BEFORE THE ARIZONA STATE BOARD OF TECHNICAL REGISTRATION

In the Matter of:

Richard Exley

Case No.: HI23-010

Certified Home Inspector Certification No. 68757 CONSENT AGREEMENT and ORDER OF DISCIPLINE

JRX Home Services LLC, DBA Amerispec Inspection Services Firm Registration No. 24737

Respondents

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, Richard Exley, ("Respondent") holder of certification No. 68757, and JRX Home Services LLC, DBA Amerispec Inspection Services, ("Respondent Firm"), holder of firm registration No. 24737 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.
- 4. Respondent understands that this Consent Agreement or any part of the agreement may be considered in any future disciplinary action by the Board against him.
- 5. The Consent Agreement, any record prepared in this matter, all investigative materials prepared or received by the Board and all related exhibits and materials, are public records upon acceptance by the Board of this Consent Agreement and may be retained in the Board's files pertaining to this matter.
- 6. Respondent understands this Consent Agreement deals with Board case number HI23-010 involving allegations that Respondent engaged in conduct that would subject him to discipline under the Board's statutes and rules. The investigation into these allegations against Respondent shall be concluded upon the Board's adoption of this Consent Agreement.
- 7. Respondent understands that this Consent Agreement does not constitute a dismissal or resolution of any other matters currently pending before the Board, if any, and does not constitute any waiver, express or implied, of the Board's statutory authority or jurisdiction regarding any other pending or future investigation, action or proceeding.
- 8. Respondent also understands that acceptance of this Consent Agreement does not preclude any other agency, subdivision, or officer of this State from instituting any other civil or criminal proceedings with respect to the conduct that is the subject of this Consent Agreement.
- 9. Respondent acknowledges and agrees that, upon signing this Consent Agreement and returning this document to the Board's Executive Director, he may not revoke his acceptance of the Consent Agreement or make any modifications to the document regardless of whether the Consent Agreement has been signed on behalf of the

 Board. Any modification to this original document is ineffective and void unless mutually agreed by the parties in writing.

- 10. This Consent Agreement is subject to the approval of the Board and is effective only when accepted by the Board and signed on behalf of the Board. If the Board does not accept this Consent Agreement, the Board retains its authority to hold a formal administrative hearing pursuant to A.R.S. § 32-128(E). In the event that the Board does not approve this Consent Agreement, it is withdrawn and shall be of no evidentiary value and shall not be relied upon nor introduced in any action by any party, except that the parties agree that should the Board reject this Consent Agreement and this case proceeds to hearing, Respondent shall assert no claim that the Board was prejudiced by its review and discussion of this document or any records relating thereto.
- 11. If a court of competent jurisdiction rules that any part of this Consent Agreement is void or otherwise unenforceable, the remainder of the Consent Agreement shall remain in full force and effect.
- 12. Respondent understands that any violation of this Consent Agreement may result in disciplinary action, including suspension or revocation of the registration under A.R.S. § 32-150.
- Respondent agrees that the Board will adopt the following Findings of Fact,
 Conclusions of Law and Order.

FINDINGS OF FACT

- 1. The Board is the duly constituted authority for the regulation and control of the practice of Home Inspection in the State of Arizona.
- 2. Respondent is the holder of Arizona Certified Home Inspector Certification No. 68757.
- 3. Respondent Firm was originally incorporated with the Arizona Corporation Commission on December 10, 2018 and holds ACC entity ID number 1928438.
- 4. Between December 10, 2018 and April 25, 2023, Respondent Firm was not registered with the Board.

- 5. On or about October 4, 2022, the Board opened a complaint that included an allegation that Respondent and Respondent Firm conducted a home inspection in Mesa, Arizona on or about September 9, 2022, without firm registration with the Board records indicated that Respondent Firm has never been registered with the Board.
- 6. Respondent Firm website advertised Respondent and Respondent Firm offering general home inspections which involved "400" point inspection services in the Phoenix metropolitan area for homes and investment properties.
- 7. On or about April 18, 2023, Respondent acknowledged that he has been in business since 2019 and believed that he did not need to register Respondent Firm, because he did not have any other employees.
- 8. On or about April 25, 2023, Respondent Firm was registered with the Board and issued Registration No. 24737 with Respondent listed as the Principal.

CONCLUSIONS OF LAW

- 1. The Board has jurisdiction in this matter pursuant to A.R.S. § 32-101, et seq, including A.R.S. § 32-106.02(A).
- 2. The conduct alleged in the Findings of Fact, constitutes grounds for discipline pursuant to A.R.S. § 32-121, A.R.S. 32-141, in that Respondent and Respondent Firm offered home inspections without Firm registration with the Board.

ORDER

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

- 1. ADMINISTRATIVE PENALTY. Within Sixty (60) days from the effective date of this Consent Agreement, Respondent shall pay a administrative penalty of Five Hundred Dollars (\$500.00) by certified check or money order made payable to the State of Arizona Board of Technical Registration, according to the provisions of A.R.S. § 32-106.02(A).
- 2. COST OF INVESTIGATION. Within Thirty (30) days from the effective date of this Consent Agreement, Respondent shall pay the cost of investigation of this

case to the Board in the amount of Three Seventy Dollars (\$370.00) by certified check or money order made payable to the State of Arizona Board of Technical Registration, according to the provisions of A.R.S. § 32-128(H).

- 3. OBEY ALL LAWS. Respondent shall obey all federal, state and local laws, related to the practice of Home Inspection in the State of Arizona. The Board shall consider any violation of this paragraph to be a separate violation of the statutes governing the Arizona Board of Technical Registration.
- 4. EFFECTIVE DATE. The effective date of this Consent Agreement is the date the Respondent and Board sign the Consent Agreement. If the dates are different, the effective date is the later of the two dates.
- 5. COSTS OF COMPLIANCE. Respondent shall pay all costs associated with complying with this Consent Agreement.
- 6. NONCOMPLIANCE. If Respondent violates this Order in any way or fails to fulfill the requirements of this Order, the Board may seek a Petition for Injunction in accordance with the provisions set forth in A.R.S. § 32-106.01.

ACCEPTED and ORDERED this Zig day of July , 2023.

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

1	Consent Agreement and Order, No. HI23-010 accepted this 15th day of July , 2023.
2	July , 2023.
3 4	Richard Exley, on behalf of himself and JRX Home Inspection Services LLC,
5	DBA Amerispec Inspections,
6	Respondents
7	ORIGINAL filed this 25 ^{1/2} day of
8	
9 10	Arizona State Board of Technical Registration 1110 W. Washington, Suite 240 Phoenix, AZ 85007
11	COPY of the foregoing mailed via Certified Mail No. 9214890194344600093185 and
12	First Class mail this 26th day of \sqrt{y} , 2023, to:
13	Richard Exley
14	JRX Home Services LLC, DBA Amerispec Inspections
15	4726 E. Mountain Sage Drive Phoenix, Arizona 85044
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