BEFORE THE ARIZONA STATE BOARD OF TECHNICAL REGISTRATION

In the Matter of:) Case No.: HI23-032
James Petko Certified Home Inspector Registration No. 61676	CONSENT AGREEMENT and ORDER OF DISCIPLINE
Infinity Home Inspections Firm No. 19656 <i>(expired)</i>	}
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, James Petko ("Respondent"), holder of Certification No. 61676 and Infinity Home Inspections ("Respondent Firm"), Non-Registrant Firm, 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 HI23-032 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.
- 13. 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 Certified Home Inspections in the State of Arizona.
- 2. Respondent is the holder of Arizona Certified Home Inspector Certification No. 61676.
- 3. Respondent Firm is the holder of Registration No. 19656, which expired on March 8, 2020 and was closed on October 7, 2021.
- 4. On or about March 13, 2023, Respondent conducted a home inspection at 5329 West Ian Drive in Phoenix, Arizona, with the inspection report containing Respondent Firm's name.
 - 5. On or about March 23, 2023, Alleger filed a complaint with the Board

alleging that Respondent conducted a home inspection at 5329 West Ian Drive in Phoenix, Arizona on March 13, 2023, while Respondent's home inspection certification was in delinquent status. Board records show that Respondent's home inspector certification expired on February 19, 2023 and was not renewed until on or about March 24, 2023. The complaint also alleged that Respondent, Principal of Respondent Firm, and Respondent Firm engaged in the practice of Home inspections at a time when Respondent Firm was expired and closed. Board records show that Respondent Firm expired on March 8, 2020 and closed on October 7, 2021. Respondent Firm has not been renewed.

6. On or about April 25, 2023, Respondent provided a written response indicating that he had been unaware that both his home inspector certification and Respondent Firm's registration had lapsed. Per Board records, Respondent renewed his home inspection certification on March 24, 2023. Respondent Firm is no longer in operation and Respondent is working under another Home Inspection Firm, which is registered with the Board.

CONCLUSIONS OF LAW

- 1. The Board has jurisdiction in this matter pursuant to A.R.S. § 32-101, et seq.
- 2. The conduct alleged in the Findings of Fact constitutes grounds for discipline pursuant to A.R.S. § 32-127 (D) and A.R.S. § 32-145(1) in that Respondent may have engaged in the practice of a Board regulated profession while his registration was expired and in delinquent status.
- 3. The conduct alleged in the Findings of Fact constitutes grounds for discipline pursuant to A.R.S. § 32-121, A.R.S. § 32-141 and A.R.S. § 32-128(C)(4) as it relates to A.A.C. R4-30-301(4), in that Respondent and Respondent Firm may have practiced a Board regulated profession without firm registration.

ORDER

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

- 1. LETTER OF REPRIMAND. Respondent is hereby issued a Letter of Reprimand.
- 2. ADMINISTRATIVE PENALTY. Within sixty (60) days from the effective date of this Consent Agreement, Respondent shall pay an administrative penalty of Six Hundred and Fifty Dollars (\$650.00) by certified check or money order made payable to the State of Arizona Board of Technical Registration.
- 3. 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 Two Hundred and Forty Dollars (\$240.00) 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).
- 4. OBEY ALL LAWS. Respondent shall obey all federal, state and local laws, as well as, all rules governing 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 rules and statues governing the Arizona Board of Technical Registration. The Board may also consider Respondent's non-compliance with this Order as a separate violation of A.R.S. § 32-150.
- 5. RENEWAL OF REGISTRATION. Respondent and Respondent Firm shall timely renew their Arizona registration as a Home Inspector and a Home Inspection Firm, and timely pay all required registration fees.
- 6. 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.
- 7. COSTS OF COMPLIANCE. Respondent shall pay all costs associated with complying with this Consent Agreement.
- 8. NONCOMPLIANCE. If Respondent violates this Order in any way or fails to fulfill the requirements of this Order, the Board, after giving notice and the opportunity to be heard, may revoke, suspend or take other disciplinary actions against the

1	registration. The issue at such a hearing will be limited solely to whether this Order has	
2	been violated.	
3	ACCEPTED and ORDERED this 22 day of Alleu 1 2023	
4		
5	Sack Eller	
6	Jack Gilmore, L.A., Chairman Arizona State Board of	
7	Technical Registration	
8		
9	Consent Agreement and Order, No. H123-032 accepted this 15T day of	
10	AUGUST, 2023.	
11	James Petko, on behalf of himself and on	
12	behalf of Infinity Home Inspections,	
13	Respondents	
14	ORIGINAL filed this 23 rd day of	
15	AUGUST, 2023, with:	
16	Arizona State Board of Technical Registration	
17	1110 W. Washington, Suite 240 Phoenix, AZ 85007	
18		
19	COPY of the foregoing mailed via Certified Mail No 9214 8901 9434 4600 0937 03 and	
20	No. 9214 8901 9434 4600 0937 03 and First Class mail this 23 rd day of 000 VJ+ , 2023, to:	
2	James Petko	
3	8433 North Black Canyon Highway, #100	
4	Phoenix, AZ 85021	
25		
26	By: Kardyn Crawford	
27	By: Mindry Sunday	