party.
4 Respondent agrees that should the Board reject this Consent Agreement and this case
5 proceeds to hearing, Respondent shall assert no claim that the Board was prejudiced by
6 its review and discussion of this document or any records relating thereto.

7 12. 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 13. Respondent agrees that any violation of this Consent Agreement may result
11 in disciplinary action, including suspension or revocation of registration under A.R.S. §
12 32-150.

13 14. 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, pursuant to A.R.S. § 32-101, *et seq.*

18 2. Respondent is the holder of home inspector registration # 61017.

19 3. On or about October 15, 2021, Respondent conducted a Home Inspection at
20 3717 E. Turley St. in Gilbert, Arizona.

21 4. On or about January 28, 2022, the Board received a complaint alleged that
22 on October 15, 2021, after conducting a home inspection at 3717 E. Turley St. in Gilbert,
23 Arizona, Respondent failed to report on a crack in a bedroom window and door, failed to
24 report that the air filters were black and plugged, failed to report that the dryer door
25 would not close, failed to report that the garage door was noisy, failed to report damage
26 to painted walls in numerous areas, and failed to report that the microwave oven door
27 would not close properly.

1 5. On August 4, 2022, an Enforcement Advisory Committee Meeting
2 (“EAC”) convened to review the complaint against Respondent. After reviewing the
3 evidence and conducting interviews, the Committee substantiated one of the allegations
4 from the original complaint, to wit: Respondent failed to report that the air filters were
5 black and plugged. During the EAC meeting, Respondent indicated that he checked the
6 home’s vents for positive air flow and inferred that the air filters were not clogged at that
7 time, but acknowledged that he did not check the air filters themselves as required by the
8 Standards of Professional Practice for Arizona Home Inspectors (“SOP”). The
9 Committee found that Respondent’s home inspection report failed to meet the SOP, in
10 that:

11 a. Respondent failed to report on the type and condition of the
12 foundation as required in SOP #4.1 and #4.2;

13 b. Respondent failed to report on the type and condition of the floors of
14 the structure as required in SOP #4.1 and #4.2;

15 c. Respondent failed to report on the type and condition of the walls as
16 required in SOP #4.1 and #4.2;

17 d. Respondent failed to report on the type and condition of the columns
18 as required in SOP #4.1 and #4.2;

19 e. Respondent failed to properly report on the type and condition of the
20 roofs and ceilings as required in SOP #4.1 and #4.2;

21 f. Respondent failed to report on the condition of the flashing and trim
22 as required in SOP #5.1;

23 g. Respondent failed to report on the condition of the eaves, soffits, and
24 fascia as required in SOP #5.1;

25 h. Respondent failed to report on the condition of the interior supply
26 and distribution piping as required in SOP #7.1;

27

1 i. Respondent failed to report on the condition of supports and
2 insulation as required in SOP #7.1;

3 j. Respondent failed to report on the supply system functional flow as
4 required in SOP #7.1;

5 k. Respondent failed to report on the type and condition of the waste
6 and vent piping system as required in SOP #7.1 and #7.2;

7 l. Respondent failed to report on the waste system functional drainage
8 as required in SOP #7.1;

9 m. Respondent failed to report on the presence and condition of the
10 plumbing automatic safety controls as required in SOP #7.1;

11 n. Respondent failed to report on the condition of the flues and vents as
12 required in SOP #7.1;

13 o. Respondent failed to report on the condition of the fuel storage and
14 fuel distribution system and supports as required in SOP #7.1;

15 p. Respondent failed to report on the presence and condition of the
16 electrical system service grounding as required in SOP #8.1;

17 q. Respondent failed to report on the condition of the electrical
18 overcurrent protection devices as required in SOP #8.1;

19 r. Respondent failed to report on the condition and compatibility of the
20 electrical panel breakers and fuses as required in SOP #8.1;

21 s. Respondent failed to report on the operation and condition of all
22 GFCI ground fault circuit interrupters as required in SOP #8.1;

23 t. Respondent failed to properly report on the type of heating
24 equipment as required in SOP #9.2;

25 u. Respondent failed to report on the presence and visible condition of
26 the heating system automatic safety controls as required in SOP #9.1;

27

1 v. Respondent failed to report on the condition of the air filters as
2 required in SOP #9.1;

3 w. Respondent failed to report on the cooling source presence in each
4 room as required in SOP #10.1;

5 x. Respondent failed to report on the type and condition of the vapor
6 retarder as required in SOP #12.1 and #12.2;

7 y. Respondent failed to report on the presence and condition of the
8 laundry ventilation as required in SOP #12.1.

9 6. On or about August 11, 2022, after the EAC meeting, Board staff received
10 a copy of the Inspection Agreement from Respondent. Board staff provided the
11 Inspection Agreement to an EAC Committee Member with a request that he assess the
12 Inspection Agreement regarding SOP #2.2.

13 7. On or about August 12, 2022, the EAC Committee Member found that the
14 Inspection Agreement was missing Respondent's firm address as required by SOP #2.2.

15 8. Respondent has affirmed to Board staff that he no longer intends to work as
16 a home inspector, and wishes to voluntarily surrender his Certified Home Inspector
17 Registration.

18 CONCLUSIONS OF LAW

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

21 2. The conduct alleged in the Factual Allegations constitutes grounds for
22 discipline pursuant to A.R.S. § 32-128(C)(4) and Arizona Administrative Code R4-30-
23 301.01, in that Respondent failed to conduct an Arizona home inspection in accordance
24 with the SOP.

25 ORDER

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

1 1. **SUSPENSION AND PROBATION.** Respondent's Certified Home
2 Inspector Registration, No. 61017, shall be suspended for ninety (90) days. During the
3 suspension, Respondent's Certified Home Inspector Registration is placed on probation
4 for ninety (90) days.

5 2. **RESTITUTION.** Within Thirty (30) days from the effective date of this
6 Consent Agreement, Respondent shall pay restitution directly to the client, William
7 Bradbury, in the amount of Four Hundred Dollars (\$400.00) for the cost of the home
8 inspection in case HI22-020. Respondent shall provide proof to the Board that payment
9 was made directly to the client.

10 3. **VOLUNTARY SURRENDER.** Once Respondent provides proof to Board
11 staff that restitution has been made, the Board shall accept Respondent's voluntarily
12 surrender of his Certified Home Inspector Registration No. 61017, and shall terminate
13 Respondent's probation and suspension.

14 4. **FINANCIAL ASSURANCE.** Respondent shall ensure that he maintains
15 financial assurance as required by A.R.S. § 32-122.02(B), until the Board accepts
16 Respondent's voluntary surrender of Respondent's Certified Home Inspector Registration
17 and has terminated the period of suspension and probation.

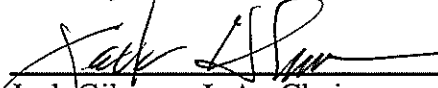
18 5. **EFFECTIVE DATE.** The effective date of this Consent Agreement and
19 Order is the date it was last executed by the Respondent or the Board.

20 6. **COSTS OF COMPLIANCE.** Respondent shall pay all costs associated with
21 complying with this Consent Agreement.

22 7. **NONCOMPLIANCE.** If Respondent is non-compliant with any terms of
23 this Order during the ninety-day (90-day) suspension and probation period, this Consent
24 Agreement will be considered null and void, and the Board will proceed with a hearing
25 on the listed violations in Case No. 23F-HI22-020-BTR. In addition, if Respondent
26 violates this Order in any way or fails to fulfill the requirements of this Order, the Board,
27

1 after giving notice and the opportunity to be heard, may also revoke, suspend or take
2 other disciplinary actions against Respondent based on the violation of this Order.

3 **ACCEPTED AND ORDERED** this 27 day of June, 2023.

4 
5 _____
6 Jack Gilmore, L.A., Chairman
7 Arizona State Board Of Technical Registration

8 Consent Agreement and Order, No. Case # HI22-020 accepted this 13 day of
9 June, 2023.

10 
11 _____
12 Phillip Hiller, Respondent

1 **ORIGINAL** filed this 28th day of June, 2023, with:

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

5 **COPY** of the foregoing emailed, delivery and read receipts requested, and mailed by
6 First Class Mail and Certified Mail No. 9214 8901 9434 4600 0928 74 on the 28 day of
7 June, 2023, to:

8 Phillip Hiller
9 2318 S. Country Club Rd #1054
10 Mesa, Arizona 85210
11 pghiller@gmail.com
12 pghiller@icloud.com

13 **COPY** of the foregoing emailed this ___ day of June, 2023, to:

14 Deanie Reh
15 deanie.reh@azag.gov

16 By: *Daniel Carthel*

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