



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

7           6. Respondent understands this Consent Agreement deals with Board case  
8 number HI24-030 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 understands that acceptance of this Consent Agreement does not  
17 preclude any other agency, subdivision, or officer of this State from instituting any other  
18 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 Board staff, he may not revoke his acceptance  
22 of the Consent Agreement or make any modifications to the document regardless of  
23 whether the Consent Agreement has been signed on behalf of the Board. Any  
24 modification to this original document is ineffective and void unless mutually agreed by  
25 the parties in writing.

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

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2 event that the Board does not approve this Consent Agreement, it shall be withdrawn and  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

7 11. Respondent understands if a court of competent jurisdiction rules that any  
8 part of this Consent Agreement is void or otherwise unenforceable, the remainder of the  
9 Consent Agreement 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 Inspections in the State of Arizona.

18 2. Respondent is the holder of Home Inspector Certification No. 40109, issued  
19 by the Board on August 26, 2003.

20 3. At all times relevant to the allegations of this Consent Agreement, Arizona  
21 Home Inspector Registration No. 40109 was active.

22 4. On or about September 19, 2023, Respondent submitted a renewal  
23 application in which he answered "No" to the question asked if he had been investigated  
24 and/or disciplined by any regulatory agency since his last renewal and failed to disclose  
25 Board Order HI23-008. According to Board Order HI23-008, Respondent entered into a  
26 Board Order on or about January 24, 2023 for Respondent failing to disclose a criminal  
27 conviction on his home inspector renewal application.



1 The Board may also consider Respondent's non-compliance with this Order as a separate  
2 violation of A.R.S. § 32-150.


3 5. RENEWAL OF REGISTRATION. Respondent shall timely renew their  
4 Arizona registration as a Home Inspector, and timely pay all required registration fees.

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

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

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

15 ACCEPTED and ORDERED this 23<sup>rd</sup> day of April, 2024.

16  
17   
18 Michael Kolejka, R.A., Chairman  
19 Arizona State Board of  
20 Technical Registration

21 Consent Agreement and Order, No. HI24-030 accepted this 8 day of  
22 April, 2024.

23   
24 David Sturgeon, Respondent

25 ORIGINAL filed this 23 day of  
26 April, 2024, with:

27 Arizona State Board of Technical Registration  
28 1110 W. Washington, Suite 240  
Phoenix, AZ 85007

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**COPY** of the foregoing mailed via Certified Mail  
No. 92148901 9434 4600 0967 73 and  
First Class mail this 23<sup>rd</sup> day of April, 2024, to:

David Sturgeon  
125 W. Wahalla Lane  
Phoenix, Arizona 85027

By: 